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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Carriers Coalition

v.

Verizon Pennsylvania Inc.

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C-20065798

ORDER CONCERNING MOTION

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On January 19, 2006, Pennsylvania Carriers Coalition (complainant or PCC) filed a formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Verizon Pennsylvania Inc. (respondent or Verizon) concerning the imposition of certain charges. On February 13, 2006, respondent Verizon filed an Answer which denied the material averments of the Complaint, and which contained as New Matter various affirmative defenses. On that same day, respondent Verizon filed a separate Motion to Dismiss (Motion). An Answer to the Motion was filed by complainant PCC on February 23, 2006. By Notice dated March 1, 2006, the proceeding was assigned to me.

Upon review of the pleadings, it is clear to me that although the Motion was filed pursuant to 52 Pa. Code §5.101 (preliminary motions), it more correctly should be characterized as a motion for summary judgment or judgment on the pleadings pursuant to 52 Pa. Code §5.102 (motions for summary judgment and judgment on the pleadings). I will consider it as a motion for judgment on the pleadings, unless any party objects and that objection is sustained. If there is an objection, it should be filed and received by me and the other party no later than April 7, 2006. Any response should be filed and received by me and the other party no later than April 11, 2006.

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OCT 19 2006

BTL

Date: April 3, 2006

Marlane R. Chestnut
Marlane R. Chestnut
Administrative Law Judge