

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Commonwealth	:	
Telephone Company, CTSI, LLC, and CTE	:	A-310800F0010
Telecom, LLC d/b/a Commonwealth Long	:	A-311095F0005
Distance Company for All Approvals	:	A-311225F0003
Under the Public Utility Code for the	:	
Acquisition By Citizens Communications	:	
Company of All of the Stock of the	:	
Joint Applicants' Corporate Parent,	:	
Commonwealth Telephone Enterprises, Inc.	:	

**DOCUMENT
FOLDER**

**ORDER ALLOWING THE WITHDRAWAL OF THE PETITION TO
INTERVENE AND PROTEST OF THE BROADBAND CABLE ASSOCIATION
OF PENNSYLVANIA**

On September 29, 2006, Commonwealth Telephone Company, CTSI, LLC, and CTE Telecom, LLC d/b/a Commonwealth Long Distance (Commonwealth, CTCo, or Joint Applicants) filed an Application for approvals necessary under the Public Utility Code for the Joint Applicants' parent company, Commonwealth Telephone Enterprises, Inc., to be acquired by Citizens Communications Company (Application). The Application was published in the *Pennsylvania Bulletin* October 14, 2006, 36 Pa. B. 6355, with a protest due date of October 30, 2006.

On October 30, 2006, a Protest and Petition to Intervene was filed by each of the following: RCN Corporation and RCN Telecom Services, Inc. (RCN); Sprint Communications Company L.P. (Sprint); Blue Ridge Digital Phone Company (Blue Ridge); and, Broadband Cable Association of Pennsylvania (BCAP). A Protest and Preliminary Objections were filed by the Communications Workers of America (CWA), but the Preliminary Objections were withdrawn by letter dated November 13, 2006. A Protest and Public Statement was filed by both the Office of Small Business Advocate

(OSBA) and the Office of Consumer Advocate (OCA), and a Notice of Appearance was filed on behalf of the Office of Trial Staff (OTS). Citizens Communications Company (Citizens) filed a *Petition to Intervene*.

On November 9, 2006, Joint Applicants filed an Answer to the Preliminary Objections of CWA.

On November 8, 2006, a Notice of Prehearing Conference was issued which set the prehearing conference for November 29, 2006 in Harrisburg.

On November 10, 2006, Joint Applicants filed Preliminary Objections to Dismiss Portions of the Protest and to Limit Participation of the CWA, and joined by Citizens, a separate set of Preliminary Objections to dismiss Protests and Petitions to Intervene of Blue Ridge, Sprint, BCAP and RCN.

On November 13, 2006, I issued a prehearing order which set forth some of the procedural requirements of a hearing before the Commission and required the parties to submit a prehearing memoranda in accordance with the regulations.

On November 20, 2006, CWA, Blue Ridge, Sprint, BCAP and RCN filed Answers to the Joint Applicants' Preliminary Objections.

On November 20, 2006, the Joint Applicants filed letters indicating that they did not oppose the participation of the OCA, OSBA and OTS.

All parties of record filed Prehearing Memos and the following were represented at the prehearing conference: for Joint Applicants, Norman J. Kennard, Esq.; for OSBA, Steven Gray, Esq., and Lauren Lepkoski, Esq.; for OCA, Shaun Sparks, Esq. and Joel Cheskis, Esq.; for OTS, Robert V. Eckenrod, Esq.; for Citizens, Lillian S. Harris, Esq.; for BCAP and Blue Ridge, Pamela Polacek, Esq.; for CWA, Scott J. Rubin,

Esq.; for Sprint, Jennifer Duane, Esq., and for RCN, John F. Povilaitis, Esq., and Matthew A. Totino, Esq.

On November 30, 2006, an Order was issued which set a litigation schedule for the parties to follow, and disposed of uncontested motions. The second Order, issued December 14, 2006, disposed of the Preliminary Objections of the Joint Applicants to Limit Participation of the Communications Workers of America. A third Order, also issued December 14, 2006, denied the Preliminary Objections of the Joint Applicants and Citizens to Dismiss Protests and Petitions to Intervene of Blue Ridge Digital Phone Company, Sprint Communications Company LP and RCN Telecom Services, Inc. An Initial Decision, issued December 14, 2006, granted the Preliminary Objections of the Joint Applicants to the Protests and Petitions to Intervene filed by the Broadband Cable Association of Pennsylvania (BCAP) and the RCN Corporation.

On January 3, 2007, BCAP filed Exceptions to the Initial Decision denying the interventions of BCAP and RCN Corporation. On January 4, 2007, the Initial Decision was served again, since the public advocates were not served when it was originally served on December 14, 2006.

A Protective Order was issued upon request of the parties on January 5, 2007.

On January 9, 2007, Sprint filed a Motion for Leave to Withdraw its Petition to Intervene and Notice of Withdrawal of its Protest. On January 12, 2007, Blue Ridge filed a Petition for Leave to Withdraw its Petition to Intervene and Notice of Withdrawal of its Protest. On January 27, 2007, RCN Telecom filed a Petition for Leave to Withdraw its Petition to Intervene and Notice of Withdrawal of its Protest. Each request for leave to withdraw indicates that the objections have been satisfied. By conference call with the remaining parties on January 27, 2007, and in person for OTS, the remaining parties indicated that they had no objection to the withdrawal of the three parties. Accordingly, the withdrawals were granted by Order issued January 26, 2007.

On January 19, 2007, the parties filed a Joint Petition for Approval of Unanimous Settlement Agreement. In addition, Joint Applicants and Citizens filed a Motion to Admit Evidence necessary to support the Settlement Agreement, which was granted by the January 26, 2007 Order.

At the February 8, 2007, Public Meeting, the Commission granted the exceptions of BCAP to the Initial Decision of December 14, 2006, which denied BCAP standing to intervene and protest. The Commission Order remanded the matter to OALJ for further proceedings as necessary.

On February 9, 2007, BCAP filed its Petition for Leave to Withdraw Intervention and Notice of Withdrawal of Protest. By letter dated February 12, 2007, Joint Applicants stated that they had the authority of the other parties to represent that no party objected to the Petition. Accordingly, it shall be granted.

THEREFORE,

IT IS ORDERED:

1. That the Motion for Leave to Withdraw Petition to Intervene and Notice of Withdrawal of Protest filed by the Broadband Cable Association of Pennsylvania is granted.

Dated: February 12, 2007


Susan D. Colwell
Administrative Law Judge

A-310800F0010, A-311095F0005, A-311225F0003 JOINT APPLICATION OF COMMONWEALTH
TELEPHONE COMPANY, CTSI, LLC AND CTE TELECOM, LLC D/B/A COMMONWEALTH LONG
DISTANCE COMPANY FOR ALL APPROVALS UNDER THE PUBLIC UTILITY CODE FOR THE
ACQUISITION BY CITIZENS COMMUNICATIONS COMPANY OF ALL OF THE STOCK OF THE JOINT
APPLICANTS' CORPORATE PARENT, COMMONWEALTH TELEPHONE ENTERPRISES, INC.

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