

Deanne M. O'Dell  
717.255.3744  
dodell@eckertseamans.com

March 19, 2010

**Via Electronic Filing**

James McNulty, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Core Communications, Inc. v. Choice One Communications of Pennsylvania, Inc. d/b/a  
One Communications and CTC Communications Corp. d/b/a One Communications,  
Docket Nos. C-2009-2130379 and C-2009-2131838

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Dear Secretary McNulty:

Enclosed for filing please the original of the Joint Motion for Stay along with the electronic filing confirmation with regard to the above-referenced matter. All parties have been served in accordance with the attached Certificate of Service.

Sincerely yours,



Deanne M. O'Dell, Esq.

DMO/lww  
Enclosure

cc: Hon. Wayne L. Weismandel, w/enc.  
Cert. of Service w/enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Core Communications, Inc.	:	
Complainant	:	
	:	
v.	:	
	:	Docket No. C-2009-2130379
Choice One Communications of Pennsylvania,	:	
Inc. d/b/a One Communications	:	
and	:	Docket No. C-2009-2131838
CTC Communications Corp. d/b/a One	:	
Communications	:	
Respondents	:	

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**JOINT MOTION OF CORE COMMUNICATIONS, INC.  
AND CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA, INC. D/B/A ONE  
COMMUNICATIONS AND CTC COMMUNICATIONS CORP. D/B/A ONE  
COMMUNICATIONS FOR STAY**

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Pursuant to Section 5.103 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations, 52 Pa. Code § 5.103, Core Communications, Inc. ("Core") and Choice One Communications Of Pennsylvania, Inc. d/b/a One Communications and CTC Communications Corp. d/b/a One Communications ("One Communications") (collectively referred to herein as "Joint Movants") respectfully request for Administrative Law Judge ("ALJ") Wayne L. Weismandel to grant a stay of the above-referenced matter for the reasons provided herein and grant the parties' request to continue the Initial Hearing currently scheduled for March 24, 2010 pending removal of this stay. In support thereof, Joint Movants aver as follows:

1. Core filed a Formal Complaint against One Communications on September 3, 2009. In its Complaint, Core alleges that One Communications has failed to pay Core for Core's termination of One Communications' intrastate telecommunications traffic.
2. In response, One Communications filed Preliminary Objections on October 5, 2009, seeking a dismissal of the Complaint. Core filed an Answer to the Preliminary Objections

and by Order dated October 21, 2009, signed by ALJ David A. Salapa, One Communications' Preliminary Objections were denied.

3. On November 10, 2009, One Communications filed an Answer and New Matter. Core's Reply to One Communications' New Matter was filed on November 10, 2009.

4. An initial hearing was scheduled by ALJ Weisman del for March 24, 2010. As discussed further below, the Joint Movants request that the initial hearing be cancelled and that this proceeding be stayed.

5. Core has filed Complaints similar to the one in this matter against AT&T Communications of PA, LLC (Docket No. C-2009-2108186) and TCG Pittsburgh, Inc. (Docket No. C-2009-2108239) (combined "AT&T Complaint") as well as XO Communications, Inc. (Docket No. C-2009-2133609).

6. In the AT&T Complaint proceeding, AT&T filed a Motion to Dismiss Core's Complaint on December 8, 2009. After written responses and an oral argument held on February 3, 2010, ALJ Angela T. Jones issued Order #6 on February 26, 2010. In Order #6, ALJ Jones granted, in part, the Motion to Dismiss with respect to the traffic sent by AT&T to Core for termination prior to September 2009, which was all ISP-bound traffic, holding that the Commission did not have subject matter jurisdiction over Core's claims based on such traffic. Because ALJ Jones found that the record established the potential for a mix of ISP-bound and non-ISP bound traffic after September 2009, she concluded that there was an issue of material fact regarding the post September 2009 traffic and denied AT&T's Motion to Dismiss regarding this issue.

7. Both AT&T and Core filed separate Petitions for Interlocutory Commission Review and Answer to a Material Question pursuant to Section 5.302 of the Commission's

regulations, 52 Pa. Code § 5.302, on March 5, 2010. The parties filed briefs on the material question on March 15, 2010. One Communications filed an Amicus Brief. A decision from the Commission is pending.

8. Joint Movants recognize that the outcome of the issues raised in the petitions for interlocutory review in the AT&T proceeding will have a direct impact on this instant proceeding as Core is seeking substantially similar relief in both cases.

9. A stay of this proceeding would allow Joint Movants and the Commission to avoid expending unnecessary time and expense in connection with this Complaint when action by the Commission in the AT&T Complaint docket would impact this matter.

10. In light of the expected pendency of a substantially similar case before the Commission, Joint Movants - the only two parties to this proceeding - request a stay of this proceeding until such time as the Commission issues an order in AT&T Complaint case, or until such time as either party, at its sole discretion, moves that the stay be lifted and such motion is granted by ALJ Weisman (or other appropriate ALJ), whichever occurs first.

11. Joint Movants request that the stay of this matter include a stay of the prehearing conference scheduled for March 24, 2010, and a stay of all pending, if any, and all new discovery until such time as the stay is lifted, after which respective answers and responses to discovery that was pending at the time that the stay was imposed, if any, would be due two weeks thereafter. Furthermore, the parties will not issue additional discovery until the stay is lifted.

12. For all of the reasons outlined above, Joint Movants respectfully request that ALJ Weisman grant an Order staying this matter until such time as the Commission issues an

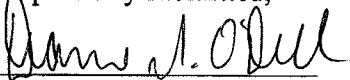
Order in the AT&T Complaint case, or until such time as he grants a motion by one of the parties requesting that the stay be lifted, whichever is earlier.

13. Joint Movants agree to provide a status report on or before May 22, 2010, if the stay has not been lifted sooner.


**WHEREFORE**, for all the foregoing reasons, Joint Movants respectfully request that Your Honor issue an Order:

1. Staying this proceeding, including discovery, until such time as the Commission issues an Order in AT&T Complaint case, or until His Honor (or other appropriate ALJ) grants a motion by one of the parties asking that the stay be lifted, whichever is earlier;
2. Directing that any answers and any responses to objections currently outstanding, if any, are due within two weeks after the stay is lifted; and
3. Granting such further relief consistent with the foregoing that is deemed reasonable and just.

Respectfully submitted,

  
Deanne M. O'Dell, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
Harrisburg, PA 17101  
(717) 255-3744 (phone)  
(717) 237-6019 (fax)  
dodell@eckertseamans.com

Attorney for Core Communications, Inc.

  
Pamela C. Polacek, Esquire  
Barry A. Naum, Esquire  
McNeese Wallace & Nurick LLC  
100 Pine Street  
PO Box 1166  
Harrisburg, PA 17108-1166  
Phone: (717)232-8000  
Fax: (717) 260-1736  
ppolacek@mwn.com  
bnaum@mwn.com

John J. Heitmann, Esq.  
Joseph D. Wilson, Esq.  
Kelley Drye & Warren LLP  
3050 K Street, N.W., Suite 400  
Washington, DC 20007

Attorneys for Choice One Communications of Pennsylvania, Inc. and CTC Communications Corp.

Dated: March 19, 2010

**CERTIFICATE OF SERVICE**

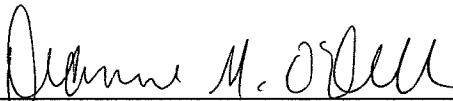
I hereby certify that this day I served a copy of Joint Motion for Stay upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email and First Class Mail**

John J. Heitmann, Esq.  
Kelley Drye & Warren LLP  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007-5108  
[jheitmann@kelleydrye.com](mailto:jheitmann@kelleydrye.com)

Pamela C. Polacek, Esq.  
Barry A. Naum, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
PO Box 1166  
Harrisburg, PA 17108-1166  
[ppolacek@mwn.com](mailto:ppolacek@mwn.com)  
[bnaum@mwn.com](mailto:bnaum@mwn.com)

Dated: March 19, 2010

  
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Deanne M. O'Dell, Esq.