**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 :

**SCHEDULING 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. A Prehearing Conference Order was issued dated February 18, 2016.

The Commission’s Bureau of Investigation and Enforcement (I&E) filed a Notice of Intervention on February 24, 2016.

The Initial Prehearing Conference convened on March 18, 2016 as scheduled. The following counsel was present: Scott Rubin, Esquire, on behalf of CWA; Lauren Burge, Esquire, Darryl Lawrence, Esquire and Barrett Sheridan, Esquire, on behalf of the OCA; Elizabeth Triscari, Esquire, on behalf of OSBA; Stephanie Wimer, Esquire, and Bradley Gorter, Esquire, on behalf of I&E; Suzan Paiva, Esquire, on behalf of Verizon; and Sarah Stoner, Esquire on behalf of FSN. Each of these parties previously submitted prehearing memoranda as requested in the Prehearing Conference Order. As per the directive in the Prehearing Conference Order regarding participation in this proceeding, the service list for this proceeding will be limited to these six parties.

During the Initial Prehearing Conference, various procedural matters were discussed. Most notably, extensive discussion was held regarding a procedural schedule for this case. After the parties stated their position regarding scheduling matters and the scope of the proceeding, I determined that CWA and intervenors in support of CWA would first be given the opportunity to present evidence regarding all relevant issues raised in CWA’s Petition. This could be done by either 1) holding public input hearings throughout Verizon’s service territory, 2) accepting pre-served written consumer testimony that is subject to discovery and timely motions and that would be admitted into the record with consumers testifying in person or telephonically and being subject to cross-examination, and/or 3) accepting pre-served expert testimony. Subsequently, Verizon and intervenors in support of Verizon would have the opportunity to file rebuttal testimony in response to the evidence presented, which would be followed by the standard surrebuttal, hearing and briefing process.

I further explained that, to the extent that there was substantial record evidence demonstrating a violation of the Public Utility Code or a Commission regulation or Order, the appropriate remedy would be imposed consistent with the authority of the Office of Administrative Law Judge, including, but not limited to, the imposition of civil penalties consistent with the Commission’s Statement of Policy regarding civil penalties. 52 Pa.Code § 69.1201. An Initial Decision would be issued that would be subject to Exceptions and Commission disposition. To the extent that the Commission, or I&E, determined that there was any need for further action based on the record of this proceeding, or any other reason, such a determination would be made independently and consistent with appropriate authority and jurisdiction as set forth in Commission precedent as is the case for all proceedings before the Commission.

In response to this discussion, Verizon indicated that it would file a Petition for Interlocutory Review regarding the scope and procedure proposed for this proceeding. As a result, this Scheduling Order is being issued to memorialize the discussion and determinations made during the Initial Prehearing Conference in anticipation of the Petition for Interlocutory Review to be filed by Verizon. Furthermore, the parties agreed that a Further Prehearing Conference would be held on Thursday, May 26, 2016 for the purpose of establishing the litigation schedule for this matter based on the Commission’s disposition of Verizon’s Petition, if any. In anticipation of that Further Prehearing Conference, the parties are directed to submit updated Prehearing Memorandum no later than Friday, May 20, 2016 setting forth a proposed procedural schedule.

ORDER

THEREFORE,

IT IS ORDERED:

1. That a Further Prehearing Conference will be held on **Thursday, May 26, 2016** at 10:00 a.m. in an available hearing room in the Commonwealth Keystone building in Harrisburg.
2. That, in anticipation of the Further Prehearing Conference, the parties are directed to submit updated Prehearing Memorandum no later than **Friday, May 20, 2016**.
3. That the service list shall be limited to the following parties:

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| **Party** | **Counsel** |
| CWA | Scott Rubin, Esq. |
| Verizon | Suzan Paiva, Esq. |
| OCA | Lauren Burge, Esq.  Darryl Lawrence, Esq.  Barrett Sheridan, Esq. |
| OSBA | Elizabeth Triscari, Esq. |
| I&E | Stephanie Wimer, Esq.  Bradley Gorter, Esq. |
| FSN | Sarah Stoner, Esq. |

Date: March 22, 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.**

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