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June 13, 2011

Via Hand Delivery

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – Filing Room
Harrisburg, PA 17120

RE: Richard Ryan v. Verizon Pennsylvania, Inc.; Docket No. C-2009-2135745
**RESPONSE OF VERIZON PENNSYLVANIA TO MOTION TO
COMPEL OF RICHARD RYAN**

Dear Secretary Chiavetta:

Enclosed for filing are an original and three (3) copies of the Response of Verizon Pennsylvania Inc. to the Motion to Compel of Richard Ryan in the above captioned proceeding. This document has been served in accordance with the attached Certificate of Service.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,

William E. Lehman
Counsel for Verizon Pennsylvania Inc.

WEL/bes

Enclosures

cc: Honorable Cynthia W. Fordham, Administrative Law Judge
Per Certificate of Service

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RICHARD RYAN,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-2009-2135745

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**ANSWER OF VERIZON PENNSYLVANIA INC.
TO THE MOTION TO COMPEL OF RICHARD RYAN**

Verizon Pennsylvania Inc. ("Verizon PA" or "Company"), by its attorneys in this proceeding, Hawke McKeon & Sniscak LLP, hereby responds to the Motion to Compel of Richard Ryan ("Mr. Ryan" or "Complainant"). In support thereof, Verizon PA represents as follows:

Introduction

The procedural history of this Complaint is set out in full in ALJ Fordham's March 21, 2011 Order #4 ("Order #4") and is included here by reference as if set out in full. To complete the procedural history to date, in Order #4, ALJ Fordham granted Verizon PA's preliminary objections in part, dismissing that part of the Complaint dealing with the legal right of Verizon PA to locate its facilities on the side of the Complainant's home because that is an issue dealing with the proper use of real property and falls within the exclusive jurisdiction of the Court of Common Pleas. Order #4 at 9. ALJ Fordham, however, set for hearing the issue

of whether Verizon PA provided reasonable service to the Complainant with respect to its dealings with him as set forth in his Complaint. *Id.* With regard to all outstanding discovery issues, ALJ Fordham stated that in light of her ruling, the discovery requests might change and instructed the parties to start the discovery process anew. Order #4 at 10. On or about April 13, 2011, the Complainant, through counsel, propounded Amended Interrogatories and Requests for Production of Documents on Verizon PA. Although not stated in the Complainant's Motion to Compel, counsel for Verizon PA called counsel for the Complainant to discuss the scope of discovery and to try to work out an amicable resolution to Verizon PA's objections. After it became clear that an amicable resolution could not be reached, Verizon PA timely served its Objections to the Complainant's discovery request on April 25, 2011.¹ On June 3, 2011, 39 days after Verizon filed its Objections, counsel for the Complainant filed a Motion to Compel.² Verizon's Answer is filed in response to the Motion to Compel.

The Objected-To Interrogatories and Requests for Production of Documents Are Deemed Withdrawn

The Commission's regulations are explicit that a party has ten (10) days to file a Motion to dismiss the objections and compel answers to objected-to interrogatories and requests for production or the interrogatories and requests are deemed withdrawn.

Section 5.342. Answers or objections to written interrogatories by a party.

* * *

(g) *Motion to Compel.* Within **ten** days of service of an objection to interrogatories, the party submitting the interrogatories may file a motion requesting the presiding

¹ Although the Complainant included a copy of Verizon PA's objections as Exhibit B to his Motion to Compel, he failed to include Verizon PA's Certificate of Service (attached to this response as Appendix A) which clearly shows the objections were served on the Complainant on April 25, 2011.

² The Commission's regulations at 52 Pa. Code § 5.342(g) require that a Motion to Compel be filed with 10 days of the service of objections or the objected-to discovery will be deemed withdrawn.

officer to dismiss an objection and compel the interrogatory be answered. If a motion to compel is not filed within **ten** days of service of the objection, the objected to interrogatory will be deemed withdrawn.

52 Pa.Code § 5.342(g)(emphasis added).

It is clear from the Certificate of Service attached to Verizon PA's Objections that the Objections were served on April 25, 2011. Even with three days added for the mailbox rule, the Complainant's Motion to Compel should have been filed and served no later than May 9, 2011. Per the attached Certificate of Service, the Complainant's Motion to Compel was filed by counsel ³on June 3, 2011, thirty-nine days after Verizon PA's Objections were served on the Complainant. Neither the Complainant nor Complainant's counsel contacted counsel for Verizon PA to request an extension of time to file their Motion to Compel. Therefore, the Motion to Compel is out of time and the objected-to interrogatories and requests for production are deemed withdrawn as a matter of law.

Answer to Motion to Compel

Notwithstanding the fact that the Motion to Compel is untimely, and that the objected-to interrogatories are therefore withdrawn; Verizon PA will respond to the Argument section of the Motion to Compel, out of an abundance of caution, should the presiding ALJ choose to address the Complainant's impermissible attempt to expand the limited scope of this proceeding, and only for that purpose. Verizon PA incorporates its objections into this response and will reply to the Complainant's argument section in this response.

Verizon PA objected to the Complainant's Amended Interrogatories and Requests for Production of Documents because the requests are nothing more than a "fishing expedition" that impermissibly attempts to expand the scope of this proceeding, beyond that which has

³ The Complainant is represented by counsel so there should be no relaxed standard with regard to the Commission's regulations.

been delineated by the Complainant in his Complaint and by the ALJs' Orders. The information sought simply has no relevance nor will be likely to lead to any relevant information pertaining to the limited scope of this proceeding. The discovery imposes undue burdens, annoyance, and expense upon Verizon PA to gather voluminous materials that has no bearing or relevance to the issues at hand. Discovery requests should not be so broad and general that they amount to a "fishing expedition." See *Townsend Will*, 241 A.2d 534 (Pa. 1968) (broad and sweeping discovery amounted to a fishing expedition and was not permitted); *Venito v. Pa. RR Co.*, 10 Chest. Co. Rep. 237 (Ct. of Common Pleas of Chester County, 1960) (fishing expeditions are not permitted). Furthermore, discovery requests amount to a fishing expedition when the materials sought are not overly broad in scope, but also when the requests are for information and/or materials that are not essential to proving the requesting parties' case. *The Barrett Co. v. Tank Car Corp. of America*, 42 Pa. D&C 500 (Ct. of Common Pleas of Philadelphia County, 1941).

At the heart of his Complaint, which is laid out in paragraph No. 4 of his Complaint, the Complainant alleged that he wants Verizon PA's facilities removed from the side of his house for aesthetic reasons and wants Verizon to do it free of charge. In an attempt to get this done, the Complainant contacted Verizon PA and subsequently dealt with several Verizon PA employees over the next several weeks. The Complainant alleged that Verizon PA "dissembled and lied" to him regarding Verizon PA's legal right to have its wires on his home. By way of relief, the Complainant requests that Verizon PA apologize for lying and trying to deceive him (presumably with respect to its legal right to have its facilities on the side of his home), and for Verizon PA to remove its facilities from the side of his home and place them underground free of charge. Order #4 at 1; Formal Complaint ¶¶ 4 and 5.

The Complainant and the scope of this proceeding are limited to the four corners of his Complaint. Clearly, the Complainant wanted Verizon PA to remove its facilities and was unhappy with the way Verizon PA allegedly treated him when he requested it to do so. Thus, the issues in this Complaint had been clearly defined by ALJ Smith in her Order on Preliminary Objections in this case as: 1) the validity of Verizon PA's legal right to have its facilities located on the side of the Complainant's home, and, 2) quality of service issues with respect to Verizon PA's dealings and communications with him. Order on Respondent's Preliminary Objections at 8,⁴ Prehearing Order at 3, Order #4 at 9. Specifically, with regard to the service issues, ALJ Smith discussed the service issue allegations set forth by the Complainant that would be the subject of a hearing, in particular as Verizon PA's alleged attempt to deceive and frighten him and his wife and that presently Verizon PA has covered its facilities attached to Mr. Ryan's property with a "garbage bag." Order on Respondent's Preliminary Objections at 8. Particularly revealing is the fact that the Complainant spends almost the entirety of the discussion section of his Motion addressing Verizon PA's dealings with him over his request to remove their facilities. Verizon PA will respond to these allegations at the hearing. The scope of this proceeding was further narrowed when ALJ Fordham dismissed the issue of whether Verizon PA has a legal right to have its facilities on the side of the Complainant's home and set this matter for hearing on the limited issue of whether Verizon PA "had provided reasonable service when dealing with the Complainant." Order #4 at 9.

It is clear from the objected-to discovery and the argument in the Motion to Compel that the Complainant is impermissibly attempting to expand the scope of this proceeding

⁴ This order was subsequently vacated on procedural grounds; however, the issues have remained constant throughout this proceeding.

beyond the limited issue of Verizon PA's dealings with the Complainant over a several week period with respect to removal of its facilities, into a general investigation of the deployment of Verizon PA's facilities in the city of Philadelphia and that somehow shows that Verizon PA is discriminating against him by having its facilities on the back of his house. It is quite clear that the main reason for filing this Complaint was to get Verizon PA to remove its facilities from the side of the Complainant's home for free. Complainant's arguments that reasonable service can somehow be expanded to include discrimination or other legal theories, should be seen for nothing more than it is – an attempt to do an end-run around ALJ Fordham's explicit ruling that the Commission has no authority to decide whether Verizon PA has the legal authority to locate its facilities on the side of the Complainant's home. This is clearly an attempt by the Complainant to find another way to force Verizon PA to remove its facilities free of charge. This should not be tolerated by Your Honor. The bottom line is, if Verizon PA has a legal right to have its facilities located on the Complainant's house, then that is the end of the inquiry, and that cannot be determined in this proceeding. Complainant knows this and now attempts to make up some phantom discrimination argument, guised as reasonable service, which is at its core, nothing more than an attack on Verizon's PA's legal authority to have its facilities on the side of his home, and that must be determined in a Court of Common Pleas, not by this Commission.

Complainant's discovery requests that Verizon PA objected to, are, in general, vague, over-broad, and not necessary, nor reasonably calculated to prove the permissible aspects of his case. Complainant's discovery requests are far over-reaching of the scope of the Formal Complaint, which is limited to Verizon PA's dealings with the Complainant over a short, discrete time period with regard to its right to have its facilities attached to his home.

Complainant's discovery is not limited to records involving Verizon PA's service to the Complainant over this limited time frame, but, rather, request information regarding surrounding areas that bear no relation to whether Verizon PA dealt with him in this short time frame in a reasonable manner.

With regard to the trouble reports requested in Request for Production No 2, Verizon PA keeps all records by telephone number, not address. Now that Verizon PA knows that there was a 2nd telephone number at the address, it will provide the trouble reports for telephone number 215-545-1917. With regard to Request for Production No. 7, the Complainant alleges that Verizon PA did not object or respond to this request. However, the version that the Complainant attached as Exhibit A to his Motion to Compel is not the same version that Verizon PA was served on April 13, 2011. Verizon PA's version is attached to this answer as Appendix B and clearly shows that there was no Request for Production No. 7, so Verizon PA could not have objected or provided an answer to the question. A simple phone call to counsel for Verizon PA would have cleared up both of these items before inappropriately including them in a motion to compel.

In short, Verizon PA understands that the scope of this proceeding is limited to its service to the Complainant with regard to his demand that Verizon PA's facilities be removed from the side of his home. That is, the issues are limited to Verizon PA's conduct directed to the Complainant. However, to the extent that Verizon PA's conduct is premised upon its legal position that it has a legal right to have its facilities attached to Complainant's premises, such conduct necessarily lies beyond the scope of this proceeding, because resolution would require a determination of Verizon PA's legal right. To the extent that Complainant seeks discovery that is intended to address an argument, the resolution of which requires a

determination of Verizon PA's legal right to have its facilities attached to his home, is the beyond the scope and is therefore not permitted.

WHEREFORE, for all of the reasons set forth above, the Complainant's Motion to Compel responses to its Interrogatories and Requests for Production of Documents should be denied.

Respectfully submitted,



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Facsimile: (717) 236-4841
Counsel for Verizon Pennsylvania Inc.

Dated: June 13, 2011

APPENDIX A

Objections of Verizon Pennsylvania Inc.
to Complainant's Interrogatories and
Requests for Production of Documents

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JUN 13 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



William T. Hawke
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April 25, 2011

VIA FIRST CLASS MAIL

Robert C. Cohen, Esquire
740 Sandy Street
Norristown, PA 19401

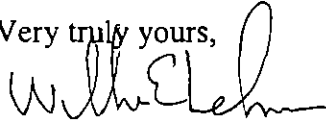
RE: Richard Ryan v. Verizon Pennsylvania, Inc.; Docket No. C-2009-2135745; **OBJECTIONS OF VERIZON PENNSYLVANIA INC. TO COMPLAINANT'S INTERROGATORIES and REQUESTS FOR PRODUCTION OF DOCUMENTS**

Dear Mr. Cohen:

Enclosed please find the Objections of Verizon Pennsylvania Inc. to your discovery requests propounded in the above-captioned matter as follows:

- 1) Complainant's First Amended Request For Production of Documents 1, 2, 3, 4 and 4(2nd); and
- 2) Complainant's First Amended Interrogatories Numbers 1, 2, 3, 4, 5, 6, and 7.

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

Very truly yours,

William E. Lehman
Counsel for Verizon Pennsylvania Inc.

WEL/bes
Enclosure

cc: Rosemary Chiavetta, Secretary (Certificate of Service and cover letter only)
Per Certificate of Service

Exhibit A

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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RICHARD RYAN,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2135745
	:	
VERIZON PENNSYLVANIA INC.,	:	
Respondent	:	

**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.

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 facade 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.

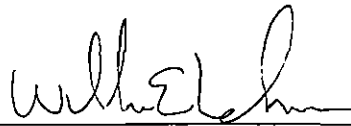
In addition, the address of all homes served by the wires of Verizon PA is information that is confidential to each customer and is protected by the Commission's confidentiality regulations at 52 Pa. Code § 63.135. The customers' privacy privilege and their customer information pertain not only to release 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.

CERTIFICATE OF SERVICE

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

SERVICE VIA FIRST CLASS MAIL:

Robert C. Cohen, Esquire
740 Sandy Street
Norristown, PA 19401



William E. Lehman
Counsel for Verizon Pennsylvania Inc.

Dated this 25th day of April 2011

APPENDIX B

Complainant's First Amended Request for
Production of Documents
directed to Verizon Pennsylvania Inc.

RECEIVED

JUN 13 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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April 13, 2011

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

~~Re: Richard Ryan v. Verizon Pennsylvania Inc.~~
~~Docket No. C-2009-2135745~~

Dear Messrs. Lehman and Stewart,

As per the Judge's order in the above case, please find enclosed
"Complainant's Amended Request for Production of Documents" as well as
"Complainant's Amended Interrogatories to Respondent".



Robert C. Cohen
Attorney for Complainant Richard Ryan

Exhibit B

**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

**Complainant's 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)

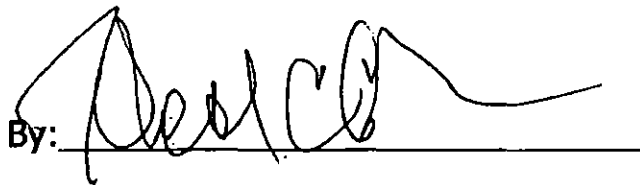
6. Any and all documents supporting Respondent's claim that \$0.10 US is the price of a 24"x24" black 6 mil "garbage bag " plastic only. (see Verizon PA **Response to Interrogatories** at page 3 Paragraph 7)

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 13, 2011

By: _____

Robert C. Cohen
Attorney for Complainant Richard Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Ryan

v.

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Verizon Pennsylvania, Inc.

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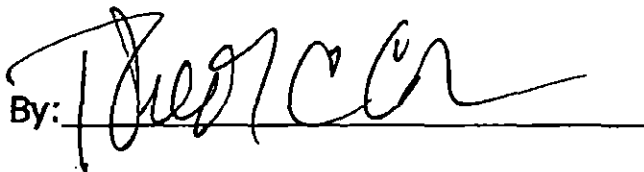
Complainant's First Amended Interrogatories to Respondent

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.

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 13, 2011

By: 

Robert C. Cohen
Attorney for Complainant Richard Ryan


CERTIFICATE OF SERVICE

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

Service By First Class U.S. Mail

Robert C. Cohen, Esq.
740 Sandy St.
Norristown, PA 19401
Counsel for Richard Ryan

Richard Ryan
310 South Juniper Street
Philadelphia, PA 19107



William E. Lehman

Dated: June 13, 2011

RECEIVED
JUN 13 2011
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU