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October 21, 2015


Rosemary Chiavetta, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg PA 17105-3265

Re: Petition of Communications Workers of America
for a Public, On-the-Record Commission
Investigation of the Safety, Adequacy, and
Reasonableness of Service Provided by Verizon
Pennsylvania LLC
Docket No. P-2015-_____

Dear Secretary Chiavetta:

Enclosed for filing please find the Petition of Communications Workers of America requesting the Commission to open an Investigation of the safety, adequacy, and reasonableness of service provided by Verizon Pennsylvania LLC. The document was served on Verizon Pennsylvania LLC and the statutory parties as shown on the attached Certificate of Service.

The document was filed electronically with the Commission on this date.

Sincerely,


Enclosure

cc: Per certificate of service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Communications Workers of :
America for a Public, On-the-Record :
Commission Investigation of the Safety, : Docket No. P-2015-_____
Adequacy, and Reasonableness of Service :
Provided by Verizon Pennsylvania LLC :

PETITION OF COMMUNICATIONS WORKERS OF AMERICA

Pursuant to 52 Pa. Code § 5.41, the Communications Workers of America ("CWA") hereby petitions the Pennsylvania Public Utility Commission ("Commission") to initiate a public, on-the-record investigation into the safety, adequacy, and reasonableness of the facilities and service of Verizon Pennsylvania LLC ("VZPA"). The reasons for this Petition and the suggested scope of the investigation are as follows:

Part I. Introduction

1. CWA is the authorized bargaining unit for approximately 4,700 employees of VZPA and is also a customer of VZPA at two offices in Pennsylvania: 230 S. Broad Street, Philadelphia, PA, and 1370 Washington Pike, Suite 407, Bridgeville, PA.
2. CWA members include VZPA employees who are directly responsible for operating and maintaining the physical facilities (such as poles, wires, cables, and conduits) that are used to provide telecommunications service to the public.
3. CWA will be represented in this case by, and all documents should be served upon, its attorney:

Scott J. Rubin
333 Oak Lane
Bloomsburg, PA 17815-2036
Voice: 570-387-1893
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Email: scott.j.rubin@gmail.com

4. Pursuant to 52 Pa. Code § 1.54(b)(3), the undersigned counsel consents to the electronic service of all documents at the e-mail address shown above.

5. VZPA is the incumbent local exchange carrier in the former Bell Atlantic region that provides service throughout the majority of Pennsylvania.

6. On information and belief, CWA states that VZPA's Utility Code is 310200 and its address for service of Commission documents is 1717 Arch St., 3rd Floor, Philadelphia, PA 19103.

7. As part of its on-going obligation to its members, CWA conducted an investigation of the conditions at VZPA under which its members work. The investigation focused on the condition of outside plant (readily observable from public streets and sidewalks) in the areas of Pennsylvania where VZPA has not deployed its fiber-to-the-home facilities known as FiOS.

8. CWA expected its investigation to show deferred maintenance or other indications that VZPA should be increasing its budget (and frontline workforce) for non-FiOS repair and maintenance. What CWA found, however, as detailed below, were numerous instances throughout the Commonwealth of physical plant in an appalling state of disrepair that pose a safety hazard to utility employees and the public.

9. As set forth more fully below, CWA is asking that the Commission conduct an in-depth in-person examination and audit of VZPA records and physical plant throughout VZPA's service area, with a particular emphasis on areas where VZPA has

not deployed FiOS; adopt detailed findings of fact; order VZPA to take specific, detailed remedial actions; and impose substantial civil penalties on VZPA for its repeated and willful failure to comply with the Public Utility Code, Commission regulations, and standard industry practices for protecting the safety of the public and utility employees.

Part II. Legal Authority

10. CWA is petitioning the Commission to exercise the Commission's authority pursuant to the Public Utility Code to conduct a public, on-the-record investigation into whether VZPA is meeting its statutory obligation to provide "adequate, efficient, safe, and reasonable service and facilities" and to "make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public." 66 Pa. C.S. § 1501.

11. In addition to Section 1501, CWA is asking the Commission to invoke its authority pursuant to the following sections of the Public Utility Code:

- A. Section 331(a) authorizes the Commission to "investigate and examine the condition and management of any public utility."
- B. Section 501 gives the Commission "full power and authority ... to enforce, execute and carry out ... the provisions of this part."
- C. Section 506 empowers the Commission "to enter upon the premises, buildings, machinery, system, plant, and equipment, and make any inspection, valuation, physical examination, inquiry, or investigation of any and all plant and equipment, facilities, property, and pertinent records, books, papers, accounts, maps,

inventories, appraisals, valuations, memoranda, documents, or effects whatsoever, of any public utility ... and to hold any hearing for such purposes."

D. Section 1505(a) authorizes the Commission, after notice and hearing, to "prescribe ... the reasonable, safe, adequate, sufficient, service or facilities to be observed, furnished, enforced, or employed, including all such repairs, changes, alterations, extensions, substitutions, or improvements in facilities as shall be reasonably necessary and proper for the safety, accommodation, and convenience of the public."

E. Section 3301 permits the Commission to impose civil penalties of up to \$1,000 per day for each violation of the Public Utility Code, a Commission order or regulation, with "each and every day's continuance in the violation" being a "separate and distinct offense."

Part III. VZPA is Jeopardizing the Safety of its Employees and the Public by Failing to Maintain Safe Facilities

12. For many years, VZPA has intentionally failed to maintain its physical plant in non-FiOS areas of the Commonwealth. The state of deterioration is now so advanced that poles are literally falling over, cables are sagging to the ground, animals and insects are infesting broken wiring cabinets, and the safety of VZPA's employees and the public is being jeopardized every day.

13. As explained more fully in Part VI below, CWA's members are subject to a Verizon "Code of Conduct" that may be read to impose restrictions on an employee's ability to share information about VZPA with those outside the company. Violations of the "Code of Conduct" can subject an employee to disciplinary action, including the loss of employment. In order to avoid the possibility of violations of the "Code of Conduct",

CWA cannot provide in this Petition many of the details it would like to share with the Commission concerning VZPA's neglect of its non-FiOS plant.

14. CWA, in the course of representing our members, has learned of VZPA policies and practices that systematically neglect copper facilities and customers on the copper networks. CWA has documented some of the most blatant effects of these policies and practices through photographs of VZPA facilities in plain sight from public areas throughout VZPA's non-FiOS service area. A few of the photographs received by CWA are provided and discussed in this Part of the Petition.

15. We focus below on four areas in which VZPA is failing to provide safe facilities by refusing to 1) replace damaged, bent, and broken poles; 2) repair or replace damaged cross-connect boxes and remote terminals; 3) repair or replace damaged cable; and 4) properly control falling trees and vegetation near its facilities. The following pages contain a few examples of VZPA's gross neglect of its physical plant in non-FiOS areas.

16. When a new pole is installed, VZPA fails to move its facilities to the new pole, resulting in what is known as a double pole. CWA does not know the full extent of the double pole problem in Pennsylvania, but it expects the number of double poles to be in the thousands because at least some VZPA managers claim that there is little money in the budget to move facilities to the new poles.



A. **Dangerous Double Poles.** The picture at left from Chester County shows two sets of double poles (one in the foreground and one in the background). The old pole in the foreground is clearly marked with an "X" indicating it is to be removed. This pole is so bent that it is tied to the new pole at the top to keep it from falling over (see blow-up below of area outlined in yellow). It appears that VZPA's facilities are the only ones still attached to the old poles.





B. Double poles are not only unsightly, they also pose a hazard to line workers who must climb poles to work on the lines and other equipment. Having two poles in such close proximity reduces worker maneuverability (which can be essential when an animal or insect infestation or other hazard requires the worker to move quickly to avoid harm).

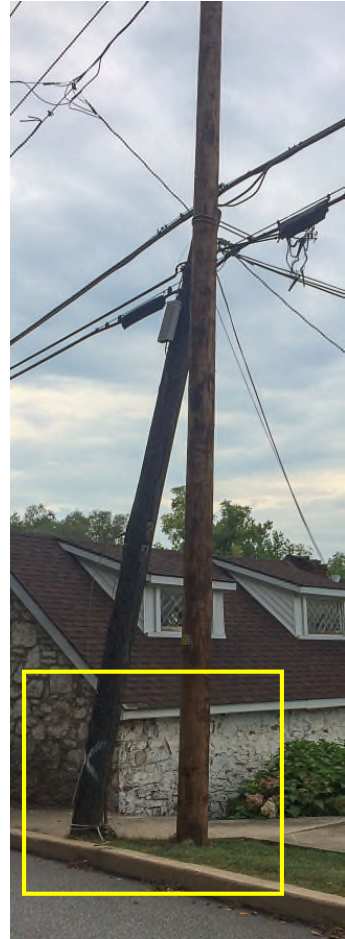
C. Unfortunately, when a double pole is left in place, it continues to deteriorate, resulting in old poles that are bent, broken, and even sheared off at the base, as shown in the accompanying pictures. The picture at left from Berks County shows an old double pole that has sheared off at the bottom and is suspended over a sidewalk -- apparently hanging from a couple of cables. The scraps of wood that litter the base of the pole (yellow arrows) look like old, decayed wooden supports that had been pounded into the ground to try to shore up the old pole. Verizon's facilities are still attached to this pole. Verizon fails to remove its facilities even from poles that are in a deplorable state of repair and represent an immediate safety hazard to the public and utility workers.



D. In the picture below left, an old double pole in Cumberland County has broken. The blow up shows that the base of the pole is being held together by a wooden post. The top of the old pole apparently is kept upright by a single brace to the newer pole (yellow arrow).



E. Old double poles can become so bent that they require supports to try to keep them upright. The picture at right from Berks County shows a seriously bent old double pole. A blow-up of the base of the pole (below) shows a metal bar has been sunk into the ground and tied to the old pole to try to keep it from falling over. Once again, VZPA's facilities are the only ones still attached to the old pole. The blow-up also shows grass growing right up to the base of the newer pole, indicating that the newer pole has been in place for quite some time.





F. **Dangling Pieces of Old Poles.** There are times, of course, when there simply is no room for the old pole. Even in those situations, VZPA does everything it can to avoid the expense of moving its facilities to the new pole. When VZPA does nothing, and the electric utility must remove the pole from the base, it may leave the portion of the old pole containing VZPA facilities just dangling over the right of way, tied to the new pole by a single cable or a make-shift wooden support. The pictures on this page come from throughout the Commonwealth (Cumberland, Luzerne, Monroe, and Washington counties) and show a few of the many examples of this incredibly dangerous practice.

G. Leaving a portion of the old pole hanging is not only dangerous to the public (for obvious reasons if the support were to break), but also poses a serious hazard to utility workers who must navigate this heavy foreign object and try to find a safe and secure way to work on the facilities attached to the old bit of pole (you certainly cannot prop up a ladder against it). Note how some of these dangling bits of pole are perilously close to the ground.



H. **Unattached Facilities.** In other circumstances, it is simply impossible to leave the old pole hanging. For example, a highway widening project in Monroe County required the complete removal and relocation of poles. VZPA had to remove its facilities from the old pole, but instead of spending the money to run new, longer cable to attach to the new pole, VZPA simply left its old facilities dangling over the highway, as shown in the picture below. This includes a terminal that is supposed to be attached to a pole to secure the conductor inside -- conductor that directly serves individual customers along the highway -- as shown in the blow-up below the main picture.



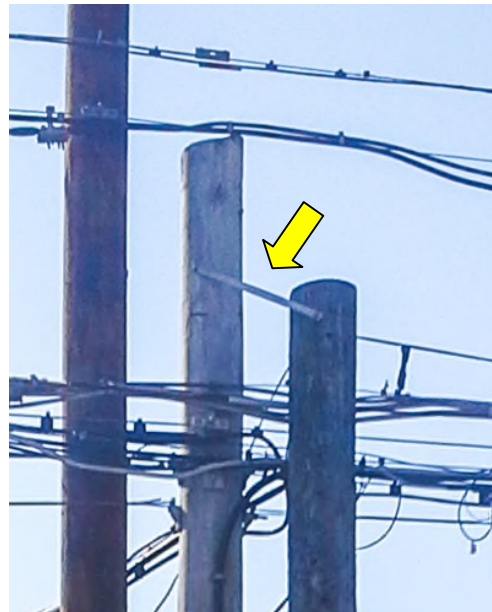
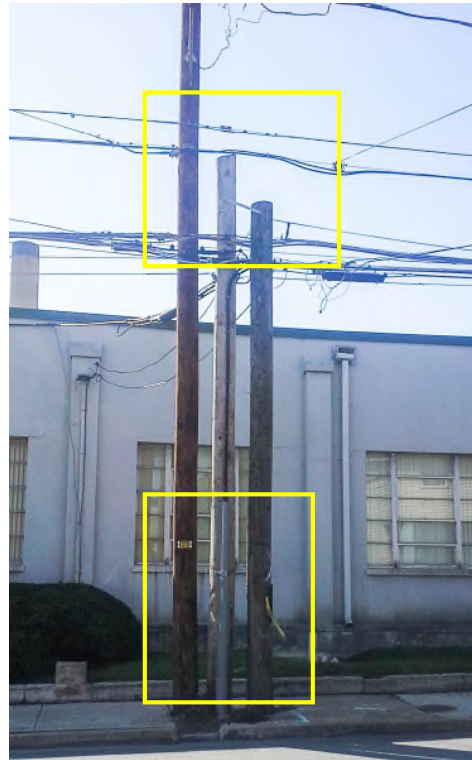
I. Incredibly, there are even circumstances where VZPA's failure to spend money to maintain its non-FiOS network has resulted in cables being unattached to any pole at all. The picture below from Luzerne County shows VZPA's cables attached to a fence, so the cables run underneath a bridge instead of over the top (as the electricity cables do). Needless to say, this condition, which has cables just a foot or two above ground level, is extremely hazardous to the integrity of the cable (animal infestation, unauthorized human contact, etc.), the public who may pass within inches of the cable, and utility workers who are somehow supposed to work safely on cable attached in this manner.



J. Symptoms of the same problem occur in the accompanying pictures from Chester and Lancaster Counties. VZPA has simply left terminals and other facilities dangling over the road or sidewalk, rather than spending the money to properly attach them to the new pole.



K. Further, VZPA's failure to spend the money to move its facilities and remove double poles has been an ongoing practice for many years. An astounding example of this is the picture at right from Berks County showing a triple pole. This represents two generations of poles that VZPA has allowed to remain in place without regard to the safety of line workers and the public. VZPA's facilities remain attached to the oldest (right) pole. In the blow-up below left, it can be seen that the right and center poles are each marked with an "X" indicating that the poles are to be removed. It also appears that the center pole has split causing a metal support and band to be installed to try to keep the pole together. Incredibly, despite this defect in the center pole, the right pole remains attached to the center pole for support, as shown in the blow-up below right (yellow arrow).



L. VZPA's unconscionable neglect of its non-FiOS network is not limited to double poles. When other facilities are damaged, at least some VZPA managers say there is little or no money to spend for maintenance or repair.

M. **Damaged Cross-Connect Cabinets and Remote Terminals.** Cross-connect cabinets are vitally important facilities on the non-FiOS network. Large cables (containing hundreds of pairs of the individual conductors that serve customers) enter the cabinet and are then split into their individual circuits. A remote terminal ("RT") serves as a miniature central office, providing dial tone and data services to customers who are distant from a central office. Damaged cross-connect boxes and RTs have a direct impact on the reliability of service to customers as wires get damaged, rained on, chewed by animals, or disconnected. Damaged cabinets (even seemingly small openings) also are subject to infestation by insects and animals creating a significant safety hazard to utility workers who must access the cabinet, as well as a potential public health problem.

N. VZPA does not replace damaged cross-connect cabinets and RTs and allows these types of hazards (and resulting poor service quality) to proliferate. Following are a few examples of damaged cross-connect cabinets from two areas in Chester County (top row) and Lycoming County, and a damaged RT from Centre County (below right).



O. **Damaged Cable.** VZPA's unconscionable neglect of its network also is apparent in its failure to spend money on routine maintenance and repairs. For example, VZPA routinely fails to authorize the replacement of damaged cable. Instead, employees are directed to cover damaged areas of cable with splice boxes or even plastic coverings and run simple conductor line around the problem. Conductors are not designed for this type of outdoor use, lack a ground (offering the circuit no protection from lightning strikes), and have only thin coverings that are easily penetrated by animals and weather. Unfortunately, these practices appear to be "business as usual" throughout VZPA's non-FiOS network, as shown below.



P. The picture at left from Monroe County shows a single cable that has become so damaged there are at least 10 splice boxes on a single span of a few hundred feet. Each splice box covers a portion of damaged or defective cable. Each of the numerous thin wires would have been installed in response to a separate customer complaint of either no dial tone or static on the line. Rather than replacing this

span of cable, which almost certainly has deteriorated to the point where conductors are damaged or exposed to weather (rain, ice, snow), VZPA has directed a series of make-shift fixes that do not address the long-term problem.

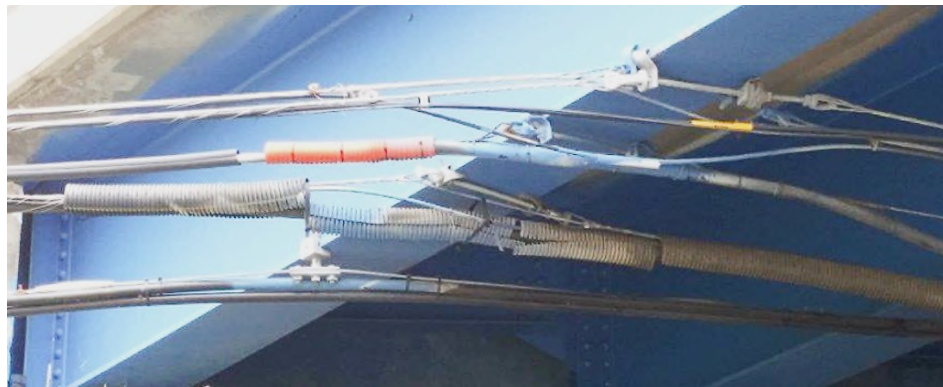
Q. The picture at right from Luzerne County exhibits the same problem (defective cable that should be replaced). The number of work-arounds on this portion of cable are astounding. Each small wire represents a response to a different customer's service complaint, and likely represents a separate service call and trip up the pole for a VZPA field worker. Obviously, it will become increasingly difficult to apply these "band aids" to this cable, as there is little ability to work safely to install yet another patch within this limited space.



R. At other times, cable becomes so deteriorated that VZPA simply directs that it be covered with plastic to try to keep out the weather. These plastic coverings, which resemble heavy-duty plastic trash bags, themselves deteriorate as animals chew through them. The result can be animals and insects nesting inside which poses a serious hazard to utility workers if they must work near and inside the coverings. This problem can be seen in the following pictures. The picture below left from Lehigh County shows early signs of deterioration in a plastic covering (tearing on the left). The picture below right from Luzerne County shows significantly advanced deterioration of what is supposed to be a protective covering. Here the covering is split open and some type of animal has built a nest inside.



S. As seen in the picture below from Luzerne County, there are, unfortunately, times when VZPA is not even willing to put this level of effort into a repair. The picture below shows deteriorated cable that has not been repaired in any manner (or perhaps its plastic covering has completely deteriorated). The contents of the cable are simply exposed to the elements, allowing the cable, and service to customers, to further deteriorate. (This is a close-up of the cable at ground level running under the bridge in paragraph I, above.)



T. **Falling Trees and Poor Vegetation Control.** VZPA also is failing in its obligation to control vegetation near its facilities. The failure to control vegetation damages facilities and poses a significant safety hazard to utility workers who must try to access facilities in need of repair while maintaining sufficient maneuverability and clearances to



work in a safe manner. The following pictures from Centre and Chester counties provide just a few examples of VZPA facilities that are covered by fallen trees or almost completely overgrown by vegetation.



U. **Dangerously Sagging Cables.** Further evidence of VZPA's neglect of its non-FiOS network is apparent in the prevalence of cables sagging below their normal space on the pole, and in some cases sagging just a few feet off the ground. Sagging cables usually occur because lashing wire has broken and, at VZPA's direction to save money, not been replaced. Sagging cables create a safety hazard to utility workers, as the cables become too close to other cables on the pole (restricting line worker maneuverability). When cables sag too close to the ground, they also pose a hazard to the public, placing the cable



within easy reach of pedestrians, vehicles, and even children. Sagging cables also threaten the integrity of the conductor inside the cables, as strain is placed on the thin conductor which is improperly bearing the weight of the cable. The accompanying pictures show VZPA cables that are sagging perilously close to the ground. The picture at left from Luzerne County shows a VZPA cable that is only 3 or 4 feet above the ground. The picture below from Centre County shows a

VZPA cable (yellow arrow) that is sagging so badly the homeowner apparently tied it to a tree to try to keep it out of the road (red arrow).



17. Each of these instances, and the hundreds (if not thousands) more like them across the Commonwealth, represents a direct and immediate threat to the safety of the VZPA employees who are expected to maintain these facilities and to members of the public who walk, drive, go to school, play, and live near these facilities.

18. Many of these deficiencies also constitute direct violations of the National Electrical Safety Code ("NESC") which VZPA is required to obey. Until recently, a Commission regulation required VZPA to comply with the NESC. 52 Pa. Code § 63.23. In March of this year, the Commission issued an order that granted VZPA a waiver of that section, but expressly required VZPA to "construct and maintain its public utility equipment, facilities, and wire or cable crossings in accordance with the safety standards as set forth in the most up-to-date version of the National Electrical Safety Code." *Joint Petition of Verizon Pennsylvania LLC And Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services*, Docket Nos. P-2014-2446303 and P-2014-2446304 (Mar. 14, 2015), slip op. p. 81. For example, the following are a few of the NESC requirements that VZPA willfully and repeatedly violates, as partially documented above:

A. NESC 213 requires a utility to maintain overhead communications lines with adequate clearances for climbing and work space. Double poles, cut-off poles, and damaged poles restrict the space necessary for utility workers to climb and work on poles while remaining maneuverable (to avoid insects and animals, for example).

B. NESC 214 requires a utility to "promptly repair" any defects that are reasonably expected to endanger life or property. It is abundantly clear that VZPA is not complying with this provision. VZPA is continually allowing unsafe conditions to

exist on its non-FiOS network, apparently just hoping that something doesn't fall and injure someone.

C. NESC 232 requires a utility to maintain minimum vertical clearances for communications conductors of at least 4.7 meters (approximately 15.4 feet) above any land or road subject to vehicular traffic, and at least 2.9 meters (approximately 9.5 feet) above pedestrian-only areas. Unfortunately, there are numerous areas in Pennsylvania where Verizon has failed to repair broken lashings or install replacement poles, allowing its cables to sag perilously close to the ground, and well below the minimum clearances required by the NESC.

D. NESC 236 and 237 contain minimum space requirements to ensure the safety of utility employees who are climbing and working on poles. VZPA's practice of allowing double poles, broken poles, and cut-off poles to remain in place severely impinges on this climbing and working space available to utility line workers, further jeopardizing the safety of utility employees.

Part IV. VZPA is Not Providing the Public with Safe, Adequate, and Reasonable Service

19. Millions of residential, business, and wholesale customers in Pennsylvania rely on VZPA's traditional copper network for telephone and Internet access service. But due to VZPA's longstanding and systematic neglect of its copper infrastructure, many of these customers do not receive the safe, adequate, and reasonable service that the statute mandates.

20. The safety deficiencies outlined above provide compelling evidence that VZPA is not providing safe, adequate, and reasonable service to its customers. Many of

the safety hazards illustrated above also manifest themselves in service outages or deficiencies (such as static on the line or loss of dial tone when it rains) which severely affect the quality of service received by the customer. For example, damaged cross-connect boxes and plastic coverings that allow the wiring inside of the boxes and plastic coverings to become exposed to the weather or animal activity damages the conductor that serves customer premises. Similarly, deteriorated cable that requires multiple splice boxes or plastic coverings is exposed to the weather (rain, snow, ice, lightning) and leads to intermittent or permanent deterioration of customers' service. As noted above, sagging cables also are likely to cause service quality problems for customers, as some of the conductor that is effectively holding up the cable will stretch and ultimately break leading to a loss of service to customers.

21. Over the years, customers have filed numerous complaints with the Commission regarding service interruptions, static on the line, loss of service when it rains, incomplete or improper installations and other deficiencies. Records obtained from the Commission by CWA show that since 2012, more than 6,000 customers submitted informal complaints to the Commission about the quality and reliability of service they receive from VZPA. Moreover, these complaints vastly understate the true extent of the problem because the Commission's "warm transfer" procedure allows most complaints about VZPA's service to be diverted to VZPA before they even reach a Commission employee.

22. In addition, several VZPA customers have filed formal complaints with the Commission that provide further evidence of the way in which VZPA's lax and dangerous maintenance practices affect customers. Following are just a few examples of

the problems customers experience that are directly related to the unsafe and unreasonable practices documented above:

A. In May 2015 a customer in Washington County complained: "This service problem has been going on for years. My phone service is not reliable. In February 2015 I was without service 4th 5th 6th 23rd & 24th. In April 2015 I had no service 7th 8th & 9th. And as I fill out this form 5-13-15 I am without service. ... Verizon should be forced to upgrade their equipment and do preventative maintenance on said equipment to ensure reliable service. I was told on numerous occasions by Verizon technicians that Verizon does not want to spend the money to upgrade or do preventive maintenance. This is the reason I am filing this formal complaint. It is time Verizon corrects the problem permanently and not put a 'band aid' on it." C-2015-2483647.

B. In January 2015, a Chester County resident complained: "No dial tone, noise on the line on: July 4-10, 2014; Aug. 2-3; Oct. 21-24; Nov. 1-3; Nov. 6-7; Nov. 17-18; Dec. 22-31; Jan. 3-5, 2015." C-2015-2464196.

C. Last year, two different Potter County customers explained the serious consequences to health and safety of VZPA's failure to repair and maintain its copper network. One complaint states, in part: "For many years people who call me often tell me that they get a message that my phone line has been disconnected. IT HAS NOT! ... On June 12, 2014, the pharmacy at Walmart in Mansfield Pa. tried to call me TWICE about a problem with my meds. My phone rang and Caller ID showed it was Walmart - but when I picked up & said hello, all I got was dead air! Twice this happened - so I called the pharmacy and got right through. The pharmacist told me when she tried to call me my phone would NOT ring. I said to her yet but it did ring & I answered but nothing

happened. She said both times it was as if the phone needed more numbers cause all she got was dead air waiting for her call to go through to me." C-2014-2430764.

A separate complaint stated: "I would like Verizon to give me clear line that does not get noisy when it rains or snows. The problems as it was put to me is the underground wires plus the pedestals are defective from moisture and critters. ... I have a medical situation and rely on my phone. Last year the lines came down and I was without service for a week. I have had this ... for 4 years and hoped the problem would be corrected if they would not use the Band Aid approach." C-2014-2408707.

D. In February 2014, several neighbors in Lycoming County filed a complaint stating that for many years their telephone service has experienced frequent outages, false busy signals, periodic static, and poor connection quality. They explained: "We had had opportunities to speak with various repair technicians that have worked on our lines over the last several years. Generally, these technicians have advised us that they bypassed or repaired the line in any number of locations ... in order to restore service. Some have told us that they suggest in their service reports, due to the poor condition of the phone cable to our area, it should be replaced." The customers also note that cell phone service is not available where they live and that "six of the eight individuals included in this complaint have known heart conditions." The customers also included several pictures of the phone cable serving them. The pictures show the cable dragging on the ground and being tied to a tree limb. C-2014-2407348, C-2014-2407353, C-2014-2407359, and C-2014-2407367.

E. A customer in Monroe County explained his inability to call 911 in a complaint filed in January 2014, stating: "Ongoing issue with two residential lines over

the past 1 1/2 - 2 years. Lines will not dial out many times. This is a 911 safety issue as well as a regular usage issue. Outside callers attempting to reach the house are disconnected before phone can be answered on one ring. ... Calls are disconnected randomly in the middle of conversations. ... Verizon has been to my home 10-20 times in past 1 1/2 - 2 yrs. Nothing has been rectified." The customer, understandably, asks for the following relief: "Reliable 911 via landline service and reliable landline service for normal usage." C-2014-2399869.

23. In summary, VZPA has neglected its copper network in the Commonwealth to the point where numerous unsafe conditions exist throughout VZPA's copper network. Poles are falling over, cables are sagging near the ground, terminals and bits of pole are hanging in mid-air above public streets and sidewalks, and customers are unable to get a reliable dial tone, access 911 and medical providers, or have important calls completed. The deplorable state of VZPA's physical plant and the public records received by CWA from the Commission support such a conclusion, but likely only begin to scratch the surface.

Part V. Need for Commission Investigation

24. Accordingly, CWA requests that the Commission conduct a comprehensive, state-wide investigation into the adequacy, safety, efficiency, and reasonableness of VZPA's service and facilities in the non-FiOS portions of Pennsylvania; a proceeding in which VZPA would bear the burden of proof pursuant to 66 Pa. C.S. §§ 315(b) and 315(c). The investigation should include (i) an in-depth in-person examination and audit of VZPA records and physical plant throughout VZPA's service area, with a particular emphasis on areas where VZPA has not deployed FiOS; (ii) the adoption of detailed

findings of fact; (iii) an order that VZPA take specific, detailed remedial actions; and (iv) the imposition of substantial civil penalties on VZPA for its repeated and purposeful failure to comply with the Public Utility Code, Commission regulations, and standard industry practices for protecting the safety of the public and utility employees.

25. The Commission is also requested to evaluate and determine whether to conduct a financial analysis of copper network revenue and expenditures over the past ten years; the current state of the copper infrastructure; staffing levels dedicated to preventive maintenance, repair, installation, and customer service over the past ten years; policies and procedures that impact the safety of facilities and the quality of service that customers receive; and other items relevant to such an inquiry. Such additional analyses and audits, however, should not delay the immediate investigation and repair of the safety violations that appear to be pervasive across VZPA's copper network.

Part VI. Protection for VZPA Employees

26. Finally, the Commission order initiating the investigation should include an injunction prohibiting VZPA from enforcing its "Code of Conduct" or taking any employment action against any employee who provides evidence to the Commission as part of this investigation, as explained in the following paragraphs.

27. Evidence that VZPA is not providing safe, adequate, and reasonable telephone service because it is allowing the copper infrastructure to deteriorate is available from frontline VZPA technicians and customer service employees. The employees are in a position to observe firsthand how VZPA's policies, procedures, and inadequate investment have led to the virtual abandonment of the copper network and have created roadblocks to providing customers with the quality service they deserve.

28. Such evidence is not included in this Petition, however, because VZPA has adopted a "Code of Conduct" that may prohibit employees from discussing in detail company procedures and practices, or from providing information to the Commission without first clearing it through Verizon's legal department. Additionally, employees fear reprisal and retaliation by VZPA for their participation in providing information to the Commission.

29. VZPA's employees would welcome the opportunity to participate fully in a Commission investigation. This would give the Commission first-hand, on-the-ground knowledge of the ways in which VZPA continually and intentionally allows its facilities and service to deteriorate and pose a safety hazard to employees and the public. CWA is, therefore, asking the Commission to issue an injunction that prohibits VZPA from enforcing its "Code of Conduct" or taking any employment action against any employee who provides evidence to the Commission as part of this investigation. In particular, CWA requests that the Commission issue an injunction barring VZPA or any affiliate from coercing, discriminating against, intimidating, or taking adverse employment actions of any character (including but not limited to disciplinary action) against any employee who participates in the Commission's investigation; and from otherwise enforcing its Code of Conduct against employees who participate in the Commission's investigation and proceedings, with respect to any aspect of their testimony or participation therein.

30. The Commission has the authority to issue such an injunction pursuant to the following sections of the Public Utility Code: section 332(f) (Commission power to prohibit parties from obstructing a proceeding); section 3316 (protection of public utility

employees against retaliation by a public utility when the employee provides information to the Commission concerning "wrongdoing or waste" by the utility); and section 3019(i) (protection of telecommunications utility employees against retaliation when the employee provides information to the Commission concerning "wrongdoing, waste or a potential violation of the commission's orders or regulations or of this title").

WHEREFORE, the Communications Workers of America respectfully petitions the Pennsylvania Public Utility Commission to conduct a thorough investigation into the adequacy, safety, efficiency, and reasonableness of VZPA's service and facilities in the non-FiOS portions of Pennsylvania.

As described above, the investigation should include the following:

- (i) an in-depth in-person examination and audit of VZPA records and physical plant throughout VZPA's service area, with a particular emphasis on areas where VZPA has not deployed FiOS;
- (ii) the adoption of detailed findings of fact;
- (iii) an order that VZPA take specific, detailed remedial actions;
- (iv) the imposition of substantial civil penalties on VZPA for its repeated and purposeful failure to comply with the Public Utility Code, Commission regulations, and standard industry practices for protecting the safety of the public and utility employees; and
- (v) an injunction barring VZPA or any affiliate from coercing, discriminating against, intimidating, or taking adverse employment actions of any character (including but not limited to disciplinary action) against any

employee who participates in the Commission's investigation; and from otherwise enforcing its Code of Conduct against employees who participate in the Commission's investigation and proceedings, with respect to any aspect of their testimony or participation therein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott J. Rubin". The signature is fluid and cursive, with the first name "Scott" and last name "Rubin" clearly distinguishable.

Scott J. Rubin (PA Sup. Ct. ID 34536)
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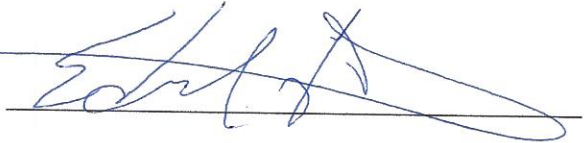
Counsel for Communications Workers of America

Date: October 21, 2015

VERIFICATION

I, Edward F. Mooney, the District 2-13 Vice-President of Communications Workers of America, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 10-19-15



CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served this day a true copy of the foregoing document upon the parties listed below by electronic mail and U.S. mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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Dated: October 21, 2015



Scott J. Rubin
*Counsel for
Communications Workers of America*