

Suzan DeBusk Paiva
Assistant General Counsel
Pennsylvania



1717 Arch Street, 17W
Philadelphia, PA 19103

Tel: (215) 466-4755
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

August 11, 2009

VIA ELECTRONIC FILING

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Verizon Pennsylvania Inc., Verizon North Inc., Bell Atlantic Communications, Inc.
d/b/a Verizon Long Distance, Verizon Select Services Inc., Verizon Global
Networks, Inc., MCImetro Access Transmission Services, LLC d/b/a Verizon Access
Transmission Services, and MCI Communications Services Inc.
v. Penn Telecom, Inc.
Docket No. C-20066987**

Dear Secretary McNulty:

Enclosed please find Verizon's Petition for Leave to Withdraw Formal Complaint against Penn Telecom, Inc. The Petition is being filed on behalf of Verizon Pennsylvania Inc., Verizon North Inc., Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance, Verizon Select Services Inc., Verizon Global Networks, Inc., MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services, and MCI Communications Services Inc., in the above referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Suzan D. Paiva

SDP/slb
Enclosure

VIA E-MAIL and FIRST CLASS U.S. MAIL
cc: The Honorable Wayne L. Weismandel
Herbert R. Nurick, Mediation Coordinator
Cheryl Walker Davis, OSA
Attached Service List

CERTIFICATE OF SERVICE

I, Suzan D. Paiva, hereby certify that I have this day served a copy of Verizon's Petition for Leave to Withdraw Formal Complaint, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 11th day of August, 2009.

VIA E-MAIL and FIRST CLASS U.S. MAIL

Norman J. Kennard, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
P. O. Box 9500
Harrisburg, Pennsylvania 17108-9500
Counsel for Penn Telecom, Inc.

Joel Cheskis, Esquire
Office of Consumer Advocate
555 Walnut Street
Fifth Floor, Forum Place
Harrisburg, PA 17101-1923

Steven C. Gray, Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17102

James G. Pachulski
TechNet Law Group PC
16001 Montrose Road, Suite 509
Rockville, MD 20852



Suzan D. Paiva
Verizon
1717 Arch Street, 17W
Philadelphia, PA 19103
(215) 466-4755

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Verizon Pennsylvania Inc., Verizon North	:	
Inc., Bell Atlantic Communications, Inc.	:	
d/b/a Verizon Long Distance, Verizon	:	
Select Services Inc., Verizon Global	:	
Networks, Inc., MCImetro Access	:	
Transmission Services, LLC d/b/a	:	
Verizon Access Transmission	:	
Services, and MCI Communications	:	
Services Inc.,	:	
Complainants,	:	
	:	
v.	:	Docket No. C-20066987
	:	
Penn Telecom, Inc.,	:	
	:	
Respondent.	:	

PETITION FOR LEAVE TO WITHDRAW FORMAL COMPLAINT

Verizon Pennsylvania Inc., Verizon North Inc., Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance, Verizon Select Services Inc., Verizon Global Networks, Inc., MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services, and MCI Communications Services Inc. (collectively "Verizon"), pursuant to Section 5.94 of the Commission's regulations, 52 Pa. Code § 5.94, petitions for leave to withdraw its Formal Complaint in this proceeding. In support of this Petition, Verizon states as follows:

1. On October 23, 2006, Verizon filed a Formal Complaint against Penn Telecom, Inc. ("PTI") alleging that PTI's intrastate switched access rates are in violation of Section 3017(c) of the Public Utility Code, 66 Pa. C.S. § 3017(c), and requesting that the Commission order PTI to refund to Verizon all amounts illegally charged to Verizon

in violation of Section 3017(c) from its effective date of November 30, 2004, to the present, with interest.

2. On November 20, 2006, PTI filed its Answer to Verizon's Formal Complaint, admitting that its intrastate switched access rates are higher than Verizon's intrastate switched access rates, but alleging that its rates are properly tariffed and, therefore, binding on PTI. In addition, PTI alleged that its higher intrastate switched access rates are cost justified and, as such, are permitted by the statute.

3. On December 14, 2007, Administrative Law Judge ("ALJ") Wayne L. Weisman issued his Initial Decision.

4. On January 14, 2008, PTI filed its exceptions to ALJ Weisman's Initial Decision.

5. On January 24, 2008, Verizon filed its reply to PTI's exceptions to ALJ Weisman Initial Decision.

6. On August 29, 2008, the Commission issued its Opinion and Order vacating ALJ Weisman's Initial Decision and referring this matter to the Office of Administrative Law Judge for mediation.

7. Verizon and PTI participated in mediation sessions with the Commission mediator, Herbert R. Nurick, on September 12, 2008, October 2, 2008, October 15, 2008, November 17, 2008, November 25, 2008, December 10, 2008, January 9, 2009, January 23, 2009, February 4, 2009, February 25, 2009, March 13, 2009, April 12, 2009, May 5, 2009, May 14, 2009, May 21, 2009, June 3, 2009, June 10, 2009, June 16, 2009, June 19, 2009, July 2, 2009, July 7, 2009, and July 13, 2009.

8. Verizon and PTI have reached a confidential settlement in this proceeding. Pursuant to that settlement, PTI filed a tariff reducing its intrastate switched access rates. PTI's tariff filing became effective on August 10, 2009.

9. Pursuant to the Parties' settlement and in reliance upon the effectiveness of PTI's tariff filing, Verizon petitions for leave to withdraw its Formal Complaint in this proceeding.

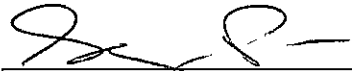
10. Verizon requests that the Commission, upon granting this Petition, terminate this proceeding and mark Docket No. C-20066987 closed.

11. Granting this Petition is in the public interest because it will avoid the need for further administrative litigation and possible appellate proceedings at substantial costs to the Parties at this docket number. It will also preserve the Commission's scarce adjudicatory resources.

12. In the event that the Commission does not approve this Petition and this proceeding is remanded to the Office of Administrative Law Judge for further evidentiary proceedings, as necessary, the Parties reserve their respective rights to submit additional testimony and to conduct full cross-examination, briefing and argument.

WHEREFORE, Verizon requests that the Commission allow Verizon to withdraw its Formal Complaint in this proceeding.

Respectfully submitted,



Suzan DeBusk Paiva (Atty No. 53853)
Verizon
1717 Arch Street, 17th Floor
Philadelphia, PA 19103
(215) 466-4755

James G. Pachulski (Atty No. 57938)
TechNet Law Group, P.C.
6001 Montrose Road
Suite 509
Rockville, MD 20852
(301) 770-1235

Date: August 11, 2009

Attorneys for Verizon