

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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COMMONWEALTH TELEPHONE COMPANY	)	
LLC d/b/a FRONTIER COMMUNICATIONS	)	
COMMONWEALTH TELEPHONE COMPANY and	)	
CTSI, LLC d/b/a FRONTIER COMMUNICATIONS	)	
CTSI COMPANY,	)	
Complainants,	)	
v.	)	
UGI UTILITIES, INC. – ELECTRIC DIVISION,	)	
Respondent.	)	

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EB Docket No. 14-217  
File No. EB-14-MD-007

**RESPONSE TO MOTIONS**

Plaintiffs Commonwealth Telephone Company LLC d/b/a Frontier Communications Commonwealth Telephone Company (“Commonwealth”) and CTSI, LLC d/b/a Frontier Communications CTSI Company (“CTSI”), by their attorneys, hereby respond to the Motion to Establish Case Schedule filed by Defendant UGI Utilities, Inc. – Electric Division (“UGI”) on November 24, 2014, and the accompanying Motion for Leave to File (“Motions”).

Commonwealth and CTSI have no objection if the Bureau chooses to issue an order indicating that it anticipates that it or the Commission will issue a decision by early March 2015. But there is no need for the Bureau to divert resources to issue an order stating that it plans to issue a future order deciding this case by early March 2015. Instead, the Bureau (or Commission) simply should issue an order deciding this case by early March 2015, consistent with the November 7, 2014 order of the Pennsylvania court staying the related breach of contract case for 120 days.<sup>1</sup>

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<sup>1</sup> See Letter from David H. Solomon, Counsel for Commonwealth and CTSI, to Marlene H. Dortch, Secretary, Federal Communications Commission (Nov. 20, 2014).

The underlying dispute between the parties is whether UGI's rates are lawful under federal pole attachments law. The Commission has the clear jurisdiction and expertise to decide that issue. Its decision will resolve (or effectively resolve) the underlying dispute; a state court decision on the contract action will not. Faced with a state court order deferring the breach of contract action, the Bureau should not divert resources to consider UGI's Motions, including its proposal that the Commission now defer action on the pole attachment complaint pending action by the state court. Such action would only facilitate UGI's desire to delay a Commission decision on the lawfulness of its rates. The public interest would best be served by a prompt answer, one way or another, to the question of whether UGI's rates are lawful. Only the Commission can answer that question, and it should do so by March 6, 2015.

Respectfully submitted,

COMMONWEALTH TELEPHONE COMPANY  
LLC d/b/a FRONTIER COMMUNICATIONS  
COMMONWEALTH TELEPHONE COMPANY  
and CTSI, LLC d/b/a FRONTIER  
COMMUNICATIONS CTSI COMPANY

By: /s/ David H. Solomon

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November 25, 2014

## CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2014, I caused a copy of the foregoing Response to Motions to be served on the following (service method indicated):

Rosemary Chiavetta, Secretary  
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/s/ Blake A. Zanardi  
Blake A. Zanardi