



ATTORNEYS AT LAW • A PROFESSIONAL CORPORATION

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**DONNA T. URBAN, ESQUIRE**  
Member of NJ & PA Bar  
Direct Dial (856) 661-2285  
E-Mail: donna.urban@flastergreenberg.com  
PLEASE RESPOND TO CHERRY HILL

January 5, 2010

**VIA ELECTRONIC AND FIRST CLASS MAIL**

Deanne M. O'Dell, Esquire  
Eckert Seamans Cherin & Mellot, LLC  
213 Market Street – 8<sup>th</sup> Floor  
Harrisburg, PA 17101

**Re: Core Communications, Inc. v. XO Communications, Inc.  
Docket No. C-2009-2133609**

Dear Ms. O'Dell:

On behalf of XO Communications, Inc., enclosed please find a copy of the Unopposed Motion for Admission *Pro Hac Vice* of Harry N. Malone, Esq.

Very truly yours,

FLASTER/GREENBERG P.C.

A handwritten signature in cursive script, appearing to read "Donna T. Urban".

Donna T. Urban

DTU/ni  
Enclosures

cc: James McNulty, Secretary, PA PUC  
Kandace F. Melillo, ALJ, via electronic mail, kmelillo@state.pa.us

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Core Communications, Inc.	:	
	:	
v.	:	C-2009-2133609
	:	
XO Communications, Inc. ( <i>sic</i> )	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2010, it is hereby  
**ORDERED** that Defendants' Motion for Admission *pro hac vice* of Harry N. Malone to practice  
before the Pennsylvania Public Utility Commission is hereby **GRANTED**.

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Core Communications, Inc.	:	
	:	
v.	:	C-2009-2133609
	:	
XO Communications, Inc. ( <i>sic</i> )	:	

**UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF  
HARRY N. MALONE, ESQ.**

1. The undersigned member of the bar of the Commonwealth of Pennsylvania hereby moves for the admission of Harry N. Malone, Esquire, of the law firm of Devine, Millimet & Branch, 111 Amherst Street, Manchester, NH, 03101, Telephone 603-669-1000, Facsimile 603-669-8547, to practice before the Pennsylvania Public Utility Commission pursuant to Pa.R.Civ.P. 1012.1 and Title 52 of the Pennsylvania Administrative Code, on behalf of defendant XO Communications Services, Inc. (“XO”). The Verified Statements of Harry N. Malone, Esquire, and Donna T. Urban, Esquire, in support of this Motion are attached hereto respectively as Exhibits A and B.

2. The candidate is a member in good standing of the jurisdictions listed in his Verified Statement. The candidate has not been subjected to discipline by any court or administrative body.

3. Mr. Malone is especially qualified to participate in this action, in that he and his firm specialize in telecommunications law, representing clients such as XO at all levels of the judicial system, and particularly before State Public Utility Commissions.

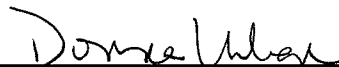
4. XO is a client of Mr. Malone, and XO has requested that Mr. Malone and Devine, Millimet & Branch serve as principal counsel in this case.

5. Plaintiff's counsel does not oppose Attorney Malone's application for *pro hac vice* admission before the Pennsylvania Public Utility Commission.

WHEREFORE, Defendant XO Communications Services, Inc. respectfully requests that this Court enter an Order admitting Harry N. Malone *pro hac vice* to the Pennsylvania Public Utility Commission in this matter.

Respectfully Submitted,

FLASTER/GREENBERG P.C.



\_\_\_\_\_  
Donna T. Urban, Esq.  
(Attorney ID No. 72932)  
1810 Chapel Avenue West  
Cherry Hill, NJ 08002  
Telephone (856) 661-1900  
Facsimile (856) 661-1919  
donna.urban@flastergreenberg.com  
Attorneys for XO Communications Services, Inc.

Dated: January 5, 2010

**EXHIBIT A**

**VERIFICATION OF HARRY N. MALONE**

Harry N. Malone, Esquire, verifies and states the following:

1. I am a competent adult individual, over 18 years of age and am authorized to make this Verification. The statements contained herein are true and correct and based upon my personal knowledge.

2. I am an attorney who is not currently admitted to the bar of the Commonwealth of Pennsylvania. I hereby apply for admission to practice before the Pennsylvania State Public Utility Commission pursuant to Pa.R.Civ.P. 1012.1.

3. I am licensed and a member in good standing of the Bars of the States of New Hampshire (license no. 19379) and the District of Columbia (license no. 462469).

4. I am not, nor have I ever been, suspended, disbarred, or otherwise disciplined in any court or administrative body. I am not, nor have I ever been, subject to any disciplinary proceedings.

5. I have applied for admission, and have been admitted, *pro hac vice* in Pennsylvania in one previous action, Docket No. C-2008-2038195.

6. In 1974, I received my Bachelor of Science degree from Carnegie-Mellon University. In 1997, I received my Juris Doctorate from The University of Maryland School of Law.

7. I am a member of the law firm of Devine, Millimet & Branch, P.A., located at 111 Amherst Street, Manchester, NH, 03101, telephone 603-669-1000, facsimile 603-669-8547.

8. I specialize in telecommunications law. I have represented clients on issues similar to those raised in this litigation before the Federal Communications Commission and various State Public Utility Commissions.

9. As a result of my knowledge and experience and our prior representations, defendant XO Communications Services, Inc., has requested that my firm and I serve as principal counsel for this matter.

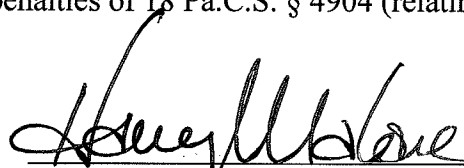
10. If admitted *pro hac vice*, I will comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.

11. I shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during the appearance in this matter for which admission *pro hac vice* is sought.

12. I consent to the appointment of Donna T. Urban of the law firm of Flaster/Greenberg P.C. as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in this matter for which admission *pro hac vice* is sought.

13. I am entering my appearance for defendant XO Communications Services, Inc.

I hereby state that the facts above set forth are true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



---

Harry N. Malone, Esquire  
Devine, Millimet & Branch, P.A.  
111 Amherst Street  
Manchester, NH 03101  
Telephone 603-669-1000  
Facsimile 603-669-8547

Executed on January 5, 2010

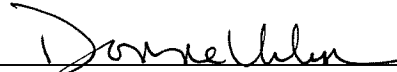
## EXHIBIT B

### VERIFICATION OF DONNA T. URBAN

Donna T. Urban, Esquire, verifies and states the following:

1. I am a competent adult individual, over 18 years of age and am authorized to make this Verification. The statements contained herein are true and correct based upon my personal knowledge.
2. I am a shareholder of the law firm of Flaster/Greenberg P.C., located at 1810 Chapel Avenue West, Cherry Hill, New Jersey, 08002, telephone 856-661-1900, facsimile 856-661-1919.
3. My firm has been asked to serve as local counsel for defendant XO Communications Services, Inc. ("XO") and am attorney of record in this matter.
4. I am licensed by the Commonwealth of Pennsylvania.
5. I sponsor and hereby move for the admission of Harry N. Malone, Esquire, to practice in this court pursuant to Rule 1012.1.
6. After reasonable investigation, I reasonably believe Mr. Malone to be a reputable and competent attorney and am in a position to recommend his admission *pro hac vice* in this matter.
7. I currently am not acting as a sponsor of any other candidates for admission *pro hac vice* in any court of record in this Commonwealth.
8. Any proceeds from any settlement in this matter shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

I hereby state that the facts above set forth are true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



---

Donna T. Urban, Esquire  
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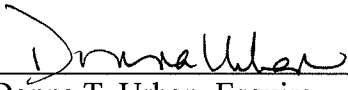
Attorneys for Defendant, XO Communications, Inc.

Executed on January 5, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2010, I caused a true and correct copy of Defendant's Unopposed Motion for Admission *Pro Hac Vice* of Harry N. Malone, Esq., and accompanying Verification Statements and proposed Order to be served via e-mail and first class mail with postage prepaid, upon the following counsel of record:

Deanne M. O'Dell, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
PO Box 1248  
Harrisburg, PA 17108-1248

  
\_\_\_\_\_  
Donna T. Urban, Esquire