

May 12, 2010

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17105-3265

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2010 MAY 12 PM 2:14
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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 Chiavetta:

Global NAPs has improperly filed a Reply to an Answer submitted by Palmerton in opposition to its Petition for Reconsideration. No such opportunity is recognized or allowed under the Commission's regulations. Claiming that its Reply is "necessary and appropriate," Global NAPs does not attempt to explain these claims or justify yet another round in this proceeding. The Commission should disregard Global NAPs' Reply. Not only should the Petition for Reconsideration be rejected, for the reasons set forth in Palmerton's Answer, the Reply to that Answer should be rejected as improperly filed.

As to the "substance" of Global NAPs' Reply, it is again clear that Global NAPs is simply rehashing legal arguments previously made, as was pointed out by Palmerton in its Answer. Nothing new or novel has been presented such that reconsideration would be appropriate. Palmerton's stands by its Answer and its position that Global NAPs continues to distort the law.

The relevant points of rebuttal in Palmerton's Answer are as follows:

- The District Court decision in *Paetec v. CommPartners* is wrong legally and not shown by Global NAPs to be factually applicable to this case. Palmerton's Answer at 5.
- The District Court in *Manhattan v. Global NAPs* declined to address the filed rate doctrine, but found that tariffs apply under equity. Palmerton Answer at 6.
- The New Hampshire Public Utilities Commission did expressly affirm its prior order. The fact that the relief provided in the original order is different from that ordered by the Commission here does not conflict. Palmerton Answer at 7.
- Global NAPs' decision to seek § 251 interconnection with Palmerton *after* the Commission adopted its order has prospective effect only. Palmerton Answer at 8-9 (pages misnumbered).

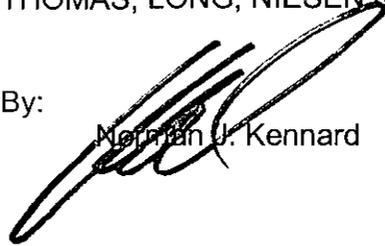
- Parties encouraging “expedited resolution” before the FCC in Global NAPs’ Preemption Petition oppose the relief sought by Global NAPs. Palmerton Answer at 10 (pages misnumbered).

Thank you for your attention to this matter.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By:



Norman J. Kennard

cc: Per Certificate of Service

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

PROOF OF SERVICE

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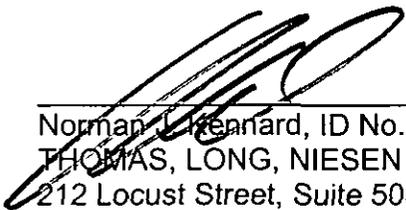
I hereby certify that I have on the 12th day of May, 2010, served a true and correct copy of the foregoing document upon the parties listed below via first class mail, postage prepaid:

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