

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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March 11, 2016

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17101

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 is the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

/s/ Lauren Burge  
Lauren Burge  
Assistant Consumer Advocate  
PA Attorney I.D. 311570

Enclosure

cc: Honorable Joel H. Cheskis, ALJ  
Certificate of Service  
\*218349

**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 : Docket No. P-2015-2509336  
Reasonableness of Service Provided by :  
Verizon Pennsylvania, LLC :

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**PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE**

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Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, and in response to the February 18, 2016 Prehearing Order issued in the above-captioned proceeding, the Office of Consumer Advocate (OCA) hereby submits this Prehearing Memorandum.

**I. INTRODUCTION**

On October 21, 2015, the Communications Workers of America (CWA) petitioned the Pennsylvania Public Utility Commission (Commission) to institute an investigation into the state of Verizon Pennsylvania, LLC's (Verizon) physical plant. CWA avers that Verizon has allowed its physical plant to fall into a state of disrepair such that it poses a safety hazard to employees and the public, and fails to provide "adequate, efficient, safe, and reasonable service and facilities" as required by Section 1501 of the Public Utility Code. 66 Pa. C.S. § 1501. CWA alleges that these conditions exist in areas where Verizon has not deployed its FiOS, or fiber-to-the-home facilities, and that the poor condition of Verizon's plant affects the quality of landline service provided to customers and places utility workers in danger. CWA's petition requests that the Commission inspect both the physical plant as well as Verizon's records, and that the Commission take action to correct the deficiencies in Verizon's plant.

The OCA filed a Notice of Intervention and Public Statement in this proceeding on November 3, 2015. On November 10, 2015, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance, Notice of Intervention and Public Statement. Also on November 10, 2015, Verizon and Full Service Network (FSN) filed Answers to CWA's Petition. Verizon subsequently filed a Reply to New Matter in response to FSN's Answer. On February 24, 2016, the Bureau of Investigation and Enforcement (I&E) filed a Notice of Intervention. A Prehearing Conference is scheduled for March 18, 2016.

## **II. ISSUES**

The OCA intervened in this proceeding in order to participate in any investigation that the Commission orders as a result of the concerns raised by CWA related to the maintenance of Verizon's physical plant and as to the quality of service provided to customers. The OCA seeks to ensure that Verizon fulfills its obligation to provide adequate, efficient, safe and reasonable service to its customers. The OCA will conduct discovery and submit written testimony on issues related to quality of service and maintenance of Verizon's physical plant as may be necessary.

## **III. WITNESSES**

As necessary, the OCA intends to present the direct, rebuttal and surrebuttal testimony of the following witnesses in this proceeding. The witnesses will present testimony in written or oral form and will also provide various exhibits, documents and explanatory information that will assist in the presentation of the OCA's case. The OCA reserves the right to call additional witnesses and will inform the ALJ and the parties if it determines that an additional witness(es) will be necessary. The OCA's witnesses are:

Quality of Service: Dr. Robert Loube  
Vice President  
Rolka Loube Associates  
10601 Cavalier Drive  
Silver Spring, MD 20901  
Tel. (301) 681-0338  
[bobloube@earthlink.net](mailto:bobloube@earthlink.net)

Engineering: Mr. Rowland Curry  
1509 Mearns Meadow Blvd.  
Austin, TX 78758  
[rcurry@austin.rr.com](mailto:rcurry@austin.rr.com)

#### **IV. EVIDENCE**

The OCA will rely on the direct, rebuttal and surrebuttal testimony of its expert witnesses as well as the testimony of the other parties to the proceeding. The OCA will present relevant exhibits to support its own testimony. As described above, the OCA's witnesses will present testimony in the following areas: engineering and quality of service.

#### **V. PROPOSED SCHEDULE**

The OCA will cooperate with the ALJ and the other parties to establish a litigation schedule for this proceeding.

#### **VI. SERVICE ON THE OCA**

The OCA will be represented in this case by Senior Assistant Consumer Advocate Darryl Lawrence and Assistant Consumer Advocates Barrett C. Sheridan and Lauren M. Burge. The OCA requests that one copy of all documents be served on the OCA as follows:

Darryl A. Lawrence  
Senior Assistant Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor Forum Place  
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Telephone: (717) 783-5048  
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E-mail: [DLawrence@paoca.org](mailto:DLawrence@paoca.org)

## VII. PUBLIC INPUT HEARINGS

The OCA is unaware of any specific consumer requests for public input hearings in this matter to date. However, if the OCA becomes aware of substantial consumer interest, the OCA will promptly notify the Administrative Law Judge and the parties to request a public input hearing.

## VIII. SETTLEMENT

The OCA is willing to participate in settlement discussions.

Respectfully Submitted,

/s/ Lauren M. Burge  
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Dated: March 11, 2016  
217867

CERTIFICATE OF SERVICE

Petition of Communications Workers of America :  
for a Public, On-the-Record Commission : Docket No. P-2015-2509336  
Investigation of the Safety, Adequacy, and :  
Reasonableness of Service Provided by Verizon :  
Pennsylvania, LLC :

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 11<sup>th</sup> day of March 2016.

SERVICE BY E-MAIL and INTEROFFICE MAIL

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Stephanie M. Wimer, Prosecutor  
Michael L. Swindler, Deputy Chief Prosecutor  
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/s/ Lauren Burge

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