

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Application of Shentel Communications, LLC for approval to offer, render, furnish, or supply telecommunications service as a Competitive Local Exchange Carrier, Reseller Interexchange Carrier, and Competitive Access Provider to the Public in the Commonwealth of Pennsylvania in the service territories of Verizon Pennsylvania LLC, Verizon North LLC, and The United Telephone Company of Pennsylvania d/b/a CenturyLink

**Public Meeting held November 13, 2014
2437219-TUS
Docket No. A-2014-2437223
Docket No. A-2014-2437219
Docket No. A-2014-2437221
Docket No. A-2014-2437222
Docket No. A-2014-2437224**

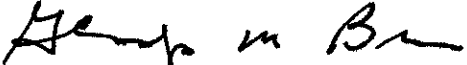
STATEMENT OF COMMISSIONER GLADYS M. BROWN

This applicant seeks Commission approval to provide, among other things, Competitive Access Provider (CAP) service in Pennsylvania. CAP is a point-to-point service that is often synonymous with wholesale telecommunications. Wholesale telecommunications service is telecommunications under Pennsylvania and federal law.¹

Federal law imposes the duty on the states to enforce federal law. U.S. Const. art. VI, cl. 2; *Burt v. Titlow*, 134 S. Ct. 10, 15, 187 L. Ed. 2d 348 (2013) ("State courts are adequate forums for the vindication of federal rights."); *Ill. Pub. Telcoms. Ass'n v. FCC*, 752 F.3d 1018, (D.C. Cir., June 13, 2014). Section 515 of the Public Utility Code, 15 Pa. C.S. § 515, also reflects this.

A Commission certificate is a vehicle to advance federal law. This decision to approve a request to grant a CAP certificate is consistent with the proposition that an applicant in similar circumstances can obtain a Commission certificate when doing so furthers or enforces federal law or policy. This is an important consideration, particularly in circumstance when having a Commission certificate provides access to Commission processes for disputes with other certificated public utilities or entities also operating in Pennsylvania.

November 13, 2014
Date



Gladys M. Brown, Commissioner

¹ *In re: DQE Communications Network Services, LLC*, FCC File No. EB-05-MD-027 (February 2, 2007).