|  |  |  |
| --- | --- | --- |
| PUC logo | COMMONWEALTH OF PENNSYLVANIAPENNSYLVANIA PUBLIC UTILITY COMMISSIONP.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

March 11, 2010

C-2010-2158408

C-2010-2158409

**Re: Buffalo-Lake Erie Wireless Systems Co., LLC v. Verizon Pennsylvania, Inc.**

 **Buffalo-Lake Erie Wireless Systems Co., LLC v. Verizon North Inc.**

TO ALL PARTIES:

On December 30, 2009, Buffalo–Lake Erie Wireless Systems Co., LLC (BLEW) filed a Petition for Emergency Order seeking an order preventing Verizon Pennsylvania, Inc. and Verizon North Inc. (collectively Verizon) from disconnecting services to BLEW. On January 7, 2010, Verizon filed a Response to the Petition for Emergency Order. On January 8, 2010, Commissioner Kim Pizzingrilli signed an Emergency Order that granted the Petition for Emergency Order, in part, and denied it, in part. The Commission ratified the Emergency Order and the Ratification Order, entered January 14, 2010, which precluded Verizon from terminating phone service to BLEW for thirty days from the entry date of the Ratification Order.

On February 16, 2010, BLEW filed a Complaint against Verizon regarding its billing dispute. Concurrently, BLEW filed a Petition for Interim Emergency Order (Petition) prohibiting Verizon from disconnecting service to BLEW until final resolution of its Complaint. The hearing on the Petition was scheduled for February 24, 2010. Despite the expiration of the stay granted in the Commission’s January 14, 2010 Order, Verizon agreed to continue to provide its services during the present Interim Emergency Order proceeding despite the absence of the legal restriction.

On March 2, 2010, the Administrative Law Judge (ALJ) issued an Order denying BLEW’s Petition as well as an Order Certifying Question to the Commission. Section 5.305(c) of the Commission’s Regulations, 52 Pa. Code § 5.305(c), provides that, within seven days of service of an ALJ’s certification of a material question petition to the Commission, each party may submit a brief in support or opposition to the petition. Section 305(e) provides that action by the Commission on the certification from the ALJ must occur within thirty days.

Counsel for Verizon and BLEW have requested an extension of time, until March 22, 2010, in which to filed their briefs. Verizon and BLEW assert that they have reached a settlement in principle which, if adopted, could result in the withdrawal of BLEW’s Petition. The Parties contemplate filing the settlement in lieu of briefs by March 22, 2010.

Consistent with our Policy Statement at 52 Pa. Code § 69.401, which encourages both partial and full settlements, we shall grant the Parties’ request for an extension of time to March 22, 2010, in which to file their briefs, waive the thirty day period for our consideration of the Certified Question set forth in 52 Pa. Code §§ 5.305(e) and, thereby, extend the period for our consideration beyond the thirty day period provided for in the Regulation. *See* 52 Pa. Code § 1.2 (c).



 Very truly yours,

 James J. McNulty

 Secretary