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July 26, 2011

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**Via Federal Express**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

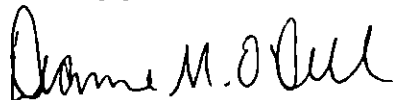
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Core Communications, Inc. v. Choice One Communications of Pennsylvania, Inc. d/b/a One Communications and CTC Communications Corp. d/b/a One Communications, Docket Nos. C-2009-2130379 and C-2009-2131838

Dear Secretary McNulty:

On behalf of Core Communications Inc., enclosed for filing please the original and three copies of its Petition for Leave to Withdraw Complaints with regard to the above-referenced matter. Please note that Exhibit A to the Petition is marked as **confidential**. All parties have been served in accordance with the attached Certificate of Service.

Sincerely yours,



Deanne M. O'Dell, Esq.

DMO/lww  
Enclosure

cc: Hon. Susan D. Colwell, w/enc.  
Cert. of Service w/enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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PA PUBLIC UTILITY COMMISSION  
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Core Communications, Inc.	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2130379
	:	
Choice One Communications of Pennsylvania,	:	
Inc., d/b/a One Communications	:	
Respondent	:	
	:	
Core Communications, Inc.	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2131838
	:	
CTC Communications Corp.,	:	
d/b/a One Communications	:	
Respondent	:	

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**CORE COMMUNICATIONS, INC.'S  
PETITION FOR LEAVE TO WITHDRAW COMPLAINTS**

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Pursuant to 52 Pa. Code § 5.94, Core Communications, Inc. (Core) submits this Petition for Leave to Withdraw Complaints, with prejudice, in this proceeding. In support of this request, Core states as follows:

1. Core filed a Formal Complaints against Choice One Communications of Pennsylvania, Inc., d/b/a One Communications and CTC Communications Corp., d/b/a One Communications (collectively, One Communications) on September 3, 2009. In response, One Communications filed Preliminary Objections on October 5, 2009, seeking a dismissal of the Complaints. Core filed an Answer to the Preliminary Objections and by Order dated October 21, 2009, signed by Administrative Law Judge (“ALJ”) David A. Salapa, One Communications' Preliminary Objections were denied.

2. On November 10, 2009, One Communications filed an Answer and New Matter. Core's Reply to One Communications' New Matter was filed on November 10, 2009.

3. Although an initial hearing was scheduled by ALJ Weisman del for March 24, 2010, it was ultimately continued as a stay was implemented at the request of the parties. At that time, the parties were awaiting a decision from the Commission regarding material questions then pending in a similar proceeding which the parties agreed would have a direct impact on this proceeding. *See Core Communications, Inc. v. AT&T Communications of PA, LLC and TCG Pittsburgh, Inc., Docket Nos. C-2009-2108186 and C-2009-2108239* (the "AT&T Proceeding"). Consequently, the Initial Hearing scheduled in this case was cancelled pending further order.

4. By Order entered September 8, 2010 in the AT&T Proceeding, the Commission determined that it has subject matter jurisdiction to address Core's complaint against AT&T and returned it to the Office of Administrative Law Judge for further proceedings. Subsequently, by letter dated September 16, 2010, counsel for Core requested that the stay in this proceeding be lifted.

5. By Order dated April 8, 2011, the stay was lifted and the parties appeared before ALJ Weisman del on May 12, 2011 for an initial prehearing conference. A litigation schedule was established and set forth in a Scheduling and Briefing Order dated May 12, 2011.

6. On May 24, 2011, the matter was reassigned to ALJ Susan D. Colwell.

7. Pursuant to the litigation schedule, Core served its direct written testimony on June 8, 2011. Subsequently, the parties engaged in substantial settlement discussions and, because they reached a settlement in principle, filed a Joint Motion to Suspend Procedural Schedule on July 12, 2011. By Order dated July 14, 2011, ALJ Colwell suspended the parties' duty to serve prepared testimony and exhibits. In case the parties were unable to successfully

complete the settlement process, the October 12, 2011 hearing date was converted to a prehearing conference.

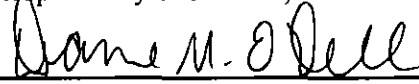
8. The parties ultimately finalized a mutually satisfactory agreement. Informational copies of the **CONFIDENTIAL** settlement agreement are attached hereto as Exhibit A. While the parties have agreed to file copies of the settlement documents for the Commission's information, they specifically request that these documents be afforded confidential protection to the fullest extent allowed by law.

9. Importantly, the settlement satisfactorily resolves Core's concerns regarding intercarrier compensation for traffic exchanged by the parties in the past as well as establishes a framework for compensation going forward. Core considers the agreement the parties were able to reach as a reasonable resolution which avoids the need to expend more time and resources on further litigation.

**WHEREFORE**, Core Communications, Inc. respectfully requests that the Commission grant this petition for leave to withdraw its complaints, with prejudice, and mark this docket as closed.

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Respectfully submitted,

  
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Fax: (717) 237-6019  
dodell@eckertseamans.com  
Counsel for Core Communications, Inc.

Dated: July 26, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of Core Communication's Petition for Leave to Withdraw Complaints upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email and First Class Mail**

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Joseph D. Wilson, Esq.  
Kelley Drye & Warren LLP  
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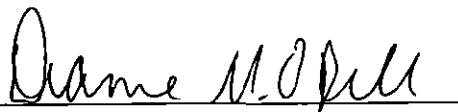
Pamela C. Polacek, Esq.  
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Dated: July 26, 2011

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Deanne M. O'Dell, Esq.

# EXHIBIT A

# CONFIDENTIAL

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From: (717) 237-6000      Origin ID: MDTA  
 Deanne M ODell Esq  
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 HARRISBURG, PA 17101



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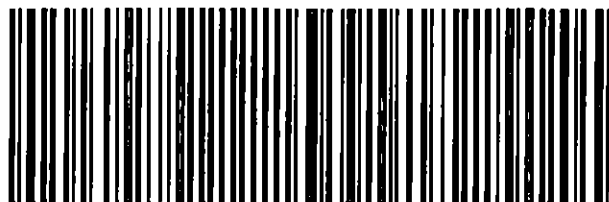
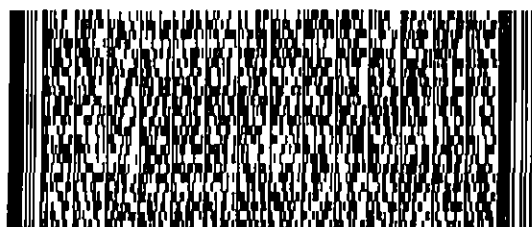
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