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July 21, 2011

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

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

Dear Secretary Chiavetta

Enclosed for filing please find the Answer of Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel Communications of the Mid-Atlantic, Inc., and NPCR, Inc., to the Petition to Reopen the Record filed by Verizon Pennsylvania, Inc. in this matter. This Answer has been electronically filed through the Commission's e-filing system.

If you have any questions, please feel free to contact me.

Respectfully submitted,

STEVENS & LEE



Michael A. Grun

cc: ALJ Cynthia Fordham (via email and first-class U.S. Mail)
Certificate of Service

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A PROFESSIONAL CORPORATION

Sprint Communications Company L.P., Sprint Spectrum, L.P., Nextel Communications of the Mid-Atlantic, Inc., and NPCR, Inc. (collectively "Sprint" or "Sprint Nextel"), hereby submit this Answer to Verizon's Petition to Reopen the Record ("Petition"). Verizon has presented no compelling reason to reopen the record and its Petition should be denied. All *facts* relevant to the matter at bar have been presented and the release of an Order by the Commission in another docket is simply not grounds to reopen the record. Verizon, and indeed all parties, will have every opportunity to address the Commission's Opinion and Order on RLEC Access Reform¹ in its Brief.

The purpose of reopening the record can only be to introduce new evidence since lay witnesses are not qualified to provide testimony on legal issues. Indeed, Verizon objected a number of times during the hearing to questions that it alleged sought legal opinions from its lay witnesses. To the extent that witnesses are not to provide legal opinions in their pre-filed testimony or during cross-examination, it is awkward at best to reopen the record for the purpose of receiving testimony from Verizon's witnesses when the only changed circumstance is the release of an Order from the Commission. Verizon's counsel, and counsel for all other parties, is well able to review the latest Order issued by the Commission and present Verizon's legal arguments based on the Commission's latest Order.

It should also be noted that Verizon's policy position in this case has been well developed over four rounds of testimony and through cross-examination. Verizon has indicated that while not opposed to reduction of its access rates to mirror interstate rates, there are a number of steps that it feels must occur first. The most obvious of those steps Verizon advocates is for all other ILECs in Pennsylvania to reduce their intrastate switched access rates to Verizon's level and then

¹ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, I-00040105, *et al.*, Opinion and Order (entered July 18, 2011) ("RLEC Access Reform Order").

for Verizon and all other ILECs to reduce their rates below that common level. The RLEC Access Reform Order does not require such reductions. Accordingly, unless Verizon wishes to change the fundamental position it struck in its testimony its policy stance remains unaffected by the RLEC Access Reform Order, and any reopening of the record would be merely delay the resolution of this matter and serve no other useful purpose.

Verizon's specific averments are addressed below.

1. Admitted that when Verizon filed its Petition the Commission had before it the record and Recommended Decision in Docket No. I-00040105 (the RLEC Access Reform Order was released shortly after Verizon's Petition was filed). Otherwise, denied.
2. The transcript speaks for itself. Otherwise, denied.
3. Admitted, except that after Verizon filed its Petition the deadlines for filing Briefs was amended by the ALJ Fordham.
4. The record from the Commission's June 30, 2011 public hearing speaks for itself, as do the Commissioner's statements. Otherwise, denied.
5. The RLEC Access Reform Order speaks for itself. Sprint denies that either the Presiding Officer or the Commission will benefit from additional testimony. To the contrary, Sprint contends that the Commission and the Presiding Officer will have their time wasted by receiving lay testimony regarding a Commission order. Similarly, there is no need for witness testimony to be submitted to compare rates deemed just and reasonable in the RLEC Access Reform Order to Verizon's rates; Verizon's rates are already on the record in the matter at bar and any comparison to the rates set in the RLEC Access Reform Order can easily be done in Briefs.
6. The cited code sections speak for themselves.

7. The cited code section speaks for itself.

8. Denied. When the Commission proceeded to reopen the matter at bar, it did so with full knowledge that the RLEC Access Reform Order had not yet been released. Nevertheless, its only instruction or admonition in this regard was that the Office of Administrative Law Judge not convene *hearings* in the instant case until after the Recommended Decision in Docket No. I-00040105 had been issued. The Commission also released the RLEC Access Reform Order fully aware of the procedural posture of this instant matter (i.e. that hearings had concluded and that Briefs were soon to be filed), but the RLEC Access Reform Order contains no expression of interest by the Commission in placing the instant docket on hold, or rewinding it, in order that further testimony can be submitted. Sprint does not disagree that the Presiding Officer may wish to allow the parties an extended Briefing Schedule in order to address the RLEC Access Reform Order, but unless the Commission itself indicates that it desires more, there is no need to further delay resolution of the instant matter with an additional round of testimony to address the RLEC Access Reform Order through lay testimony.

9. Agreed that the Briefing schedule should be amended (and it was after Verizon's Petition was filed). Otherwise, denied.

10. The deadlines established by the Commission for disposition of this docket speak for themselves. Otherwise, denied.

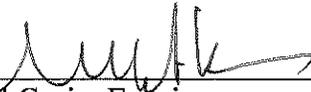
(1) Denied. The relief already granted by ALJ Fordham addresses the issue raised. Sprint contends that a reasonable delay to the briefing schedule is warranted, but only to the extent necessary to allow the attorneys to review the RLEC Access Reform Order and prepare legal arguments to address that Order.

(2) Denied

(3) Denied.

Wherefore, Sprint respectfully contends that nothing will be accomplished by delaying disposition of the instant proceeding to allow introduction of lay testimony regarding a Commission Order. The appropriate course of action is for a brief delay to the briefing schedule to be implemented in order to allow the parties' counsels to review and address the RLEC Access Reform Order in their Briefs.

Respectfully submitted this 21st day of July, 2011



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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATION OF SERVICE

I hereby certify that I have this day served by First Class U.S. Mail and Electronic Mail a true and correct copy of the foregoing Answer to Petition to Reopen the Record upon the parties listed below, in accordance with the requirements of § 1.54 (relating to service by a party)

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July 21, 2011



Michael A. Gruin