**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Verizon Pennsylvania LLC and :

Verizon North LLC for Competitive Classification : P-2014-2446303

Of All Retail Services In Certain Geographic Areas, : P-2014-2446304

And For A Waiver Of Regulations For Competitive :

Services :

**ORDER**

**GRANTING MOTION FOR ADMISSION OF SUPPLEMENTAL EXHIBITS**

On October 6, 2014, Verizon Pennsylvania LLC and Verizon North LLC (collectively referred to as Verizon or “the Companies”) filed with the Pennsylvania Public Utility Commission separate Petitions pursuant to Section 3016(a) of the Public Utility Code seeking to declare as competitive all protected or noncompetitive retail services offered by Verizon within their Philadelphia, Erie, Scranton-Wilkes Barre, Harrisburg, Pittsburgh, Allentown and York service regions. The Petitions also requested waivers of Commission regulations for competitive services. Pursuant to Section 5.14 of the Commission’s regulations, notice of the filings was published in the Pennsylvania Bulletin on October 11, 2014 establishing a ten day period for submitting formal Protests. On October 6, 2014, the Commission assigned the filings to the Office of Administrative Law Judge for an expedited process resulting in a certification of the record to the full Commission after the submission of main and reply briefs.

On October 9, 2014, the Commission issued a Prehearing Conference Notice establishing an Initial Prehearing Conference for this case for Thursday, October 23, 2014 at 1:00 p.m. in Hearing Room 1 of the Commonwealth Keystone Building in Harrisburg and assigning me as the Presiding Officer. A Prehearing Conference Order dated October 9, 2014 was issued setting forth various procedural issues that would govern the Initial Prehearing Conference.

On October 17, 2014, the Office of Consumer Advocate (OCA) filed a Protest and Public Statement. On October 20, 2014, AT&T Corp. and Teleport Communications America, LLC (collectively “AT&T”) filed a Petition to Intervene, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed an Answer and Petition to Intervene, the Communications Workers of America and International Brotherhood of Electrical Workers (CWA) filed a Protest and Answer and Full Service Network (FSN) filed a Petition to Intervene. On October 21, 2014, the Pennsylvania Telephone Association (PTA) filed a Petition to Intervene and the Office of Small Business Advocate (OSBA) filed a Notice of Intervention, Verification, Public Statement and Notice of Appearance. On October 23, 2014, Verizon filed an Answer to AT&T’s Petition to Intervene.

The Initial Prehearing Conference convened on Thursday, October 23, 2014, as scheduled. During the Initial Prehearing Conference, various procedural matters were discussed. A Scheduling Order dated October 24, 2014 was issued memorializing the issues that were agreed to during the Initial Prehearing Conference. The parties were reminded that Commission policy promotes settlement. 52 Pa.Code § 5.231(a). The parties were encouraged to commence settlement discussions as early as possible.

On December 17, 2014, an evidentiary hearing was held pursuant to the Scheduling Order wherein the pre-served, written testimony of the parties’ witnesses was admitted into the record subject to timely motions and objections. During the hearing, various matters were accepted “subject to check” by Verizon’s witness when being cross-examined. A discussion was held during the hearing regarding the use of accepting these matters “subject to check” and it was agreed that Verizon would be given an opportunity after the hearing to investigate the matters that were accepted “subject to check” and provide a response if there were any concerns. Tr. 143-44, 167-68.

As such, on December 29, 2014, Verizon filed a Response to Subject to Check Items from December 17, 2014 Hearing and Motion for Admission of Supplemental Exhibits, along with Verizon Supplemental Exhibits 1 through 5. In its Motion, Verizon provided its response following its check of certain documents used and assumptions made during cross-examination at the hearing and moved for the admission of Supplemental Exhibits 1 through 5. In light of the time constraints on this proceeding, the parties were notified that any responses to Verizon’s Motion should be submitted by January 5, 2015. No answers to the Motion were filed.

Verizon’s Motion will be granted and Verizon Supplemental Exhibits Number 1 through 5 will be admitted into the record of this proceeding.

The Commission’s regulations provide that relevant and material evidence is admissible subject to objections on other grounds. 52 Pa.Code § 5.401(a). Such other grounds include evidence that is repetitious or cumulative and if the probative value of the evidence is outweighed by the danger of unfair prejudice, confusion of the issues or considerations of undue delay. 52 Pa.Code § 5.401(b). Furthermore, the Commission’s regulations also provide that the Presiding Officer shall have all necessary authority to control the receipt of evidence. 52 Pa.Code § 5.403(a).

As a result of its investigation of various matters accepted “subject to check” during the hearing, Verizon seeks the admission of Supplemental Exhibits Number 1 through 5. Verizon attached copies of those Exhibits to its Motion and provided the following description:

* **Verizon Supplemental Exhibit 1**, consisting of the pages from the Center for Rural Pennsylvania website defining “rural” and “urban” and providing the links to both maps, as well as a print-out of the map of Rural Pennsylvania Counties.
* **Verizon Supplemental Exhibit 2** contains pages depicting the results of searches from the Warren FactBook of areas served by Time Warner Cable in the Cleveland, Ohio DMA. These searches show that Time Warner Cable serves (and provides cable telephony) in Waterford Borough, Waterford Township, Summit Township, Fairview and other areas in Erie County, Pennsylvania.
* **Verizon Supplement Exhibit 3** contains pages depicting the results of searches from the Warren FactBook for Waterford Borough, Waterford Township, Summit Township, and Fairview, showing cable telephony provided by Time Warner Cable.
* **Verizon Supplemental Exhibit 4** contains pages printed out from Time Warner Cable’s website. The first page lists the communities and zip codes served by Time Warner in “Suburban Erie (Erie County),” including Waterford, Fairview and others. The remaining pages are specific Time Warner web pages showing the services offered in Waterford and Fairview (specifically including cable telephony), and verifying coverage with statements such as “you are one of the many people who’ve heard that Time Warner Cable is their cable television service provider in Waterford, PA.”
* **Verizon Supplemental Exhibit 5** is a map of zip codes in Erie and the surrounding area, outlining in black the zip codes that Time Warner indicates in Verizon Supplemental Exhibit 4 are part of its Suburban Erie coverage area. That map can be compared to information already in the record (maps of petition area included as Attachment C to Verizon St. 1.0 and Exhibit 2 to OCA St. 1) to show that Time Warner Cable serves the Erie areas included in Verizon’s petition.

A comparison of Verizon Supplemental Exhibits 1 through 5 to the matters accepted “subject to check” during the hearing demonstrates that the information contained in these Exhibits is relevant and material and not objectionable on any grounds. In some instances, the Verizon Supplemental Exhibit helps to make the record more complete or accurate by providing additional detail that was not available during the hearing.

Additionally, Verizon’s Supplemental Exhibits are not repetitious or cumulative. Nor is the probative value of these Exhibits outweighed by the danger of unfair prejudice, confusion of the issues or consideration of undue delay. Furthermore, no party has objected to their admission into the record of this proceeding. As a result, Verizon Supplemental Exhibits 1 through 5 will be admitted into the record of this proceeding.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Admission of Supplemental Exhibits filed by Verizon Pennsylvania LLC and Verizon North LLC on December 29, 2014 at Docket Numbers P-2014-2446303 and P-2014-2446304 is hereby granted.
2. That Verizon Supplement Exhibit Numbers 1 through 5 are admitted into the record of this proceeding.
3. That Verizon Pennsylvania LLC and Verizon North LLC are directed to provide the requisite number of copies of Supplemental Exhibits 1 through 5 to the Commission’s Secretary’s Bureau and Office of Special Assistants no later than January 16, 2015.

Date: January 6, 2015

Joel H. Cheskis

Administrative Law Judge

**P-2014-2446303 & P-2014-2446304 - Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas, and for a Waiver of Regulations for Competitive Services**

*(Revised 10/30/14)*

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