

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Verizon Pennsylvania LLC and :
Verizon North LLC for Competitive Classification of : Docket No. P-2014-2446303
all Retail Services in Certain Geographic Areas, and : Docket No. P-2014-2446304
for a Waiver of Regulations for Competitive Services :

PROTEST AND ANSWER OF
COMMUNICATIONS WORKERS OF AMERICA AND
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Pursuant to 52 Pa. Code §§ 5.41 and 5.61, and in accordance with the Notice published in the *Pennsylvania Bulletin* on October 11, 2014, Communications Workers of America ("CWA") and International Brotherhood of Electrical Workers ("IBEW") file this Protest and Answer to the Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC (collectively "Verizon") dated October 6, 2014.

Through this filing, CWA and IBEW protest Verizon's Joint Petition, provide an Answer to the factual averments made in the Joint Petition, and provide notice to the Commission, Administrative Law Judge, and parties that CWA and IBEW intend to fully participate in this proceeding.

Identification and Interest of CWA and IBEW

A1. CWA is the authorized bargaining unit for more than 4,700 employees of Verizon Pennsylvania LLC, nearly all of whom are customers of Verizon.

A2. CWA is a customer of Verizon at two offices in Pennsylvania, both of which are in the areas affected by Verizon's Joint Petition: 230 S. Broad Street, Philadelphia, PA 19102, and 1370 Washington Pike, Bridgeville, PA 15017.

A3. IBEW, through its Council T-1, is the authorized bargaining unit for approximately 400 employees of Verizon North LLC, nearly all of whom are customers of Verizon.

A4. IBEW is a customer of Verizon at its office which is in the area affected by Verizon's Joint Petition: 2820 W. 21st Street, Erie, PA.

A5. CWA and IBEW members include Verizon employees who are directly responsible for operating and maintaining the physical facilities (such as poles, wires, cables, and conduits) that are used to provide telecommunications service to the public. Any change in safety regulations would have a direct and potentially life-threatening impact on these CWA and IBEW members.

A4. CWA and IBEW will be represented in this case by, and all documents should be served upon, their attorney:

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

A5. Pursuant to 52 Pa. Code § 1.54(b)(3), the undersigned counsel consents to the electronic service of all documents at the e-mail address shown above.

Protest and Answer: Competitive Classification of Basic Local Service

CWA and IBEW oppose Verizon's proposal to classify as competitive basic local exchange service in metropolitan areas located throughout the Commonwealth. Neither Verizon's Joint Petition nor the accompanying testimony provides any information about the availability of "basic stand alone local calling service" (Joint Petition, ¶¶ 5-6) which is the only retail protected service. CWA and IBEW provide the following specific answers to the numbered paragraphs of the Joint Petition.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. This paragraph contains an alleged statement of the law to which no answer is required.
8. This paragraph contains an alleged statement of the law to which no answer is required.
9. Denied. The statements in this paragraph are not relevant to the question presented in the Joint Petition, which is whether "basic stand alone local calling service" is readily available from competitors on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition.
10. Denied. The statements in this paragraph are not relevant to the question presented in the Joint Petition, which is whether "basic stand alone local calling service" is readily available

from competitors on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition. It is further denied that national or statewide statistics are relevant to the relief requested in the Joint Petition.

11. Denied. The statements in this paragraph are not relevant to the question presented in the Joint Petition, which is whether "basic stand alone local calling service" is readily available from competitors on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition.

12. Denied. It is admitted that other carriers offer certain telecommunications services in the affected service areas. It is denied that other carriers offer "basic stand alone local calling service" on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition, and strict proof thereof is demanded.

13. Denied. It is specifically denied that other carriers offer "basic stand alone local calling service" on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition.

Protest and Answer: Waiver of Certain Regulations

CWA and IBEW oppose Verizon's request to have the Commission waive numerous regulatory requirements through December 31, 2025. Verizon has not explained how such a waiver serves the public interest. Verizon also has not explained how such a waiver would be consistent with Section 3019 of the Public Utility Code which requires the Commission to "review and revise quality of service standards ... that address the safety, adequacy, reliability and privacy of telecommunications services and the ordering, installation, suspension, termination and restoration of any telecommunications service." 66 Pa. C.S. § 3019(b)(2).

CWA and IBEW are particularly concerned that Verizon seeks a waiver of several regulations that are designed to protect the safety of both the general public and Verizon's field workers who are CWA and IBEW members. Among the requirements Verizon seeks to waive are the following:

- Requirements to ensure electrical safety of telecommunications lines (52 Pa. Code §§ 63.12, 63.23, 63.63);
- Requirements for periodic tests, inspections and preventive maintenance (52 Pa. Code § 63.13);
- Standards for emergency response, backup power, and qualified personnel for emergency repair work (52 Pa. Code § 63.14);
- Testing and inspection requirements (52 Pa. Code §§ 63.22 and 63.64);
- Trouble report surveillance and reporting (52 Pa. Code § 63.55);
- Standards for answering calls, responding to customer trouble reports, and installing service (52 Pa. Code §§ 63.56 to 63.59);
- Requirements for an employee safety program (52 Pa. Code § 63.65);
- Customer notification prior to service interruption (52 Pa. Code § 64.51);
- Prohibition of termination for non-payment of non-basic service charges (52 Pa. Code § 64.63);
- Notice procedures prior to suspension of service (52 Pa. Code §§ 64.71 to 64.75 and 64.121 to 64.123); and
- Emergency and medical certification procedures (52 Pa. Code §§ 64.101 to 64.109).

CWA and IBEW provide the following specific answers to the numbered paragraphs of the Joint Petition:

14. Denied. It is denied that Verizon needs to be exempted from any Commission regulations. It is further denied that Verizon has met the standard for seeking a waiver of any Chapter 64 requirements ("unreasonable hardship," as set forth in 52 Pa. Code § 64.212).

15. Admitted in part and denied in part. It is admitted that Verizon is requesting the waiver set forth in this paragraph. It is denied that such a waiver is either necessary or consistent with the public interest. It is further denied that Verizon has met the standard for seeking a waiver of any Chapter 64 requirements ("unreasonable hardship," as set forth in 52 Pa. Code § 64.212).

16. Denied. It is denied that other carriers offer "basic stand alone local calling service" on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition. Even if a competitive market existed for such service, it is denied that a competitive market would be sufficient to provide consumers and workers with the protections set forth in Chapters 63 and 64 of the Commission's regulations.

17. Denied. It is denied that other carriers offer "basic stand alone local calling service" on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition. Even if a competitive market existed for such service, it is denied that a competitive market would be sufficient to provide consumers and workers with the protections set forth in Chapters 63 and 64 of the Commission's regulations. It is further denied that all of the regulations for which Verizon seeks a waiver are made "unnecessary" by current market conditions.

18. Denied. It is denied that other carriers offer "basic stand alone local calling service" on a non-discriminatory basis and at reasonable rates, terms and conditions throughout the service areas included in the Joint Petition. Even if a competitive market existed for such service, it is denied that a competitive market would be sufficient to provide consumers and workers with the protections set forth in Chapters 63 and 64 of the Commission's regulations. It is further denied that all of the regulations for which Verizon seeks a waiver are made "unnecessary" by current market conditions.

19. Denied. This paragraph contains an alleged statement of the law to which no answer is required. By way of further answer, certain regulations for which Verizon seeks a waiver are a method by which the Commission implements its authority over the safety and adequacy of facilities and services under 66 Pa. C.S. § 1501 and other provisions of the Public Utility Code.

It is inconsistent for Verizon to assert that the Commission retains authority under Section 1501 while simultaneously asking the Commission to waive regulations through which the Commission implements that authority.

WHEREFORE, Communications Workers of America and International Brotherhood of Electrical Workers respectfully request the Commission to deny Verizon's Joint Petition.

Respectfully submitted,



Scott J. Rubin (PA Atty. 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:

Communications Workers of America and
International Brotherhood of Electrical Workers

Dated: October 20, 2014

VERIFICATION

I, Alex J Minishak, Jr, International Staff Representative of the Communications Workers of America, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: October 20, 2014

Alex J. Minishak, Jr.

VERIFICATION

I, Michael D. Welsh, International Representative of the International Brotherhood of Electrical Workers, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: October 15, 2014

Michael D Welsh