

**Before the  
Federal Communications Commission  
Washington, D.C. 20544**

In the Matter of	)	
	)	
Petition of the Pennsylvania Public Utility	)	
Commission for Declaratory Order On	)	
Whether State Public Utility Commissions	)	WC Docket No. 14-70
Are Entitled to Adjudicate Intercarrier	)	
Compensation Disputes Involving the	)	
Exchange of Local Dial-Up Internet Traffic	)	
Between Carriers with Indirect	)	
Interconnection	)	

**REQUEST OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
TO WITHDRAW PETITION FOR DECLARATORY ORDER  
AND CLOSE PROCEEDING**

Petitioner Pennsylvania Public Utility Commission (PA PUC) requests leave to withdraw the above-captioned Petition and requests that the Commission close the proceeding. The PA PUC provides the following in support:

1. On April 29, 2014, the PA PUC filed the above-captioned Petition to resolve a controversy regarding whether a state may adjudicate an intercarrier compensation dispute when it arises between competitive local exchange carriers outside Sections 251 and 252 of the Telecommunications Act of 1996, 47 U.S.C. §§ 251 and 252, when it involves the exchange of local dial-up Internet traffic, and when a resulting state commission order properly enforces the *ISP Remand Order* and is otherwise consistent with FCC rules.

2. The comment cycle on the above-captioned proceeding closed on July 30, 2014. The Commission has not issued an Order in response to the Petition.

3. On November 25, 2015, the United States Court of Appeals for the Third Circuit issued its decision in *AT&T Corp. v. Core Communications, Inc.*, 2015 U.S. App. Lexis 20499, \*32 (3<sup>rd</sup> Cir. Pa. Nov. 25, 2015). A copy of the decision is attached.

4. The Third Circuit decision addressed and resolved the controversy discussed in the Petition, thereby rendering the instant Petition moot.

5. In light of the foregoing, the PA PUC respectfully requests that the Commission grant the PA PUC request to withdraw the Petition and close the above-captioned proceeding.

Respectfully submitted,

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