

Law Offices
ROBERT C. COHEN
Attorney At Law
740 Sandy St.
Norristown, Pennsylvania 19401
Ph: 610 212 6809 Fax: 610 279 9380

June 3, 2011

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission

RE: Richard Ryan v. Verizon Pennsylvania, Inc.;
Docket No. C-2009-2135745

PA P.U.C.
SECRETARY'S BUREAU

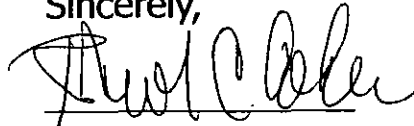
2011 JUN -6 AM 10:24

RECEIVED

Dear Secretary Chiavetta,

I have enclosed for filing Complainant's Motion to Compel Answers to Interrogatories and Production of Documents along with a Certificate of Service. Would you kindly file this on my behalf.

Sincerely,



Robert C. Cohen
Attorney for Richard Ryan, Complainant

cc: William E. Lehman
w/enclosures

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Ryan,

v.

Docket No. C-2009-2135745

Verizon Pennsylvania, Inc.,

**COMPLAINANT'S MOTION TO COMPEL ANSWERS TO FIRST
AMENDED INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

Robert C. Cohen, Esq. files this Motion to Compel answers to First Amended Interrogatories and First Amended Request for Production of Documents and Responds to Respondent's objections as follows: Attached hereto as Exhibit **A** and Exhibit **B**, respectively, are Complainant's First Amended Interrogatories and First Amended Request for Production of Documents and Respondent's objections, respectively.

A. First Amended Interrogatories

Interrogatory No. 1

Proposed & Actual final budget numbers for the support and maintenance of the copper wire network in Philadelphia County years 2005-2010, zip codes 19102, 19103, 19106, 19107 only.

Interrogatory No. 2

Proposed & Actual final budget numbers for the support and maintenance of the fiber optic network, AKA FIOS, in Montgomery County years 2005-2010, zip codes 19010, 19035, 19085, 19086 only.

Interrogatory No. 3

Gross income of Verizon PA 2005-20011 only.

RECEIVED
2011 JUN -6 AM 10:24
PA P U C
SECRETARY'S OFFICE

Interrogatory No. 4

Number of wooden telephone poles in the Verizon PA system, Center City Philadelphia zip code 19107 only.

Interrogatory No. 5

Number of homes for whom the service provided by Verizon PA is carried on wooden telephone poles in Center City Philadelphia zip code 19107 only.

Interrogatory No. 6

Number of homes for whom Verizon PA provides service in Center City Philadelphia 19107 only.

Interrogatory No. 7

Physical address of all homes served by the wires of Verizon PA, placed upon the western façade of Complainant's home 310 South Juniper Street.

B. First Amended Request for Production of Documents

Request No. 1

All documents including, without limitation, collective bargaining agreements reflecting limitations on service in any area of Philadelphia, including "red lined areas".

Request No. 2

Any & all documents concerning requests for service or maintenance at property 310 South Juniper Street, Philadelphia, Pennsylvania, 19107 from 1926-2011. **Respondent has failed to produce documents related to requests for service by Complainant for the period September 2006 to December 2008 when Complainant's telephone # at 310 S. Juniper was 215 545 1917 and the service address was AKA 311 S. Watts St. Philadelphia, PA 19107.**

RECEIVED

2011 JUN - 6 AM 10: 24

PA P.U.C.
SECRETARY'S BUREAU

Request No. 3

Any & all documents supporting Respondent's claim that " On or around August 6, 1924, per the former owner's request, Verizon PA placed facilities that ran from underground to the side of the building..., "per a license agreement that was customary at the time." (see **New Matter** page 4, paragraph 3)

Request No. 4

Any & all documents supporting Respondent's claim that "In the early 1980's, per the former owner's request, Verizon PA replaced the original facilities and added additional facilities at the exact same location on the side of the building." (see **New Matter** page 5, paragraph 4)

Request No. 4 (2nd)

Any and all documents supporting Respondent's claim that Verizon PA's facilities are located at 310 S. Juniper pursuant to a valid property right. (see **Preliminary Objections** page 3, paragraph 7)

Request No. 7

Any & all documents supporting Respondent's claim that "Verizon PA's facilities have been located in this exact same location from 1924 until the present." (see **Preliminary Objections** page 3, paragraph 7) **Respondent has not objected to this request but has not produced any of the documents requested.**

Argument

Respondent has failed to produce documents related to requests for service by Complainant for the period September 2006 to December 2008 when Complainant's telephone # at 310 S. Juniper was 215 545 1917 and the service address was AKA 311 S. Watts St. Philadelphia, PA 19107.

2011 JUN -6 AM 10:24

RECEIVED

All of Complainant's Interrogatories and request for production of documents are properly directed to the reasonable service issue referred to in Order #4.

Complainant's requests do not expand the scope of the proceedings, but rather carefully relate to the lack of reasonable service to Complainant.

Reasonable service includes the discriminatory service to Complainant, such as the continued use of obsolete telephone poles, in this day of buried service lines. With the First Amended Interrogatories and Request for Documents, Complainant seeks the information necessary to show how Complainant receives vastly inferior service than his neighbors, other parts of the City, and the more wealthy counties surrounding Philadelphia.

The unreasonable service afforded to Complainant is perhaps best exemplified by Respondent's conduct of this litigation. Before

Complainant first filed his informal complaint with the PUC

Complainant first requested Respondent to remove the

offending wires cluttering the western facade of his house.

Complainant was sent a letter on July 1, 2009 advising

PA PUC
SECRETARY'S BUREAU

2011 JUN -6 AH 10: 25

RECEIVED

he had to pay more than \$11,000 for this work . Complainant asked Mr. Hawkins why and he had to pay and he was told Respondent had an easement. After Complainant filed an informal complaint with the Commission, on July 20, 2009, he received a second proposal for the removal for \$5,500.00. However, along with this proposal, Complainant received a blank form to sign entitled "Aerial Grant." He was told he had to sign and return the "Aerial Grant", and pay in full before the work would be commenced. Complainant called Respondent to question the amount and the easement. Within days two men and a woman came to Complainant's home with engineering drawings which were presented as an easement showing where Verizon was allowed to have its wires.

Respondent actually tried to defraud Complainant first by claiming Respondent had an easement, later acknowledging it had no easement, nevertheless, Respondent tried to convince Complainant to sign an "Aerial Grant".

Clearly, there never was an easement.

When this litigation began, Counsel for Verizon claimed in the verified Answer to the original complaint and in its first Preliminary

PA P.U.C.
SECRETARY'S OFFICE

2011 JUN -6 AM 10: 25

RECEIVED

Objections that Verizon had an easement. Respondent was fraudulently presenting the facts and trying to convince Complainant to pay the "lower" \$5500.00 figure while signing new documentation. This was designed to allow Respondent to cover its tracks and charge for work which it had no right to do.

In its second set of Preliminary Objections and in its Second Answer and New Matter, at paragraph 3, Counsel for Verizon changed its legal theory, dropping the easement claim altogether and, for the first time, argued that Respondent had a "license agreement" to place the wires on Complainant's Property.

PA:PH'S
SECRETARY'S
BUREAU

2011 JUN -6 AM 10:25

RECEIVED

Thus, Complainant's discovery requests are directed solely and exclusively to information related to a broad range of reasonable service problems experienced by Complainant as follows:

1. Fraudulent representations to Complainant by Verizon.
2. Changing legal theories appearing in Respondent's documents as filed with the Commission and served upon Complainant.
3. Attachment of a cluster of many wires upon Complainant's home which are used to serve much of the surrounding neighborhood.
4. Continued use of obsolete telephone poles used to transport multiple neighborhood wires, using Complainant's home as a base to service the neighborhood and supporting the obsolete telephone pole. There are few, if any, telephone poles still in use in Center City

Philadelphia or in the more wealthy surrounding suburbs. Complainant's own observations reveal few, if any telephone poles remaining in the Center City area, but fewer in the western suburbs. Complainant was told by Respondent's employee Jose Fontanez that Respondent does not have any money budgeted for maintenance of the copper wire network which uses poles, but that Respondent's money is shifted for the build-out of the fiber optic network AKA FIOS.

5. Since before this litigation has commenced Respondent has placed a garbage bag on the NDB, Network Distribution Box, attached to and defacing Complainant's property to service the entire neighborhood. Respondent claims, in answers to interrogatories, it cannot purchase a cover for the box, but must replace the entire box which is too expensive, (\$1107.25) for the Respondent to do. Accordingly, they seem to claim that reasonable service is too expensive for them to provide, if they have to spend \$1107.25 to remove the garbage bag cover on the NDB or \$11,498.00 to restore the service properly underground to its prior location.

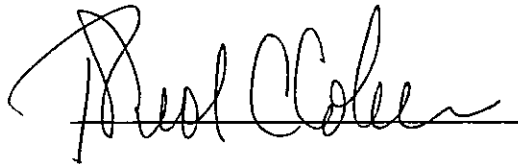
RECEIVED

2011 JUN -6 AM 10: 25

P.A.H.U.S.
SECRETARY'S BUREAU

All of the discovery requested by Complainant is limited to these items of reasonable service. Since Complainant anticipated that Respondent would claim it couldn't afford to replace the pole, put the the wires underground or even cover or replace the NDB, Complainant asks for Respondent's earnings figures to demonstrate the unreasonableness of Respondent's service and the absurdity of Respondent's arguments.

Respectfully submitted,



Robert C. Cohen, Esq.
Attorney for Richard Ryan Complainant

RECEIVED

2011 JUN -6 AM 10:25

PA P.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Ryan

v.

C-2009-2135745

Verizon Pennsylvania, Inc.

To:
William E. Lehman, Esq.
Todd S. Stewart, Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778

PA P.U.C.
SECRETARY'S BUREAU

2011 JUN -6 AM 10:25

RECEIVED

Complainant's First Amended Interrogatories to Respondent

Pursuant to Section 5.341 of 52 PA Code Richard Ryan, Complainant, propounds the following Interrogatories to be answered in writing, under oath, by the Respondent:

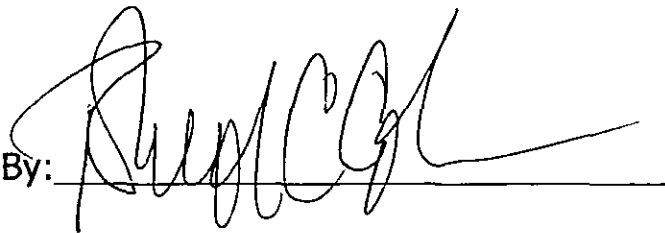
1. Proposed & Actual final budget numbers for the support and maintenance of the copper wire network in Philadelphia County years 2005-2010, zip codes 19102, 19103, 19106, 19107 only.
2. Proposed & Actual final budget numbers for the support and maintenance of the fiber optic network, AKA FIOS, in Montgomery County years 2005-2010, zip codes 19010, 19035, 19085, 19087 only.
3. Gross income of Verizon PA 2005-20011 only.

Exhibit A

4. Number of wooden telephone poles in the Verizon PA system, Center City Philadelphia zip code 19107 only.
5. Number of homes for whom the service provided by Verizon PA is carried on wooden telephone poles in Center City Philadelphia zip code 19107 only.
6. Number of homes for whom Verizon PA provides telephone service in Center City Philadelphia 19107 only.
7. Physical address of all homes served by the wires of Verizon PA, placed upon the western façade of Complainant's home 310 South Juniper Street.
8. Identify and out all persons involved in the decisions leading to Respondent's mailing Complainant's Respondent's letters to Diane Burko dated July 1, 2009 and July 20, 2009, quoting cost of moving relocation of wires on Complainant's house as \$11,498.00 and \$5500.00 respectively.
9. Identify all reasons for the change in price quoted in the letters noted in Interrogatory #8 above from \$11,498.00 to \$5500.00.

April 6, 2011

By: _____



Robert C. Cohen
Attorney for Complainant Richard Ryan

PA P.U.C.
SECRETARY'S BUREAU

2011 JUN -6 AM 10: 25

RECEIVED

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Ryan

v.

C-2009-2135745

Verizon Pennsylvania, Inc.

To:
William E. Lehman, Esq.
Todd S. Stewart, Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778

PA P.U.C.
SECRETARY'S OFFICE

2011 JUN -6 AM 10: 25

RECEIVED

First Amended Request for Production of Documents

Pursuant to section 5.349 of 52 PA Code, Richard Ryan, Complainant, requests production of the following documents:


1. All documents including, without limitation, collective bargaining agreements, reflecting limitations on service in any area of Philadelphia, including any "red lined areas."

2. Any & all documents concerning requests for service, repair or maintenance at property 310 South Juniper Street, Philadelphia, Pennsylvania, 19107 from 1926-2011
3. Any & all documents supporting Respondent's claim that " On or around August 6, 1924, per the former owner's request, Verizon PA placed facilities that ran from underground to the side of the building..., "per a license agreement that was customary at the time." (see **New Matter to Amended Complaint** at page 4, paragraph 3)
4. Any & all documents supporting Respondent's claim that "In the early 1980's, per the former owner's request, Verizon PA replaced the original facilities and added additional facilities at the exact same location on the side of the building." (see **New Matter to Amended Complaint** at page 5, paragraph 4)
4. Any and all documents supporting Respondent's claim that Verizon PA's facilities are located at 310 S. Juniper pursuant to a valid property right. (see **Preliminary Objections to Amended Complaint** at page 3, paragraph 7)
5. Any and all documents supporting Respondent's claim that \$1,000.00 US is the price of a replacement cover for a 100 pair Outdoor Distribution Box, only. (see Verizon PA **Response to Interrogatories** at page 2 Paragraph 5)
6. Any and all documents supporting Respondent's claim that \$0.10 US is the price of a 24"x24" black 6 mil "garbage bag " plastic only. (see Verizon PA **Response to Interrogatories** at page 3 Paragraph 7)
7. Any & all documents supporting Respondent's claim that "Verizon PA's facilities have been located in this exact same location from 1924 until the present." (see **Preliminary Objections to Amended Complaint** at page 3, paragraph 7)

8. The entire file relating to request by Diane Burko and Richard Ryan to relocate wires at the western façade of 310 S. Juniper and replace them from aerial to underground.

9. All documents supporting Respondent's two quotations for the work reflected in Respondent's two letters of July 1, 2009 and July 20, 2009.

April 6, 2011

By: 

Robert C. Cohen
Attorney for Complainant Richard Ryan

RECEIVED

2011 JUN - 6 AM 10: 26

PA P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RICHARD RYAN,

Complainant

v.

VERIZON PENNSYLVANIA INC.,
Respondent

Docket No. C-2009-2135745

PA P.U.C.
SECRETARY'S BUREAU

2011 JUN -6 AM 10:26

RECEIVED

**OBJECTIONS OF VERIZON PENNSYLVANIA INC.
TO RICHARD RYAN'S AMENDED DISCOVERY REQUESTS
COMPLAINANT'S FIRST AMENDED REQUEST
FOR PRODUCTION OF DOCUMENTS
NUMBERS 1, 2, 3, 4, and 4 (2nd)
COMPLAINANT'S FIRST AMENDED INTERROGATORIES
NUMBERS 1, 2, 3, 4, 5, 6, and 7**

Verizon Pennsylvania, Inc. ("Verizon PA"), by and through its counsel in the above-captioned proceeding, hereby objects to Discovery Requests propounded by Richard Ryan, specifically as follows:

I. OBJECTIONS TO FIRST AMENDED REQUEST FOR PRODUCTION OF DOCUMENTS

Request for Production No. 1: All documents including, without limitation, collective bargaining agreements, reflecting limitations on service in any area of Philadelphia, including any "red lined areas."

OBJECTION:

Verizon PA objects to Request for Production of Documents No. 1 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

Exhibit B

Collective bargaining agreements reflecting limitations on service have no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes way beyond the limited scope of this proceeding, by drawing into question Verizon PA's collective bargaining agreements. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Request for Production No. 2: Any and all documents concerning requests for service, repair or maintenance at property 310 South Juniper Street, Philadelphia, Pennsylvania, 19107 from 1926-2011.

OBJECTION:

Verizon PA objects to Request for Production of Documents No. 2 because the customer information for everyone who lived at 310 South Juniper St., Philadelphia, Pa, 19107 prior to Mr. Ryan is confidential to each customer and is protected by the Commission's confidentiality regulations at 52 Pa. Code § 63.135. The customers' privacy privilege and their customer information pertain not only to release of the information, but also the viewing of that information by Verizon PA. Verizon PA simply cannot allow others to view its customers' information without the consent of each individual customer. Therefore, for Verizon PA to allow a third party to view or to release this information without the customers' consent would be a violation of the Commission's confidentiality regulations.

Notwithstanding this objection, Verizon PA will provide the information requested for Mr. Ryan's account only.

Request for Production No. 3: Any and all documents supporting Respondent's claim that "On or around August 6, 1924, per the former owner's request, Verizon PA placed facilities that ran from underground to the side of the building..., " per a license agreement that was customary at the time." (see **New Matter to Amended Complaint** at page 4, paragraph 3).

OBJECTION:

Verizon PA objects to Request for Production of Documents No. 3 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The circumstances under which Verizon PA placed its facilities in 1924, or the legal right for Verizon PA to have its facilities located on the side of Mr. Ryan's home is not an issue in this case and has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes way beyond the limited scope of this proceeding; by drawing into question Verizon PA's placement of its facilities in 1924 or its legal right to have its facilities on the side of Mr. Ryan's home. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Request for Production No. 4: Any and all documents supporting Respondent's claim that "In the early 1980's, per the former owner's request, Verizon PA replaced the original facilities and added additional facilities at the exact same location on the side of the building." (see **New Matter to Amended Complaint** at page 5, paragraph 4).

OBJECTION:

Verizon PA objects to Request for Production of Documents No. 4 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The circumstances under which Verizon PA placed its facilities in the early 1980's or the legal right for Verizon PA to have its facilities located on the side of Mr. Ryan's home is not an issue in this case and has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes way beyond the limited scope of this proceeding, by drawing into question Verizon PA's placement of its facilities in the early 1980's or its legal right to have its facilities on the side of Mr. Ryan's home. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Request for Production No. 4 (2nd): Any and all documents supporting Respondent's claim that Verizon PA's facilities are located at 310 S. Juniper pursuant to a valid property right. (see **Preliminary Objections to Amended Complaint** at page 3, paragraph 7).

OBJECTION:

Verizon PA objects to Request for Production of Documents No. 4 (2nd) because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The legal right for Verizon PA to have its facilities located on the side of Mr. Ryan's home is not an issue in this case and has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes way beyond the limited scope of this proceeding by drawing into question Verizon PA's legal right to have its facilities on the side of Mr. Ryan's home. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

II. OBJECTIONS TO INTERROGATORIES

Interrogatory No.1: Proposed & Actual final budget numbers for the support and maintenance of the copper wire network in Philadelphia County years 2005-2010, zip codes 19102, 19103, 19106, 19107 only.

OBJECTION:

Verizon PA objects to Interrogatory No. 1 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The Budget Numbers for the support and maintenance of the copper wire network in Philadelphia for the past five years has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes way beyond the limited scope of this proceeding, by drawing into question Verizon PA's maintenance and support of its copper wire network in all of Philadelphia County. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Interrogatory No. 2: Proposed and Actual final budget numbers for the support and maintenance of the fiber optic network, AKA FIOS, in Montgomery County, years 2005-2010, zip codes 19010, 19035, 19085, 19087 only.

OBJECTION:

Verizon PA objects to Interrogatory No. 2 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The Budget Numbers for the support and maintenance of the FIOS network in Montgomery County for the past five years has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes way beyond the limited scope of this proceeding, by drawing into question Verizon PA's maintenance and support of its FIOS network in all of Montgomery County. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Interrogatory No. 3: Gross income of Verizon PA 2005-2011 only.

OBJECTION:

Verizon PA objects to Interrogatory No. 3 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The gross income of Verizon Pa. has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes well beyond the limited scope of this proceeding. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Interrogatory No. 4: Number of wooden telephone poles in the Verizon PA system, Center City Philadelphia zip code 19107 only.

OBJECTION:

Verizon PA objects to Interrogatory No. 4 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The number of wooden telephone poles in the 19107 area code has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes way beyond the limited scope of this proceeding. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Interrogatory No. 5: Number of homes for whom the service provided by Verizon PA is carried on wooden telephone poles in Center City Philadelphia zip code 19107 only.

OBJECTION:

Verizon PA objects to Interrogatory No. 5 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The number of homes for whom the facilities used by Verizon PA to provide telephone service is carried on wooden utility poles in Center City Philadelphia zip code 19107 only, has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes well beyond the limited scope of this proceeding. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Interrogatory No. 6: Number of homes for whom Verizon PA provides service in Center City Philadelphia 19107 only.

OBJECTION:

Verizon PA objects to Interrogatory No. 6 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The number of homes for whom Verizon PA provides service in Center City Philadelphia 19107, has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes well beyond the limited scope of this proceeding. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

Interrogatory No. 7: Physical address of all homes served by the wires of Verizon PA, placed upon the western facade of Complainant's home 310 South Juniper Street.

OBJECTION:

Verizon PA objects to Interrogatory No. 7 because the request is overly broad and does not seek to discover information that is relevant or likely to lead to the discovery of relevant information. It also impermissibly attempts to expand the scope of this proceeding.

The limited issue to be determined at hearing, as stated in ALJ Fordham's Order #4 granting Verizon Pa's Preliminary Objections ("Order") is "whether the Respondent had provided reasonable service when dealing with the Complainant." Order at 9.

The physical address of all homes served by Verizon PA's wires that are placed upon the western façade of Complainant's home 310 South Juniper Street has no relevance whatsoever to whether Verizon PA has provided reasonable service when dealing with the Complainant. The Complainant's request also goes well beyond the limited scope of this proceeding. The information sought in this Interrogatory is clearly a "fishing expedition" which impermissibly attempts to expand the scope of the proceeding beyond the service provided to Mr. Ryan.

In addition, the address of all homes served by the wires of Verizon PA is information that is confidential to each customer and is protected by the Commission's confidentiality regulations at 52 Pa. Code § 63.135. The customers' privacy privilege and their customer information pertain not only to release of the information, but also the viewing of that information by Verizon PA. Verizon PA simply cannot allow others to view its customers' information without the consent of each individual customer. Therefore, for Verizon PA to allow a third party to view or to release this information without the customers' consent would be a violation of the Commission's confidentiality regulations.

RECEIVED

2011 JUN -6 AM 10: 26

PA P U C
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Ryan,
Complainant

v.

Verizon Pennsylvania, Inc.,
Respondent

Docket No. C-2009-2135745

CERTIFICATE OF SERVICE

I, Robert C. Cohen, Esquire certify that I have this 3rd day of June, 2011 served a true copy of the foregoing Motion to Compel Answers to First Amended Interrogatories and First Amended Request for Production of Documents upon Counsel for Respondent as listed below.

SERVICE VIA FIRST CLASS MAIL

The Honorable Cynthia W. Fordham
Administrative law Judge
Pennsylvania Public Utility Commission
801 Market Street
Suite 4063 Philadelphia, PA 19107

William E. Lehman, Esq.
Todd S. Stewart, Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room (2 North)
Harrisburg, PA 17120

PA P.U.C.
SECRETARY'S OFFICE

2011 JUN -6 AM 10: 24

RECEIVED



Robert C. Cohen, Esq. (02727)
740 Sandy St.
Norristown, PA 19401
Attorney for Complainant, Richard Ryan

Richard Ryan
310 S. Juniper
Philadelphia, PA 19107



UNITED STATES
POSTAL SERVICE

1000



17120

U.S. POSTAGE
PAID
PHILADELPHIA, PA
19110
JUN 03 11
AMOUNT

\$1.48

00050055-20

**Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room (2 North)
Harrisburg, PA 17120**

SECRETARY'S BUREAU
PA P.U.C.

2011 JUN -6 AM 10:24

RECEIVED