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August 9, 2011

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Pennsylvania Public Utility Commission v. Verizon Pennsylvania Inc.  
Verizon Pennsylvania Inc. Alternative Regulation and Network Modernization  
Plan (Chapter 30 NMPs) as of August 2008  
Pennsylvania Public Utility Commission v. Verizon North LLC  
Verizon North LLC Alternative Regulation and Network Modernization Plan  
(Chapter 30 NMPs) as of August 2008  
Docket Nos. R-2011-2244373, P-00930715F1000,  
R-2011-2244375, P-00001854F1000**

Dear Secretary Chiavetta:

Enclosed please find the Supplemental Comments of Verizon Pennsylvania Inc. and Verizon North LLC (collectively, "Verizon"), being filed pursuant to the Commission's Order entered June 24, 2011 and the Secretarial Letter dated July 12, 2011, in the above captioned matter.

If you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Suzan D. Paiva".

Suzan D. Paiva

SDP/meb  
Enc.

**Via E-Mail and Federal Express**  
cc: Bohdan R. Pankiw, Esquire, Law Bureau

**Via E-Mail and First Class U.S. Mail**  
cc: Attached Certificate of Service

**CERTIFICATE OF SERVICE**

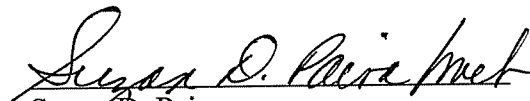
I hereby certify that I have this day served a copy of the Verizon companies' Supplemental Comments, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 9<sup>th</sup> day of August, 2011.

**VIA E-MAIL and FIRST CLASS U.S. MAIL**

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	R-2011-2244373
v.	
Verizon Pennsylvania Inc.	
Verizon Pennsylvania Inc. Alternative Regulation and Network Modernization Plan (Chapter 30 NMPs) as of August 2008	P-00930715F1000
Pennsylvania Public Utility Commission	R-2011-2244375
v.	
Verizon North LLC	
Verizon North LLC Alternative Regulation and Network Modernization Plan (Chapter 30 NMPs) as of August 2008	P-00001854F1000

**VERIZON'S SUPPLEMENTAL COMMENTS**

The Office of Consumer Advocate (“OCA”), the only party other than Verizon to file Reply Comments on August 1, 2011, continues to miss the point that the Pennsylvania General Assembly already decided that the Commission may not require tariffs for competitively classified services. The OCA’s latest position seems to be that the Commission may, in fact, require the filing of tariffs for competitively classified services notwithstanding the legislature’s proscription against it by simply calling the tariffs “price lists.” Changing the name of a prohibited action does not make it any less prohibited, and such an empty interpretation does not withstand scrutiny.

1. Verizon’s withdrawal of its tariff for competitively classified services was effective.

By focusing on Section 3016(d)(4) (OCA Reply Comments at 1-4), OCA implicitly concedes (as it must) that Verizon lawfully withdrew its tariffs for competitively classified service. That section states that “[t]he commission may require a local exchange telecommunications to maintain price lists with the commission applicable to its competitive services.” The Commission has, to date, not required price lists for competitively classified services. If it were to do so, such a requirement would apply prospectively and would not affect Verizon’s clear legal authority to withdraw its tariffs as it did. Tariffing competitively classified services is at the ILEC’s “option” (66 PA C.S. § 3016(d)(3)), and Verizon properly exercised its option to withdraw the tariff when it did so on May 31, 2011.

2. The Commission may not use its price list authority to require the filing of tariffs.

OCA criticizes Verizon as “focus[ing] too narrowly on Section 3016(d)(2)” (OCA Reply Comments at 2), a criticism that ultimately amounts to faulting Verizon for reading the section for what it says: “[t]he commission may not require tariffs for competitive service offerings to be filed with the commission.” The OCA seems to claim that Section 3016(d)(4)’s allowance of price lists nullifies Section 3016(d)(2) to the point that the Commission may in fact require that Verizon file a tariff for its competitively classified services.

Section 3016(d)(4), however, cannot be read reasonably to require anything close to the filing of a tariff. That is obvious when you examine the history of the section. The original Chapter 30, enacted in 1993, stated that “[t]he commission may require that the local exchange telecommunications company *file and maintain tariffs or price lists* for

competitive telecommunications services.” 66 Pa. C.S. § 3009(f) (sunset 12/31/03) (emphasis added). Based on that language, the Commission originally required Verizon to tariff its competitive services in “informational tariffs.” *Re: Bell Atlantic - Pennsylvania, Inc.'s Petition and Plan for Alternative Form of Regulation Under Chapter 30*, Docket No. P-00930715; P-00930715C001; P-00930715C002, 1994 Pa. PUC LEXIS 142 (Opinion and Order entered June 28, 1994).

When it enacted the new Chapter 30 in 2004, the General Assembly changed that language. Now, the statute says only that the Commission may require a company “to maintain price lists with the commission applicable to its competitive services.” 66 Pa. C.S. § 3016(d)(4). The words “file” and “tariffs” were deliberately removed. It is nonsensical, then, to read the language that was left behind (“maintain” and “price lists”) to mean that the Commission can still require Verizon to “file” a “tariff” just as it did under the old statute, as OCA suggests. Not only were those words removed, but interpreting “maintain price lists” to be the same as “file tariffs” would render the new sentence at Section 3016(d)(2) prohibiting the Commission from filing tariffs to be meaningless surplus language, in violation of the rules of statutory construction. *Key Savings & Loan v. Louis John, Inc.*, 379 Pa. Super. 226, 232, 549 A.2d 988, 992 (1988) (the individual provisions of a statute must be interpreted to give effect to the entire statute because the legislature is presumed to have intended to avoid mere surplusage); *see also Habecker v. Nationwide Ins. Co.*, 299 Pa. Super. 463, 445 A.2d 1222 (1982). Clearly to “maintain” does not mean to “file” with the Commission and a “price list” does not mean a “tariff.”

But that is exactly what OCA claims by stating that “Section 3016(d)(4) requires” the “*filing* the price guide with the Commission.” (OCA Reply Comments at 3). That section does not require that anything be filed with the Commission, as the word “file” was removed when the statute was changed. The word “maintain” is defined to mean “to continue or retain; keep in existence.”<sup>1</sup> By including prices in its product guide and keeping that product guide in existence and updated online, Verizon maintains a list of prices available for review by the Commission and anyone else. Indeed, although not required (since the “price list” term is, by definition, focused on prices), Verizon’s product guide available online includes a comprehensive list of terms and conditions as well.

3. Verizon’s product guide details the terms, conditions and rates of competitively classified services.

As Verizon explained in its previous comments, the Commission issued rules (52 Pa. Code § 63.104) in the IXC context to explain what should be done to notify customers and the Commission about detariffed services. (Verizon Comments at 16-18). Verizon’s practices, including maintenance of its product guide for competitively classified services on the internet, would satisfy the requirements in 52 Pa. Code § 63.104. In fact, *the exact same information* that appeared in the informational tariffs is now available in the product guide.

OCA discounts Verizon’s comments on this point by claiming that Verizon’s compliance with rules on IXC services is “irrelevant to its provision of local exchange

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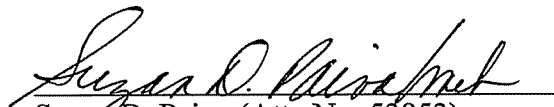
<sup>1</sup> Collins English Dictionary – Complete & Unabridged 10<sup>th</sup> Edition, 2009, William Collins Sons & Co., Ltd.

service.” (OCA Reply Comments at 3). But the General Assembly decided that both sets of services can be detariffed, and the Commission’s rules on IXC services show how the Commission believes customers and the Commission should be notified regarding prices for detariffed services. Again, OCA’s primary objection here really seems to be to the fact that any local service could be detariffed, a matter already decided by the legislature.

### CONCLUSION

For the foregoing reasons and those set forth in Verizon’s Comments and Reply Comments, the Commission should rescind its June 24, 2011 order and recognize the effectiveness and lawfulness of Verizon’s withdrawal of its informational tariffs on competitively classified services.

Respectfully submitted,



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Date: August 9, 2011

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