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March 8, 2010

Jay Agranoff, Attorney Examiner
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, Ohio 43215-3793

Re: AT&T
Case No. 08-690-TP-CSS

Dear Examiner Agranoff:

I am writing to respond to GNAPs Ohio's March 1, 2010 letter brief. While the entirety of GNAPs Ohio's latest letter is erroneous, I will attempt to avoid duplicating GNAPs Ohio's practice of providing unauthorized, extended argument on previously-briefed issues, and instead respectfully offer the following:

1. GNAPs Ohio admits that its purpose in citing the now-rejected ALJ decision in the *Palmerton Telephone Co. v. GNAPs South* proceeding before the Pennsylvania PUC, and in filing as "supplemental authority" the Hearing Examiner's Proposed Decision in the *Armstrong Telephone Company v. Global NAPs Maryland* proceeding before the Maryland PSC, is not to provide the PUCO with any new *legal* authority but is instead to seek to incorporate into the factual record in this case (which record has been closed since last August) certain of the recommended *factual* findings from those two non-final and non-binding ALJ decisions involving other parties in other proceedings in other states. That is highly improper under the PUCO's own evidentiary rules.

2. The Pennsylvania PUC Chairman's February 11, 2010 Motion in the *Palmerton* proceeding does not "accept(s) the validity" of the ALJ's recommended factual findings in that case regarding the alleged "VoIP" nature of the traffic that GNAPs South delivered to Palmerton in Pennsylvania. Instead, the Chairman's Motion concludes that the alleged "VoIP" nature of that traffic is irrelevant to the intercarrier compensation issue arising under *Palmerton's* tariffs because GNAPs South (like GNAPs Ohio and its affiliates here) did not provide any information services to anyone; it provided *telecommunications* to purported providers of enhanced services. Moreover, the Pennsylvania PUC Chairman's February 11, 2010 Motion does not and cannot address the nature of the traffic that GNAPs Ohio delivered to AT&T Ohio, or more importantly, the nature of the *telecommunications service* that AT&T Ohio provided to GNAPs Ohio under the parties' interconnection agreement in connection with GNAPs Ohio's provision of *telecommunications* to the customers of GNAPs Ohio's affiliates.

3. For the reasons we have explained in our prior submissions and will not repeat in full here, neither the D.C. District Court's recent decision in the *Paetec v. CommPartners* case, nor Section 3.6 of Appendix Reciprocal Compensation to the parties' interconnection agreement here, support GNAPs Ohio's position in this case. Putting aside momentarily the facts that the D.C. Circuit's decision in *Paetec* (a) did not involve the interpretation of an interconnection agreement and (b) prematurely classified certain *IP-originated* voice services to end-users as information services even though the FCC has affirmatively refused to classify such services as information services under federal law, GNAPs Ohio provided no competent evidence in this case that any of the traffic it delivered to AT&T Ohio *originated in an IP format*. But most importantly, it is beyond dispute that GNAPs Ohio (and its affiliates) do not provide *any information services to anyone* – they provide *telecommunications services* to purported ESPs. Accordingly, the "information service" exemption set forth in Section 3.6 of Appendix Reciprocal Compensation does not apply.

Thank you for your courtesy and assistance in this matter. Please contact me if you have any questions.

Very truly yours,

/s/ Mary Ryan Fenlon

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following, by electronic service and first class mail, postage prepaid, on March 8, 2010:

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Summary: Correspondence letter in response to GNAPs' letter dated March 1, 2010. electronically filed by Ms. Mary K. Fenlon on behalf of AT&T Ohio