



THOMAS, NIESEN & THOMAS, LLC

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October 6, 2014

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor – Room N201
Harrisburg, PA 17120

Re: Docket Nos. A-2014-2440493; A-2014-2440526; A-2014-2440527; A-2014-2440528;
A-2014-2440529; A-2014-2440530; A-2014-2440531; A-2014-2440532; A-2014-
2440533; A-2014-2440534; A-2014-2440535 and A-2014-2440536
Joint General Rule Application of Cavalier Telephone Mid-Atlantic, LLC, *et al.*

Docket Nos. A-2014-2441823; A-2014-2441885 and A-2014-2441886
Joint General Rule Application of Cavalier Telephone Mid-Atlantic, LLC, *et al.*

Dear Secretary Chiavetta:

We are counsel to 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. in the above matter at A-2014-2440493, *et al.*, and to Cavalier Telephone Mid-Atlantic, LLC, Windstream Communications, Inc. and Windstream D&E Systems, Inc. in the above matter at A-2014-2441823, *et al.*, and are enclosing via electronic filing their Answer to the Motion to Consolidate of the Communications Workers of America. A copy of the Answer is being served in accordance with the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)
Cesar Caballero, Esq. (w/encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Joint General Rule Application of : **Docket No. A-2014-2441823**
Cavalier Telephone Mid-Atlantic, LLC, : **Docket No. A-2014-2441825**
Windstream Communications, Inc. and : **Docket No. A-2014-2441826**
Windstream D&E Systems, Inc., for :
approval of the transfer of their :
residential customer base to Talk America :
Services, LLC :

**ANSWER OF 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. IN
OPPOSITION TO THE MOTION TO CONSOLIDATE OF THE COMMUNICATIONS
WORKERS OF AMERICA**

AND NOW come 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. (the foregoing all of which are competitive local exchange carriers and/or competitive interexchange carriers are sometimes referred to herein, collectively, as the “Joint Applicants”), by their attorneys, and, pursuant to 52 Pa. Code § 5.103, answer the motion of the Communications Workers of America (“CWA”) to consolidate proceedings. In opposition to the motion, Joint Applicants submit as follows:

1. These matters are Joint General Rule Application proceedings pursuant to the Abbreviated Procedures for Review and Approval of Transfer of Control for Telecommunications Utilities, 52 Pa. Code § 63.321, *et seq.* (“Abbreviated Procedures”). In respect to the proceeding at Docket No. A-2014-2440493, *et al.*, Joint Applicants are twelve competitive local exchange carriers and/or competitive interexchange carriers seeking the approval of the Public Utility Commission (“Commission”) for an asset transfer under Commission rules that establish cost-effective review and approval periods in telecommunications application proceedings. In respect to the proceeding at Docket No. A-2014-2441823, *et al.*, Joint Applicants are three competitive local exchange carriers and/or competitive interexchange carriers seeking the approval of the Commission for a transfer of residential customers under Commission rules that establish cost-effective review and approval periods in telecommunications application proceedings.

2. Protestant Communications Workers of America (“CWA”) seeks to consolidate the two proceedings but lacks standing to do so. As a threshold matter, Joint Applicants submit that a Protestant to separate application proceedings involving differing Joint Applicants has no standing to pursue a consolidation of those proceedings. CWA cites no authority for its proposed

consolidation. Additionally and more significantly in regard to the matters at hand, however, is CWA's complete lack of any interest in them. CWA does not represent a single employee of any one of the Joint Applicants. CWA has no bargaining agreement with any of the Joint Applicants.¹

3. Contrary to the averment of CWA, the proposed transaction, in Pennsylvania and under Pennsylvania regulatory law, involves competitive local exchange carriers and/or competitive interexchange carriers and the application of Abbreviated Procedures approved by the Commission for telecommunications carriers. The Pennsylvania proceedings do not involve Windstream's Pennsylvania incumbent local exchange carriers.

4. The transaction, moreover, is not being presented piecemeal in Pennsylvania. The Windstream Pennsylvania ILECs are not transferring assets or customers as part of the proposed transaction and, contrary to CWA's expectations, no further Pennsylvania proceeding is forthcoming.


5. The Joint General Rule Applications involve differing Joint Applicants and, as requests for permission to transfer assets and customers, may involve differing issues of fact and law. CWA, in any event, has no standing to pursue its motion or otherwise involve itself in these proceedings.

WHEREFORE 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

¹ Coincident with the filing of this Answer to Motion to Consolidate, Joint Applicants in each proceeding are filing a preliminary objection to CWA's protest.

Norlight, Inc. and Windstream NTI, Inc. request that the Public Utility Commission deny the motion to consolidate of the Communications Workers of America.

Respectfully submitted,

By:  _____

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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.*

Dated: October 6, 2014

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint General Rule Application of	:	Docket No. A-2014-2440493
Cavalier Telephone Mid-Atlantic, LLC,	:	Docket No. A-2014-2440526
Intellifiber Networks, Inc., LDMI	:	Docket No. A-2014-2440527
Telecommunications, Inc., McLeodUSA	:	Docket No. A-2014-2440528
Telecommunications Services, LLC,	:	Docket No. A-2014-2440529
PAETEC Communications, Inc., Talk	:	Docket No. A-2014-2440530
America, Inc., US LEC of Pennsylvania,	:	Docket No. A-2014-2440531
LLC, Windstream Communications, Inc.,	:	Docket No. A-2014-2440532
Windstream D&E Systems, Inc.,	:	Docket No. A-2014-2440533
Windstream KDL, Inc., Windstream	:	Docket No. A-2014-2440534
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system assets of Transferors to	:	
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Windstream Communications, Inc. and	:	Docket No. A-2014-2441826
Windstream D&E Systems, Inc., for	:	
approval of the transfer of their	:	
residential customer base to Talk America	:	
Services, LLC	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of October, 2014, served a true and correct copy of the foregoing Answer to Motion to Consolidate upon the persons and in the manner set forth below:

Via Electronic and First Class Mail

Scott J. Rubin, Esquire
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