



Norman J. Kennard, Esquire
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August 19, 2010

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

Re: Joint Petition of Citizens Telephone Company of Kecksburg, Consolidated Communications of Pennsylvania Company, Hickory Telephone Company, Ironton Telephone Company, Lackawaxen Telecommunications Services, Laurel Highland Telephone Company, North Penn Telephone Company, Palmerton Telephone Company, Pennsylvania Telephone Company, Pymatuning Independent Telephone Company, South Canaan Telephone Company, and Venus Telephone Corporation and for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. Section 252(b) with Choice One Communications of Pennsylvania Inc., CTC Communications Corp. FiberNet Telecommunications of Pennsylvania, LLC, Docket Nos.:

A-2010-2185119,	A-2010-2185131,	A-2010-2185138,	A-2010-2185147,
A-2010-2185150,	A-2010-2185154,	A-2010-2185162,	A-2010-2185167,
A-2010-2185170,	A-2010-2185183,	A-2010-2185185,	A-2010-2185188,
A-2010-2185190,	A-2010-2185193,	A-2010-2185194,	A-2010-2185195,
A-2010-2185198,	A-2010-2185199,	A-2010-2185200,	A-2010-2185201,
A-2010-2185202,	A-2010-2185203,	A-2010-2185205,	A-2010-2185206,
A-2010-2185208,	A-2010-2185209,	A-2010-2185211,	A-2010-2185215,
A-2010-2185216,	A-2010-2185225,	A-2010-2185228,	A-2010-2185229,
A-2010-2185231,	A-2010-2185238,	A-2010-2185245,	and A-2010-2185258

Dear Secretary Chiavetta:

Enclosed for filing on behalf of the Rural Petitioners, please find an original and twenty-two (22) copies of the Rural Petitioners' Motion to Withdraw Without Prejudice the above captioned consolidated matter.

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If you have any questions, please do not hesitate to contact me.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By:


Norman J. Kennard

Attachments

cc: Honorable Angela T. Jones
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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In Re:	:	
	:	
Joint Petition of:	:	
Citizens Telephone Co. of Kecksburg	:	A-2010-2185119
Hickory Telephone Co.	:	A-2010-2185147
Ironton Telephone Co.	:	A-2010-2185154
Lackawaxen Telecommunications Services	:	A-2010-2185162
Laurel Highland Telephone Co.	:	A-2010-2185167
North Penn Telephone Co.	:	A-2010-2185170
Palmerton Telephone Co.	:	A-2010-2185183
Pennsylvania Telephone Co.	:	A-2010-2185185
Pymatuning Independent Telephone Co.	:	A-2010-2185188
South Canaan Telephone Co. and	:	A-2010-2185190
Venus Telephone Corporation	:	A-2010-2185193
	:	A-2010-2185194
	:	A-2010-2185195
for Arbitration of Interconnection Rates, Terms	:	A-2010-2185198
and Conditions Pursuant to 47 U.S.C. Section	:	A-2010-2185199
252(b) with:	:	A-2010-2185200
	:	A-2010-2185201
Choice One Communications of Pennsylvania, Inc.	:	A-2010-2185202
CTC Communications Corp. and	:	A-2010-2185203
FiberNet Telecommunications of Pennsylvania, LLC:	:	A-2010-2185205
	:	A-2010-2185206
	:	A-2010-2185208
	:	A-2010-2185209
	:	A-2010-2185211
	:	A-2010-2185215
	:	A-2010-2185216
	:	A-2010-2185225
	:	A-2010-2185228
	:	A-2010-2185229
	:	A-2010-2185231
	:	A-2010-2185238
	:	A-2010-2185245
	:	A-2010-2185258

RURAL PETITIONERS' MOTION TO WITHDRAW WITHOUT PREJUDICE

NOW COME, Citizens Telephone Company of Kecksburg; Hickory Telephone Company; Ironton Telephone Company; Lackawaxen Telecommunications Services; Laurel Highland Telephone Company; North Penn Telephone Company; Palmerton Telephone Company; Pennsylvania Telephone Company; Pymatuning Independent Telephone Company; South Canaan Telephone Company; and Venus Telephone Corporation (“Rural Petitioners”), by their counsel, and file this Motion to Withdraw Without Prejudice. In support thereof, the Rural Petitioners submit the following:

1. Choice One Communications of Ohio Inc., Choice One Communications of Pennsylvania Inc., Choice One Communications of Rhode Island Inc., Choice One Communications of Connecticut Inc., Choice One Communications of Maine Inc., Choice One Communications of Massachusetts Inc., Choice One Communications of New York Inc., Choice One of New Hampshire Inc., US Xchange of Indiana, L.L.C.; US Xchange of Illinois, L.L.C., US Xchange of Wisconsin, L.L.C., and US Xchange of Michigan, L.L.C. submitted identical requests for the negotiation of interconnection agreements to the Rural Petitioners on June 18, 2009.¹ These same Choice One entities subsequently renewed their request for interconnection by letter dated November 24, 2009.²

2. On June 25, 2010, Rural Petitioners filed a Petition for Arbitration and formally requested a Commission determination that the Rural Petitioners’ proposed interconnection agreement is reasonable under the Telecommunications Act of 1996.

3. The Rural Petitioners were subsequently advised by counsel for Choice One that the only Choice One companies that are or will be sending traffic to Rural Petitioners are: Choice

¹ With the exception that Laurel Highland Telephone Company’s letter is dated June 5, 2009. Attached to the Petition for Arbitration as Exhibit A.

² Attached to the Petition for Arbitration as Exhibit C.

One Communications of Pennsylvania Inc. CTC Communications Corp. and FiberNet Telecommunications of Pennsylvania, LLC (collectively “Choice One”).

4. On June 30, 2010, the Rural Petitioners so advised the Secretary of the Commission by letter and requested that the caption in the above matter be revised, so as to reflect the three Choice One Companies.³ The Secretary then entered the Petition at thirty six separate dockets, as captioned above.

5. On July 6, 2010, Rural Petitioners moved to consolidate the proceeding, which was granted by Order of ALJ Angela T. Jones dated July 9, 2010.

6. A Pre-Arbitration Conference was held on July 12, 2010 before ALJ Jones and, by Pre-Arbitration Order #3 dated July 14, 2010, a tentative procedural schedule was established for this proceeding.

7. On July 19, 2010, the RLECs and Choice One advised ALJ Jones that the Joint Parties have reached an accord and desired to stay the proceedings so as to finalize an interconnection agreement, which request was granted by Pre-Arbitration Order #3 dated July 19, 2010.

8. On August 12, 2010, the RLECs and Choice One advised ALJ Jones that more time was required to finalize the interconnection agreement, which request was also approved by ALJ Jones.

9. The RLECs and Choice One now have finalized and executed interconnection agreements and intend to seek Commission approval by filing a Petition for Approval of

³ As reported in the June 30, 2010 letter to the Secretary, Counsel for Choice One further agreed that, in the event additional Choice One Companies do send traffic to any of the Rural Petitioners, none of the Choice One Companies will object to requests for arbitration in the future, should such an occasion arise. The Choice One Companies have further agreed that the interconnection agreement may be entered into with additional Choice One Companies besides the Pennsylvania-specific entities.

Interconnection Agreement Under Sections 251 and 252 of the Telecommunications Act of 1996.

10. The RLECs, therefore, seek to have the arbitration withdrawn and discontinued, so that the Parties may proceed to seek Commission approval of the interconnection agreement. The Rural Petitioners request that such withdrawal be without prejudice in the unlikely event that the Commission rejects or modifies the interconnection agreements when filed. In such event, the Rural Petitioners shall be permitted to reinstate their Petition for Arbitration.

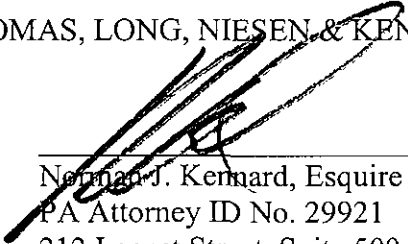
11. Choice One concurs in this request.

WHEREFORE, Rural Petitioners respectfully request that Your Honor approve the withdrawal and discontinuance of this arbitration proceeding.

Respectfully submitted,

THOMAS, LONG, NIESEN & KENNARD

By: _____


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Attorneys For Rural Petitioners

Dated: August 19, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August 2010 copies of the foregoing document have been served, via electronic and first class mail, postage prepaid at Harrisburg, Pennsylvania, as indicated, upon the persons listed below in accordance with the requirements of 52 Pa Code §§ 1.54 and 1.55 of the Commission's rules.

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