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March 8, 2016

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-2015-2509336

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum of Communications Workers of America in the above-referenced proceeding. The document was served on all parties as shown on the attached Certificate of Service.

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

Sincerely,



Enclosure

cc: ALJ Joel Cheskis  
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, Adequacy, and Reasonableness of Service Provided by Verizon Pennsylvania, LLC : : : : : Docket No. P-2015-2509336

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PREHEARING MEMORANDUM  
OF  
COMMUNICATIONS WORKERS OF AMERICA

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In accordance with the Administrative Law Judge's Prehearing Conference Order dated February 18, 2016, and 52 Pa. Code § 5.222(d)(1), the Communications Workers of America ("CWA") hereby files this Prehearing Memorandum and provides the following information to the Administrative Law Judge and the active parties to this proceeding.

Procedural History: The Prehearing Conference Order accurately summarizes the procedural history of this matter.

Issues: CWA initiated this proceeding because of its serious concerns with the safety of the facilities owned, operated, and maintained by Verizon Pennsylvania LLC ("Verizon") throughout the portions of Verizon's service area that have not been upgraded to fiber optic cable to the premises ("FTTP"). CWA asked the Commission to initiate an on-the-record investigation of the safety and quality of Verizon's facilities in non-FTTP areas, as well as the effect on the quality of service received by customers that results from lapses in maintenance, repair, and replacement of those facilities.

On February 11, 2016, nearly four months after CWA filed its Petition, the Commission assigned this matter to the Office of Administrative Law Judge for hearings. It is unclear, however, whether the purpose of those hearings is to (a) decide whether there is sufficient cause to initiate a Commission investigation, or (b) conduct that investigation and, if warranted, order appropriate remedial action and/or civil penalties.

In the absence of further information, and given the participation in this matter of the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate, CWA is proceeding on the assumption that the hearings in this matter will be the investigation CWA requested, culminating in ordering Verizon to take any remedial action, and pay any civil penalties, that may be warranted by the evidence.

On March 4, 2016, CWA initiated formal discovery in this matter, in which it has requested access to various records of Verizon that would document Verizon's repair and replacement policies, procedures, practices, and expenditures. CWA believes that this information will confirm Verizon's widespread neglect of significant portions of its non-FTTP network in the Commonwealth.

CWA anticipates that its evidence will focus on documenting Verizon's neglect of the non-FTTP network, the effect that neglect has on worker and public safety, and the effect that neglect has on the quality and reliability of service received by customers. CWA also will identify remedial actions that the Commission should order Verizon to undertake pursuant to 66 Pa. C.S. § 1505.

Witnesses: To assist it in conducting discovery, analyzing the information Verizon provides, and presenting this information to the Commission, CWA has retained an expert witness who is highly experienced in telecommunications matters:

Susan M. Baldwin  
17 Arlington Street  
Newburyport, MA 01950  
Email: [smbaldwin@comcast.net](mailto:smbaldwin@comcast.net)

CWA asks that the parties add Ms. Baldwin to the service list for discovery matters and pre-filed testimony, though she will not appear on the official service list for this case.

In addition, CWA anticipates that it may be necessary to have one or more additional witnesses who are officers or members of CWA who have experience with the actual implementation of Verizon's policies and procedures in non-FTTP areas of the Commonwealth. CWA has not yet identified the specific need for, or identity of, any CWA-member witnesses at this time. If it is determined that one or more such witnesses will be necessary, CWA will notify the Administrative Law Judge and parties as soon as the identities of any such witnesses are known.

Service List: CWA requests that its entry on the service list should be for its counsel, as follows:

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

Schedule: Counsel for CWA will continue working with counsel for other parties to develop a schedule for this proceeding. At the present time, and subject to further discussions, CWA proposes the following schedule for this matter:

May 26, 2016	CWA and intervenors allied with CWA pre-file direct testimony
July 26, 2016	Verizon and intervenors allied with Verizon pre-file direct testimony
August 23, 2016	CWA and intervenors allied with CWA pre-file rebuttal testimony
September 7-9, 2016	Evidentiary hearings in Harrisburg
October 6, 2016	All parties file main briefs
October 20, 2016	All parties file reply briefs

Discovery matters: At the present time, CWA is not aware of any discovery matters that require the Administrative Law Judge's attention. CWA will use its best efforts to work informally with Verizon to resolve any discovery disputes to avoid the need for motions to compel or other involvement by the Administrative Law Judge in discovery disputes.

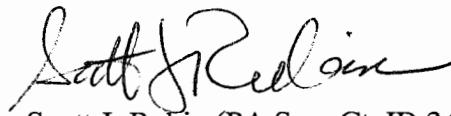
CWA understands that the standard time limits for answering discovery requests in this non-rate proceeding is 20 days from the date of service. 52 Pa. Code §§ 5.342(d) (interrogatories), 5.349(d) (requests for documents or inspection), and 5.350(c) (requests for admissions). Given the volume and potential complexity of information likely to be requested, CWA is not proposing any changes in the standard discovery time periods.

Public input hearings: CWA is working with the other parties to determine whether public input hearings will be necessary to develop a full record in this matter. If CWA and other parties believe that one or more such hearings would be necessary, such information will be brought to the Administrative Law Judge's attention as quickly as

possible, but not later than April 15, 2016, to allow for adequate time to schedule any such hearings prior to the rebuttal stage of this case.

Settlement: CWA is committed to using all available means within the Commission's purview, including requests for admissions, partial stipulations, or a full settlement, to resolve the issues raised by CWA. While it is premature to consider any such admissions, stipulations, or settlement at this early stage of the case, CWA will work with counsel for all other parties to explore the possibility of admissions, stipulations, or settlement at an appropriate time.

Respectfully submitted,



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Counsel for CWA

Dated: March 8, 2016

**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: March 8, 2016

  
Scott J. Rubin  
Counsel for  
Communications Workers of America