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April 22, 2009

**Via Electronic Filing**

James McNulty, Secretary  
Commonwealth of Pennsylvania  
Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Consolidated Communications Enterprise Services, Inc. f/k/a Penn Telecom Inc.;**  
**Choice One Communications of Pennsylvania Inc.; and CTC Communications Corp.**  
v.

**Verizon Pennsylvania Inc. and Verizon North Inc.**

**Docket Nos. C-2009-2095971, C-2009-2096110,**  
**C-2009-2096017, C-2009-2096115,**  
**C-2009-2096066, C-2009-2096165**

Dear Secretary McNulty:

On Monday, April 20, 2009, a Joint Motion to Stay Complaints was electronically filed in the above-referenced matters. It has been discovered that the version of the Motion that was electronically filed included the incorrect names of certain of the parties on the signature page. Enclosed herewith is a corrected filing, with a new signature page, changed to reflect the correct party names. Please replace the Motion filed on April 20 (e-filing confirmation number 1427273) with the enclosed, corrected Motion. As evidenced by the enclosed Certificate of Service, a copy has been served on all parties of record. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Michael A. Gruin

Enclosures

cc: Certificate of Service  
Office of Administrative Law Judge

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Consolidated Communications Enterprise :  
Services, Inc. f/k/a Penn Telecom Inc. : Docket Nos. C-2009-2095971  
Complainant, : C-2009-2096110  
v. :  
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:   
Verizon Pennsylvania Inc. and :  
Verizon North Inc., :  
Respondents. :

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Choice One Communications of :  
Pennsylvania Inc. : Docket Nos. C-2009-2096017  
Complainant, : C-2009-2096115  
v. :  
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:   
Verizon Pennsylvania Inc. and :  
Verizon North Inc., :  
Respondents. :

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CTC Communications Corp. : Docket Nos. C-2009-2096066  
Complainant, : C-2009-2096165  
v. :  
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:   
Verizon Pennsylvania Inc. and :  
Verizon North Inc., :  
Respondents. :

**JOINT MOTION TO STAY  
COMPLAINTS PENDING FEDERAL PROCEEDINGS**

Pursuant to 52 Pa. Code § 5.103, Complainants Consolidated Communications Enterprise Services, Inc. f/k/a Penn Telecom Inc. (“Consolidated”), Choice One Communications of Pennsylvania Inc. (“Choice One”) and CTC Communications Corp. (“CTC”) (together “Complainants”) and Respondents Verizon Pennsylvania Inc. and Verizon North Inc. (“Respondents” or “Verizon”), hereby stipulate and jointly move for a

stay of any proceeding to address the above-captioned complaints until such time as the federal courts do the earlier of the following: (1) issue a final, non-appealable order on the merits of the interpretation of the applicable Federal Communications Commission (“FCC”) regulations at issue; or (2) remand this federal action for further proceedings before this Commission. In support of this stipulation and joint motion, the parties aver as follows:<sup>1</sup>

1. On March 9, 2009, the Complainants filed the instant complaints against Verizon requesting the preparation of a revised list of wire centers and refunds based on the application of certain FCC regulations as interpreted by this Commission in its material question orders entered on November 30, 2007 and May 23, 2008 at Dockets P-00062210 and P-00042092.

2. The merits of the Commission’s interpretation of the applicable FCC regulations as set forth in its November 30, 2007 and May 23, 2008 orders are presently being considered by the United States District Court for the Eastern District of Pennsylvania based on a complaint filed by Verizon in the nature of an appeal under the procedures of the federal Telecommunications Act of 1996. *Verizon Pennsylvania Inc. v. PUC*, Civil Action No. 2:08-cv-03436 (E.D.Pa.) (the “federal action”).

3. This Commission, Complainants and Verizon are active litigants in the federal action, which is currently scheduled to be decided based on briefs filed within this federal action. The current briefing schedule calls for the last brief to be filed by the end of

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<sup>1</sup> The original complaint also included as Complainants Conversent Communications of Pennsylvania, LLC (“Conversent”) and Lightship Telecom, LLC (“Lightship”). However, the parties are concurrently filing a stipulation and joint petition for the withdrawal of the complaints of Conversent and Lightship. Therefore, the only remaining Complainants in the stayed action will be Consolidated, Choice One and CTC.

May, 2009. A decision in this federal action could render the relief sought in this complaint moot or could impact the nature and scope of the issues to be considered in this proceeding.

4. On April 9, 2009, Verizon filed a motion to dismiss without prejudice, or alternatively to stay, the above-captioned complaints to await a final, non-appealable federal order resulting from the federal action discussed above.

5. The parties hereby stipulate and agree to a resolution that will permit Verizon's motion to dismiss without prejudice to be withdrawn as moot.

6. The parties stipulate and agree that any proceeding to address the above-captioned complaints before this Commission should be stayed until the federal courts do the earlier of the following: (1) issue a final, non-appealable order as a result of the federal action arising out of this Commission's November 30, 2007 and May 23, 2008 orders issued in Dockets P-00062210 and P-00042092; or (2) remand this federal action arising out of this Commission's November 30, 2007 and May 23, 2008 orders issued in Dockets P-00062210 and P-00042092 for further proceedings before this Commission.


7. The parties submit that a stay is in the public interest because it will allow for the efficient resolution of the issues raised in the complaint, will conserve party and Commission resources and will advance the Pennsylvania Supreme Court's goal of having matters of local competition under the federal Telecommunications Act of 1996 governed uniformly by standards established by federal law as determined by the federal courts. *MCI WorldCom, Inc. v. Pennsylvania Public Utility Commission*, 577 Pa. 294, 313-314, 844 A.2d 1239, 1250-51 (Pa. 2004).

8. Upon the Commission's granting of this joint motion, the parties also jointly petition for the withdrawal as moot of Verizon's motion to dismiss or stay the complaints.

*See* 52 Pa. Code § 5.94.

9. If this stay is granted, the parties will notify the Commission within the earlier of thirty (30) days after: (1) a federal order on this issue becomes final and non-appealable; or (2) the federal courts remand this federal action for further proceedings before this Commission. In the notification provided to the Commission, the parties will inform the Commission at that time whether further action on this complaint is required.

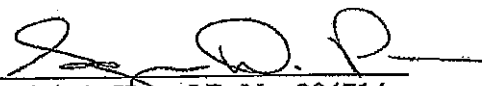
WHEREFORE, Complainants and Respondents stipulate and jointly move for a stay of any proceeding to address the above-captioned complaints until such time as the federal courts do the earlier of the following: (1) issue a final, non-appealable order as a result of the federal action described above; or (2) remand this federal action for further proceedings before this Commission.

  
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Date: April 20, 2009

  
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Dated: April 22, 2009

  
Michael A. Grun