



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE  
Bp8 2509336

March 11, 2016

**Via E-Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania 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  
**Prehearing Conference Memorandum of I&E**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Prehearing Conference Memorandum of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above-captioned matter.

Copies have been served on the parties of record in accordance with the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Bradley R. Gorter  
Prosecutor  
PA Attorney I.D. No. 312666

Enclosure

cc: Honorable Joel H. Cheskis  
As per Certificate of Service

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**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 CONFERENCE MEMORANDUM OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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**TO ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:**

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) respectfully submits the following Prehearing Conference Memorandum in the above-captioned proceeding pursuant to the Prehearing Conference Order of the presiding Administrative Law Judge dated February 18, 2016.

**I. BACKGROUND**

On October 21, 2015, the Communications Workers of America (CWA), through its attorney Scott J. Rubin, Esquire, filed a 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 (Verizon), alleging multiple violations of Pennsylvania law and Commission regulations and orders with regard to maintenance of Verizon's copper facilities in Pennsylvania. CWA is the authorized bargaining unit for approximately 4,700 employees of Verizon who are responsible for the maintenance and operation of Verizon's facilities in Pennsylvania. Verizon is a telecommunications provider that is authorized by the Commission to

operate as a local exchange carrier in Pennsylvania. In its Petition, CWA alleges that Verizon has neglected, failed to maintain, and failed to repair its copper facilities and requests that the Commission conduct an in-depth examination and audit of Verizon's copper facilities in Pennsylvania. Upon conducting the investigation, CWA requests that the Commission order Verizon to take remedial actions and impose civil penalties on Verizon for its failure to comply with the Public Utility Code, the Commission's regulations, and standard industry practices.

On November 3, 2015, the Office of Consumer Advocate filed a Notice of Intervention and Public Statement. Verizon filed an Answer to the Petition on November 10, 2015. Also on November 10, 2015, Full Service Network filed a separate Answer in support of CWA's Petition, and the Office of Small Business Advocate filed a Notice of Appearance, Notice of Intervention, and a Public Statement. I&E filed a Notice of Intervention on February 24, 2016.<sup>1</sup> Prehearing Conference Memoranda are due March 11, 2016. An Initial Prehearing Conference has been scheduled for March 18, 2016.

## **II. PREHEARING CONFERENCE MEMORANDUM**

### **A. Entry on Service List**

The I&E Prosecutors in this proceeding are Bradley R. Gorter, Stephanie M. Wimer and Michael L. Swindler. Contact information is as follows:

Bradley R. Gorter  
Prosecutor  
[bgorter@pa.gov](mailto:bgorter@pa.gov)

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<sup>1</sup> Additional filings in the form of letters supporting CWA's request to initiate an investigation have been submitted at this docket.

Stephanie M. Wimer  
Prosecutor  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Michael L. Swindler  
Deputy Chief Prosecutor  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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(717) 783-6150  
(717) 783-3458 (fax)

Should each party be limited to one entry on the service list, Bradley R. Gorter is the I&E Prosecutor who should be served with any and all documents in this proceeding.

B. Statement Regarding Possible Settlement Of Case

Settlement discussions have not yet taken place at this early stage of the proceeding. I&E is willing to explore the possibility of a settlement of this matter at the appropriate time.

C. Proposed Plan and Schedule of Discovery

Discovery in this matter has been initiated. I&E does not propose any modifications to the Commission's regulations pertaining to discovery at 52 Pa. Code §§ 5.321 *et seq.*

D. Proposed Schedule for Litigation

In its prehearing conference memorandum dated March 8, 2016, CWA proposed a schedule that is generally agreeable to I&E with the exception of the proposed dates for the evidentiary hearing of September 7-9, 2016. I&E's prosecuting attorneys are

unavailable on September 7 and 8, 2016, as well as September 15, 2016. Therefore, I&E proposes that the evidentiary hearing be scheduled on September 12-14, 2016 or the week of September 19, 2016, and that the time for the filing of main briefs and reply briefs be adjusted accordingly.

I&E is willing to work with the other parties in this proceeding to arrive at a litigation schedule that is mutually convenient.

E. I&E Witnesses

At this time, I&E does not expect to call any witnesses. However, I&E reserves the right to call witnesses, should it become necessary to protect its interest and the public interest. If I&E decides to call witnesses, all parties will be duly notified.

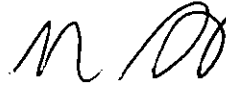
F. Issues

The following is a list of issues that I&E intends to ensure are addressed in this case. I&E reserves the right to address other issues, as it deems appropriate, if any such relevant issues arise. Currently, I&E does not maintain a position with respect to each of the issues listed:

1. Timeliness of repair and replacement of Verizon's copper facilities and any adverse impact on public safety or service;
2. The safety of Verizon's employees in maintaining, repairing, or removing copper facilities and installing fiber optic facilities;
3. Service interruptions, customer complaints, and the reasonableness and timeliness of Verizon's responses to such interruptions or complaints; and

4. Adequacy and reasonableness of access to service and any adverse impact on public safety; and
5. Appropriate remedial measures and a civil penalty that may be warranted by the evidence.

Respectfully submitted,



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Bradley R. Gorter  
Prosecutor  
PA Attorney ID No. 312666

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

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Date: March 11, 2016

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

### Service by First Class Mail and Email:

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March 11, 2016

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