



Norman J. Kennard, Esquire
Direct Dial: 717-255-7627
nkennard@thomaslonglaw.com

July 6, 2010

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

RECEIVED
2010 JUL -6 PM 4: 10
SECRETARY'S BUREAU

Re: JointPetition 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 Corporation, FiberNet Telecommunications of Pennsylvania, LLC, Docket Nos.:

A-2010-2185119,	A-2010-218531,	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

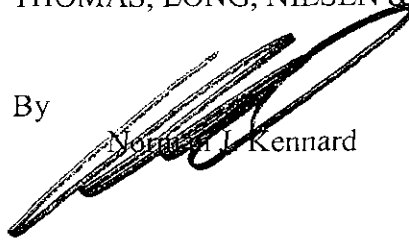
Dear Secretary Chiavetta:

Enclosed for filing on behalf of Rural Petitioners are an original and three (3) copies of a Motion of Rural Petitioners to Consolidate Dockets. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By

A handwritten signature in black ink, appearing to read "Norman L. Kennard", is written over the printed name. The signature is stylized and somewhat obscured by the printed text.

Norman L. Kennard

NJK:dlp
Enclosure

c: Certificate of Service (w/ encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re:	:	
	:	
Joint Petition of	:	
Citizens Telephone Company of Kecksburg,	:	Docket Nos. A-2010-2185119
Consolidated Communications of Pennsylvania Company,	:	A-2010-2185131
Hickory Telephone Company,	:	A-2010-2185138
Ironton Telephone Company,	:	A-2010-2185147
Lackawaxen Telecommunications Services,	:	A-2010-2185150
Laurel Highland Telephone Company,	:	A-2010-2185154
North Penn Telephone Company,	:	A-2010-2185162
Palmerton Telephone Company,	:	A-2010-2185167
Pennsylvania Telephone Company,	:	A-2010-2185170
Pymatuning Independent Telephone Company	:	A-2010-2185183
South Canaan Telephone Company, and	:	A-2010-2185185
Venus Telephone Corporation	:	A-2010-2185188
	:	A-2010-2185190
	:	A-2010-2185193
for Arbitration of Interconnection Rates, Terms	:	A-2010-2185194
and Conditions Pursuant to 47 U.S.C. Section 252(b) with	:	A-2010-2185195
Choice One Communications of Pennsylvania, Inc.,	:	A-2010-2185198
CTC Communications Corporation, and	:	A-2010-2185199
FiberNet Telecommunications of Pennsylvania, LLC	:	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
	:	A-2010-2185258

**MOTION OF RURAL PETITIONERS
TO CONSOLIDATE DOCKETS**

RECEIVED
2010 JUL -6 PM 4:11
SECRETARY'S BUREAU

NOW COME, 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 (“Rural Petitioners”), by its counsel, pursuant to 52 Pa. Code § 5.81, file this Motion to Consolidate with the Pennsylvania Public Utility Commission (“Commission”) the above-captioned thirty-six Petitions for Arbitration, and in support thereof, respectfully aver as follows:

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 Communications 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. collectively 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. By letter dated August 21, 2009, counsel for Rural Petitioners indicated that they would be jointly representing in a collective negotiation of an interconnection agreement, and submitted a list of twelve questions to Choice One to assist in determining the kinds of traffic,

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.

facilities and operations of Choice One so as to better move forward on an interconnection agreement.”³ Choice One did not answer the questions.

3. On May 21, 2010, the Rural Petitioners collectively forwarded a draft proposed interconnection agreement.⁴ Choice One did not respond or submit its own interconnection agreement.

4. On June 25, 2010, Rural Petitioners formally requested a Commission determination that the Rural Petitioner’s proposed interconnection agreement is reasonable under the *Telecommunications Act of 1996*.

5. 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 three: Choice One Communications of Pennsylvania, Inc., CTC Communications Corporation and FiberNet Telecommunications of Pennsylvania, LLC.

6. 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 twelve Rural Petitioners and only the three Choice One Companies.⁵

7. The Secretary then entered the Petition at thirty six separate dockets, as captioned above.

8. A Pre-Arbitration Conference has been scheduled July 15, 2010.

9. Consolidation of proceedings is permitted by the Commission’s Regulations at 52 Pa. Code § 5.81, which allows the Commission or the presiding officer to order the consolidation of proceedings “involving a common question of law or fact.” This is certainly the case with the

³ Attached to the Petition for Arbitration as Exhibit B.

⁴ Attached to the Petition for Arbitration as Exhibit G.

⁵ 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.

instant request for consolidation, since the proceedings involve common questions of law and fact.

10. The facts involved in both matters appear to be the same, although Choice One has yet to respond to the Rural Petitioners' request for factual background:⁶

- Choice One connects to all Rural Petitioners on an indirect basis.
- Choice One sent out the same exact letters requesting the negotiation of an interconnection agreement.
- The Rural Petitioners have jointly responded and proposed an identical interconnection agreement.

11. The question of law at issue appears to be the same, although Choice One did not present a proposed interconnection agreement and has not responded to the interconnection agreement proposed by the Rural Petitioners. The only issue that Choice One has ever identified is the terms for transport and termination of certain traffic, notably Internet Protocol-originated traffic.⁷

12. The Commission's Regulations also allow the Commission or the presiding officer to consider such factors as avoidance of unnecessary cost or delay when considering consolidation. *See* 52 Pa. Code § 5.81.

13. The consolidation of hearings and briefing will provide a common and appropriate foundation for record development, should there be any, in the instant matters.

14. In the interest of administrative efficiency, consolidating the matters into the same docket will avoid unnecessary costs or delay that would otherwise occur if the matters were separately litigated.

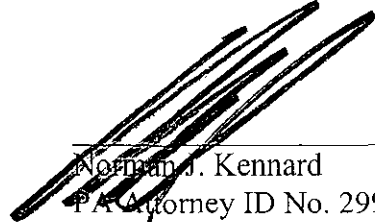
⁶ See Petition for Arbitration at Exhibit B.

⁷ See Petition for Arbitration at Exhibit A.

15. As such, the Rural Petitioners hereby request that both Complaints matters be consolidated as the requested consolidated is consistent with the Commission's own Rules and Regulations.

WHEREFORE, for the foregoing reasons, the Rural Petitioners request that the above-captioned dockets be consolidated into a single proceeding.

Respectfully submitted,



Norman J. Kennard
PA Attorney ID No. 29921
THOMAS, LONG, NIESEN & KENNARD
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500
Tel. No. 717-255-7600
Fax No. 717-236-8278
Email nkennard@thomaslonglaw.com

Counsel for
Rural Petitioners

Date: July 6, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July 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.

John C. Dodge
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW
Washington, DC 20006-3402
JohnDodge@dwt.com

Irwin A. Popowsky
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
spopowsky@paoca.org

William Lloyd
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101
willoyd@state.pa.us

Johnnie E. Simms, Director
PUC Office of Trial Staff
Commonwealth Keystone Building
2nd Floor, F West
Harrisburg, PA 17120
josimms@state.pa.us



Norman J. Kennard, Esq.