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June 21, 2012

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Via Federal Express

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Swenson v. ATC, Docket No. C-2012-2305083

Dear Ms. Chiavetta:

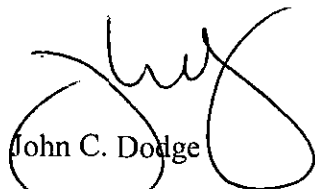
Enclosed for filing in the above-captioned matter please find an original and three (3) copies of a Joint Motion to Stay Complaint. Kindly date-stamp as received the additional copy included herewith and return in the postage prepaid envelope.

No Certificate of Service is attached to this filing as there are no parties in this matter other than Complainant and Respondent, who are together filing the Joint Motion for Stay.

Do not hesitate to contact the undersigned with any questions regarding this matter.

Sincerely,

Davis Wright Tremaine LLP



John C. Dodge

Enclosures

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Janet Swenson
Complainant

v.

ATC Outdoor DAS LLC
Respondent

C-2012-2305083

JOINT MOTION TO STAY COMPLAINT

Pursuant to 52 Pa. Code § 5.103, Complainant Janet Swenson and Respondent ATC Outdoor DAS, LLC ("ATC"), together, "Parties," hereby stipulate and jointly move for a stay of the above-captioned Complaint. Complainant is a member of an ad hoc community organization called "CONTACT" which has petitioned to intervene in two civil matters in the Court of Common Pleas of Bucks County, *ATC Outdoor DAS, LLC v. Board of Supervisors of Northampton Township*, No. 2012-05212 and *ATC Outdoor DAS, LLC v. Board of Supervisors of Northampton Township and Michael T. Solomon Director of Code Enforcement*, No. 2011-09455. In both matters the court recently issued a "Consent Order for Stay of Proceedings" to permit the parties, and CONTACT and its individual members as non-parties, to commence settlement discussions regarding deployment of Respondent's DAS facilities in Northampton Township. See Attachment 1. Complainant and Respondent wish to stay the instant Complaint during the pendency of these settlement discussions. In order to conserve Commission and Party resources, the Parties respectfully request that the Commission take no further action on this matter until such time as the Parties notify the Commission that a settlement has been finalized,

or until such time as either of the Parties notifies the Commission in writing otherwise.

In support of this Joint Motion the Parties aver as follows:

1. On May 12, 2012 Ms. Swenson filed a complaint with the Commission against ATC seeking rescission of ATC's "Certificate of Approval" in connection with the deployment of DAS facilities in Ms. Swenson's community.

2. On June 6, 2012 ATC timely filed its Answer and New Matter to Ms. Swenson's Complaint.

3. On June 6, 2012 ATC filed its Preliminary Objections to Ms. Swenson's Complaint.

4. The Complaint is pending before the Commission for disposition.

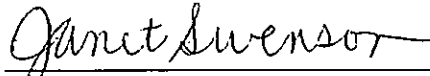
5. Commission policy is to encourage settlements, which are usually preferable to the results of a fully litigated proceeding. 52 Pa. Code §§ 5.231, 69.401.

6. In order to avoid expending further Commission and Party resources, the Parties respectfully submit that the public interest would be served if further action on this matter were stayed by the Commission until such time as the Parties can reach settlement, including through the auspices of CONTACT, or as noted above, in the absence of a settlement either Party informs the Commission in writing that the stay should be lifted and the Complaint processed as though no stay had been entered.

7. If the stay is granted, the Parties will submit a status report to the Commission within 60 days of the issuance of the stay order, to apprise the Commission on that status of settlement.

WHEREFORE, Complainant and Respondent stipulate and jointly move for a stay of any further Commission action on this Complaint to allow for settlement discussions between the Parties and/or between ATC and CONTACT.

Respectfully submitted,



Janet Swenson
139 Woodland Drive
Churchville, PA 18966

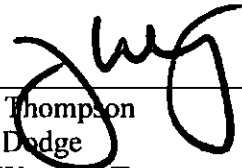


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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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SECRETARY'S BUREAU

ATTACHMENT 1

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CIVIL ACTION

ATC OUTDOOR DAS, INC.

: NO. 2012-05212
:
:
:
:
:
:
:

v.

BOARD OF SUPERVISORS OF
NORTHAMPTON TOWNSHIP

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SECRETARY'S BUREAU

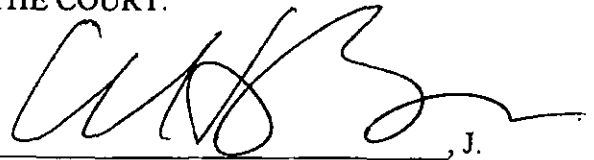
CONSENT ORDER
FOR STAY OF PROCEEDINGS

AND NOW, this 19th day of June, 2012, upon consideration of the Complaint in Equity and Petition for Preliminary Injunction filed by ATC Outdoor DAS, Inc., ('ATC') and the Petition for Stay of Northampton Township, and after consultation by and between the parties concerning the appropriate disposition of the foregoing, it is hereby ORDERED and DIRECTED, as STIPULATED by the parties hereto, as follows:

1. All proceedings in the above captioned matters are hereby STAYED without prejudice, for a period commencing from the date of this Order and ending August 31, 2012 ("Stay Period").
2. CONTACT and its individual members, non-parties who have petitioned to intervene in this action, have agreed to continue the hearing scheduled on their Petition for Intervention during the Stay Period.
3. Representatives from ATC, Northampton Township and CONTACT shall meet, on or before June 25, 2012, at the Northampton Township Municipal Building, and shall commence settlement discussions with the stated objective of achieving a negotiated final resolution of all claims in this and all related matters. ATC, Northampton, CONTACT, and CONTACT's individual members shall proceed to negotiate in good faith.
4. ATC and Northampton Township shall cooperate to permit ATC to complete such field testing and other engineering work necessary to verify the functionality of any proposed infrastructure plans produced during their meeting(s) described in paragraph 4 of this Order.

5. Either ATC or Northampton Township may, upon the filing of a proper praecipe, request a rescheduling of a hearing before this Court for disposition of the matters above referenced, upon either the expiration of the Stay Period, or upon representation that the settlements discussions have reached an impasse. The Court Administrator of Bucks County is hereby ORDERED to schedule an immediate hearing before this Court upon filing of a praecipe under this paragraph.
6. Nothing in this Order shall be deemed a waiver of any of the claims, defenses, arguments or assertions which may inure to any party hereto. This Order is intended to preserve the *status quo* and to permit the parties an opportunity to explore alternative means to resolve their disputes.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'W. H. Bateman, Jr.', written over a horizontal line.

Wallace H. Bateman, Jr., Judge

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CIVIL ACTION

ATC OUTDOOR DAS, INC.

NO. 2011-09455

v.

BOARD OF SUPERVISORS OF
NORTHAMPTON TOWNSHIP

and

MICHAEL T. SOLOMON
DIRECTOR OF CODE ENFORCEMENT

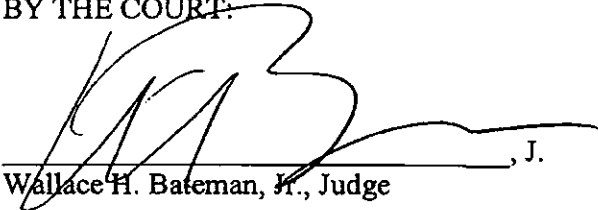
CONSENT ORDER
FOR STAY OF PROCEEDINGS

AND NOW, this 19th day of June, 2012, upon consideration of the Motion for Enforcement of Peremptory Judgment filed by ATC Outdoor DAS, Inc., ('ATC') and the Petition for Stay of Northampton Township, and after consultation by and between the parties concerning the appropriate disposition of the foregoing, it is hereby ORDERED and DIRECTED, as STIPULATED by the parties hereto, as follows:

1. All proceedings in the above captioned matters are hereby STAYED without prejudice, for a period commencing from the date of this Order and ending August 31, 2012 ("Stay Period").
2. CONTACT and its individual members, non-parties who have petitioned to intervene in this action, have agreed to continue the hearing scheduled on their Petition for Intervention during the Stay Period.
3. Representatives from ATC, Northampton Township and CONTACT shall meet, on or before June 25, 2012, at the Northampton Township Municipal Building, and shall commence settlement discussions with the stated objective of achieving a negotiated final resolution of all claims raised in this and all related matters. ATC, Northampton Township, CONTACT and its individual members shall proceed to negotiate in good faith..

4. ATC and Northampton Township shall cooperate to permit ATC to complete such field testing and other engineering work necessary to verify the functionality of any proposed infrastructure plans produced during their meeting(s) described in paragraph 4 of this Order.
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BY THE COURT:



_____, J.
Wallace H. Bateman, Jr., Judge

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connie simmons
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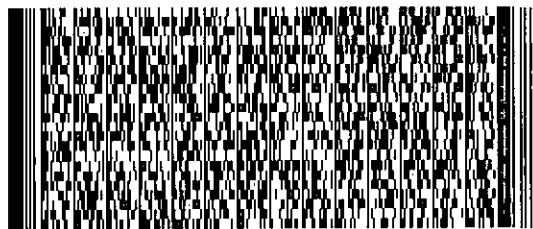
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