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May 3, 2010

Via Hand Delivery

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VA PUBLIC SERVICE
COMMISSION
SECRETARY'S OFFICE

RECEIVED

Sandra S. Squire
Executive Secretary
Public Service Commission
201 Brooks Street
Charleston, West Virginia 25323

Re: Case No. 09-0871-T-PC

Dear Ms. Squire:

The "Petition for Further Hearing" filed by the Communications Workers of America, AFL-CIO ("CWA") on April 30, 2010 is a thinly veiled effort to generate delay that will harm the interests of consumers in West Virginia and should be denied.

CWA's latest filing reflects its recognition that the primary basis on which CWA has challenged the proposed Frontier/Verizon transaction – Frontier's financial strength and its ability to secure financing – are without merit. The CWA's latest Petition, asking the Commission to undertake further hearings based on the Federal Communications Commission (FCC)'s National Broadband Plan ("NBP") released six weeks ago, must be seen for what it is: a baseless attempt to generate delay for delay's sake.

The NBP is a staff report that outlines the FCC's aspirational goals for broadband in America by the year 2020. The NBP adopts no rules and imposes no requirements. Furthermore, the Connect America Fund that the CWA cites as the mechanism for assisting in accomplishing the FCC's broadband deployment goals in unserved and high cost areas of the United States does not even exist today. The FCC has only recently started the process to investigate what if any changes in rules and regulations should be adopted to implement the NBP and this process is expected to be ongoing for several years. As result, the suggestion by CWA that the current transaction fails to comply with some requirement in the NBP is baseless. Of course, the Verizon-Frontier transaction also is currently under review by the FCC, and the FCC's long-term policy goals reflected in the NBP can be addressed by it directly.

In addition, the record here demonstrates that the current transaction will directly advance the goals of the NBP and of West Virginia promoting more widespread

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broadband deployment and the significant consumer benefits that broadband delivers. This Commission already has a complete record before it upon which to base the findings required by West Virginia Code §. 24-2-12, including an extensive record on broadband deployment. The CWA's petition acknowledges that Frontier has committed to spend \$48 million on broadband deployment and to make broadband services available to 85% of the households in the Verizon West Virginia service territory. And the record is clear that this additional deployment will not occur in the absence of this transaction. Frontier is ready to start making these broadband services available to the citizens of West Virginia, and delay will only harm the interests of consumers in this state. Moreover, now that Frontier has financing in place, delay will impose additional financing costs, which only serves to increase the cost of the transaction and reduce the funds that are available for other uses such as broadband investment. In short, the Commission should not allow the CWA's petition to delay a transaction that will bring real benefits to West Virginians through increased investment and broadband.

In sum, the CWA's Petition does not supply this Commission with sufficient grounds to take further evidence. The Joint Applicants therefore respectfully urge the Commission to issue an Order approving this transaction as soon as possible.

Thank you for your attention to this matter.

Very truly yours,



Joseph J. Starsick
(State Bar I.D. #3576)

JJSjr/sc

cc: Counsel of Record