



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

April 21, 2010

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17105-3265

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:

In compliance with Ordering Paragraph 5 of the Pennsylvania Public Utility Commission's ("Commission") Order entered on March 16, 2010, in the above referenced matter ("March 16 Order"), Palmerton Telephone Company ("Palmerton") submitted a final bill to Global NAPs South, Inc., *et al.* ("Global NAPs") for payment of the intrastate traffic delivered by Global NAPs to Palmerton, plus appropriate late payment charges ("Final Bill") on March 16, 2010.

Under Ordering Paragraph 6 of the March 16 Order, Global NAPs was provided thirty (30) days within which to make payment, which meant payment of the Final Bill was due on or before April 15, 2010.

Please be advised that Palmerton has not received any payment from Global NAPs and, as such, Global NAPs is in violation of the March 16 Order. Indeed, other than to express "puzzlement" and request clarification of the bill (correspondence attached), Global NAPs appears to have made no attempt whatsoever to pay Palmerton's Final Bill as directed by the March 16 Order. This is the second time Global NAPs has refused to comply with a Commission Order to Palmerton's detriment.

Based on the foregoing, Palmerton respectfully requests that the Commission immediately take action to hold Global NAPs accountable for its continuing violation of the March 16 Order.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By:

Norman J. Kennard

Enclosures

cc: Chairman and Commissioners
Bohdan Pankiw
Per Certificate of Service

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SECRETARY'S BUREAU

KILE
GOEKJIAN
REED

 **McMANUS** PLLC
ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, NW
SUITE 570
WASHINGTON, DC 20036 USA
202.659.8000 ■ FAX 202.659.8822

March 19, 2010

Thomas G. Lager
General Manager
Vice-President of Operations
465 Delaware Avenue
P.O. Box 215
Palmerton, PA 18071

Re: Palmerton Final Bill

Dear Mr. Lager,

We have received and perused the bill you just sent us, but are in a state of puzzlement. Your letter says the bills are for intrastate charges. Actually, most or all of the pages contain both intrastate and interstate charges. You also bill Global for both interstate and intrastate late fees. The total does not specify what it is for.

We also note that although the trial record and the accepted ALJ findings showed that calls supposedly from LECs such as Paetec were actually from Vonage, which is not in-state and offers no service other than nomadic VoIP originating in broadband from virtual phone numbers, there is no indication that you have removed any such calls from your bills. Our view is that the PAPUC decided at most that LERGs may be utilized where the nomadic nature of VoIP traffic was not known, not that LERGs could overcome testimony under oath.

Global's position remains that it is not obligated to pay access fees for termination of its traffic, but only negotiated fees at industry levels revealed by Verizon in its testimony. We have sent you a letter to that effect and received your first reply. Nevertheless, if this matter progresses without settlement, it does seem better that the charges being litigated are only those intrastate charges endorsed by the PAPUC.

Thank you in advance for your consideration of these points. We look forward to receiving a revised bill that complies with the PAPUC order.

Sincerely,


Joel Davidow

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

March 24, 2010

Joel Davidow, Esquire
Kile Goekjian Reed & McManus PLLC
1200 New Hampshire Ave, NW, Suite 570
Washington, DC 20036

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 Mr. Davidow:

I have reviewed the letter you sent to Mr. Thomas Lager, General Manager for Palmerton Telephone Company, dated March 19, 2010 (attached), regarding the final intrastate CABs bill submitted by Palmerton to Global NAPs pursuant to Ordering Paragraph 5 of the Order of the Pennsylvania Public Utility Commission entered March 16, 2010 in the above matter ("Final Bill").

The Final Bill consists only of the intrastate portion of the traffic delivered by Global NAPs to Palmerton, which was the subject of dispute in the above captioned Complaint proceeding. The underlying CABS bills themselves were included for the purpose of reference and confirmation previously billed intrastate amount. The interstate amounts also reflected in those past CABs bills are not included in the Final Bill.

The Final Bill submitted consists of the exact same charges that were presented in litigation and set forth in Palmerton Exhibit 3 - Revised. These same figures were used to calculate the surety bond which Global NAPs did not obtain and is now liable to pay a \$50,000 fine to the Commission. The only change from Exhibit 3 - Revised is that the Final Bill reflects an additional approximately \$1,600 in late payment charges owing to the passage of almost ten months since the calculations in the exhibit were performed.

The charges set forth in the Final Bill are fully consistent with the Commission's Order entered March 16, 2010. The remaining statements in your letter simply consist of your disagreement with that Order. However, I am certain that you recognize the Order has been entered and is now enforceable. Payment of the Final Bill is due under the terms of the Commission's Order on or before April 15, 2010.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By:

Norman J. Kennard

NJK:tlt
cc: James J. McNulty, Secretary

PALMERTON TELEPHONE COMPANY

A Pencor Company

465 DELAWARE AVENUE
P.O. BOX 215
PALMERTON, PA 18071
Phone: (610) 826-2115

March 16, 2010

DATE _____

CR 2000.1190.001

NET 30 DAYS

PLEASE MAKE REMITTANCE PAYABLE TO

INVOICE NO. _____

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

PALMERTON TELEPHONE COMPANY
ATTN: THOMAS LAGER
P O BOX 215
PALMERTON, PA 18071-0215

AMOUNT REMITTED

AMOUNT DUE
\$193,063.38

PLEASE DETACH HERE AND **RETURN** THIS PORTION WITH PAYMENT

DATE	DESCRIPTION	AMOUNT
	Intrastate Access Charge	
8/1/05	\$ 11.05	\$ 17.96
9/1/05	\$ 1.08	\$ 1.74
10/1/07	\$ 1,167.37	\$ 1,504.69
11/1/07	\$ 732.07	\$ 935.34
12/1/07	\$ 9,275.62	\$ 11,743.98
1/1/08	\$ 2,459.57	\$ 3,085.93
2/1/08	\$ 5,943.53	\$ 7,394.00
3/1/08	\$ 5,809.41	\$ 7,161.78
4/1/08	\$ 5,178.63	\$ 6,328.27
5/1/08	\$ 7,612.59	\$ 9,218.41
6/1/08	\$ 2,948.29	\$ 3,538.95
7/1/08	\$ 1,641.72	\$ 1,952.80
8/1/08	\$11,810.38	\$ 13,921.19
9/1/08	\$10,432.71	\$ 12,189.64
10/1/08	\$ 9,092.60	\$ 10,527.75
11/1/08	\$12,350.93	\$ 14,175.17
12/1/08	\$15,847.77	\$ 18,023.98
1/1/09	\$10,540.53	\$ 11,879.52
2/1/09	\$13,926.86	\$ 15,567.73
3/1/09	\$14,237.80	\$ 15,771.35
4/1/09	\$14,018.33	\$ 15,392.30
5/1/09	\$11,699.50	\$ 12,730.00
1/1/10	\$.90	\$.91
	TOTAL INTRASTATE DUE	\$193,063.38

*Late Fees billed through 3/16/10

PALMERTON TELEPHONE COMPANY

A Pencor Company

INVOICE NO. CR 2000.1190.001

DATE March 16, 2010

CUSTOMER - KEEP THIS PORTION FOR YOUR RECORDS

PALMERTON TELEPHONE COMPANY
 UNPAID BALANCES
 GLOBAL NAPS
 UPDATED TO 3/16/2010

Bill Date	Due Date	Interest Through	Intrastate	STAS	Total Intra	Total	# of Days Past Due	Interest As of Mar 16, 2010	Total Due As of Mar 16, 2010
8/1/2005	9/1/2005	3/16/2010	11.12	(0.07)	11.05	11.05	1657	6.91	17.96
9/1/2005	10/1/2005	3/16/2010	1.08	-	1.08	1.08	1627	0.66	1.74
10/1/2005	11/1/2005	3/16/2010	-	-	-	-	1596	-	-
11/1/2005	12/1/2005	3/16/2010	-	-	-	-	1566	-	-
12/1/2005	1/1/2006	3/16/2010	-	-	-	-	1535	-	-
10/1/2007	11/1/2007	3/16/2010	1,177.11	(9.74)	1,167.37	1,167.37	866	337.32	1,504.69
11/1/2007	12/1/2007	3/16/2010	738.15	(6.08)	732.07	732.07	836	203.27	935.34
12/1/2007	1/1/2008	3/16/2010	9,353.57	(77.95)	9,275.62	9,275.62	805	2,468.36	11,743.98
1/1/2008	2/1/2008	3/16/2010	2,480.22	(20.65)	2,459.57	2,459.57	774	626.36	3,085.93
2/1/2008	3/1/2008	3/16/2010	5,992.81	(49.28)	5,943.53	5,943.53	745	1,450.47	7,394.00
3/1/2008	4/1/2008	3/16/2010	5,857.64	(48.23)	5,809.41	5,809.41	714	1,352.37	7,161.78
4/1/2008	5/1/2008	3/16/2010	5,222.11	(43.48)	5,178.63	5,178.63	684	1,149.64	6,328.27
5/1/2008	6/1/2008	3/16/2010	7,676.57	(63.98)	7,612.59	7,612.59	653	1,605.82	9,218.41
6/1/2008	7/1/2008	3/16/2010	2,973.05	(24.76)	2,948.29	2,948.29	623	590.66	3,538.95
7/1/2008	8/1/2008	3/16/2010	1,655.47	(13.75)	1,641.72	1,641.72	592	311.08	1,952.80
8/1/2008	9/1/2008	3/16/2010	11,909.66	(99.28)	11,810.38	11,810.38	561	2,110.81	13,921.19
9/1/2008	10/1/2008	3/16/2010	10,520.41	(87.70)	10,432.71	10,432.71	531	1,756.93	12,189.64
10/1/2008	11/1/2008	3/16/2010	9,181.93	(89.33)	9,092.60	9,092.60	500	1,435.15	10,527.75
11/1/2008	12/1/2008	3/16/2010	12,485.22	(134.29)	12,350.93	12,350.93	470	1,824.24	14,175.17
12/1/2008	1/1/2009	3/16/2010	16,020.06	(172.29)	15,847.77	15,847.77	439	2,176.21	18,023.98
1/1/2009	2/1/2009	3/16/2010	10,655.11	(114.58)	10,540.53	10,540.53	408	1,338.99	11,879.52
2/1/2009	3/1/2009	3/16/2010	14,078.29	(151.43)	13,926.86	13,926.86	380	1,640.87	15,567.73
3/1/2009	4/1/2009	3/16/2010	14,392.69	(154.89)	14,237.80	14,237.80	349	1,533.55	15,771.35
4/1/2009	5/1/2009	3/16/2010	14,170.83	(152.50)	14,018.33	14,018.33	319	1,373.97	15,392.30
5/1/2009	6/1/2009	3/16/2010	11,826.79	(127.29)	11,699.50	11,699.50	288	1,030.50	12,730.00
1/1/2010	2/1/2010	3/16/2010	0.90	-	0.90	0.90	43	0.01	0.91
			168,380.79	(1,641.55)	166,739.24	166,739.24		26,324.14	193,063.38

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

Docket No. C-2009-2093336

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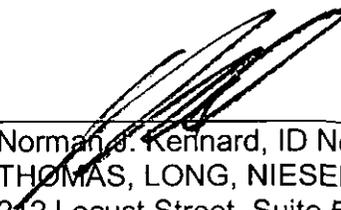
I hereby certify that I have on the 21st day of April, 2010, served a true and correct copy of the foregoing document upon the parties listed below via first class mail, postage prepaid:

Daniel P. Delaney, Esquire
K&L Gates LLP
17 North Second Street, 18th Floor
Harrisburg, PA 17101-1507
Dan.delaney@klgates.com

William Rooney, Esquire
Global NAPs
89 Access Road
Norwood, MA 02062
wrooney@gnaps.com

Suzan Paiva, Esquire
Verizon Pennsylvania Inc.
1717 Arch Street, 10W
Philadelphia, PA 19103
suzan.d.paiva@verizon.com

Joel Davidow, Esquire
Kile Goekjian Reed & McManus PLLC
1200 New Hampshire Ave, NW, Suite 570
Washington, DC 20036
j davidow@kqrmlaw.com



Norman J. Kennard, ID No. 29921
THOMAS, LONG, NIESEN & KENNARD
212 Locust Street, Suite 500
Harrisburg, PA 17101
(717) 255-7600

Attorney for Palmerton Telephone Company