

333 OAK LANE
BLOOMSBURG, PA 17815
SCOTT.J.RUBIN@GMAIL.COM

SCOTT J. RUBIN
ATTORNEY • CONSULTANT

TEL: (570) 387-1893
FAX: (570) 387-1894
CELL: (570) 850-9317

May 16, 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 Answer of Communications Workers of America in Opposition to Motion of Verizon Pennsylvania LLC to Hold Scheduling Order in Abeyance and for a Continuance 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, : Docket No. P-2015-2509336
Adequacy, and Reasonableness of :
Service Provided by Verizon :
Pennsylvania, LLC :

ANSWER OF COMMUNICATIONS WORKERS OF AMERICA
IN OPPOSITION TO
MOTION OF VERIZON PENNSYLVANIA LLC
TO HOLD SCHEDULING ORDER IN ABEYANCE AND FOR A CONTINUANCE

In accordance with 52 Pa. Code § 5.61, the Communications Workers of America ("CWA") hereby files this Answer in opposition to the Motion to Hold Scheduling Order in Abeyance and for a Continuance filed by Verizon Pennsylvania LLC ("Verizon") on May 6, 2016 (cited herein as "Motion"). As explained below, CWA opposes Verizon's Motion and respectfully requests the Administrative Law Judge to hold the Further Prehearing Conference as scheduled on May 26, 2016. In response to the specific paragraphs of Verizon's Motion, CWA states as follows:

1. Admitted in part and denied in part. It is admitted that the pleadings referred to by Verizon were filed on the dates stated. CWA denies that Verizon has accurately summarized those pleadings.
2. Admitted.
3. Admitted in part and denied in part. CWA admits that its members began a strike against Verizon on April 13, 2016. CWA lacks knowledge of Verizon's "business continuity plans" and can neither admit nor deny Verizon's averments related to that plan.

By way of further answer, CWA notes that the Commission's regulations require that extensions of time and continuances may be granted only for "good cause shown." 52 Pa. Code § 1.15. CWA denies that Verizon has shown good cause for continuing this proceeding. CWA initiated this proceeding more than seven months ago, raising serious matters that affect public and employee safety. It is long past time for Verizon to be required to respond to CWA's discovery requests and for this matter to move forward through the filing of testimony, hearings, and decision.

For reasons unknown to CWA, Verizon has chosen to use its experienced in-house legal counsel to perform non-legal tasks during the strike. There is no requirement that Verizon do so. Indeed, CWA would question the wisdom of removing counsel of Ms. Paiva's experience from her normal duties to perform work that should be performed by CWA members.

Moreover, there is no requirement that Verizon be represented in this matter by its in-house counsel. Verizon has often used outside law firms to represent its interests before this Commission. If Verizon makes the business decision to use Ms. Paiva for non-legal duties during the strike, then Verizon should be required to ensure that it remains adequately represented in matters before this Commission by using other counsel. This is particularly important when the proceeding involves matters affecting public and employee safety.

4. Denied. CWA submits that Verizon can "properly prepare a defense" during the strike by allowing people to perform their normal duties for which they are highly trained.

WHEREFORE, CWA respectfully requests the Administrative Law Judge to deny Verizon's request for a continuance. CWA requests the Administrative Law Judge to retain the dates scheduled for the filing of Prehearing Memoranda and the convening of the Further Prehearing Conference.

Respectfully submitted,



Scott J. Rubin (PA Sup. Ct. ID 34536)
333 Oak Lane
Bloomsburg, PA 17815-2036
Voice: (570) 387-1893
Fax: (570) 387-1894
Email: scott.j.rubin@gmail.com

Counsel for CWA

Dated: May 16, 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).

Bradley R. Gorter / Stephanie M. Wimer
Michael L. Swindler
Bureau of Investigation & Enforcement
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
bgorter@pa.gov, stwimer@pa.gov,
mswindler@pa.gov


Darryl Lawrence / Lauren Burge
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1923
dlawrence@paoca.org, lburge@paoca.org

Elizabeth Rose Triscari
Office of Small Business Advocate
300 North Second St., Suite 202
Harrisburg, PA 17101
etriscari@pa.gov

Suzan D. Paiva
Verizon
1717 Arch St., 3rd Floor
Philadelphia, PA 19103
Suzan.D.Paiva@verizon.com

Deanne O'Dell
Eckert Seamans Cherin & Mellott LLC
213 Market St., 8th Floor
Harrisburg, PA 17108-1248
dodell@eckertseamans.com

Dated: May 16, 2016



Scott J. Rubin
Counsel for
Communications Workers of America