

March 30, 2010

Daniel P. Delaney
D 717.231.4516
F 717.231.4501
dan.delaney@klgates.com

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Via Hand Delivery

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

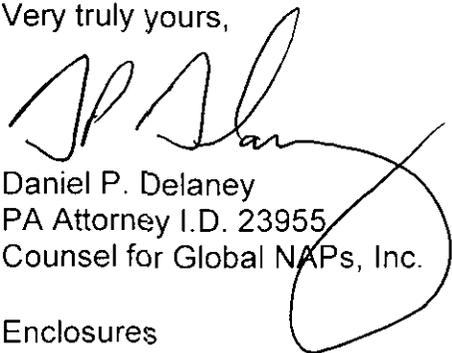
Re: Palmerton Telephone Company v. Global NAPs, Inc.
Dkt. No. C-2009-2093336

Dear Secretary McNulty:

Enclosed please find an original and three copies of Global NAPs Petition for Reconsideration in the above-captioned proceeding.

Copies of this document have been served on the parties to this matter as identified on the enclosed Certificate of Service.

Very truly yours,



Daniel P. Delaney
PA Attorney I.D. 23955
Counsel for Global NAPs, Inc.

Enclosures

c: Norman J. Kennard, Esq.
Susan D. Paiva, Esq.
Joel Davidow, Esq.
William Rooney, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Palmerton Telephone Company,

Complainant

v.

Global NAPs South, Inc., Global NAPs
Pennsylvania, Inc., Global NAPs, Inc.
and other affiliates.

Respondents

Dkt. No. C-2009-2093336

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GLOBAL NAPS PETITION FOR RECONSIDERATION.

Global NAPs South, Inc., Global NAPs Pennsylvania, Inc., Global NAPs, Inc., and other affiliates (collectively "Global") hereby petition the Public Utility Commission ("Commission") for reconsideration, alteration and postponement of the payment schedule contained in the Commission's Order of March 16, 2010¹ pursuant to Section 703(g) of the Public Utility Code, 66 Pa. C.S. § 703(g), and Section 5.572 of the Commission's regulations, 52 Pa. Code § 5.572. Reconsideration should be granted because (1) persuasive precedent issued subsequent to the briefing is contrary to conclusions and findings in the Order, (2) the Order makes incorrect statements about the precedents it chooses to cite, (3) significant factual errors or omissions are present in the Order, and (4) factual developments since the order justify reconsideration. The order also creates uncertainties concerning the amount, if any, to be paid by Global to

¹ *Palmerton Telephone Company v. Global NAPs South Inc. and Other Affiliates*, Dkt. No. C-2209-2093336 (Order entered March 16, 2010) (Order).

Palmerton Telephone Company ("Palmerton") and must be clarified. As requested in this petition, the Commission should direct Palmerton to issue a revised bill to Global correcting the errors in the bill issued March 16, 2010. In support of this petition, Global respectfully represents the following;

I. THE COMMISSION SHOULD GRANT RECONSIDERATION OF ITS MARCH 16, 2010 ORDER.

1. On March 16, 2010 the Commission entered its Opinion and Order in this matter which, *inter alia*, sustained the formal complaint of Palmerton and affirmed in part and reversed in part the Initial Decision of Administrative Law Judge ("ALJ") Wayne L. Weisman. That Order also granted in part and denied in part exceptions filed by Palmerton and Global. This petition requests the Commission to reconsider that Order.

2. A petition for reconsideration must raise new or novel arguments not previously considered by the Commission or identify considerations which appear to have been overlooked in the prior order. See *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. PUC 553 (1982). This petition raises new arguments not previously considered by the Commission, including relevant decisions entered since the record in this matter closed, and identifies changes in circumstances which should be considered by the Commission. This petition meets the *Duick* standard and the Commission should grant reconsideration of the issues identified herein.

II. POST-BRIEFING PRECEDENTS ARE CONTRARY TO THE KEY RULINGS IN THE ORDER.

3. Five months after Global's last brief to the Commission, in a case in the D. C. District Court, *Paetec Communications Inc. v. CommPartners, LLC*, Civil Action No. 08-0397 (Filed February 18, 2010) ("*Paetec*"), United States District Court Judge James

Robertson held that tariffed access charges could not be applied to VoIP traffic. A copy of the *Paetec* decision is attached as Exhibit A to this petition.

4. On behalf of CommPartners, one of Global NAPs' main suppliers of traffic, Judge Robertson ruled that there is an information services exemption from access charges for all VoIP traffic except that which begins in TDM. *Paetec*, at 7. Faced with tariffs that had been designed to capture VoIP by stating that access charges applied regardless of the technology used in transmission, the Court held that the VoIP "net protocol conversion" exemption recognized in two previous federal cases, *Southwestern Bell v. Mo. Pub. Serv. Comm'n*, 461 F.Supp.2d 1055, 1081-2 (E.D. Mo. 2006) and *Vonage Holdings Corp. v. Minn. Pub. Utils. Comm'n*, 290 F.Supp.2d 993, 999-1001 (D.Minn. 2003), was persuasive to him and trumped the filed-rate doctrine, as had been held in *INS v. Qwest Corp.*, 466 F.3d 1091, 1093-95 (7th Cir.). *Paetec*, at 6, 11. Obviously, the key holding of the Commission's Order is that the filed tariff trumps any VoIP exemption. It is now crystal clear that such holding is contrary to federal law, as set out in an unbroken line of federal cases up to the present. Federal Courts are presumed to understand federal law and decisions better than state agencies, so their clear rulings should be respected by such agencies.

5. On December 30, 2009, Hearing Examiner Robert H. McGowan of the Maryland Public Service Commission issued an opinion² holding that Global did not owe access charges to Armstrong Telephone Company.³ Examiner McGowan found as matters of fact the following nine points:

² Now on review by the Commission.

³ *Proposed Order In The Matter Of The Investigation, Examination And Resolution Of Payment Obligation Of Global NAPs - Maryland, Inc. For Intrastate Access Charges*

1. Global transports traffic on behalf of ESPs. *Proposed Order*, at 20.
 2. The ESPs all serve VoIP providers who transmit 100% VoIP and nomadic VoIP as well. *Id.*
 3. A significant portion of Global's traffic is VoIP and it is possible that Global transmits exclusively VoIP. *Id.*
 4. Global's traffic is a mixture of fixed and nomadic VoIP. *Id.* at 22.
 5. The ESPs Global serves enhance the VoIP they receive by protocol conversion. *Id.* at 21.
 6. Global picks up the VoIP it gets and changes it into TDM to be sent to Verizon's tandem. *Id.* at 21.
 7. The plaintiff's three call sample is unrepresentative of all the calls coming from Global and therefore not useful to indicate which of Global's calls are local and which are interstate. *Id.* at 21, 23.
 8. Armstrong has not been able to separate Global's nomadic from its non-nomadic VoIP. *Id.* at 23.
 9. Global does not originate calls on the PSTN and does not directly connect with any customer equipment. *Id.* at 24.
6. In regard to matters of law, he reached the following six conclusions:
1. Since Global's traffic is largely VoIP it is exempt from access charges. *Id.* at 19.

Assessed By Armstrong Telephone Company – Maryland (December 30, 2009) (Proposed Order), filed with the Pennsylvania Commission Secretary on February 3, 2010.

2. The portion of Global's VoIP traffic that is nomadic is preempted from state regulation by *Vonage*. *Id.* at 21.
3. The impossibility exception prevents the separation of intrastate nomadic VoIP from interstate nomadic VoIP. *Id.* at 22.
4. Because Global's traffic is a mixture of fixed and nomadic VoIP, charging Global intrastate access charges violates federal law. *Id.*
5. Global is an intermediate carrier based on *IP-in-the-Middle* and therefore not subject to local access charges. *Id.* at 24.
6. Armstrong had the burden to prove that the traffic it received from Global was local telecommunications traffic subject to access charges. *Id.*

Each of the Maryland examiner's conclusions of law is the opposite of its counterpart in the Order here, and nearly all of them echo the rejected findings and conclusions of ALJ Weismendel.

7. These two rulings, which deal directly with the issue of applying tariff charges to VoIP traffic, establish definitively that the Commission's decision allowing the imposition of Palmerton's tariffs on Global's traffic is erroneous in key aspects. The Commission should grant reconsideration of its Order for purposes of considering and achieving compatibility with these two recent decisions.

III. PRECEDENTS RELIED UPON IN THE ORDER ARE NOT DESCRIBED ACCURATELY.

8. The Order relies heavily on the supposed ruling of the New Hampshire Public Utilities Commission (NHPUC) in a case involving Global and TDS, a group of

local carriers.⁴ However, the Order does not disclose that Global filed a lengthy motion for reconsideration to the Commission on December 2, 2009, accompanied by transcript selections from a recent trial. The submitted material included the sworn testimony of witnesses from Vonage, Transcom, Broadvoice, Convergent and CommPartners, relating to the nomadic and enhanced nature of Global's traffic. Also, Global pointed out in that motion that the NHPUC's recognition that some percentage of Global's traffic could be interstate was inherently inconsistent with its order that Global should pay the full amount of intrastate charges sought by the plaintiffs.

9. In response to Global's arguments, the NHPUC suspended its order pending review of the motion,⁵ a fact also omitted by the Commission's order. The NHPUC order has remained suspended for more than three months now. In the meantime, Global sent the New Hampshire plaintiffs an offer to negotiate Section 251 interconnection agreements. Thus, there is no way of knowing at present when a final order will emerge in New Hampshire or what its content will be.

10. In addition to failing to acknowledge the suspension of the New Hampshire case, the Commission misguidedly cites (at 23, 32) a statement by the NHPUC that even if Global's traffic is interstate, it is obligated to at least pay TDS' interstate tariff. However, this implication is anomalous because the NHPUC's order makes no effort to review federal court decisions concerning whether interstate tariffs are owed on VoIP traffic such as Global's. In fact, the relevant rulings have decisively held that no tariffed termination access charges can be assessed on VoIP traffic, either

⁴ *Order Addressing Petition for Authority to Block the Termination of Traffic from Global NAPs, Inc.*, at 23, Dckt. 08-028, Order No. 25,043 (November 10, 2009).

⁵ *Notice of Suspension of Order* (December 15, 2009). A copy of this Notice is attached as Exhibit B to this petition.

because it is exempt or because the FCC has not yet set a rate for termination of VoIP traffic.

11. In the New York PSC's *TVC* opinion,⁶ the Commission held that Global's VoIP traffic is jurisdictionally interstate and that the FCC has precluded the imposition of tariffs on VoIP and that the parties should negotiate market based rates for the termination of VoIP traffic. *TVC*, at 14, 15. Pursuant to the NYPSC's order, Global transmitted a formal request for ICA negotiation and received a response from TVC.⁷ Judge Hall in the district of Connecticut reached the same conclusion in favor of Global, and stayed all claims seeking payment for any traffic that touched the internet.⁸ Global also obtained the same ruling from a state judge in Florida.⁹ Even more recently, Judge Robertson in the D.C. District Court clearly held that VoIP carriers do not pay as noted above, interstate or intrastate tariffs, even if those tariffs were engineered to apply to VoIP. See *Paetec*, at 11. Moreover, as he noted, he was following clear rulings to the same effect in two other federal cases. *Paetec*, at 6.

12. The order also erroneously cites an order of the Georgia Public Service Commission¹⁰ (GAPSC) to bolster its conclusions. However, the Order's discussion of the GAPSC's opinion omits two salient facts: First, the staff of that Commission reported that a certain percentage of Global's traffic was interstate and thus that the

⁶ PSC Case No. 07-C-0059, *Complaint of TVC Albany, Inc. d/b/a Tech Valley Communications Against Global NAPs, Inc. for Failure to Pay Intrastate Access Charges*, Order dated Mar. 20, 2008 (*TVC*).

⁷ See Global and TVC letters attached as Exhibit C and D, respectively.

⁸ *Southern New England Telephone v. Global NAPs, Inc.*, (SNET), Civ. Action No. 3:04-CV-2075 (JCH) 2005 WL 2789323 (D. Conn. 2005)

⁹ *Florida Digital Networks, Inc. v. Global NAPs*, Case No. 48-2006-CA-000788-0 (9th Cir. Fl. 2006).

¹⁰ *Order of the Georgia Public Service Commission Adopting in Part and Modifying in Part the Hearing Officer's Initial Decision*, Docket No. 21905 (July 29, 2009).

amount due to the ICO plaintiffs could not be determined without further factual investigation.¹¹ Second, because the ICOs had not calculated what portion of Global's traffic was intrastate, the Georgia commission did not order payment of any bill in any amount.

13. The Order goes on to cite *Global NAPs Inc. v. Verizon New England, Inc.*, 444 F.3d 59, 73 (1st Cir. 2006), to support the theory that it is allowed to impose state charges on instate calls even if they are ISP-bound or constitute information services. (Order, at 17). However, that ruling has been rendered invalid by a 2008 clarifying order of the FCC¹² in which the FCC, over the objection of Verizon, stated that it preempted pricing for ISP traffic in regard to all segments of phone calls, local, intrastate or interstate.¹³ The *ISP Mandate* has also been affirmed in the D.C. Circuit over an appeal initiated by the National Association of Regulatory Utilities Commissions (NARUC), claiming that it usurped state authority over the instate segments of internet calls.¹⁴ Under the Hobbs Act, the First Circuit lacks authority to collaterally attack an FCC order affirmed by the D.C. Circuit.¹⁵

14. The Order also references comments by Judge Vitaliano in *Verizon New York Inc. v. Global NAPS, Inc.*, 463 F.Supp.2d 330, 342 (E.D.N.Y. 2006), and implies that he ordered Global to pay access charges on VoIP traffic. No such outcome has occurred. Instead, Global took the issue to the New York PSC, asking for declaratory

¹¹ *Order of the Georgia Public Service Commission*, at 10.

¹² *Intercarrier Compensation for ISP-Bound Traffic, Order on Remand and Report and Order and Further Notice of Proposed Rulemaking*, 24 FCC Rcd. 6475, ¶¶ 15, 17, 29 (Nov. 5, 2008)(*ISP Mandate Order*).

¹³ *ISP Mandate Order*, at ¶¶ 15, 17, 29.

¹⁴ *Core Communications, Inc. v. FCC*, Case No. 08-1365 (Decided Jan. 12, 2010).

¹⁵ 28 U.S.C. § 2342, *See also U.S. West Communications, Inc. v. Jennings*, 304 F.3d 950, 958 n. 2 (9th Cir. 2002).

relief based on *TVC*.¹⁶ Judge Vitaliano halted all action in the VoIP portion of the case before him, and the NYPSC has not yet issued any opinion. In short, the Commission should grant reconsideration because none of the federal court or state commission proceedings the Commission cites serve as valid support for its rulings on Global's liability for Palmerton's tariffs.

15. Rejecting the ALJ's conclusion that Global's traffic is "enhanced" as per the FCC's definition in 47 C.F.R. § 64.702(a), the Order relies on but misinterprets two cases. The first of these cases is *Prepaid Calling Card Services*.¹⁷ There, the FCC held calling card services whose only "enhancement" was attaching an advertisement to the call were regulated as telecommunications services "because they provide transmission without change in form or content. . . ."¹⁸ AT&T's service was not deemed enhanced for two reasons: 1) an advertisement inserted at the beginning of a call does not act upon the nature of the call itself,¹⁹ and 2) such advertisements provide no tangible benefit to the end user. Of course, neither of these reasons is applicable to the enhancements performed on Global's traffic, including removal of background noise, insertion of white noise, insertion of computer developed substitutes for missing content, and added capacity for the use of short codes to retrieve data during a call—each of

¹⁶ PSC Case No. 08-c-0181, *Complaint of Global NAPs Inc.* (2007).

¹⁷ *In re AT&T Corp. Petition for Declaratory Ruling Regarding Enhanced Prepaid Calling Card Services et al.*, WC Docket Nos. 03-133 and 05-68 (FCC rel. February 23, 2005), Order and Notice of Proposed Rulemaking, FCC 05-41, *slip op.*

¹⁸ *Id.* at para 4 (*citing* 47 U.S.C. § 153(43), (46)).

¹⁹ *Id.* at para 21 ("In sum, we find the mere insertion of the advertising message in calls made with AT&T's prepaid calling cards does not alter the fundamental character of the calling card service. Accordingly . . . we find that AT&T's service is properly classified as a telecommunications service.").

which provides a benefit to the end-user by altering the information the caller transmits.²⁰

16. Likewise, in *IP-in-the-Middle*,²¹ the only other authority cited, the FCC allowed *interstate* access charges on AT&T's specific service because, *inter alia*, it "provides no enhanced functionality to end user[s] due to the provider's use of IP technology."²² As with *Prepaid Calling Card Services*, however, the Order treats this case as supporting application of *intrastate* charges to calls and to services that do provide a benefit to end-users by improving the quality and content of the transmitted traffic.

17. As with VoIP issues, courts have varied between accepting the enhanced traffic exemption as being proven (as in the *Transcom* cases) or declining to decide the issue due to primary jurisdiction concerns. An example of the latter is Judge Siragusa's decision in *Frontier Telephone of Rochester, Inc. v. U.S.A. Datanet Corp.*, 386 F. Supp. 2d 144 (W.D.N.Y. 2005), where he observed that deciding whether a telephone service provides "enhanced functionality" involves technical and policy consideration, particularly within the expertise of the FCC, such that a judge's determination of sufficient enhancement would create a "substantial risk of inconsistent ruling[s]..." and would thus be improper. *Id.* at 150. Therefore, state commissions lack jurisdiction,

²⁰ Order at 36 (*citing* GNAPs MB at 18-19, Tr. 960-62). By acting upon the character of the call itself, background noise such as vacuum cleaner may be removed. Obviously, this improves the calling experience and eases the dissemination of the transmitted information by the end user—a clear benefit to users at both ends of the transmission.

²¹ *In re Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket No. 02-361 (FCC Rel. April 21, 2004), Order, FCC 04-97. ("*IP-in-the-Middle*").

²² *Id.* at para. 1.

once they have found changes in form or content of traffic, to limited exemptions created and clarified by the FCC.

IV. THE ORDER CONTAINS FACTUAL MISSTATEMENTS OR OMISSIONS.

18. The Order makes a number of misstatements about Global's dealings with Palmerton and the proof submitted to show the nature of traffic in order to justify requiring it to pay Palmerton's tariffs. The first misstatement is that Global never offered to pay any compensation for its traffic. (Order, at 32). But, the transcript shows Global offered to pay Palmerton on the basis of Verizon's unitary VoIP termination rate. (See Tr. p. 401-2). What Global said during private settlement negotiations is not in the record. The Order's comment that Global did not pay Palmerton's interstate tariff bills ignores the *Paetec* line of cases holding that such charges are federally barred. Thus, the statements made in the Order about Global's refusal to pay anything have no factual basis and go beyond anything that Palmerton asserted or could have asserted.

19. An outdated statement in the order is that Global never offered to reach a direct interconnection agreement with Palmerton. (Order, 34-35). In fact, Global sent the attached letter on February 12, 2010 and has received the attached reply. Global filed this letter with the Commission on March 19, 2010. Copies of these letters are attached as Exhibits E and F to this petition.

20. A further factual problem of the order is that it incorrectly describes the facts emerging when Palmerton's 1,000 call sample was tested at the hearing. The Order accords some weight to the study, stating that it shows some of the traffic Global delivered to Palmerton for termination was conventional traffic. (at 32). However, it fails to acknowledge that the cross-examination of the carriers who originated the traffic

revealed that much of the traffic Palmerton said was conventional was, in fact, nomadic and enhanced. A particularly egregious example relates to Paetec. Palmerton had billed Global at intrastate rates for 70 phone calls supposedly traveling within the state from Paetec towns to Palmerton. But, the Paetec witness testified in a prehearing deposition that it had originated none of the 70 calls, but rather had sold all or nearly all of those phone numbers to Vonage (See Deposition exhibit 1 to Global NAPs Ex. 1), meaning every one of those calls had to originate in broadband, involve a net-protocol conversion, and be in the hands of a person who did not necessarily reside in Pennsylvania and who could place the call from anywhere in the world. Perhaps 200 calls in the study were tested by cross-examination. Not one of them was made by the listed originating carrier. Not one of them was an ordinary landline, instate call. Thus, the Order's assertion that Palmerton's study supports its theory rather than undermines it is clearly incorrect, as would be any order requiring Global to pay Palmerton intrastate tariff rates for any of the discredited calls or their ilk.

V. FACTUAL DEVELOPMENTS SINCE THE ORDER JUSTIFY RECONSIDERATION.

21. As stated above, Global has offered to negotiate interconnection with Palmerton. This action should result in one of two outcomes. If the parties agree to interconnect, it should render the Commission's Order moot because the parties will negotiate an appropriate payment for Palmerton's billed minutes. Alternatively, if Palmerton rejects the offer, the Commission must consider the appropriate relief in a situation where a carrier decides to bill a CLEC tariff charges instead of interconnecting as required by 47 U.S.C. § 251.

22. A further event occurring after the close of the record and briefing in this matter is Global's March 5, 2010 filing of a Preemption Petition with the Federal Communications Commission ("FCC") and the FCC's opening of a docket at WC Dkt. No. 10-60 to consider the effect of its 2004 *Vonage* ruling on the viability of imposing intrastate tariffs on VoIP traffic, and to determine whether to preempt the Order of this Commission. Such Petition has been served on the Commission, as well as on the New Hampshire PSC. The public notice issued by the FCC on March 18, 2010 states that initial comments are due on April 2, 2010 and reply comments are due April 12, 2010. Payments or sanctions stemming from enforcement of this Commission Order could obviously be rendered invalid by FCC ruling in a pending, targeted proceeding. Thus, the Commission should consider suspending any order against Global until the requested FCC decision is rendered.

VI. THE ORDER TO PAY PALMERTON IS UNCLEAR AND THE ISSUED BILL INCORRECT.

23. Perhaps because of the factual problems noted above and findings of fact made by the ALJ in his Initial Decision, the Order avoids saying that Global should pay Palmerton the face amount of all its bills based on supposedly intrastate calls. Assuming the Commission's intent was that Global should pay for some calls and not for others, the Order does not suggest a method for distinguishing between calls payable at intrastate rates and other calls. The Commission should clarify this point as part of its reconsideration before Global is required to make a payment to Palmerton.

24. This confusion is borne out by Palmerton's post-Order bill which was received by Global on March 18, 2010. A copy of that bill is attached. That final bill was allegedly in compliance with the Commission's order. However, examination of the bill

clearly reveals the presence of service charges and late charges for both intrastate and interstate traffic. Because the March 16 order clearly approves the payment of only intrastate charges, Palmerton's bill is incorrect and would need to be re-formulated in various ways before it would comply with the Commission's Order. Global requests that the Commission rescind the bill issued by Palmerton and direct Palmerton to issue a revised bill after the Commission provides the clarification requested in this petition.

WHEREFORE, for all the foregoing reasons Global respectfully requests the Commission to enter an order which:

1. Grants reconsideration of the March 16, 2010 Order entered in this matter,
2. Amends that Order as requested in this petition,
3. Rescinds the bill issued by Palmerton as inconsistent with the March 16, 2010 Order and directs Palmerton to issue a corrected bill with the requested clarifications provided by the Commission upon reconsideration, and
4. Provides whatever additional relief is just and reasonable under the circumstances.

Respectfully submitted,



Daniel P. Delaney
PA Attorney I.D. 23955
K&L Gates LLP
17 North Second Street, 18th Floor
Harrisburg, PA 17101-1507
(717) 231-4500
(717) 231-4501 (Fax)
dan.delaney@klgates.com

Joel Davidow
Kile, Goekjian, Reed & McManus, PLLC
1200 New Hampshire Avenue, NW

Suite 570
Washington, DC 20036
(202) 263-0806
(202) 659-8822
j davidow@kgrmlaw.com

Dated: March 30, 2009

Counsel for Respondents

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Palmerton Telephone Company,
Complainant

v.

Global NAPs South, Inc., Global NAPs
Pennsylvania, Inc., Global NAPs, Inc.
and other affiliates

Respondents

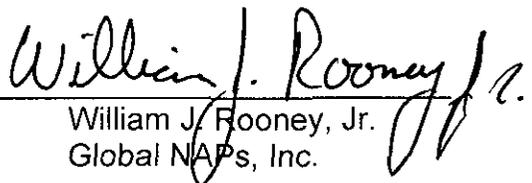
Dkt. No. C-2009-2093336

VERIFICATION

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I, William J. Rooney, Jr., hereby state that the facts set forth in the foregoing Motion for Reconsideration are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: March 29, 2010


William J. Rooney, Jr.
Global NAPs, Inc.

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EXHIBIT A

**Memorandum Order in *Paetec Communications, Inc. v.*
Commpartners, LLC, Civil Action No. 08-0397 (JR),
United States District Court for the District of Columbia,
Filed February 18, 2010.**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAETEC COMMUNICATIONS, INC., :
 :
Plaintiff, :
 :
v. : Civil Action No. 08-0397 (JR)
 :
COMMPARTNERS, LLC, :
 :
Defendant. :

MEMORANDUM ORDER

PAETEC Communications, Inc., seeks compensation for telephone calls made to individuals on its network that originated on the network of CommPartners, LLC. Now before the court are the parties' cross-motions for partial summary judgment (as to liability). For the reasons set forth below, PAETEC's motion [#36] is **granted** as to its statutory claim regarding the TDM-originated calls. CommPartners' "counter-motion" [#38] is **granted** as to the statutory claim regarding the VoIP-originated calls and as to the quasi-contractual claims.

Background

PAETEC and CommPartners are telecommunications companies. A long-distance call by a CommPartners customer to a PAETEC customer is completed, or "terminated," using PAETEC facilities. Decl. of John T. Ambrosi ¶ 7, attached to Pl. Mot. as Ex. B. In this action, PAETEC seeks compensation for calls it has terminated on behalf of CommPartners. PAETEC's claim is made pursuant to the "access charge" regime of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151 et seq. PAETEC

alternatively asserts unjust enrichment and quantum meruit claims.

Crucial to this action is the distinction between two formats for transmitting calls: Time-Division Multiplexing ("TDM") and Voice over Internet Protocol ("VoIP"). VoIP is newer than TDM, and VoIP calls can be transmitted over either the public Internet or over closed networks. See Decl. of David S. Clark ¶¶ 10-11, attached to Pl. Mot. at Ex. A. Calls initiated in one format can be converted to the other during transmission, and a call may be converted once or multiple times. See Pl. Mot. at 6.

There are two types of calls at issue, to which different compensation regimes may apply: (1) calls that began on CommPartners' network in VoIP before being converted by CommPartners to TDM for transfer to PAETEC (the "VoIP-originated calls"); and (2) calls that both began and were transferred in TDM (the "TDM-originated calls"). PAETEC contends that both types of calls are subject to access charges. CommPartners concedes that access charges apply to the TDM-originated calls, but argues that they do not apply to VoIP-originated calls.

The access charge regime was established in the 1980s to govern compensation for long-distance telephony. See Sw. Bell Tel., L.P. v. Mo. Pub. Serv. Comm., 461 F. Supp. 2d 1055, 1074 (E.D. Mo. 2006). "Access charges historically have included

significant implicit subsidies and by definition have been well above cost.” Id. at 1075 (internal quotation marks omitted).

VoIP-Originated Calls

The central dispute here concerns PAETEC’s assertion that its tariffs lawfully require application of access charges to VoIP-originated calls.

A: Tariff

Each carrier must file with the FCC a schedule of its charges for interstate wire communication using its network. See 47 U.S.C. § 203(a). This schedule is known as the carrier’s tariff. Tariffs, once approved, “are the law, and not mere contracts.” Bryan v. Bellsouth Comm’ns, Inc., 377 F.3d 424, 429 (4th Cir. 2004). The applicable portion of PAETEC’s federal tariff provides that access services, to which access charges apply, include:

all services and facilities provided by [PAETEC] for the origination or termination of any interstate or foreign telecommunications using [PAETEC’s] network or origination or termination of other services utilizing the same [PAETEC] network services or functionality **regardless of the technology used in transmission**. This includes, but is not limited to, Internet Protocol or similar services.

PAETEC FCC Tariff No. 3, § 1.2, attached to Def. Cross-Mot. as Ex. 6 (emphasis added).¹

¹ PAETEC’s intrastate tariffs contain similar language.

Relying on the language of its tariff, PAETEC asserts that its termination of VoIP-originated calls is an access service. CommPartners begs to differ, arguing that the words "regardless of the technology used in transmission" refer only to the technology used by PAETEC, the terminating party. CommPartners loses this argument: the tariff contains no express or implied limitation on who is doing the transmitting. The terms of the tariff are unambiguous: access charges apply regardless of the technology used at any point in transmission.

CommPartners' next argument is more substantial. It is that, if PAETEC's tariff does cover VoIP-originated calls, it conflicts with general intercarrier compensation law, as established by the Communications Act and regulations promulgated thereunder. Here, PAETEC relies on the so-called "filed-rate doctrine," arguing that its tariff must prevail over any other consideration. The dispositive question, then, is whether the statutory provisions to which CommPartners avers are trumped by PAETEC's tariff.

B. Communications Act

CommPartners asserts two independent reasons why PAETEC's tariff may not be applied to VoIP-originated calls: (1) that its termination of VoIP-originated calls is an "information service" exempt from access charges; and (2) that

access charges cannot apply to VoIP-originated calls because "reciprocal compensation" applies instead.

1. Information Service Exception²

Information services are not subject to the access charge regime. See In re AT&T Access Charge Petition, 19 F.C.C.R. 7457, 7459-61, ¶¶ 4-7 (2004). Information services are defined as "the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications." 47 U.S.C. § 153(20). They include "protocol conversion (*i.e.*, ability to communicate between networks that employ different data-transmission formats)." Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs., 545 U.S. 967, 977 (2005) (citing Second Computer Inquiry, 77 F.C.C. 2d 384, 417-23 (1980)). Information services are not telecommunications services, which merely transmit without alteration. See 47 U.S.C. §§ 153(43), 153(46); Brand X, 545 U.S. at 975-76. The two categories are mutually exclusive. See Sw. Bell, 461 F. Supp. 2d at 1078; Stevens Report, 13 F.C.C.R. 11830,

² Under law prior to the 1996 Telecommunications Act, this exception was called the enhanced services exception or ESP exception. See Non-Accounting Safeguards Order, 11 F.C.C.R. 21905, 21955-58, ¶¶ 102-07 (1998). The Act essentially codified the pre-existing exception. See Nat'l Cable & Telecomm'n Ass'n v. Brand X Internet Servs., 545 U.S. 967, 975-77 (2005) (noting similarity of the Act's terminology to that of pre-Act FCC decisions).

11507, ¶ 13 (1998). But services that combine both telecommunications and information components are treated as information services. See Brand X, 545 U.S. at 989-90; Sw. Bell, 461 F. Supp. 2d at 1078 (citing CALEA Order, 20 F.C.C.R. 14989 (2005)). CommPartners thus contends that VoIP-to-TDM conversion results in an information service.

The telecommunications industry has been "raging for years" with debate about these arguments, Pl. Reply at 7. The FCC, which has had the controversy on its docket for a decade, has been unable to decide it.³ Two federal district courts have considered the issue. Both have decided that transmissions which include net format conversion from VoIP to TDM are information services exempt from access charges. See Sw. Bell, 461 F. Supp. 2d at 1081-83; Vonage Holdings Corp. v. Minn. Pub. Utils. Comm'n, 290 F. Supp. 2d 993, 999-1001 (D. Minn. 2003). Their reasoning is persuasive. As the Sw. Bell court observed, "[n]et-protocol conversion is a determinative indicator of whether a service is an enhanced or information service." 461 F. Supp. 2d at 1081-82

³ The FCC has determined that non-net protocol conversions do not constitute information services. See In re AT&T, 19 F.C.C.R. at 7465-66, ¶¶ 12-13. That is, if a company converts a TDM signal to VoIP and then back to TDM before handing it off, no information service is provided. See id. at 7466, ¶ 13 ("This order . . . addresses only AT&T's specific service, and that service does not involve a net protocol conversion. . . . If the service evolves . . . , the Commission could revisit its decision in this order."). It could - but it hasn't.

(citing In re Non-Accounting Safeguards, 11 F.C.C.R. 21905, 21956, ¶ 104 (1996)).

I find that CommPartners' transmission and net conversion of the calls is properly labeled an information service.⁴

2. Reciprocal Compensation

Reciprocal compensation and access charges are mutually exclusive methods of intercarrier compensation.⁵ See 47 U.S.C. § 251(b)(5); WorldCom, Inc. v. FCC, 288 F.3d 429, 433-34 (D.C. Cir. 2002). The reciprocal compensation regime was created by the Telecommunications Act of 1996 (the "1996 Act"), which also retained the pre-existing access charge regime, but in a limited fashion. See 47 U.S.C. § 251(g) (retention provision). Under the 1996 Act, reciprocal compensation is the norm; access charges apply only where there was a "pre-Act obligation relating to inter-carrier compensation." WorldCom, 288 F.3d at 433.

There cannot be a pre-Act obligation relating to inter-carrier compensation for VoIP, because VoIP was not developed

⁴ The parties disagree about whether the information service exception applies only to interstate calls, or whether it can reach intrastate traffic as well. See Pl. Reply at 11; Def. Reply at 11-13. I need not decide the issue, as the information service exception is but one of two independent grounds supporting CommPartners.

⁵ Unlike access charges, reciprocal compensation can apply to information services. See Sw. Bell, 461 F. Supp. 2d at 1081 n.19.

until the 1996 Act was passed. Accord Sw. Bell, 461 F. Supp. 2d at 1080 (“[B]ecause [VoIP-to-TDM] is a new service developed after the [1996] Act, there is no pre-Act compensation regime which could have governed it, and therefore § 251(g) is inapplicable.”). PAETEC’s submission that the analysis should turn not on whether companies actually paid access charges for VoIP prior to the Act, but instead whether pre-Act law would have supported such charges -- is not so much an argument as an invitation to speculate. The invitation is declined.

C. Filed-Rate Doctrine

Under the Communications Act, tariffs “are the law, and not contracts”; and PAETEC’s tariff imposes access charges on VoIP-originated calls. The FCC accepted PAETEC’s tariff for filing, even though the compensation-governing provisions of the Communications Act and interpretive regulatory decisions thereunder point away from the access charges PAETEC purports to impose on VoIP-originated calls.

Under the filed-rate doctrine, customers are “charged with notice of the terms and rates set out in the filed tariff and may not bring an action against a carrier that would invalidate, alter, or add to the terms of the filed tariff.” Evanns v. AT&T Corp., 229 F.3d 837, 840 (9th Cir. 2000). “The filed-rate doctrine precludes courts from deciding whether a tariff is reasonable, reserving the evaluation of tariffs to the

FCC.” Brown v. MCI Worldcom Network Servs., Inc., 277 F.3d 1166, 1171 (9th Cir. 2002).

In this case, nevertheless, PAETEC’s tariff must give way. “A tariff filed with a federal agency is the equivalent of a federal regulation.” Cahnmann v. Spring Corp., 133 F.3d 484, 488 (7th Cir. 1998). As such, a tariff cannot be inconsistent with the statutory framework pursuant to which it is promulgated. At least one circuit has reached a similar conclusion. In that case, Iowa Network Services (“INS”) filed state and federal tariffs that purported to apply access charges to transmission of certain wireless traffic. See INS v. Qwest Corp., 466 F.3d 1091, 1093-95 (8th Cir. 2006). However, the statutory framework for the wireless traffic, combined with state and federal regulatory processes pursuant to that framework, established that access charges could not apply. See id. at 1095-97. After considering the conflict, the court held that the tariffs must yield. See id. at 1097. The court found that its decision did not improperly invalidate the tariffs, in violation of the filed-rate doctrine, because they could still be applied to traffic which the statutory and framework allowed them to reach. See id. Similarly, the decision did not alter the terms of the tariff; the disputed terms were simply ultra vires and lacked legal force.

The Eighth Circuit decision in Qwest may appear to be an inventive piece of legal legerdemain, but it applies the tools that are available to courts (the FCC has much better ones, but will not use them), and it is supported by sound policy considerations. The FCC sometimes has as few as fifteen days to consider whether to object to a tariff that contains a rate increase before it goes into effect. See 47 U.S.C. § 204(a)(3). To treat tariffs as inviolable would create incentives to bury within tariffs provisions that expand their rates beyond statutory allowance in the hope that the FCC will not notice. See INS v. Qwest Corp., 385 F. Supp. 2d 850, 899 (S.D. Iowa 2005) (characterizing the tariffs in that case as an attempt to "sidestep" the applicable legal framework and "a strategic attempt to thwart the impact of the 1996 Act"). The purposes of the filed-rate doctrine -- to prevent discrimination among consumers and preserve the rate-making authority of federal agencies, see Bryan v. Bellsouth Comm'ns, Inc. 377 F.3d 424, 429 (4th Cir. 2004); Hill v. BellSouth Telcomms., Inc., 364 F.3d 1308, 1316 (11th Cir. 2004) -- are not undercut by the Eighth Circuit's decision, or by mine.

There are differences between Qwest and this case, to be sure, but they do not justify a different outcome here. First, in the background of the Qwest case were rulings of the Iowa Utilities Board that access charges were inapplicable to the

traffic at issue. See Qwest, 385 F. Supp. 2d at 863. Those regulatory decisions were not dispositive, however; indeed, earlier in the case the Eighth Circuit reversed the district court for treating them as preclusive and ordered it instead to “decide for itself whether the traffic at issue is subject to access charges pursuant to INS’s tariffs.” INS v. Qwest Corp., 363 F.3d 683, 695 (8th Cir. 2004). Second, the court’s refusal to apply the filed-rate doctrine in Qwest was supported both by the compensation-governing provisions of 47 U.S.C. § 251 and by the provision governing the scope of tariffs located at 47 U.S.C. § 203(a). See Qwest, 466 F.3d at 1095-97. My decision turns only on § 251, yet the Qwest decision could stand alone on its persuasive holding that tariffs cannot be applied inconsistently with the Communications Act, which is where § 251 resides.

Because the access charge regime is inapplicable to VoIP-originated tariff, and because a filed tariff cannot be inconsistent with the statutory framework pursuant to which it is promulgated, the filed-rate doctrine must yield in this case.

TDM-Originated Calls

CommPartners concedes its duty to pay access charges for TDM-originated calls. See Def. Cross-Mot. at 1 n.1. PAETEC suggests that this concession should entitle it to an award of attorneys fees and costs based on the terms of its tariff. See PAETEC Tariff F.C.C. No. 3 at § 2.4.6 (requiring such fees if

PAETEC "substantially prevails" in litigation). CommPartners disputes PAETEC's assertion. The parties urge an immediate determination of that question, but at this point I am ruling only on liability. The question of what it means to "substantially prevail" must await the damages phase, when the factual record will be more complete.

Quasi-Contractual Claims

Injecting common law claims into intercarrier compensation would undermine the complex scheme Congress and the FCC have established. Because the Communications Act establishes the exclusive methods of intercarrier compensation for the calls at issue, PAETEC's unjust enrichment and quantum meruit claims are statutorily barred. See Qwest, 466 F.3d at 1098; MCI WorldCom Network Servs., Inc. v. PAETEC Comm'ns, Inc., 2005 WL 2145499, at *5 (E.D. Va. Aug. 31, 2005).

JAMES ROBERTSON
United States District Judge

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EXHIBIT B

**Notice Dated December 15, 2009 from the
Executive Director of the New Hampshire Public Utilities Commission
Suspending Its Decision in D.T. 08-028, Joint Petition of
Hollis Telephone Company, Inc., et al., for Authority to Block
the Termination of Traffic from Global NAPs, Inc., Pending
Further Consideration of the Issues Raised in
Global NAPs' Rehearing Motion.**

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Clifton C. Below
Amy U. Jonatus

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel: (603) 271-2431

FAX: (603) 271-3878

TDD Access: Relay NH
1-800-735-2954

Website:
www.puc.nh.gov

December 15, 2009

Re: DT:08-028, Hollis Telephone Company, Inc., Kearsarge Telephone Company,
Merrimack County Telephone Company and Wilton Telephone Company, Inc.
Joint Petition for Authority to Block the Termination of Traffic from Global NAPS, Inc.
Suspension of Order

To: the Parties:

The Commission has received a timely filed motion for rehearing of Commission Order No. 25-043, (November 10, 2009) from Global NAPS, Inc. The Commission has determined to suspend its decision pursuant to RSA 541:5 in the above-captioned proceeding pending further consideration of the issues raised in the motion.

Sincerely,

Debra A. Howland
Executive Director

cc: Docket File

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EXHIBIT C

**Letter Dated January 25, 2010 from Global NAPs' Counsel
To Counsel for Tech Valley Communications (TVC)
Providing Payment to TVC and Requesting the Initiation
of Interconnection Agreement Negotiations**

Harry M. Davidow, Esq.
685 West End Avenue
Apt. 4-C
New York, NY 10025

Keith J. Roland
Herzog Law Firm P.C.
7 Southwoods Boulevard
Albany, NY 12211

January 25, 2010

Re: TVC Albany, INC. d/b/a Tech Valley Communications v. Global NAPs

Dear Keith,

It was a pleasure to see you face to face again after so much time. I hope you found our discussions productive, and it is my understanding that you intend to return with some additional thoughts after conferring with your client.

I have also conferred with my client. I have focused particularly on the suggestions from staff that, while they were skeptical about the applicability of access charges to terminating VoIP traffic, they were also uncomfortable with Global NAPs continuing to receive service from Tech Valley without paying something.

It was and remains my legal conclusion that Global NAPs is not obligated to pay Tech Valley unless and until the parties enter into a voluntary agreement governing the parties' traffic exchange, or the Commission or some other appropriate authority rules on the rights and obligations of each side. However, responding to staff's urging, I see nothing in this analysis that precludes Global NAPs from volunteering to pay an appropriate rate, pending any necessary further negotiations or litigation.

As you are aware, it is Global's view that its interconnection rights derive from section 251 of the Telecommunications Act, particularly section 251(b)(5), which entitles Global to obtain interconnection at negotiated rates. Tech Valley and Global have not reached agreement on such rates at this juncture, but other firms have. In particular, Verizon has entered into interconnection agreements with a number of companies to terminate VoIP traffic at a rate of \$0.00045 cents per minute. You have seen Verizon's agreement with AT&T and the testimony of Verizon's witness in district court in the Southern District of New York, confirming this fact.

Tech Valley may not agree with Global that this is a rate it is currently prepared to agree to in settlement of this dispute. However, it cannot deny that it is the prevailing rate in the market in New York. Moreover, there is no reason to believe that this rate is inadequate to cover the actual costs of providing terminating service for VoIP traffic. Verizon makes this rate generally available. Knowing Verizon well, as you do, I think it would not agree to accept below-cost rates for any interconnection arrangement, for both commercial and antitrust reasons. Tech Valley, as I understand it, operates off of the Verizon network and therefore is presumed to have the same costs as Verizon.

Hence, Global NAPs has decided to pay Tech Valley in full for all past traffic identified in Tech Valley's New York PSC complaint, but at the prevailing VoIP rate of \$0.00045. My calculations indicate that this payment should amount to \$3,555. Enclosed, please find a check made out to Tech Valley in this amount. Global makes this payment without prejudicing its right to argue in either settlement or litigation for a different (including lower) rate, and I expect that Tech Valley will accept the payment without prejudice to its rights to argue for a different rate or further compensation.

Global NAPs is also prepared to pay Tech Valley's bills on a going forward basis at the Verizon rate. I would request, however, that, in addition to sending bills in the usual fashion, copies of each bill be sent to me at the address above, so that I can insure that payment is made in the manner outlined here. I would also suggest, as a purely commercial matter that, given the small amounts of traffic that Global sends to Tech Valley and the likely small monthly charges that will result, Tech Valley may wish to simplify its billing by sending a quarterly or semi-annual bill. In any event, if the bills are sent on a monthly basis and are as small as forecast, Global reserves the right to make payment on such a basis in order to control its own operational costs. I believe this is both a sensible and a reasonable request, particularly as Global's payments are made voluntarily, without any agreement by Tech Valley that they constitute payment in full.

Finally, I would like to ask your client to revisit the issue of entering into a true, physical interconnection arrangement with Global. As I have indicated in previous discussions, Global would very much like to interconnect directly with Tech Valley. Indeed, Global is willing to discuss doing so by providing the necessary equipment and facilities at its own expense.

You have indicated that Tech Valley is uninterested in this proposal because of its belief that the revenue it would derive, even with Global NAPs' offer to provide the operating equipment, would not cover the costs of a switch port.

Let me suggest two reasons why Tech Valley might want to rethink this. First, while the tariff rates for switch ports tend to be very high, the incremental costs are very low, approaching zero unless Tech Valley is operating a switch near capacity. Second and more interesting from a commercial standpoint, if Global NAPs and Tech Valley enter into such an arrangement, there is no reason why use of the interconnection arrangement and facilities needs to be restricted to Global NAPs' traffic.

As I have pointed out to you and as I am sure your client knows, VoIP is a large and growing segment of the voice communications market. Moreover, Global NAPS is only a small carrier in a market that includes Verizon, AT&T, Sprint, Level 3, and a dozen other firms. It is certain that Tech Valley is receiving and terminating far more VoIP traffic from these carriers than it is terminating from Global. You have told me that Tech Valley has no terminating traffic arrangements with any of these firms.

A central characteristic of VoIP traffic is that it can easily be routed to any IP address anywhere. Tech Valley's problem is that it does not receive VoIP traffic until it is converted into TDM. If, as is the industry practice, the traffic is labeled "local," Tech Valley is probably terminating much more VoIP traffic that Global sends it and is doing so on a bill and keep basis.

While most carriers recognize that they are entitled to some form of interconnection agreement with respect to VoIP, I do not see any obvious reason why Tech Valley could not require all carriers sending traffic to it to identify their VoIP traffic and route it through the Tech Valley/Global NAPs interface. That would identify the traffic volumes and both allow and entitle Tech Valley to negotiate rates with the companies whose traffic it is terminating.

There are, plainly, many questions and issues to be addressed before any such arrangement could be executed. However, there may be more opportunity here than Tech Valley has fully realized. I ask that you share these ideas with your client and send me their response. Global's business and technical people are ready to meet with Tech Valley whenever is convenient.

Very truly yours,

Harry Davidow, Esq.
On behalf of:
Global NAPs

Cc: Hon. J. Brillling
Brian Ossias
Tim Zakriski
Bob Lorenzo

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EXHIBIT D

**Email Response Dated February 3, 2010 from TVC Counsel
Acknowledging Global NAPs' Payments and Request for
Interconnection Agreement Negotiations.**

-----Original Message-----

From: Keith J. Roland [mailto:kroland@herzoglaw.com]

Sent: Wednesday, February 03, 2010 5:30 PM

To: Harry Davidow

Subject: RE: TVC v. Global NAPs

Harry:

I, too, enjoyed seeing you at the Commission. You get younger every day.

I appreciate your forwarding the check payable to Tech Valley. I will forward it to the company, and they will deposit it without waiver or prejudice of any claim.

I have also forwarded your letter with the various proposals to Tech Valley, and company management is reviewing it.

I'll be back when Tech Valley determines the course it wishes to take.

Best regards.

Keith J. Roland

KJR:tlm

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EXHIBIT E

**Letter Dated February 12, 2010 from Global NAPs' General Counsel
To Palmerton Counsel Requesting the Negotiation of An
Interconnection Agreement With Palmerton.**

**GLOBAL NAPS
Legal Department**

William J. Rooney, Jr.
89 Access Rd.
Suite B
Norwood, MA 02062
Tel: (617) 667-1405
Fax: (781) 551-9984
Email: wrooney@gnaps.com

February 12, 2010

VIA OVERNIGHT DELIVERY

Norman J. Kennard, Esq.
Thomas, Long, Niesen & Kennard
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500

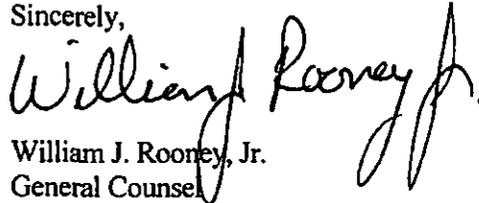
Re: Global NAPS, Inc. Request to Negotiate Interconnection Agreement

Dear Mr. Kennard:

Pursuant to 47 U.S.C. Sec. 252, Global NAPS, Inc. wishes to negotiate an Interconnection Agreement with Palmerton Telephone Company. Of particular import is the treatment of terminating Voice over Internet Protocol ("VoIP") calls and calls from Enhanced Service Providers ("ESPs"). To facilitate interconnection, Global is willing to provide IP interconnection equipment at no charge. As soon as you have designated a representative please contact the undersigned so that we may begin the negotiation.

Thank you for your attention to this matter.

Sincerely,


William J. Rooney, Jr.
General Counsel

WJR; ljc
cc: Thomas G. Langer
General Manager and Vice President of Operations
Palmerton Telephone Company
465 Delaware Avenue
Palmerton, PA 18071

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EXHIBIT F

Letter Dated March 17, 2010 from Palmerton Counsel

Replying to the Global NAPs' Request for An Interconnection Agreement.



THOMAS, LONG,
NIESEN & KENNARD

Attorneys and Counsellors at Law

NORMAN J. KENNARD
Direct Dial: 717.255.7627
nkennard@thomaslonglaw.com

March 17, 2010

***Via Electronic and
First Class Mail***

William Rooney, Jr.
General Counsel
Global NAPs
89 Access Road
Norwood, MA 02062

Re: Global NAPs Request for Interconnection Agreement

Dear Mr. Rooney:

This acknowledges receipt on behalf of Palmerton Telephone Company of the request for interconnection submitted by Global NAPs, Inc., requesting negotiation of an interconnection agreement.

Please be advised that Global NAPs' request will be processed according to the procedures of 47 U.S.C. § 252 and the implementation rules of the Pennsylvania Public Utility Commission. We calculate the 135th day as June 28, 2010, and the 160th day as July 23, 2010. Palmerton does have several preliminary questions:

1. The identity in whose name the request is tendered. Is the requestor Global NAPs, Inc., rather than Global NAPs South, the certificated entity in Pennsylvania?
2. Does Global NAPs intend to change its operations from that which was litigated in the Pennsylvania Public Utility Commission complaint proceeding docketed at C-2009-2093336? In other words, does the agreement need to address anything other than the termination of interexchange calls by Palmerton Telephone Company?
3. Does Global NAPs intend to establish direct interconnection with Palmerton or will Global NAPs continue to rely upon indirect interconnection through the Verizon market tandem?
4. To the extent that Global NAPs intends to continue to send toll traffic to Palmerton for termination, would Global NAPs accept an agreement that simply incorporates Palmerton's current access tariffs?
5. If Global NAPs does not intend to send Palmerton any local exchange traffic, can we dispense with those provisions of the standard interconnection agreement?

If you feel that any of the responses are confidential, Palmerton would agree to abide by the confidentiality agreement previously agreed to by the parties in the context of the above-mentioned complaint proceeding.

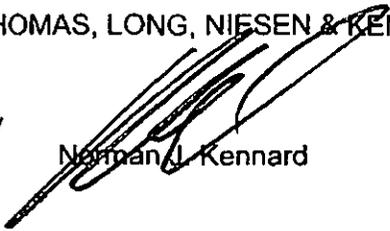
Thank you in advance for responding to these questions. Responses are critical to Palmerton's ability to understand the nature of Global NAPs' request. Accordingly, prior to finalization of a draft agreement and any discussion, we request your responses to the above questions.

We look forward to your response.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By


Norman J. Kennard

NJK:tlt

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EXHIBIT G

**Palmerton's Final Bill Dated March 16, 2009 to Global NAPs
for Intrastate Access Services.**

Palmerton's Post-Order Bill was Received by Global on March 18, 2010.



**Palmerston
TELEPHONE**
A PENNCOA COMPANY
Keeping you connected

465 Delaware Avenue, P.O. Box 215
Palmerston, PA 18071

Customer Service (610) 826-6650 • Business Office (610) 826-2115
Repair Service (610) 826-3444 • Gilbert Office (610) 826-9321
Web Site: www.ptelco.com

March 16, 2010

Global NAPS
Legal Department
89 Access Road
Suite B
Norwood, MA 02062
Attn: William J. Rooney Jr.

RE: Palmerston final bill

Dear Mr. Rooney,

In compliance with Pennsylvania PUC order at Docket C-2009-2093336 entered March 16, 2009, please find enclosed Palmerston Telephone Company's final bill to Global NAPS for Intrastate Access services. According to the order Global NAPS has 30 days in which to submit payment. A copy of this letter and bill are being sent to the Secretary of the Pennsylvania Public Utility Commission for reference. Please make your check payable to Palmerston Telephone Company and mail to the address on the letterhead. Thank you.

Very truly yours,

Thomas G. Lager
General Manager
Vice-President of Operations

Cc: Pa PUC

DMS-100 – Traffic Key

INCATOT – Incoming Attempts, Total
PRERTEAB – Preroute Abandon
INFAIL – Incoming Failures
NATMPT – Number of Attempts, Outgoing
NOVFLATB – Number of Overflows – All Trunks Busy
GLARE – Glare
OUTFAIL – Outgoing Failures
DEFLDCA – Network Management Reroute
DREU – Directional Reservation Usage
PREU – Protective Reservation Usage
TRU – Traffic Busy Usage
SBU – System Busy Usage
MBU – Maintenance Busy Usage
OUTMTCHF – Outgoing Matching Failure
CONNECT – Successful Connections, Outgoing
TANDEM – Counts Incoming Calls on a Trunk Group that are Initially
Routed to an Outgoing Trunk Group.
AOF – Automatic Number Identification Failure, Incoming
ANF – Invalid or No Automatic Number Identification, Incoming
TOTU – Total Usage
ANSWER – Answer Supervision
ACCCONG – Automatic Congestion Control
NOANSWER – No Answer
INANSWER – Answer Message Sent and Received on Incoming Trunk
OUTANSU – Answer Message Received and Sent Usage on Outgoing
Trunk
INANSU – Answer Message Received and Sent Usage on Incoming Trunk



80 South Jefferson Road • Whippany, NJ 07981

CHERYL FOSTER
Manager
Customer Data Administration

Voice: 973-884-8015
Fax: 973-589-8622
E-mail: CFOSTER@neca.org

February 18, 2010

Mr. Thomas G. Lager
VP-Operations
Palmerton Telephone Company
P.O. BOX 215
Palmerton, PA 18071-0215

SUBJECT: Tariff/Pool Election Package

Dear Mr. Lager:

As per your request, attached is a tariff/pool election package containing:

- a summary of the tariff election rules
- an election form.

Tariff/Pool Election Packages are due back to NECA by **March 1, 2009**. To change your company's current tariff/pool participation, you have two options:

- Log on to NECA.org to change your company's Tariff participation online. Changes must be submitted by midnight EST **March 1, 2009**.
- Indicate the changes on the Election Form (Attachment II) and return the signed form by **CERTIFIED or OVERNIGHT EXPRESS MAIL** postmarked no later than **March 1, 2009**.

If you wish to continue your current tariff/pool participation, no action is necessary.

If you have any questions, please call
Val Kostenko at 800-228-8398

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Foster".

Cheryl Foster
Manager - Customer Data Administration

Attachments

cc: Regional Director
Regional Manager

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20050801
BILL DATE AUG 01, 2005
USAGE DATES 6/21 - 7/20

PA 18071
PRINTED 2005/07/28 13:53

GLOBAL NAPS INC.

10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20050801 MEET POINT BILL MB/MT
***** REMITTANCE PAGE *****
***** BALANCE DUE INFORMATION *****

TOTAL BALANCE FORWARD00

*** DETAIL OF CURRENT CHARGES ***

USAGE CHARGES - SEE DETAIL 1,190.00
INTERSTATE EC-0196 1,060.71
INTRASTATE EC-0196 10.56
INTERSTATE EC-5000 118.24
INTRASTATE EC-5000 .56
STATE TAX ADJ SURCH .07CR

TOTAL CURRENT CHARGES * DUE BY SEP 01 * 1,190.00

TOTAL AMOUNT DUE 1,190.00

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20050901
BILL DATE SEP 01, 2005
USAGE DATES 7/21 - 8/20

PA 18071
PRINTED 2005/08/29 8:18

GLOBAL NAPS INC.

10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20050901 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * * * *

TOTAL AMOUNT OF LAST BILL 1,190.00

TOTAL BALANCE FORWARD 1,190.00

* * * * * DETAIL OF CURRENT CHARGES * * * * *

USAGE CHARGES - SEE DETAIL 111.60
INTERSTATE EC-0196 99.52
INTRASTATE EC-0196 1.03
INTERSTATE EC-5000 11.00
INTRASTATE EC-5000 .05

TOTAL CURRENT CHARGES * DUE BY OCT 03 * 111.60

TOTAL AMOUNT DUE 1,301.60

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20051001
BILL DATE OCT 01, 2005
USAGE DATES 8/21 - 9/20

PA 18071
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GLOBAL NAPS INC.
10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20051001 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 1,301.60

TOTAL BALANCE FORWARD 1,301.60

* * * DETAIL OF CURRENT CHARGES * * *

TOTAL CURRENT CHARGES * DUE BY NOV 01 *00

TOTAL AMOUNT DUE 1,301.60

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20051101
BILL DATE NOV 01, 2005
USAGE DATES 9/21 - 10/20

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GLOBAL NAPS INC.

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QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20051101 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 1,301.60

TOTAL BALANCE FORWARD 1,301.60

* * * DETAIL OF CURRENT CHARGES * * *

TOTAL CURRENT CHARGES * DUE BY DEC 01 *00

TOTAL AMOUNT DUE 1,301.60

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20051201
BILL DATE DEC 01, 2005
USAGE DATES 10/21 - 11/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20051201 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 1,301.60

TOTAL BALANCE FORWARD 1,301.60

* * * DETAIL OF CURRENT CHARGES * * *

TOTAL CURRENT CHARGES * DUE BY JAN 02 *00

TOTAL AMOUNT DUE 1,301.60

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20060101
BILL DATE JAN 01, 2006
USAGE DATES 11/21 - 12/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20060101 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 1,301.60
PAYMENTS APPLIED 1,301.60

2005/12/08 INV # 051331 20050801

PAYMENT 1,190.00

2005/12/08 INV # 051331 20050901

PAYMENT 111.60

TOTAL AMOUNT DUE .00

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20071001
BILL DATE OCT 01, 2007
USAGE DATES 8/21 - 9/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20071001 MEET POINT BILL MB/MT
***** REMITTANCE PAGE *****
***** BALANCE DUE INFORMATION *****

TOTAL BALANCE FORWARD00

*** DETAIL OF CURRENT CHARGES ***

USAGE CHARGES - SEE DETAIL 5,225.26
INTERSTATE EC-0196 3,723.01
INTRASTATE EC-0196 1,117.26
INTERSTATE EC-5000 334.88
INTRASTATE EC-5000 59.85
STATE TAX ADJ SURCH 9.74CR
TOTAL CURRENT CHARGES * DUE BY NOV 01 * 5,225.26
TOTAL AMOUNT DUE 5,225.26

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20071101
BILL DATE NOV 01, 2007
USAGE DATES 9/21 - 10/20

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QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20071101 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 5,225.26

TOTAL BALANCE FORWARD 5,225.26

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 3,044.90
INTERSTATE EC-0196 2,123.61
INTRASTATE EC-0196 699.65
INTERSTATE EC-5000 189.22
INTRASTATE EC-5000 38.50
STATE TAX ADJ SURCH 6.08CR

TOTAL CURRENT CHARGES * DUE BY DEC 03 * 3,044.90

TOTAL AMOUNT DUE 8,270.16

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20071201
BILL DATE DEC 01, 2007
USAGE DATES 10/21 - 11/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20071201 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 8,270.16

TOTAL BALANCE FORWARD 8,270.16

* * * * * DETAIL OF CURRENT CHARGES * * * * *

USAGE CHARGES - SEE DETAIL 12,648.78
INTERSTATE EC-0196 3,083.76
INTRASTATE EC-0196 8,857.05
INTERSTATE EC-5000 289.40
INTRASTATE EC-5000 496.52
STATE TAX ADJ SURCH 77.95CR

TOTAL CURRENT CHARGES * DUE BY JAN 01 * 12,648.78

TOTAL AMOUNT DUE 20,918.94

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20080101
BILL DATE JAN 01, 2008
USAGE DATES 11/21 - 12/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20080101 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 20,918.94

TOTAL BALANCE FORWARD 20,918.94

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 9,804.70
INTERSTATE EC-0196 6,691.97
INTRASTATE EC-0196 2,349.62
INTERSTATE EC-5000 653.16
INTRASTATE EC-5000 130.60
STATE TAX ADJ SURCH 20.65CR

TOTAL CURRENT CHARGES * DUE BY FEB 01 * 9,804.70

TOTAL AMOUNT DUE 30,723.64

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20080201
BILL DATE FEB 01, 2008
USAGE DATES 12/21 - 1/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20080201 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 30,723.64
TRANSFERRED TO COLLECTIONS 8,270.16

2008/01/24 INV # 051331 20071001 TRANSFERRED TO COLLECTIONS 5,225.26
2008/01/24 INV # 051331 20071101 TRANSFERRED TO COLLECTIONS 3,044.90
TOTAL BALANCE FORWARD 22,453.48

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 59,611.14
INTERSTATE EC-0196 48,543.06
INTRASTATE EC-0196 5,681.32
INTERSTATE EC-5000 5,124.55
INTRASTATE EC-5000 311.49
STATE TAX ADJ SURCH 49.28CR

TOTAL CURRENT CHARGES * DUE BY MAR 03 * 59,611.14

TOTAL AMOUNT DUE 82,064.62

PALMERTON TELEPHONE COMPANY
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BILL TYPE FGD
INVOICE NO 051331-20080301
BILL DATE MAR 01, 2008
USAGE DATES 1/21 - 2/20

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BAN 0196001051331 20080301 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 82,064.62

TOTAL BALANCE FORWARD 82,064.62

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 23,797.48
INTERSTATE EC-0196 16,291.63
INTRASTATE EC-0196 5,547.55
INTERSTATE EC-5000 1,696.44
INTRASTATE EC-5000 310.09
STATE TAX ADJ SURCH 48.23CR

TOTAL CURRENT CHARGES * DUE BY MAR 31 * 23,797.48

TOTAL AMOUNT DUE 105,862.10

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20080401
BILL DATE APR 01, 2008
USAGE DATES 2/21 - 3/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20080401 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 105,862.10
TRANSFERRED TO COLLECTIONS 22,453.48

2008/03/20 INV # 051331 20071201 TRANSFERRED TO COLLECTIONS 12,648.78

2008/03/20 INV # 051331 20080101 TRANSFERRED TO COLLECTIONS 9,804.70

TOTAL BALANCE FORWARD 83,408.62

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 12,030.86
INTERSTATE EC-0196 6,273.41
INTRASTATE EC-0196 4,947.77
INTERSTATE EC-5000 578.82
INTRASTATE EC-5000 274.34
STATE TAX ADJ SURCH 43.48CR

TOTAL CURRENT CHARGES * DUE BY MAY 01 * 12,030.86

TOTAL AMOUNT DUE 95,439.48

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
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BILL TYPE FGD
INVOICE NO 051331-20080501
BILL DATE MAY 01, 2008
USAGE DATES 3/21 - 4/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20080501 MEET POINT BILL MB/MT
***** REMITTANCE PAGE *****
***** BALANCE DUE INFORMATION *****

TOTAL AMOUNT OF LAST BILL 95,439.48

TOTAL BALANCE FORWARD 95,439.48

*** DETAIL OF CURRENT CHARGES ***

USAGE CHARGES - SEE DETAIL 12,612.23
INTERSTATE EC-0196 4,589.32
INTRASTATE EC-0196 7,272.54
INTERSTATE EC-5000 410.32
INTRASTATE EC-5000 404.03
STATE TAX ADJ SURCH 63.98CR

TOTAL CURRENT CHARGES * DUE BY JUN 02 * 12,612.23

TOTAL AMOUNT DUE 108,051.71

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
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BILL TYPE FGD
INVOICE NO 051331-20080601
BILL DATE JUN 01, 2008
USAGE DATES 4/21 - 5/20

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BAN 0196001051331 20080601 MEET POINT BILL MB/MT
***** REMITTANCE PAGE *****
***** BALANCE DUE INFORMATION *****

TOTAL AMOUNT OF LAST BILL 108,051.71
TRANSFERRED TO COLLECTIONS 83,408.62

2008/05/27 INV # 051331 20080201 TRANSFERRED TO COLLECTIONS 59,611.14
2008/05/27 INV # 051331 20080301 TRANSFERRED TO COLLECTIONS 23,797.48

TOTAL BALANCE FORWARD 24,643.09

***** DETAIL OF CURRENT CHARGES *****

USAGE CHARGES - SEE DETAIL 7,746.50
INTERSTATE EC-0196 4,405.69
INTRASTATE EC-0196 2,819.50
INTERSTATE EC-5000 392.52
INTRASTATE EC-5000 153.55
STATE TAX ADJ SURCH 24.76CR

TOTAL CURRENT CHARGES * DUE BY JUL 01 * 7,746.50

TOTAL AMOUNT DUE 32,389.59

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
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BILL TYPE FGD
INVOICE NO 051331-20080701
BILL DATE JUL 01, 2008
USAGE DATES 5/21 - 6/20

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GLOBAL NAPS INC.

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20080701 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 32,389.59

TOTAL BALANCE FORWARD 32,389.59

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 5,487.05
INTERSTATE EC-0196 3,529.57
INTRASTATE EC-0196 1,571.38
INTERSTATE EC-5000 315.76
INTRASTATE EC-5000 84.09
STATE TAX ADJ SURCH 13.75CR

TOTAL CURRENT CHARGES * DUE BY AUG 01 * 5,487.05

TOTAL AMOUNT DUE 37,876.64

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20080801
BILL DATE AUG 01, 2008
USAGE DATES 6/21 - 7/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20080801 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 37,876.64
TRANSFERRED TO COLLECTIONS 24,643.09

2008/07/23 INV # 051331 20080401
TRANSFERRED TO COLLECTIONS 12,030.86
2008/07/23 INV # 051331 20080501
TRANSFERRED TO COLLECTIONS 12,612.23
TOTAL BALANCE FORWARD 13,233.55

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 16,957.38
INTERSTATE EC-0196 4,703.25
INTRASTATE EC-0196 11,280.22
INTERSTATE EC-5000 443.75
INTRASTATE EC-5000 629.44
STATE TAX ADJ SURCH 99.28CR
TOTAL CURRENT CHARGES * DUE BY SEP 01 * 16,957.38
TOTAL AMOUNT DUE 30,190.93

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20080901
BILL DATE SEP 01, 2008
USAGE DATES 7/21 - 8/20

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BAN 0196001051331 20080901 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 30,190.93

TOTAL BALANCE FORWARD 30,190.93

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 15,478.71
INTERSTATE EC-0196 4,530.58
INTRASTATE EC-0196 9,965.37
INTERSTATE EC-5000 515.42
INTRASTATE EC-5000 555.04
STATE TAX ADJ SURCH 87.70CR

TOTAL CURRENT CHARGES * DUE BY OCT 01 * 15,478.71

TOTAL AMOUNT DUE 45,669.64

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20081001
BILL DATE OCT 01, 2008
USAGE DATES 8/21 - 9/20

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INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20081001 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 45,669.64
TRANSFERRED TO COLLECTIONS 13,223.55

2008/09/23 INV # 051331 20080601 TRANSFERRED TO COLLECTIONS 7,746.50
2008/09/23 INV # 051331 20080701 TRANSFERRED TO COLLECTIONS 5,487.05
TOTAL BALANCE FORWARD 32,436.09

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 14,233.65
INTERSTATE EC-0196 4,629.51
INTRASTATE EC-0196 8,697.90
INTERSTATE EC-5000 511.54
INTRASTATE EC-5000 484.03
STATE TAX ADJ SURCH 89.33CR
TOTAL CURRENT CHARGES * DUE BY NOV 03 * 14,233.65
TOTAL AMOUNT DUE 46,669.74

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20081201
BILL DATE DEC 01, 2008
USAGE DATES 10/21 - 11/20

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GLOBAL NAPS INC.

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QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20081201 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 66,580.87
TRANSFERRED TO COLLECTIONS 32,436.09

2008/11/24 INV # 051331 20080801 TRANSFERRED TO COLLECTIONS 16,957.38
2008/11/24 INV # 051331 20080901 TRANSFERRED TO COLLECTIONS 15,478.71
TOTAL BALANCE FORWARD 34,144.78

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 24,353.00
INTERSTATE EC-0196 7,642.01
INTRASTATE EC-0196 15,175.28
INTERSTATE EC-5000 863.22
INTRASTATE EC-5000 844.78
STATE TAX ADJ SURCH 172.29CR
TOTAL CURRENT CHARGES * DUE BY DEC 31 * 24,353.00
TOTAL AMOUNT DUE 58,497.78

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20081101
BILL DATE NOV 01, 2008
USAGE DATES 9/21 - 10/20

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GLOBAL NAPS INC.

10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20081101 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 46,669.74

TOTAL BALANCE FORWARD 46,669.74

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 19,911.13
INTERSTATE EC-0196 6,779.31
INTRASTATE EC-0196 11,829.06
INTERSTATE EC-5000 780.89
INTRASTATE EC-5000 656.16
STATE TAX ADJ SURCH 134.29CR
TOTAL CURRENT CHARGES * DUE BY DEC 01 * 19,911.13
TOTAL AMOUNT DUE 66,580.87

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20090101
BILL DATE JAN 01, 2009
USAGE DATES 11/21 - 12/20

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QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20090101 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * * *

TOTAL AMOUNT OF LAST BILL 58,497.78

TOTAL BALANCE FORWARD 58,497.78

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 16,369.83
INTERSTATE EC-0196 5,219.43
INTRASTATE EC-0196 10,095.03
INTERSTATE EC-5000 609.87
INTRASTATE EC-5000 560.08
STATE TAX ADJ SURCH 114.58CR

TOTAL CURRENT CHARGES * DUE BY FEB 02 * 16,369.83

TOTAL AMOUNT DUE 74,867.61

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20090201
BILL DATE FEB 01, 2009
USAGE DATES 12/21 - 1/20

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10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20090201 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 74,867.61

TOTAL BALANCE FORWARD 74,867.61

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 21,293.45
INTERSTATE EC-0196 6,575.42
INTRASTATE EC-0196 13,338.83
INTERSTATE EC-5000 791.17
INTRASTATE EC-5000 739.46
STATE TAX ADJ SURCH 151.43CR

TOTAL CURRENT CHARGES * DUE BY MAR 01 * 21,293.45

TOTAL AMOUNT DUE 96,161.06

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20090301
BILL DATE MAR 01, 2009
USAGE DATES 1/21 - 2/20

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10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20090301 MEET POINT BILL MB/MT
***** REMITTANCE PAGE *****
***** BALANCE DUE INFORMATION *****

TOTAL AMOUNT OF LAST BILL 96,161.06

TOTAL BALANCE FORWARD 96,161.06

*** DETAIL OF CURRENT CHARGES ***

USAGE CHARGES - SEE DETAIL 22,932.76
INTERSTATE EC-0196 7,745.30
INTRASTATE EC-0196 13,641.99
INTERSTATE EC-5000 949.66
INTRASTATE EC-5000 750.70
STATE TAX ADJ SURCH 154.89CR

TOTAL CURRENT CHARGES * DUE BY APR 01 * 22,932.76

TOTAL AMOUNT DUE 119,093.82

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20090401
BILL DATE APR 01, 2009
USAGE DATES 2/21 - 3/20

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GLOBAL NAPS INC.
10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20090401 MEET POINT BILL MB/MT
***** REMITTANCE PAGE *****
***** BALANCE DUE INFORMATION *****

TOTAL AMOUNT OF LAST BILL 119,093.82

TOTAL BALANCE FORWARD 119,093.82

*** DETAIL OF CURRENT CHARGES ***

USAGE CHARGES - SEE DETAIL 21,283.75
INTERSTATE EC-0196 6,476.75
INTRASTATE EC-0196 13,433.62
INTERSTATE EC-5000 788.67
INTRASTATE EC-5000 737.21
STATE TAX ADJ SURCH 152.50CR

TOTAL CURRENT CHARGES * DUE BY MAY 01 * 21,283.75

TOTAL AMOUNT DUE 140,377.57

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20090501
BILL DATE MAY 01, 2009
USAGE DATES 3/21 - 4/20

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GLOBAL NAPS INC.

10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20090501 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 140,377.57

TOTAL BALANCE FORWARD 140,377.57

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 19,694.00
INTERSTATE EC-0196 7,127.02
INTRASTATE EC-0196 11,215.42
INTERSTATE EC-5000 867.48
INTRASTATE EC-5000 611.37
STATE TAX ADJ SURCH 127.29CR

TOTAL CURRENT CHARGES * DUE BY JUN 01 * 19,694.00

TOTAL AMOUNT DUE 160,071.57

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20090601
BILL DATE JUN 01, 2009
USAGE DATES 4/21 - 5/20

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GLOBAL NAPS INC.

10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20090601 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 160,071.57

TOTAL BALANCE FORWARD 160,071.57

* * * DETAIL OF CURRENT CHARGES * * *

USAGE CHARGES - SEE DETAIL 16,278.12
INTERSTATE EC-0196 4,592.79
INTRASTATE EC-0196 10,682.52
INTERSTATE EC-5000 539.57
INTRASTATE EC-5000 584.49
STATE TAX ADJ SURCH 121.25CR

TOTAL CURRENT CHARGES * DUE BY JUL 01 * 16,278.12

TOTAL AMOUNT DUE 176,349.69

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20091001
BILL DATE OCT 01, 2009
USAGE DATES 8/21 - 9/20

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GLOBAL NAPS INC.
10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20091001 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 176,349.69

TOTAL BALANCE FORWARD 176,349.69

* * * DETAIL OF CURRENT CHARGES * * *

TOTAL CURRENT CHARGES * DUE BY NOV 02 *00

TOTAL AMOUNT DUE 176,349.69

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20091101
BILL DATE NOV 01, 2009
USAGE DATES 9/21 - 10/20

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GLOBAL NAPS INC.

10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20091101 MEET POINT BILL MB/MT

* * * * * REMITTANCE PAGE * * * * *

* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 176,349.69

TOTAL BALANCE FORWARD 176,349.69

* * * DETAIL OF CURRENT CHARGES * * *

INTERSTATE LATE PAYMENT CHARGES 556.18

INTRASTATE LATE PAYMENT CHARGES 988.66

TOTAL CURRENT CHARGES * DUE BY DEC 01 * 1,544.84

TOTAL AMOUNT DUE 177,894.53

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20091201
BILL DATE DEC 01, 2009
USAGE DATES 10/21 - 11/20

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GLOBAL NAPS INC.

10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20091201 MEET POINT BILL MB/MT

***** REMITTANCE PAGE *****

***** BALANCE DUE INFORMATION *****

TOTAL AMOUNT OF LAST BILL 177,894.53

TOTAL BALANCE FORWARD 177,894.53

***** DETAIL OF CURRENT CHARGES *****

INTERSTATE LATE PAYMENT CHARGES 556.18

INTRASTATE LATE PAYMENT CHARGES 988.66

TOTAL CURRENT CHARGES * DUE BY JAN 01 * 1,544.84

TOTAL AMOUNT DUE 179,439.37

PALMERTON TELEPHONE COMPANY
P.O. BOX 215
PALMERTON

BILL TYPE FGD
INVOICE NO 051331-20100101
BILL DATE JAN 01, 2010
USAGE DATES 11/21 - 12/20

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GLOBAL NAPS INC.
10 MARRYMOUNT RD.
QUINCY, MA 02169

INQUIRIES CALL (610) 826-2115 SHARI KEIPER CO. CODE 0196 PAGE 1

BAN 0196001051331 20100101 MEET POINT BILL MB/MT
* * * * * REMITTANCE PAGE * * * * *
* * * BALANCE DUE INFORMATION * * *

TOTAL AMOUNT OF LAST BILL 179,439.37

TOTAL BALANCE FORWARD 179,439.37

* * * DETAIL OF CURRENT CHARGES * * *

INTERSTATE LATE PAYMENT CHARGES 560.89
INTRASTATE LATE PAYMENT CHARGES 997.03

USAGE CHARGES - SEE DETAIL 3.44
INTERSTATE EC-0196 2.29
INTRASTATE EC-0196 .86
INTERSTATE EC-5000 .25
INTRASTATE EC-5000 .04

TOTAL CURRENT CHARGES * DUE BY FEB 01 * 1,561.36

TOTAL AMOUNT DUE 181,000.73

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Palmerton Telephone Company,
Complainant

v.

Global NAPs South, Inc., Global NAPs
Pennsylvania, Inc., Global NAPs, Inc.
and other affiliates

Respondents

Dkt. No. C-2009-2093336

PA PUC
SECRETARY'S BUREAU

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed, in accordance with the requirements of Section 1.54 (relating to service by a party).

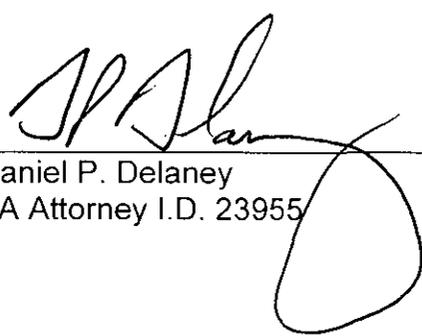
Norman J. Kennard
Thomas, Long, Niesen & Kennard
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500

Via First Class Mail and E-Mail

Susan D. Paiva
Assistant General Counsel
Verizon Pennsylvania Inc.
1717 Arch Street, 17th Floor
Philadelphia, PA 19103

Via First Class Mail and E-Mail

K&L Gates LLP
17 North Second Street, 18th Floor
Harrisburg, PA 17101-1507
(717) 231-4500
(717) 231-4501 (Fax)
dan.delaney@klgates.com


Daniel P. Delaney
PA Attorney I.D. 23955

Counsel for Global NAPS, Inc.

Dated: March 30, 2010