

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**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**

**Public Meeting August 20, 2015
2446303-LAW**

**Docket Nos. P-2014-2446303 &
P-2014-2446304**

DISSENTING STATEMENT OF COMMISSIONER JAMES H. CAWLEY

Consistent with my original February 26, 2015, dissent from the adoption of the main Verizon Competitive Classification Order (Reclassification Order),¹ I dissent from the present Order on data collection and reporting that is being adopted by the majority.

I am in agreement with the Office of Consumer Advocate (OCA) analysis in this proceeding “that the collection and reporting of data *by wire center* is necessary and consistent with the Commission’s stated purposes for imposing this two-year data collection and reporting obligation upon Verizon, as conditions related to both the Commission’s grant of competitive classification and waiver of certain regulations for five years, pending completion of a future rulemaking.”² Furthermore, the “OCA submits that collecting and reporting data for competitive wire centers only in the aggregate is inconsistent with the Commission’s recognition that the level and availability of competitive alternatives varies within individual wire centers within individual wire centers classified as competitive was critical to its determination.”³ However, the Order adopted by the majority requires aggregate level of data collection and reporting for competitive wire centers.

Aggregate reporting of data by Verizon Pennsylvania LLC and Verizon North LLC (Verizon or Verizon Companies), for wire centers where basic local exchange telephone services have been classified as competitive — especially when it comes to quality of service variables and data points — can mask trends that should be discernible to this Commission as it implements the Verizon Reclassification Order. For example, although in the aggregate it may appear that quality of service is not declining or may be on par with the wire centers where basic local exchange telephone services retain their non-competitive and/or protected status, the reality may be that the Verizon Companies may be concentrating their wireline network repair and maintenance activities on certain competitively classified wire centers while others with the same classification may continue to be in a “race to the bottom.”⁴

For largely the same reasons, I respectfully disagree with the decision reached by the majority that the reporting of certain residential account data categories does not need to be triggered until such a time as rates that are charged for competitively classified basic local exchange services become

¹ *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*, Docket Nos. P-2014-2446303 and P-2014-2446304, Order entered March 4, 2015, (Reclassification Order), and Dissenting Statement of Commissioner James H. Cawley, dated February 26, 2015.

² Docket No. P-2014-2446303 *et al.*, Data Collection & Reporting Phase, OCA Comments, June 4, 2015, at 4.

³ *Id.*, at 6.

⁴ Docket No. P-2014-2446303 *et al.*, Dissenting Statement of Commissioner James H. Cawley, dated February 26, 2015, at 24-25, and n. 51, citing CWA-IBEW M.B. at 20-26, and CWA-IBEW St. 1 at 82-84, Schedules SMB-10 & SMB-11, and St. 1S, at 7-8.

higher than those for the same services that remain non-competitive and/or protected. This approach interjects an unnecessary degree of ambiguity on whether and how this competitive versus non-competitive rate differential trigger becomes activated. Rather, a continuous reporting of these data along the lines suggested by the OCA would have provided the Commission with better, uninterrupted, meaningful, and comparable trends.

For these reasons, I respectfully dissent from the Order adopted by the majority on the data collection and reporting obligations of the Verizon Companies.

Dated: August 20, 2015



James H. Cawley
Commissioner