



ATTORNEYS AT LAW

William T. Hawke  
Kevin J. McKeon  
Thomas J. Sniscak  
Lillian Smith Harris  
Scott T. Wyland  
Todd S. Stewart  
Craig R. Burgraff  
Janet L. Miller  
Steven K. Haas  
William E. Lehman  
Katherine E. Lovette  
Tori L. Giesler

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

December 8, 2009

*Via Electronic Filing*

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – Second Floor  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: Margaret Forgash v. Verizon Pennsylvania Inc.; Docket No. C-2009-2092601;  
**MOTION FOR LEAVE TO FILE ANSWER**

Dear Mr. McNulty:

Enclosed, for electronic filing with the Commission, is the Motion of Verizon Pennsylvania Inc. for leave to file its Answer in the above-captioned matter. The original of this document will be delivered to the Commission as required by the regulations, and a copy has been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions concerning this filing, please feel free to call.

Very truly yours,

Janet L. Miller

*Counsel for Verizon Pennsylvania Inc.*

JLM/das  
Enclosure

cc: Honorable Mark A. Hoyer  
Margaret Forgash

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARGARET FORGASH,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-2009-2092601

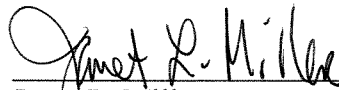
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**NOTICE TO PLEAD**

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TO: Margaret Forgash  
13241 St. Clair Drive  
North Huntingdon, PA 15642

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that, if you do not file a written response to the attached Motion within twenty (20) days from service of this notice, the facts set forth by Verizon Pennsylvania Inc. in the Motion may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to the attached Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon Pennsylvania Inc.



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Janet L. Miller, Attorney ID No. 63491  
Hawke McKeon & Sniscak LLP  
Harrisburg Energy Center  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
717-236-1300 (Voice)  
717-236-4841 (Facsimile)  
jlmiller@hmslegal.com

*Counsel for Verizon Pennsylvania Inc.*

DATED: December 8, 2009

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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ADMINISTRATIVE LAW JUDGE MARK A. HOYER

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MARGARET FORGASH,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2092601
	:	
VERIZON PENNSYLVANIA INC.,	:	
	:	
Respondent	:	

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**MOTION OF VERIZON PENNSYLVANIA INC.  
FOR LEAVE TO FILE ANSWER**

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Verizon Pennsylvania Inc. (“Verizon PA” or “Company”), by its attorneys in this proceeding, Hawke McKeon & Sniscak LLP, and pursuant to 52 Pa. Code § 5.103(a), respectfully requests that it be allowed to file an Answer to the above-captioned Formal Complaint beyond the time period required by the Pennsylvania Public Utility Commission’s (“Commission”) Regulations. In support thereof, Verizon PA represents and avers as follows:

1. Margaret Forgash (“Complainant”) filed a Formal Complaint with the Commission on February 24, 2009, in which she alleged a billing dispute. The Formal Complaint was assigned Docket No. C-2009-2092601 and was served on Verizon PA on March 2, 2009.

2. The Commission's Regulation at 52 Pa. Code § 5.61(a) requires that an answer to a formal complaint "be filed with the Commission within 20 days after the date of service" unless a different time is prescribed by statute or by the Commission. Thus, the Company's Answer in this matter should have been filed on or before March 22, 2009.

3. In response to the Formal Complaint, a Verizon PA representative contacted Complainant and entered into a settlement that the Company believed resolved all issues raised by Complainant. As a result, Verizon PA's Assistant General Counsel, Suzan D. Paiva, Esquire, filed a Certificate of Satisfaction on March 19, 2009, as permitted by the Commission's Regulation at 52 Pa. Code § 5.24(b). A copy of that filing was sent to Complainant.

4. Notwithstanding the settlement she agreed to with the Verizon PA representative on March 19, 2009, Complainant filed an objection to the Certificate of Satisfaction. Additional attempts to resolve Complainant's disputes to her satisfaction were unsuccessful.

5. On May 11, 2009, the Commission issued a Secretarial Letter closing this proceeding. Complainant filed a letter dated May 23, 2009 indicating she was not satisfied with her telephone bill, and a telephonic hearing has been scheduled for Thursday, December 17, 2009 before Administrative Law Judge Mark A. Hoyer.

6. Because Verizon PA had a reasonable belief that the matter had been settled on March 19, 2009, and filed a Certificate of Satisfaction on that day in lieu of its Answer, which would have been due on March 22, 2009, and in view of the issuance of the May 11, 2009 Secretarial Letter, Verizon PA should be granted leave to file an Answer prior to the hearing.

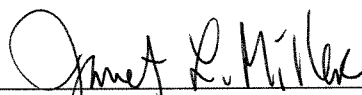
7. Through this Motion, Verizon PA respectfully requests permission to file the Answer that is attached to and incorporated herein as **Appendix A**.

8. Verizon PA does not believe its filing of the attached Answer beyond the time permitted by the Commission's Regulations under these circumstances will prejudice Complainant in any way. Moreover, granting the extension under these circumstances will have facilitated and promoted the parties efforts to settle and conclude the matter (even though those efforts were ultimately unsuccessful in this case) through the filing of a Certificate of Satisfaction, which is intended under the Commission's Regulation as an alternative that avoids the time and expense of filing pleadings.

9. Verizon PA will continue to discuss settlement possibilities with Complainant, and appreciates the consideration given to this matter by Your Honor and the Commission.

WHEREFORE, Verizon Pennsylvania Inc. respectfully requests that this Motion be granted and that the Answer attached hereto as **Appendix A** be accepted for filing in this proceeding.

Respectfully submitted,



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Janet L. Miller  
Attorney ID No. 63491  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
Telephone: 717-236-1300  
Facsimile: 717-236-4841  
[jlmler@hmslegal.com](mailto:jlmler@hmslegal.com)

*Counsel for Verizon Pennsylvania Inc.*

DATED: December 8, 2008

**H**awke  
  **M**cKeon &  
   **S**niscak LLP  
ATTORNEYS AT LAW

William T. Hawke  
Kevin J. McKeon  
Thomas J. Sniscak  
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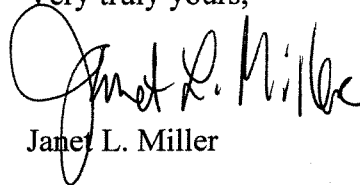
RE: Margaret Forgash v. Verizon Pennsylvania Inc.; Docket No. C-2009-2092601;  
**ANSWER**

Dear Mr. McNulty:

Enclosed, for electronic filing with the Commission, is the Answer of Verizon Pennsylvania Inc. in response to the above-captioned Formal Complaint. The original of this document will be delivered to the Commission as required by the regulations, and a copy has been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions concerning this filing, please feel free to call.

Very truly yours,



Janet L. Miller

*Counsel for Verizon Pennsylvania Inc.*

JLM/das  
Enclosure

cc: Honorable Mark A. Hoyer  
Margaret Forgash

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

**APPENDIX A**



4.B. ADMITTED in part; DENIED in part.

(a) Verizon PA DENIES Complainant subscribed to the Verizon Freedom Value Package (“Freedom Value”).<sup>1</sup> On the contrary, Verizon PA AVERS Complainant subscribed to the Verizon Freedom Essentials Package (“Freedom Essentials”) from July 16, 2008 through August 25, 2008.

(b) Verizon PA AVERS both Freedom Value and Freedom Essentials provide the customer with the ability to make an unlimited number of direct-dialed local, regional toll and nationwide long distance calls for a flat monthly fee. Verizon PA AVERS, however, that Freedom Essentials also includes the optional features of Home Voice Mail, Call Waiting and Caller ID as part of the bundled service package, while Freedom Value does not. Verizon PA AVERS that, at the time she made changes to her account in July 2008, Complainant already subscribed to Call Waiting and Caller ID; to keep these services, Complainant had to subscribe to Freedom Essentials or pay an additional monthly fee for each of these optional services.

(c) Verizon PA is without sufficient information or knowledge to respond to Complainant’s statements regarding her conversations with Todd Haslup, the Bureau of Consumer Services (“BCS”) investigator assigned by the Commission to review Complainant’s informal complaint filed on September 9, 2008 at BCS No. 2441048. These statements are therefore DENIED. Verizon PA specifically DENIES the BCS’ December 12, 2008 Decision on Informal Complaint No. 2441048 was “totally wrong.”

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<sup>1</sup> Freedom Value is the service described in the document attached to the Formal Complaint as Exhibit “B.”

(d) Verizon PA ADMITS the total amount due as of Complainant's August 4, 2008 bill was \$318.57, but DENIES the amount of this bill was incorrect or included charges for services not provided to Complainant's account. On the contrary, Verizon PA AVERS Complainant made only one (1) partial payment on her account prior to issuance of her August 4, 2008 bill. As a result, Verizon PA AVERS the \$318.57 total outstanding balance included the unpaid amounts due for Complainant's June 4, 2008 bill, as well as all amounts owed for July and August 2008.

5. The statements set forth in Paragraph 5 of the Formal Complaint are a request for relief or represent statements of Complainant's opinions, beliefs or conclusions, to which no response is required. To the extent a response is deemed to be necessary, these statements are DENIED. By way of further answer:

(a) To the extent applicable, Verizon PA incorporates into this Paragraph 5 its responses set forth above.

(b) Verizon PA ADMITS that calls placed under Freedom Value or Freedom Essentials are not timed, but AVERS Complainant only received the Freedom Essentials service from July 16, 2008 through August 25, 2008, when all of her telephone services were suspended due to nonpayment. Verizon PA AVERS that, following the suspension, Complainant made a payment that covered only the outstanding basic charges. Verizon PA AVERS that Complainant's basic services were restored on August 27, 2008 with the Unlimited Calling to Local Area option; Complainant's toll and nonbasic services remained suspended and were later terminated.

(c) Verizon PA AVERS that Freedom Value and Freedom Essentials are considered optional services and the monthly fees for these services were included in the nonbasic charges shown on Complainant's telephone bills. As a result, Verizon PA AVERS Complainant could no longer receive the Freedom Value or Freedom Essentials service after her nonbasic services were suspended on August 25, 2008 for nonpayment.

(d) Verizon PA ADMITS that directory assistance calls are not covered by Freedom Value or Freedom Essentials and that Complainant is charged for local and national directory assistance calls placed from her telephone at a per call rate that currently is \$1.50.

(e) Verizon PA DENIES Complainant only owed "\$19 plus [her] directory assistance charges" as of her July 4, 2008 bill, or that the \$173.14 total amount due as of that bill was incorrect. On the contrary, Verizon PA AVERS the current charges shown on Complainant's June 4, 2008 bill totaled \$83.88 and current charges on her July 4, 2008 bill totaled \$129.26. Verizon PA AVERS Complainant made only one (1) payment of \$40.00 toward these charges, leaving an outstanding balance of \$173.14.<sup>2</sup>

(f) Verizon PA DENIES Complainant subscribed to Freedom Value or Freedom Essentials at the time her July 4, 2008 bill was issued. On the contrary, Verizon PA AVERS Complainant did not request these changes in her service until July 16, 2008.

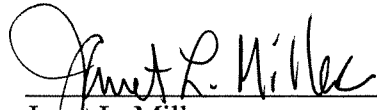
(g) Verizon PA DENIES the handwritten statements included on Exhibits "A" and "B" attached to the Formal Complaint.

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<sup>2</sup> \$83.88 + \$129.26 = \$213.14 - \$40.00 = \$173.14.

WHEREFORE, for all the reasons set forth in this Answer, and in accordance with the Commission's Regulations, Verizon Pennsylvania Inc. respectfully requests that the Formal Complaint filed at Docket No. C-2009-2092601 be dismissed or denied in its entirety.

Respectfully submitted,



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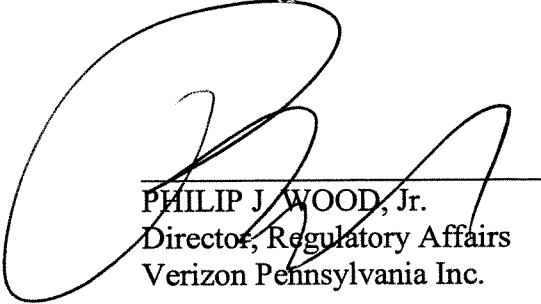
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Attorney ID No. 63491  
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100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105-1778  
717-236-1300 (Voice)  
717-236-4841 (Facsimile)  
jlmiller@hmslegal.com

*Counsel for Verizon Pennsylvania Inc.*

Dated: December 8, 2009

## AFFIDAVIT

I, **PHILIP J. WOOD, Jr.**, Director, Regulatory Affairs of Verizon Pennsylvania Inc., am authorized to make this affidavit on its behalf, and I verify that the information provided in the foregoing document(s) is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



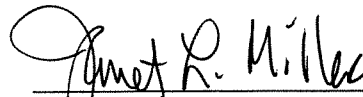
PHILIP J. WOOD, Jr.  
Director, Regulatory Affairs  
Verizon Pennsylvania Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the party listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

***Via First Class Mail***

Margaret Forgash  
13241 St. Clair Drive  
North Huntingdon, PA 15642

  
\_\_\_\_\_  
Janet L. Miller

Dated this 8<sup>th</sup> day of December, 2009

## AFFIDAVIT

I, **PHILIP J. WOOD, Jr.**, Director, Regulatory Affairs of Verizon Pennsylvania Inc., am authorized to make this affidavit on its behalf, and I verify that the information provided in the foregoing document(s) is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



PHILIP J. WOOD, Jr.  
Director, Regulatory Affairs  
Verizon Pennsylvania Inc.

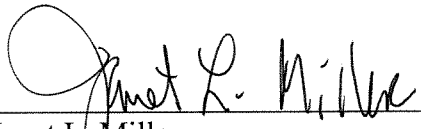
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***Via First Class Mail:***

Margaret Forgash  
13241 St. Clair Drive  
North Huntingdon, PA 15642

Dated this 8<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
Janet L. Miller  
*Counsel for Verizon Pennsylvania Inc.*