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June 27, 2011

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PA PUBLIC UTILITY COMMISSION  
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*Via Overnight Delivery*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

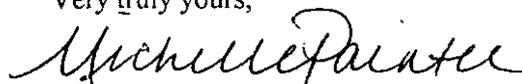
Re: AT&T Communications of Pennsylvania, LLC. v. Verizon North LLC and  
Verizon Pennsylvania Inc., Docket No. C-20027195

Dear Secretary Chiavetta:

Please find enclosed an original and three (3) copies of AT&T's Motion to Re-open the Record and For Admission of Late-Filed Exhibit for filing in the above-referenced matter. Please note that the Exhibit has been marked as Proprietary.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,



Michelle Painter

cc: Certificate of Service  
ALJ Cynthia Fordham

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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AT&T Communications of  
Pennsylvania, LLC, *et. al.*  
Complainant

v.

Verizon North LLC and  
Verizon Pennsylvania Inc.,  
Respondents

JUN 27 2011

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Docket No. C-20027195

**AT&T'S MOTION TO RE-OPEN THE RECORD AND  
FOR ADMISSION OF LATE-FILED EXHIBIT**

AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, and TCG New Jersey, Inc. (collectively "AT&T") hereby submit this Motion to reopen the record, and for the admission of a late-filed Exhibit, which has been pre-marked as AT&T Cross Examination Exhibit 9. This Exhibit contains information that has been designated by Verizon as Proprietary and therefore should be placed in the Proprietary record. In support of this Motion, AT&T states as follows:

1. On June 14 and 15, 2011, hearings were held in this matter.
2. On the first day of the hearing, Verizon's witnesses, Don Price and Thomas Mazziotti, provided oral rejoinder testimony. As part of that testimony, Mr. Price testified in response to the Surrebuttal Testimony of AT&T witnesses E. Christopher Nurse and Dr. Ola Oyefusi, AT&T Stmt. 3.0, regarding the reduction in access revenue if certain non-usage rated intrastate access elements (which had been noted in Verizon's Direct Testimony, but which had not been included in Verizon's previous revenue reduction calculations) were also reduced to parity with interstate levels. In addition to providing their calculation of that revenue reduction in their Surrebuttal Testimony, AT&T witnesses Nurse and Oyefusi had testified that "it should

be made explicit, in the order directing Verizon to reduce its intrastate access rates to parity with interstate rates, that the reductions apply to *all* of Verizon's intrastate switched access rates—specifically including usage-sensitive rates, the CC line charge, and non-usage sensitive rates, such as direct trunk transport facilities and entrance facilities.” AT&T Statement 3.0 (Nurse/Oyefusi Surrebuttal), p. 8, fn 6.

3. In response to AT&T's testimony, Mr. Price provided a figure that he identified as Verizon's calculation of the revenue attributable to reducing the Verizon non-usage based intrastate rate for elements such as direct transport and entrance facilities to interstate levels.<sup>1</sup>

4. Prior to this oral rejoinder testimony, Verizon had not presented any evidence regarding the specific reduction in non-usage based access revenue that would occur if those intrastate access elements were reduced to parity with Verizon's interstate rate level and rate structure.

5. During cross-examination of Mr. Price, AT&T's counsel propounded an on-the-record data request for Verizon's back-up data associated with the revenue amount provided in Mr. Price's oral rejoinder testimony.

6. The record was closed on June 17, 2011, pursuant to ALJ Fordham's Prehearing Order #6 on Remand.

7. Verizon provided a response to AT&T's on-the-record data request on June 23, 2011.

8. 52 Pa. Code §5.431 states that after the record has closed, additional evidence may be relied upon for good cause shown.

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<sup>1</sup> That figure, like the calculations provided in the attached Exhibit, was proprietary. As counsel for AT&T has not yet received the transcripts from the hearing, we are unable to provide a specific transcript reference for the testimony with this Motion.

9. 52 Pa. Code §5.571 provides that, “[a]t any time after the record is closed but before a final decision is issued, a party may file a petition to reopen the proceeding for the purpose of taking additional evidence.”

10. 52 Pa. Code §5.401(a) states that all relevant and material evidence is admissible, subject to objection.

11. In this case, re-opening the record and admitting AT&T’s late-filed exhibit is consistent with the Commission’s objective in re-opening this proceeding to provide an updated record for a decision in the case, and is in the public interest by ensuring that the most current and comprehensive data available is included in the record.

12. It is critical that the record be fully refreshed and updated to include all information associated with the total reduction in access revenues that would result from reducing Verizon’s intrastate access rates to parity with its interstate rates and structure. Verizon’s on-the-record data request provides a more specific revenue amount than Verizon witness Price identified in his oral rejoinder testimony, provides additional detail regarding that revenue amount (showing the amounts broken out for Verizon Pennsylvania and Verizon North), and provides details regarding the calculations used to arrive at the revenue total. AT&T Cross Examination Exhibit 9 thus provides the Commission with a more complete and precise revenue calculation for determining the access revenue reduction that should be considered as part of any rate rebalancing opportunity that would result from a final Commission order in this proceeding.

13. The ALJ, and this Commission, and any reviewing court should have a full and complete record in order to make a fully informed decision on the issues in this case.

14. This request is timely, as Verizon provided the response to AT&T’s on-the-record data request on June 23.

15. On June 24, 2011, counsel for AT&T contacted counsel for Verizon to discuss the admission of Verizon's on-the-record data response into the record. Verizon's counsel indicated that Verizon does not oppose re-opening the record for the limited purpose of introducing the data response into the record. In addition, counsel for OCA, OSBA, Sprint and CenturyLink indicated they had no objection.

For all of the above reasons, AT&T respectfully requests that the record be reopened for the sole purpose of accepting AT&T's late-filed exhibit, which has been pre-marked as AT&T Cross Examination Exhibit 9, and which has been marked as a Proprietary document, into the record.

Respectfully submitted,

By: 

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DATED: June 27, 2011

Counsel for AT&T

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused a true copy of AT&T's Motion to Reopen the Record and For Admission of Late-Filed Exhibit to be served upon the parties of record in Docket No. C-20027195 in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55 in the manner and upon the parties listed below.

Dated at Fairfax, VA this 27th day of June, 2011.

**RECEIVED**

**JUN 27 2011**

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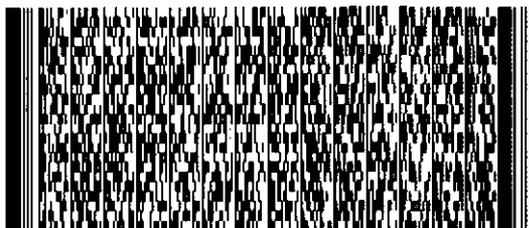
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