

**PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

**Core Communications Inc.
vs.
Verizon PA LLC and Verizon
North LLC**

**Public Meeting-May 7, 2015
2253750-OSA
Docket Nos. C-2011-2253750 and
C-2011-2253787**

**JOINT MOTION OF COMMISSIONERS
PAMELA A. WITMER AND GLADYS M. BROWN**

Before us today for consideration are the Exceptions and Reply Exceptions of the parties to the Administrative Law Judge's (ALJ) Recommended Decision (R.D.) in the above referenced dockets. The ALJ's Recommended Decision and the on the record proceeding address issues raised in a complaint filed by Core Communications, Inc. (Core) and counter claims submitted by Verizon Pennsylvania LLC and Verizon North LLC (collectively, Verizon Companies). Hearings concluded in the proceeding in December 2012 and post hearing exhibits and briefs were filed accordingly.

The ALJ determined that the intercarrier compensation issues in this case are governed by the Public Utility Code at Title 66, the existing interconnection agreements between the parties, and federal law including orders issued by the Federal Communications Commission (FCC). Based on the evidentiary record in this proceeding, including key decisions from the FCC, the ALJ issued a Recommended Decision on June 6, 2013, finding that the Verizon Companies should promptly pay uncontested bills issued by Core in accordance with applicable interconnection agreements and applicable tariffs and must also comply with the terms of those agreements and tariffs.¹ The ALJ also ruled that Core must immediately cease billing the Verizon Companies for traffic originated by other carriers and must provide a \$1,000,000 credit to the Verizon Companies but denied Core's additional claim to bill the Verizon Companies for approximately \$2.5 million in intrastate and interstate switched access minutes.² Further, the ALJ ruled that certain claims alleged by both parties be denied.³

It is evident from the ALJ's ruling that this is a highly complex intercarrier compensation case in which the parties have alleged numerous claims resulting in significant amounts of intercarrier compensation owed or credited. However, the record evidence in this case to support the ALJ's ruling may be affected by a declaratory ruling released on February 11, 2015 by the FCC in which it clarified its Voice Over Internet Protocol (VoIP) Symmetry Rule.⁴ Core

¹ *Core Communications Inc. v. Verizon Pennsylvania Inc. and Verizon North, LLC*, Docket Nos. C-2011-2253750 and C-2011-2253787, R.D. issued June 6, 2013, Ordering Paragraph Nos. 4 and 5 at 61.

² *Id.* at Ordering Paragraph Nos. 6 and 9 at 61.

³ *Id.* at Ordering Paragraph Nos. 8 through 15 at 61 and 62.

⁴ *In the Matter of Connect America Fund Developing a Unified Intercarrier Compensation Regime*, WC Docket No. 10-90 and CC Docket No. 01-92 (Order released February 11, 2015).

informed the Commission of the FCC's declaratory ruling on February 24, 2015, arguing that the FCC's decision supports Core's argument relative to the unpaid switched access bills it rendered and continues to render to Verizon. The Verizon Companies filed a response on February 26, 2015, countering that the FCC's ruling does not alter the outcome of the case. Similarly, the Verizon Companies had informed the Commission of a June 2014 federal ruling⁵ indicating that the parties' currently filed exceptions and replies are impacted.⁶ Core responded to the Verizon Companies' submission on June 25, 2014.

As explained above, since the issuance of the R.D., rulings have been issued on the federal level that may impact the initial findings in the proceeding. It is clear from our review of the record and subsequent filings that the issues involved in this case are governed by the existing interconnection agreements as well as state and federal law. We also believe that it is not clear from the record as developed thus far whether either party has met its burden of proof with regard to the amount of traffic for the claimed backbilling as well as the appropriate compensation.

Because of the changed circumstances, we believe that a limited remand of this proceeding is needed so that the February 11, 2015 ruling from the FCC, at a minimum, can be reviewed to determine its impact on the intercarrier compensation issues in this case and subsequently addressed in an R.D. Once the Office of Administrative Law Judge concludes the limited remand in this case, the Commission will consider all of the outstanding issues pending in this proceeding as ripe for disposition. In the event that the parties wish to expand the scope of this limited remand, an appropriate request must be made to the Office of Administrative Law Judge in an expedited manner.

At the same time, we remind the parties that the provisions for dispute resolution in the existing interconnection agreements can be utilized for good faith negotiations. Thus, the June 6, 2013 Recommended Decision and the staff recommendation before us are held in abeyance until the Commission can consider the subsequent record evidence, pleadings and Recommended Decision in this limited remand.

THEREFORE, WE MOVE THAT:

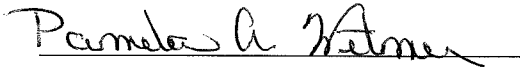
1. The June 6, 2013 Recommended Decision and Office of Special Assistants staff recommendation are held in abeyance during the limited remand proceeding at this docket.
2. This proceeding be remanded to the Office of Administrative Law Judge for further deliberation on the Federal Communications Commission's February 11, 2015 Declaratory Ruling in *In the Matter of Connect America Fund Developing a Unified Intercarrier Compensation Regime*, WC Docket No. 10-90 and CC Docket No. 01-92.
3. The Office of Administrative Law Judge hold evidentiary hearings, if necessary, on this matter on an expedited basis.

⁵ *CoreTel Virginia, LLC v. Verizon Virginia LLC et al.*, 2014 U.S. App LEXIS 8902 (4th Cir. May 13, 2014).

⁶ *Core Communications Inc. v. Verizon Pennsylvania Inc. and Verizon North, LLC*, Docket Nos. C-2011-2253750 and C-2011-2253787, June 16, 2014 Verizon Letter to Secretary Chiavetta.

4. The Office of Administrative Law Judge issue a Recommended Decision addressing the issues included in this limited remand.

5. The Office of Special Assistants prepare an Order consistent with this Motion.



PAMELA A. WITMER
COMMISSIONER



GLADYS M. BROWN
COMMISSIONER

DATED: May 7, 2015