

213 Market Street, 9th Floor, P.O. Box 865, Harrisburg, PA 17108-0865
Tel: (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

Deanne M. O'Dell
Direct Dial: (717) 255-3744
Direct Fax: (717) 237-7314
E-mail: dodell@wolfblock.com

April 14, 2009

VIA ELECTRONIC FILING

James McNulty
Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
2nd Fl., 400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Comcast Phone of Pennsylvania, LLC d/b/a Comcast
Digital Phone and Comcast Business Communications,
LLC v. Verizon Pennsylvania Inc. and Verizon North Inc.,
Docket Nos. C-2008-2023687 and C-2008-2023787

Dear Secretary McNulty:

On behalf of Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone and Comcast Business Communications, LLC ("Comcast") enclosed for filing please find an original Petition for Leave to Withdraw Without Prejudice Complaint of Comcast along with the electronic filing confirmation page with regard to the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,



Deanne M. O'Dell

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

DMO/lww
Enclosure

cc: Cert. of Service w/enc.

HAR:89759.1/COM270-243321

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing document upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

VIA FIRST CLASS MAIL

Suzan Debusk Paiva
Verizon Pennsylvania, Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Joel H. Cheskis, Esq.
Office of Consumer Advocate
Forum Place Building
555 Walnut St. 5th Fl.
Harrisburg, PA 17101-1921

Hon. Louis G. Cocheres
Administrative Law Judge
400 North Street
P. O. Box 3265
Harrisburg, PA 17105

Dated: April 14, 2009



Deanne M. O'Dell, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Comcast Phone of Pennsylvania, LLC d/b/a :	
Comcast Digital Phone :	
and :	
Comcast Business Communications, LLC :	Docket No. C-2008-2023687
Complainants :	C-2008-2023787
:	
v. :	
:	
Verizon Pennsylvania, Inc. :	
and :	
Verizon North, Inc. :	
Respondents :	
:	

**PETITION FOR LEAVE TO WITHDRAW WITHOUT PREJUDICE COMPLAINT
OF COMCAST PHONE OF PENNSYLVANIA, LLC D/B/A COMCAST DIGITAL
PHONE AND COMCAST BUSINESS COMMUNICATIONS, LLC**

Pursuant to 52 Pa. Code § 5.94(a), Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone and Comcast Business Communications, LLC (collectively “Comcast”) submit this Petition for Leave to Withdraw without prejudice the complaint in the above-captioned matter. In support of this Petition, Comcast states as follows:

1. On February 13, 2008, Comcast filed a complaint against Verizon Pennsylvania, Inc. and Verizon North, Inc. (collectively “Verizon”) asserting that Verizon’s retention marketing activities violate Pennsylvania law to include the regulations of the Commission.
2. Verizon filed an Answer and New Matter as well as Preliminary Objections on March 11, 2008. Comcast filed an Answer in Opposition to Preliminary Objections and a Reply to New Matter on March 21, 2008.

3. Prehearing conferences were scheduled for June 12, 2008, July 28, 2008, November 18, 2009 and February 24, 2009.

4. Each one of these prehearing conferences was continued per mutual request of the parties in deference to federal proceedings that were on-going at the time addressing allegations that the same retention marketing activities forming the basis of this complaint violated federal law. Ultimately, the federal litigation resulted in an opinion of the United States Court of Appeals for the District of Columbia Circuit which affirmed that Verizon's activities violated federal law and required Verizon to continue to cease and desist from engaging in its market retention activities.¹ At this point, Verizon has until May 11, 2009 to file a Petition for Writ of Certiorari to the United States Supreme Court to challenge the result of the federal proceedings.

5. Currently, a prehearing conference on Comcast's complaint in this proceeding is scheduled for April 21, 2009.

6. As Verizon has ceased engaging in the retention marketing activities which formed the underlying basis for this complaint and the federal litigation is nearing its conclusion, Comcast is seeking permission to withdraw its complaint without prejudice. While Comcast continues to maintain that the state law bases set forth in its complaint are properly before the Commission regardless of the federal litigation, the cost to continue this state

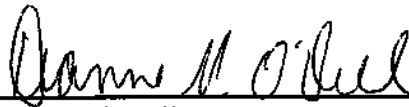
¹ Pursuant to a complaint filed by three cable companies, the Federal Communications Commission ultimately concluded that Verizon's retention efforts were in violation of federal law and ordered Verizon to cease and desist from these efforts. See *Bright House Networks, LLC v. Verizon Cal., Inc.* 23 FCC Rcd 10704, 10723 (2008). On February 10, 2008, the United States Court of Appeals for the District of Columbia Circuit issued an opinion affirming the order of the FCC. *Verizon California, Inc. v. FCC*, No. 08-1234 (D.C. Cir. Feb. 10, 2009).

litigation do not justify the benefit that may be received. Therefore, Comcast seeks to withdraw without prejudice its complaint.

7. If, however, the federal litigation results in a renewal of Verizon's retention marketing activities which violate Pennsylvania law, then Comcast reserves the right to refile a complaint as may be appropriate.

WHEREFORE, Comcast respectfully requests that the Presiding Officer grant this Petition for Leave to Withdraw without prejudice the complaint of Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone and Comcast Business Communications, LLC and mark this proceeding closed.

Respectfully submitted,



Deanne O'Dell, Esq.
WolfBlock, LLP
213 Market Street, 9th Floor
P.O. Box 865
Harrisburg, PA 17108-0865

Counsel for Comcast Phone of
Pennsylvania, LLC d/b/a Comcast Digital
Phone and Comcast Business
Communications, LLC

Dated: April 14, 2009