

**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-OSA (REVISED)**

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

**STATEMENT OF COMMISSIONER JAMES H. CAWLEY
CONCURRING IN PART AND DISSENTING IN PART**

Consistent with my February 26, 2015, dissent from the adoption of the main Verizon Competitive Classification Order (Reclassification Order),¹ and my subsequent May 19, 2015, dissent from the Tentative Implementation Opinion and Order (Tentative Order) in the same proceeding,² I dissent from the Final Implementation Opinion and Order that is adopted today by the majority, although I concur in the changes moved by Commissioner Witmer today except for her motion's adoption of reporting by aggregate competitive and non-competitive wire centers rather than by individual wire centers (Issue 2(B)).

A. Issue 1 – Application of the Product Guide

The comments that were submitted by various parties in response to the Commission's Tentative Order, the subsequent analytical work that was performed by our Staff, and the present motion of Commissioner Witmer alleviate some of the major concerns that I have expressed in my prior dissents in this proceeding. I concur with Commissioner Witmer's motion that the respective Product Guides for the competitively classified services of Verizon Pennsylvania LLC and Verizon North LLC — inclusive of the basic local exchange telephone services that have been reclassified as competitive in the 153 Verizon wire centers — do not have the status of an independent legal standard or authority, e.g., the Product Guides are not equivalent to the legal standard or authority of a tariff. I similarly agree with the decision reached by the majority regarding the requirement imposed on Verizon to timely provide electronic copies of its Product Guides and their periodic changes to the Commission Staff, and to maintain up-to-date copies of the Product Guides with the Commission.

I also concur with Commissioner Witmer's motion that strongly encourages Verizon to clearly, timely and affirmatively identify the individual wire center — and whether the individual wire center is associated with the non-competitive or competitive classification of basic local exchange telephone services — in informal or formal complaint cases. It is similarly intuitive that the inclusion of such

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 *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, Tentative Implementation Opinion and Order entered June 1, 2015, (Tentative Order), and Dissenting Statement of Commissioner James H. Cawley, dated May 19, 2015.

information in the electronic exchanges between Verizon and the Commission's Bureau of Consumer Services can and will facilitate the timely resolution of informal complaint proceedings.

Nevertheless, consistent with my prior February 26, 2015, dissenting statement, I continue to have serious reservations whether adequate and consistent consumer protections will continue to exist for end-users of competitive local exchange telephone services in Verizon's 153 wire centers at issue under the combined umbrella of Section 1501, 66 Pa. C.S. § 1501, the Commission's non-waived regulations for these wire centers, and the Verizon Product Guide.

B. Issue 2 – Section 64.201 Reporting

1. Section 64.201 Annual Statewide Reports

I concur in the Motion of Commissioner Witmer that the relief from certain Section 64.201, 52 Pa. Code § 64.201, reporting requirements cannot be extended to Verizon wire centers that were not included or otherwise implicated in the original petition that resulted in the Reclassification Order, and I agree with the Office of Consumer Advocate (OCA) comments and analysis in this regard.

2. Reporting by Individual Wire Centers or by Aggregate Competitive and Non-Competitive Wire Centers

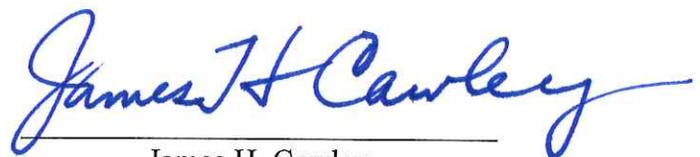
Consistent with my companion dissenting statement involving the collection of data from the Verizon Companies during the implementation of the Reclassification Order,³ I dissent from the position adopted by the majority regarding the collection of Section 64.201 reporting data in an aggregate non-competitive and competitive form, and not on a wire center basis.

C. Carrier of Last Resort Obligations

The positions adopted by the majority today do not affirmatively and conclusively address certain concerns that I have previously expressed in relation to the carrier of last resort (COLR) obligations of the Verizon Companies, and how such COLR obligations can be influenced through modifications of the Verizon Product Guides.

For these reasons, I respectfully concur in part and dissent in part from the Final Implementation Opinion and Order, and wish to be recorded overall as a negative vote.

Dated: August 20, 2015



James H. Cawley
Commissioner

³ Docket Nos. P-2014-2446303, P-2014-2446304, August 20, 2015, Public Meeting Agenda Item 2446303-LAW.