**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Communications Workers of :

America for a Public, On-the-Record Commission :

Investigation of the Safety, Adequacy, and : P-2015-2509336

Reasonableness of Service Provided by Verizon :

Pennsylvania, LLC :

**PREHEARING CONFERENCE ORDER**

On October 21, 2015, the Communications Workers of America (CWA) filed with the Pennsylvania Public Utility Commission a Petition requesting that the Commission open an investigation into the safety, adequacy and reasonableness of service provided by Verizon Pennsylvania, LLC (Verizon). The Petition was docketed at P-2015-2509336. In its Petition, CWA indicated that it is the authorized bargaining unit for approximately 4,700 employees of Verizon who are directly responsible for operating and maintaining the physical facilities that are used to provide telecommunications service to the public. CWA averred that it conducted an investigation of the conditions at Verizon under which its members work and the investigation showed deferred maintenance or other indications that Verizon should be increasing its budget for certain repair and maintenance. CWA further averred that there are “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.” CWA asked that the Commission conduct an in-depth in-person examination and audit of Verizon records and physical plant throughout Verizon’s service areas, adopt detailed findings of fact, order Verizon to take specific, detailed remedial actions and impose substantial civil penalties on Verizon for 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. CWA provided specific examples in support of its Petition.

On November 3, 2015, the Office of Consumer Advocate (OCA) filed a Notice of Intervention and Public Statement.

On November 10, 2015, Verizon and Full Service Network (FSN) filed separate Answers to CWA’s Petition.

Also on November 10, 2015, the Small Business Advocate (OSBA) filed a Notice of Appearance, a Notice of Intervention and a Public Statement.

Additional pleadings and filings in the form of letters have been filed at this docket.

On February 16, 2016, the Commission issued a Hearing Notice establishing an Initial Prehearing Conference for this case for **Friday, March 18, 2016 10:00 a.m.** in Hearing Room 5 of the Commonwealth Keystone Building in Harrisburg and assigning me as the Presiding Officer.

In anticipation of the Initial Prehearing Conference and in accordance with Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and Section 5.221-5.224 of the Commission’s regulations, 52 Pa. Code §§ 5.221-5.224, this Prehearing Conference Order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held at 10:00 a.m. on Friday, March 18, 2016 10:00 a.m. in Hearing Room 5 in the Commonwealth Keystone Building, Harrisburg, Pennsylvania.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa. Code §§1.21 – 1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
5. That you must serve me directly with a copy of any document that you file in this proceeding. My address is:

Joel H. Cheskis

Administrative Law Judge

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA 17105-3265

Telephone: (717) 783-5452

Email: [jcheskis@pa.gov](mailto:jcheskis@pa.gov)

If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.

1. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code §5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

1. That pursuant to 52 Pa.Code §1.55 (Service on Attorneys) each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number and business e-mail address (if any) of the person they wish to have listed on the service list.
2. That on or before **Friday, March 11, 2016** the parties shall serve me and each other with a Prehearing Conference Memorandum addressing:

a.) The information described in Paragraph 7, above.

b.) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.

c.) A proposed plan and schedule of discovery.

d.) A proposed schedule for litigation.

e.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony.

f.) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.

1. That parties serving pre-served testimony pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission’s Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.
2. That any party wishing to remain on the service list for this case must appear at the Initial Prehearing Conference or take an affirmative step indicating their desire to remain on the service list no later than March 18, 2016. **Any party on the Commission’s current service list who has not taken such actions will be removed from the service list**.
3. That a request for a change of the scheduled initial prehearing conference date shall state the agreement or opposition of other parties, and shall be submitted in writing no later than five (5) days prior to the initial prehearing conference. 52 Pa. Code §1.15(b). Requests for change must be sent to me with copies to all parties of record.

Date: February 18, 2016

Joel H. Cheskis

Administrative Law Judge

**P-2015-2509336 – PETITION OF COMMUNICATIONS WORKERS OF AMERICA FOR A PUBLIC, ON-THE-RECORD COMMISSION INVESTIGATION OF SAFETY, ADEQUACY AND REASONABLENESS OF SERVICE PROVIDED BY VERIZON PENNSYLVANIA LLC.**

SCOTT J RUBIN ESQUIRELAW OFFICE OF SCOTT J RUBIN333 OAK LANEBLOOMSBURG PA 17815-2036**570.387.1893*Accepts e-Service***

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ELIZABETH ROSE TRISCARI ESQUIREOFFICE OF SMALL BUSINESS ADVOCATE300 NORTH SECOND STREET SUITE 202HARRISBURG PA 17101**717.783.2525**DEANNE M O'DELL ESQUIREECKERT SEAMANS CHERIN & MELLOTT 213 MARKET STREET 8TH FLOORHARRISBURG PA 17101**717.255.3744*Accepts e-Service***

*(For Full Service Network LP)*

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