

BEFORE THE COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint General Rule Application of Cavalier : Docket No. A-2014-2440493  
Telephone Mid-Atlantic, LLC, Intellifiber : Docket No. A-2014-2440526  
Networks, Inc., LDMI Telecommunications, Inc., : Docket No. A-2014-2440527  
McLeodUSA Telecommunications Services, : Docket No. A-2014-2440528  
LLC, PAETEC Communications, Inc., Talk : Docket No. A-2014-2440529  
America, Inc., US LEC of Pennsylvania, LLC, : Docket No. A-2014-2440530  
Windstream Communications, Inc., Windstream : Docket No. A-2014-2440531  
D&E Systems, Inc., Windstream KDL, Inc., : Docket No. A-2014-2440532  
Windstream Norlight, Inc. and Windstream NTI, : Docket No. A-2014-2440533  
Inc. for approval of the transfer of telephone : Docket No. A-2014-2440534  
system assets of Transferors to Communications : Docket No. A-2014-2440535  
Sales and Leasing, Inc. : Docket No. A-2014-2440536

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NOTICE TO PLEAD

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To: Joint Applicants, through their attorneys:

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Thomas Niesen & Thomas LLC  
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Harrisburg, PA 17101

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Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objections of Communications Workers of America ("CWA") within **ten (10) days** from service of this Notice, the facts set forth by CWA in the Preliminary Objections may be deemed to be true, thereby requiring no further proof. All pleadings, such as an Answer to Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on counsel for CWA, and where applicable, the Administrative Law Judge presiding over the case.

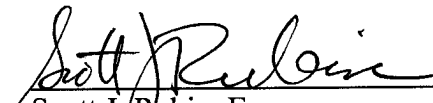
**File with:**

Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**With a copy to:**

Scott J. Rubin  
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Bloomsburg, PA 17815-2036  
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Dated: September 24, 2014

  
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Scott J. Rubin, Esq.

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PRELIMINARY OBJECTIONS  
OF  
COMMUNICATIONS WORKERS OF AMERICA

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Pursuant to 52 Pa. Code § 5.101, Communications Workers of America ("CWA") files these Preliminary Objections to the Joint Application filed by Cavalier Telephone Mid-Atlantic, LLC, Intellifiber Networks, Inc., LDMI Telecommunications, Inc., McLeodUSA Telecommunications Services, LLC, PAETEC Communications, Inc., Talk America, Inc., US LEC of Pennsylvania, LLC, Windstream Communications, Inc., Windstream D&E Systems, Inc., Windstream KDL, Inc., Windstream Norlight, Inc. and Windstream NTI, Inc. (collectively "Windstream Companies") on August 29, 2014.

1. Preliminary objections to the lack of sufficiency of a pleading are required to ensure that the pleading "is sufficiently clear to enable the defendant to prepare his defense ... [and to inform] the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know without question upon what grounds to make his defense." *Rambo v. Greene*, 2006 PA Super 231, ¶ 11, 906 A.2d 1232, 1236 (citations omitted).

2. Without more information about the proposed transaction (including but not limited to, the specific types of information listed below), it is not possible for CWA, any other person, or the Commission to understand the legal and factual implications of the proposed transaction or to determine whether the proposed transaction is "necessary or proper for the service, accommodation, convenience, or safety of the public," as required by law (66 Pa. C.S. § 1103(a)).

Objection 1: Insufficient Specificity -- Identity of Property Proposed to be Transferred

3. The Joint Application states that Windstream Companies propose to transfer to Communications Sales and Leasing Inc. ("CSL") "certain fixed assets of the Transferors, including copper, fiber, real estate and other network assets." Joint Application ¶ 5.

4. The Joint Application lacks sufficient specificity in that it fails to identify the property proposed to be transferred by Windstream Companies to CSL.

5. The Joint Application lacks sufficient specificity in that it fails to identify the location of the property proposed to be transferred by Windstream Companies to CSL.

6. The Joint Application lacks sufficient specificity in that it fails to identify the consideration Windstream Companies will receive from CSL for the transfer.

7. The Joint Application lacks sufficient specificity in that it does not provide a copy of any agreements that may exist concerning the terms and conditions associated with the proposed transfer.

Objection 2: Insufficient Specificity -- Terms and Conditions of Lease

8. The Joint Application states that Windstream Companies will execute a lease from CSL that will enable Windstream Companies to continue using the unspecified property for 35 years. Joint Application ¶ 5.

9. The Joint Application lacks sufficient specificity in that it fails to mention any of the other terms and conditions of the lease.

10. The Joint Application lacks sufficient specificity in that it fails to provide a copy of the lease.

WHEREFORE, Communications Workers of America objects to the lack of specificity of the Joint Application and respectfully requests the Commission to require Windstream Companies to amend the Joint Application as discussed above prior to the holding of any further proceedings in this matter.

Respectfully submitted,



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Dated: September 24, 2014