

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE

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300 North Second Street  
Harrisburg, Pennsylvania 17101

William R. Lloyd, Jr.  
Small Business Advocate

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May 14, 2010

**HAND DELIVERED**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**Re: PMO III - Directory Listings (Folder 16)  
Docket No. M-2009-2134347**

**PMO - Performance Metrics and Remedies  
Docket No. M-00011468**

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Dear Secretary Chiavetta:

I am delivering for filing today the original plus three copies of the Answer to the Petition for Reconsideration, on behalf of the Office of Small Business Advocate in the above-captioned proceedings.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Steven C. Gray".

Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

Enclosures

cc: Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PMO III - Directory Listings (Folder 16) : Docket No. M-2009-2134347**  
**PMO - Performance Metrics and Remedies : Docket No. M-00011468**  
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**ANSWER OF THE  
OFFICE OF SMALL BUSINESS ADVOCATE**

Pursuant to 52 Pa. Code § 5.572(e), the Office of Small Business Advocate (“OSBA”) submits this Answer to the Petition for Reconsideration (“*Petition*”) of Verizon Pennsylvania, Inc. (“Verizon PA” or the “Company”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) on May 4, 2010.

**Responses to the *Petition*’s Numbered Paragraphs**

**Introduction**

1. The OSBA admits that Verizon made a filing on October 1, 2009. By way of further response, Verizon’s October 1, 2009, filing, Verizon Tariff Pa. P.U.C.-No. 216, and the Commission’s Order at *Performance Measures Remedies, Final Opinion and Order on Performance Measures and Remedies for Wholesale Performance for Verizon Pennsylvania Inc.*, Docket No. M-00011468 (Order entered December 10, 2002) (“*PMO II Order*”) speak for themselves.

2. The OSBA admits that the Carrier Working Group (“CWG”) has been negotiating issues that originated in the *PMO II Order*. By way of further response, the settlement process of the CWG is an informal, off-the-record process. The details of that process are not

appropriate subject matter for the *Petition*, and are not relevant to the substantive issues raised by the *Petition*.

3. Admitted. By way of further response, the Commission's April 19, 2010, Order speaks for itself.

4. The first two sentences of Paragraph 4 are admitted. However, it is denied that the data described by Verizon in the third sentence adequately responds to the data contemplated by the June 2002 Order. *See Re: Performance Measures Remedies*, Docket No. M-00011468 (Order entered June 24, 2002), at 50.

5. The averments of Paragraph 5 are admitted, except for those averments that are requests for relief to which no response is required. By way of further response, the Commission's April 19, 2010, Order speaks for itself.

6. The averments of Paragraph 6 are conclusions of law to which no response is required. By way of further response, the Commission's April 19, 2010, order speaks for itself.

7. The averments of Paragraph 7 are conclusions of law or requests for relief to which no response is required.

### **Argument**

#### **Duick Standard**

8. The averments of Paragraph 8 are conclusions of law to which no response is required.

9. The averments of Paragraph 9 are conclusions of law to which no response is required.

### **Reconsideration**

10. The averments of Paragraph 10 are conclusions of law to which no response is required.

11. The averments of Paragraph 11 are conclusions of law or requests for relief to which no response is required.

12. The averments of Paragraph 12 are requests for relief to which no response is required.

13. The averments of Paragraph 13 are conclusions of law or requests for relief to which no response is required. The averments of Paragraph 6 are conclusions of law to which no response is required. By way of further response, the *PMO II Order* speaks for itself.

14. The averments of Paragraph 14 are conclusions of law or requests for relief to which no response is required. By way of further response, the Commission's Order at *Performance Metrics & Remedies, 2008 PA PAP Updates*, Docket No. M-00011468F0011 (Order entered September 11, 2008) speaks for itself.

15. The averments of Paragraph 15 are requests for relief to which no response is required. By the way of further response, if Verizon continues to discuss the inner workings of the CWG settlement discussions in a public forum, Verizon will, by itself, have accomplished the "chilling effect on future functioning of the CWG" it supposedly seeks to avoid.

### **Commission Reconsideration**

#### **The Data Reporting Requirements**

16. Admitted in part. By way of further response, the Commission's April 19, 2010, order speaks for itself.

17. The averments of Paragraph 17 are conclusions of law to which no response is required. By way of further response, the Commission's April 19, 2010, order speaks for itself.

18. The averments of Paragraph 18 are requests for relief to which no response is required. By way of further response, the reporting that the Commission has ordered would be useful to the OSBA in order to determine whether non-financial remedies should be implemented. Furthermore, any data which provides granularity to the problem of listing errors will be helpful in assessing whether the financial remedies are adequate, and whether non-financial remedies would be appropriate.

19. The averments of Paragraph 19 are conclusions of law to which no response is required. By way of further response, the Act of November 30, 2004 (P.L. 1398, No. 183), 66 Pa. C.S. §§ 3011 – 3019 ("New Chapter 30") speaks for itself.

20. The averments of Paragraph 20 are requests for relief to which no response is required. By way of further response, these issues should not be indefinitely before the CWG. As Verizon observed in Paragraph 1, it has taken (at least) six years for Verizon to make its financial remedies filing. If the Commission agrees with Verizon and sends these reporting issues back to the CWG, it ensures that nothing will happen. Verizon will have absolute veto power over any additional data collection, and the CWG will never be able to reach a consensus settlement agreement. If the Commission is going to send these issues back to the CWG, the OSBA recommends that the Commission set a fixed date for any response from the CWG, including individual responses of the CWG parties if an overall settlement is not reached. This procedure would avoid these issues being stuck in the CWG for the next six years and would allow all parties to put their positions on the record for adjudication.

**Blue Pages**

21. The averments of Paragraph 21 are conclusions of law to which no response is required. By way of further response, the Commission's April 19, 2010, order speaks for itself.

22. The averments of Paragraph 22 are denied, and the OSBA demands strict proof thereof.

23. The averments of Paragraph 23 are requests for relief to which no response is required.

**Operator Listings**

24. The averments of Paragraph 24 are conclusions of law to which no response is required. By way of further response, the Commission's April 19, 2010, order speaks for itself.

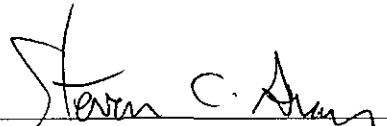
25. The averments of Paragraph 25 are requests for relief to which no response is required.

**Conclusion**

In view of the foregoing, the OSBA respectfully requests that the Pennsylvania Public Utility Commission:

- A. Deny the *Petition* in its entirety; or, in the alternative,
- B. Remand the listing error issues to the CWG with a fixed date for a response.

Respectfully submitted,



Steven C. Gray  
Attorney I.D. No. 77538  
Assistant Small Business Advocate

For:

William R. Lloyd, Jr.  
Attorney I.D. No. 16452  
Small Business Advocate

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Dated: May 14, 2010

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Answer to the Petition for Reconsideration, on behalf of the Office of Small Business Advocate, by e-mail and first-class mail (unless otherwise noted) upon the persons addressed below:

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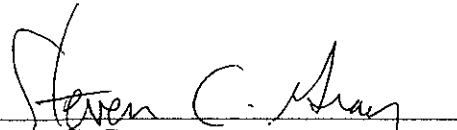
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Pennsylvania Carrier Working Group  
(E-Mail Only)

A handwritten signature in black ink, appearing to read "Steven C. Gray", is written over a horizontal line.

Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

Date: May 14, 2010