

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Terry R. White

PUBLIC MEETING: September 1, 2016
2532236-ALJ*

v.

Verizon North LLC

Docket No. C-2016-2532236

JOINT MOTION OF
CHAIRMAN GLADYS M. BROWN AND VICE CHAIRMAN ANDREW G. PLACE

Before us for disposition is the Initial Decision (ID) of Administrative Law Judge (ALJ) David A. Salapa addressing the Formal Complaint of Mr. Terry R. White against Verizon North LLC (Verizon North or Company). The ID sustains the Verizon North Preliminary Objections and dismisses the Formal Complaint. The ID states that “the complaint alleges inability of the Complainant to obtain broadband internet service” and “the Commission lacks jurisdiction over the Complainant’s complaint.” ID, at 6.

We disagree with the legal premise of this holding because it is not consistent with the statutory directives under Chapter 30 of the Public Utility Code. 66 Pa. C.S. § 3011 *et seq.* The Complaint clearly addresses the Verizon North obligations under Chapter 30 to provide retail broadband access services to the Complainant,¹ and the Company acknowledges the Commission’s statutory jurisdiction as to the availability and provisioning of such services.² The Verizon North Answer and New Matter also states that the Company established telephone service for the Complainant on or about March 17, 2016, and digital subscriber line (DSL) retail broadband access service at a 3 megabits per second (Mbps) download speed on or about March 25, 2016.³ However, the available documentation does not include any further information that could determine with finality the disposition of this proceeding (e.g., the submission of a certificate of satisfaction).

The Commission has appropriate statutory jurisdiction to properly inquire into matters involving the availability and provisioning of retail broadband access services by incumbent local exchange carrier (ILEC) telephone companies with Chapter 30 broadband deployment commitments and obligations. Verizon North is such an ILEC that has completed its Chapter 30 broadband deployment as of December 31, 2015, and is required to supply retail broadband access services “using any technology” at the Chapter 30 minimum standard of 1.544 Mbps download and 0.128 Mbps upload speeds. Furthermore, the Company is required to supply such services within ten (10) business days. 66 Pa. C.S. §§ 3012, 3014(b)(3)(ii)(A), and 3014(b)(5). Thus, the Commission has the necessary jurisdiction to determine whether Verizon North is providing retail broadband access service to the Complainant consistent with the applicable Chapter 30 statutory standards.

THEREFORE, we move that:

1. This proceeding be remanded to the Office of Administrative Law Judge for the limited factual determination whether Verizon North LLC is providing retail broadband access service to the Complainant consistent with the applicable Chapter 30 standards.

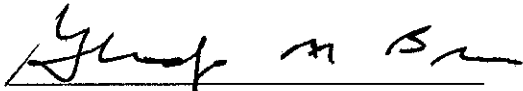
¹ Docket No. C-2016-2532236, Formal Complaint, filed February 29, 2016, at 3.

² See generally Docket No. C-2016-2532236, Verizon North, Preliminary Objections, filed May 6, 2016, ¶¶ 8-9, at 4.

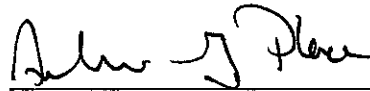
³ Docket No. C-2016-2532236, Verizon North, Answer and New Matter, filed May 6, 2016, at 3. See also ID at 2.

2. The Office of Special Assistants prepare the appropriate Order consistent with this Motion.

3. The Order be served to all parties of record, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Commission's Bureau of Investigation and Enforcement.



Gladys M. Brown
Chairman



Andrew G. Place
Vice Chairman

Dated: September 1, 2016