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April 9, 2010

Via Federal Express

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

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Re: Palmerton Telephone Company
v. Global NAPs South, Inc., Global NAPs
Pennsylvania, Inc., Global NAPs, Inc. and other affiliates
Docket No. C-2009-2093336

Dear Secretary McNulty:

Enclosed please find an original and three copies of Verizon Pennsylvania Inc.'s Answer to GNAPs' Petition For Reconsideration, being filed in the above referenced matter.

Please do not hesitate to contact me if you have any questions.

Very truly yours,


Suzan D. Paiva

SDP/slb
Enc.

cc: **Via E-Mail and First Class U.S. Mail**
Cheryl Walker Davis, Esquire, OSA
Attached Certificate of Service

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Palmerton Telephone Company :
:
v. :
:
Global NAPs South, Inc., Global NAPs :
Pennsylvania, Inc., Global NAPs, Inc. :
and other affiliates :

C-2009-2093336

**VERIZON PENNSYLVANIA INC.'S ANSWER TO
GNAPS' PETITION FOR RECONSIDERATION**

Pursuant to 52 Pa. Code § 5.572(e), the Verizon Pennsylvania Inc. ("Verizon") hereby answers the Petition for Reconsideration ("PFR") of this Commission's March 16, 2010 Order filed by Global NAPs South, Inc. and affiliates ("Global NAPs").

In its PFR, Global NAPs claims that the Commission misinterpreted or otherwise failed to consider precedent from the Federal Communications Commission, federal courts, and other state commissions regarding the jurisdictional nature of Voice over Internet Protocol ("VoIP") or "enhanced" traffic. But given the Commission's factual findings in the Order, the jurisdictional nature of VoIP traffic is ultimately beside the point.

In its Order, the Commission found that Palmerton Telephone Company ("Palmerton") had met its burden of proof regarding "the essential nature of the call traffic transported by GNAPS and terminated at the facilities of Palmerton" and further found that GNAPS had failed to prove its affirmative defense that its traffic is VoIP or otherwise "enhanced" and thus exempt from intercarrier compensation. (Order at 32-33) ("GNAPS is unable to explain the presence of more conventional intrastate interexchange ILEC, CLEC, and wireless calls in the stream of traffic that it transports and indirectly

terminates at [the local ILEC's] PSTN facilities . . . and GNAPs' own testimony does not totally exclude their presence.”). Therefore, “[i]n view of the specific facts that have been presented,” the Commission rejected Global NAPS' attempt to avoid paying any intercarrier compensation for traffic it sends to Palmerton – even for TDM originated traffic – by summarily declaring it to be VoIP or otherwise “enhanced.” Global NAPS offers no reason in its Petition for the Commission to disturb this ruling.

GNAPS raises no “new” or “novel” arguments or issues that the Commission “overlooked” or failed to consider in its previous orders in this proceeding.¹ Rather, GNAPS reargues the *same* issues it had the opportunity to address on the record, which arguments the Commission rejected. Accordingly, the Commission should deny GNAPS' PFR.

Respectfully submitted,



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Counsel for Verizon Pennsylvania Inc.

Dated: April 9, 2010

¹ *Duick v. Philadelphia Gas and Water Co.*, 56 Pa. PUC 553 (1982).

CERTIFICATE OF SERVICE

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

Dated at Philadelphia, Pennsylvania, this 9th day of April, 2010.

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

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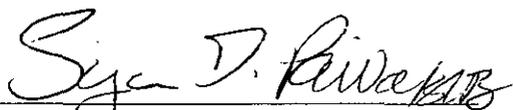
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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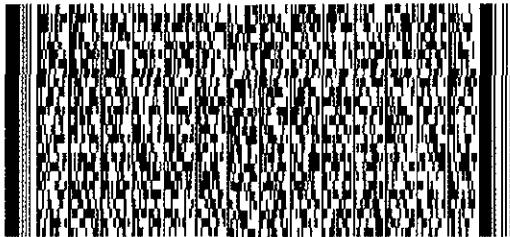
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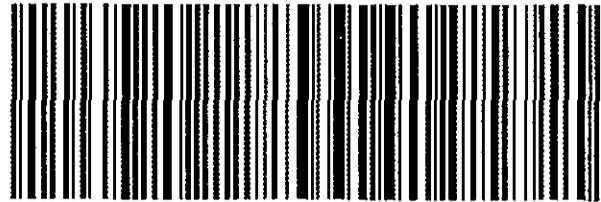


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