



CHARLES E. THOMAS, III  
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November 21, 2012

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: RE/MAX 440 / RE/MAX Central v. Broadview Networks  
Docket No. C-2012-2298489

Dear Secretary Chiavetta:

Enclosed for electronic filing on behalf of RE/MAX 440 / RE/MAX Central is their Motion for Continuance of Hearing in the above-referenced matter. Copies of the Motion have been served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By   
Charles E. Thomas, III

Encl.  
cc: Certificate of Service (w/encl.)  
Tom Skiffington (w/encl.) (via first class mail only)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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RE/MAX 440 / RE/MAX CENTRAL

v.

BROADVIEW NETWORKS

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Docket No. C-2012-2298489

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**MOTION FOR CONTINUANCE OF HEARING**

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NOW COMES RE/MAX 440 / RE/MAX Central ("RE/MAX"), pursuant to 52 Pa. Code §§ 1.15(b) and 5.103, and moves for the continuance of the Initial Telephonic Hearing scheduled for December 6, 2012 in the above-captioned matter. In support of its Motion, RE/MAX respectfully submits as follows:

1. This proceeding concerns a formal complaint filed by RE/MAX against Broadview Networks ("Broadview") concerning billing dispute related to telecommunication services provided by Broadview to RE/MAX.

2. By Notice dated October 25, 2012, an initial telephonic hearing was scheduled for December 6, 2012 before Administrative Law Judge David A. Salapa. A Prehearing Order was issued in accordance therewith on October 26, 2012.

3. By this Motion, RE/MAX respectfully requests that Judge Salapa and the Commission grant a continuance of the initial telephonic hearing scheduled in this matter for a period of not less than sixty (60) days. Moreover, RE/MAX also respectfully requests that the hearing, upon rescheduling, be converted to a telephonic prehearing conference.

4. The continuance is necessary due to ongoing discovery in the matter. Specifically, on November 16, 2012, RE/MAX served its Set I Interrogatories and Request for Production of Documents, Set I ("Set I Interrogatories"), on Broadview. Pursuant to the Commission's regulations, Broadview's answers to the Set I Interrogatories are not due until

December 10, 2012, which is after the presently scheduled hearing date. RE/MAX, moreover, will require a reasonable period of time following receipt and review of the responses to determine whether additional discovery is warranted. Accordingly, the continuance will afford RE/MAX sufficient time to conduct and complete its discovery so that it can identify and refine the issues it wishes to pursue through its Complaint and adequately prepare for the evidentiary hearing. The continuance will also provide the parties sufficient time to determine whether, based on the outcome of discovery, settlement discussions would be useful and, if so, to engage in good faith settlement negotiations.

5. RE/MAX has discussed the continuance requested in this Motion with Brian E. Coughlin, counsel for Broadview, who has authorized RE/MAX to represent that Broadview Network agrees with this request and course of action.

6. RE/MAX submits that no party will be prejudiced by the granting of this continuance. Moreover, temporarily suspending this matter will allow the parties and the Commission to preserve their limited time and resources.

WHEREFORE, RE/MAX 440 / RE/MAX Central prays that Administrative Law Judge David A. Salapa and the Pennsylvania Public Utility Commission grant this Motion and continue the December 6, 2012 hearing in this matter as set forth above.

Respectfully submitted,



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212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108-9500

*Attorney for Complainants  
RE/MAX 440 / RE/MAX Central*

DATED: November 21, 2012

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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RE/MAX 440 / RE/MAX CENTRAL

v.

BROADVIEW NETWORKS

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Docket No. C-2012-2298489

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 21st day of November, 2012, served a true and correct copy of the foregoing Motion for Continuance of Hearing, upon the persons listed below by first class mail, postage prepaid, and electronic mail:

Honorable David A. Salapa  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[dsalapa@pa.gov](mailto:dsalapa@pa.gov)

Brian E. Coughlin, Esq.  
Broadview Networks  
800 Westchester Avenue, Suite N-501  
Rye Brook, NY 10573  
[bcoughlin@broadviewnet.com](mailto:bcoughlin@broadviewnet.com)

  
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Charles E. Thomas, III