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October 19, 2011

*Via Overnight Mail*

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

**RECEIVED**

OCT 19 2011

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: Lidia Shan v. Verizon Pennsylvania Inc.; Docket No. C-2011-2243183;  
**REPLIES TO EXCEPTIONS**

Dear Ms. Chiavetta:

Enclosed, for filing with the Commission, are the original and nine (9) copies of Verizon Pennsylvania Inc.'s Replies to the Exceptions filed by Lidia Shan in connection with the above-captioned matter. Copies of this document have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Very truly yours,

Janet L. Miller

*Counsel for Verizon Pennsylvania Inc.*

JLM/das  
Enclosures

cc: Per Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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OCT 19 2011

LIDIA SHAN,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Docket No. C-2011-2243183

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**REPLIES OF VERIZON PENNSYLVANIA INC.  
TO THE EXCEPTIONS FILED BY LIDIA SHAN**

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Verizon Pennsylvania Inc. (Verizon or Company), by and through its attorneys in this proceeding, Hawke McKeon & Sniscak LLP, hereby files with the Pennsylvania Public Utility Commission (Commission) Replies to the Exceptions submitted by Lidia Shan (Complainant or Ms. Shan) in the above-captioned matter. Ms. Shan's Exceptions were filed in response to the Initial Decision (Initial Decision or ID) of Administrative Law Judge (ALJ) Dennis J. Buckley issued by the Commission on September 19, 2011.

The Initial Decision properly recommends that the Formal Complaint filed at Docket No. C-2011-2243183 (2011 Complaint) be dismissed without a hearing on the basis that an open complaint proceeding involving the same issues and the same parties currently is pending before the Commission. Specifically, Ms. Shan filed a Formal Complaint at Docket No. C-2009-2150021 (2009 Complaint). An In-Person Hearing was held on September 23, 2010 before ALJ Cynthia W. Fordham in connection with this complaint, at which time Complainant was given the opportunity to and did present testimony in support of her dispute over charges billed to her telephone account during the time she requested it be

switched to “vacation” suspension. Complainant also cross-examined Verizon’s witness, Ms. Regina Ryan. The parties are awaiting the issuance of ALJ Fordham’s Initial Decision on the 2009 Complaint.

For the reasons set forth below, the Exceptions filed by Complainant should be denied in their entirety and the Initial Decision issued by ALJ Buckley should be adopted by the Commission, without modification.

## **I. INTRODUCTION**

1. Verizon notes that most, if not the majority of Complainant’s Exceptions represent (A) argument addressed to the merits of the 2011 Complaint; (B) statements of Complainant’s opinions, beliefs or conclusions on a variety of subjects; (C) rhetorical questions to which Complainant appears to expect a Commission response; and (D) extremely offensive remarks and bald accusations about the Commission, ALJ Buckley, the Company and its counsel.<sup>1</sup> This material is irrelevant, unsupported and unresponsive to the content of the Initial Decision and should not be considered by the Commission.

2. ALJ Buckley’s Initial Decision addressed only one issue – should the Preliminary Objections filed by Verizon be granted and the 2011 Complaint be dismissed without a hearing.<sup>2</sup> Thus, arguments on the merits of Complainant’s dispute are not relevant to the Commission’s determination of whether the Initial Decision properly decided that a hearing is not necessary in this case and these arguments should be disregarded.

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<sup>1</sup> Verizon will not specifically respond to those portions of the Exceptions that are argument on the merits, statements of Complainant’s opinions or her rhetorical questions. Should the Commission determine that a reply is required, Verizon respectfully requests that this material be disregarded and the Exceptions be denied in their entirety.

<sup>2</sup> Dismissal of a complaint without a hearing is permitted by Section 703 of the Public Utility Code if the Commission or Administrative Law Judge determines that a hearing “is not necessary in the public interest.” 66 Pa.C.S. § 703(b).

3. Likewise, the Commission should disregard statements set forth in the Exceptions that represent Complainant's opinions, beliefs and/or conclusions. Such statements are inappropriate matter for Exceptions as they do not represent argument on why the Initial Decision should be vacated or modified by the Commission.

4. Not only do the Exceptions contain material that is inappropriate and irrelevant to a determination of whether the Initial Decision should be modified or vacated, but they also demonstrate Complainant's complete lack of understanding of the Commission's procedural process and the nature and scope of the Initial Decision. This lack of understanding is clear from Complainant's statement on page one of her Exceptions:

Judge Buckley was appointed to oversee whether Complaint Docket No. C-2011-2243183 has merit and discuss the important issues raised in this complaint concerning Verizon's day by day operations and to make changes if needed to avoid further complaints.

ALJ Buckley was not assigned to this case to decide the merits of the issues raised in the 2011 Complaint as suggested by Complainant. Rather, he was assigned to decide whether Verizon's Preliminary Objections should be granted or denied. Like the Initial Decision, Complainant's Exceptions should address only the ALJ's determination that a hearing is not necessary in this case because a proceeding that involves the same parties and the same issues is already pending before the Commission as this is the basis upon which ALJ Buckley granted the Company's Preliminary Objection and dismissed the 2011 Complaint. Complainant's arguments and statements on any other issue are irrelevant and should not be considered by the Commission.

5. Finally, Verizon notes that Complainant's Exceptions do not conform to the requirements of the Commission's Regulation at 52 Pa. Code § 5.533 as directed in the September 19, 2011 Service Letter that accompanied the Initial Decision. The Exceptions are

not numbered. They contain no citations to the Initial Decision and no argument or reasoning to support Complainant's claim that ALJ Buckley improperly recommended the 2011 Complaint be dismissed. Complainant does not object to any Finding of Fact or Conclusion of Law contained in the Initial Decision and does not express any of her Exceptions to the Initial Decision in a concise manner.<sup>3</sup> Rather, Complainant's Exceptions are a rambling narrative that voice her opinions about how she believes Verizon should conduct its business activities and how this matter should have been decided. Verizon submits that nothing included in this rhetoric provides a sufficient basis on which the Commission can conclude the determinations and recommendations reached by ALJ Buckley and set forth in the Initial Decision are faulty, unsupported by the law or should be reversed or modified.

6. For the reasons set forth above, the Commission should deny Complainant's Exceptions in their entirety and should adopt the Initial Decision, without modification.

## **II. REPLIES TO EXCEPTIONS<sup>4</sup>**

### **Reply to Exception No. 1: ALJ Buckley Properly Reviewed And Compared The Issues Raised In The 2009 And 2011 Complaints In Order To Determine If Verizon's Preliminary Objections Should Be Granted.**

7. Complainant's first Exception is that ALJ Buckley, in issuing his Initial Decision, should have focused only on the 2011 Complaint and should not have compared the issues raised in the 2009 and 2011 Complaints. This argument, however, demonstrates that Complainant misunderstands the scope of the Initial Decision. The Initial Decision was not meant to address

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<sup>3</sup> 66 Pa.C.S. § 332(h), 52 Pa. Code § 5.533(b).

<sup>4</sup> Verizon will respond to the substantive issues raised in Complainant's Exceptions. As noted earlier, Verizon will not respond to statements or arguments made by Complainant that go to the merits of her 2011 Complaint, represent her opinions, beliefs or conclusions or that refer to the Commission, ALJ Buckley, the Company or its counsel in any derogatory manner. These type of statements are not appropriate and should be disregarded by the Commission.

the merits of the 2011 Complaint. Rather, it addressed only whether Verizon's Preliminary Objections were supported by law and fact and should, therefore, be granted.

8. In its Preliminary Objections Verizon argues that the 2011 Complaint involves the same parties and the same issues as the 2009 Complaint, which is still pending before the Commission. Verizon further argues that it is neither necessary nor in the public interest to hold a hearing in connection with the 2011 Complaint because the issues it contains will be decided by the final outcome of the 2009 Complaint proceeding. Holding a hearing on issues that already have been heard by a Commission ALJ, and that ultimately will be decided by that ALJ and the Commission, would be redundant and a waste of the limited resources of the Commission, ALJ Buckley and the Company.<sup>5</sup>

9. In issuing his Initial Decision, ALJ Buckley was not required to "understand" the "motives" that caused Complainant to file either of her Formal Complaints. In deciding whether to grant or deny the Company's Preliminary Objections, the ALJ had to examine only two questions. *First*, were the issues raised in the 2011 Complaint the same as those raised by Complainant in her 2009 Complaint? *Second*, if the issues were the same, is dismissal of the 2011 Complaint without a hearing warranted by the applicable law? Without reviewing and comparing the substance of Ms. Shan's two complaint documents, it would have been impossible for ALJ Buckley to rule on the validity of the arguments made by Verizon's Preliminary Objections or to decide whether those Objections should be granted or denied.

10. For the reasons set forth above, this Exception should be denied and the Initial Decision issued by ALJ Buckley should be adopted by the Commission, without modification.

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<sup>5</sup> It appears from the Exceptions that Ms. Shan is willing to expend her time and whatever resources are necessary to proceed with litigation of her 2011 Complaint.

**Reply to Exception No. 2: The Issues Raised In The 2011 Complaint Are The Same As Those Raised In The 2009 Complaint And ALJ Buckley Properly Decided There Is No Need To Hold A Hearing In This Matter.**

11. Complainant claims the fact that the issues raised in her 2009 and 2011 Complaints are different is shown by how she described her disputes when filing those Complaints. This determination, however, must focus on the substance of the disputes and not simply on the words used to express them. While Complainant did not use identical words in describing her disputes, the substance of those disputes clearly were the same. Simply put, both Complaints allege that Verizon should not be permitted to charge a customer during the time that his or her service is “temporarily suspended” while the customer is away and will not be using telephone service for an extended period of time. This can be seen by reviewing statements made by Ms. Shan in her two Complaints.

12. In her 2009 Complaint, Ms. Shan described her dispute as follows:

I am filing a formal complaint against Verizon Company because *Verizon did not offer flexibility in discount value* of the monthly payments ... *while the telephones were in suspension at my request for 9 months.*

\* \* \* \* \*

When I *arranged my telephones to be suspended of services* in September 2008 ....

\* \* \* \* \*

Why doesn't PUC force Verizon to accommodate fair practices at the request of the consumers that *when a telephone is not in use* and at the request of the customer the telephone number must be maintained, however, *all other services should be suspended and therefore the consumer should not have to pay for dial tone line services and other fees and charges in the bill if the phone is inoperative (or suspended of regular services).*<sup>6</sup>

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<sup>6</sup> Attachment to 2009 Complaint (emphasis added).

13. In her 2011 Complaint, Ms. Shan described her dispute like this:

**B. State the facts of your complaint.**

*This complaint* is not about billing discrepancies or Verizon's credits they want to give when the consumer is in disagreement but *about inconsistencies in the presentation of tariffs and the technical definition and modus operandi between the disconnected line and temporary suspended line when no costs involved in both services.*

\* \* \* \* \*

**E. Relief - How do you want your complaint to be resolved?**

PUC must revise all the tariffs *concerning the temporary suspended or vacation lines and reflect the actual costs to keep the lines on temporary suspension/vacation.*

\* \* \* \* \*

[This is] a *formal complaint* ... to reform Verizon's existing tariffs ... *concerning telephones on temporary suspension or vacation.*

\* \* \* \* \*

I called Verizon on November 2, 2010 and *asked them to put my line on temporary vacation* until August 23, 2011....

\* \* \* \* \*

I requested over a year ago PUC to reform the tariff that will *exclude all the charges for the phones on vacation because there are no costs involved in this procedure....*<sup>7</sup>

14. A comparison of the language quoted above clearly demonstrates that the substance of Complainant's disputes and the reason she filed both complaints was the same. Even though she used different words to describe her disputes, there can be no question that, in each case, the dispute had to do with the charges billed to her telephone account when she asked to have her service switched to temporary or vacation status. ALJ Buckley properly determined the issues raised were the same and properly decided that no hearing is necessary to resolve the issues set forth in the 2011 Complaint as those issues ultimately will be resolved by the final outcome of the 2009 Complaint proceeding.

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<sup>7</sup> 2011 Complaint at ¶ 4.B., ¶ 5 and Attachment.

15. For the reasons set forth above, this Exception should be denied and the Initial Decision issued by ALJ Buckley should be adopted by the Commission, without modification.

**Reply to Exception No. 3: ALJ Buckley Properly Decided The Preliminary Objections Should Be Granted And The 2011 Complaint Dismissed.**

16. Complainant makes several arguments for the dismissal of Verizon's Preliminary Objections.<sup>8</sup> She made the same arguments in the answer she filed on July 10, 2011, which document ALJ Buckley acknowledged and considered in his Initial Decision and he properly concluded that Complainant's arguments in this regard have no merit.<sup>9</sup>

17. Complainant first argues the Preliminary Objections should be dismissed because they were confusing. On the contrary, the Preliminary Objections set forth (A) a summary of Verizon's argument that the 2011 Complaint should be dismissed, (B) the procedural background of both the 2009 and 2011 Complaint cases; (C) the applicable legal standards for the filing of formal complaints and preliminary objections and for dismissal of a complaint without a hearing; and (D) the Company's argument on why the Commission should dismiss the 2011 Complaint based on the law and the facts at issue.

18. If Complainant did not understand the content of the Preliminary Objections, she could have and should have consulted an attorney for clarification. Instead, Complainant chose to participate in this proceeding without legal representation – a choice she was free to make.<sup>10</sup> While the Commission routinely relaxes the procedural and evidentiary rules for *pro se* complainants, these individuals cannot be permitted to circumvent the Commission process

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<sup>8</sup> Complainant makes similar arguments in her Exceptions with regard to the Company's Answer and New Matter. While the Initial Decision only determined the validity of the Preliminary Objections, the Company's Reply to this Exception should be considered also to apply to statements made by Complainant about the Answer and New Matter.

<sup>9</sup> ID at p. 2.

<sup>10</sup> 52 Pa. Code § 1.21(a).

simply by arguing they don't understand. Ms. Shan accepted this risk when she decided to go forward with her Complaint without the benefit of counsel.<sup>11</sup>

19. Complainant next argues the Preliminary Objections should not be "accepted" by the Commission because (A) they were not responsive to the issues raised in her 2011 Complaint; (B) did not answer the questions she included in the 2011 Complaint; and (C) provided no "proof."<sup>12</sup> Specifically, Complainant argues that the purpose of filing Preliminary Objections is to:

[M]ake the PA PUC Commission to be aware that they [the Commission] have an obligation to the public interests and move all the parties concerned to stop Verizon from overcharging their consumers.<sup>13</sup>

20. Again, Complainant's argument demonstrates a lack of knowledge regarding the purpose of and the content required to be included in Preliminary Objections. Verizon is not required to "respond" to issues or questions contained in a complaint in its filing of Preliminary Objections. The purpose of filing a Preliminary Objection, as relevant to this case, is to advise the ALJ and the Commission of some legal insufficiency that eliminates the need to move forward with a particular proceeding (*i.e.*, the 2011 Complaint).<sup>14</sup>

21. For the reasons set forth above, this Exception should be denied and the Initial Decision issued by ALJ Buckley should be adopted by the Commission, without modification.

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<sup>11</sup> Although Complainant claims she didn't understand the information contained in Verizon's Answer and New Matter and Preliminary Objections, she argues at pages 3-4 of her Exceptions that Verizon should be found guilty of fraud and criminally prosecuted for "dishonest services and extortion of fees" based on the definition of a "person" contained in a US Supreme Court case she identifies as *Citizens United*. Her argument raises the question of how Complainant could understand the holding of a Supreme Court case but not understand the contents of the Company's responsive pleadings.

<sup>12</sup> Exceptions at p. 2-3. As the complainant in this proceeding, Ms. Shan (not Verizon) has the burden to prove that the Commission-approved tariffs under which her account is charged are unreasonable, unjust and not in the public interest. Verizon's obligation is to rebut Complainant's "proof" with evidence that is sufficient to show the tariffs she questions were, in fact, properly approved by the Commission. 66 Pa.C.S. § 332(a).

<sup>13</sup> Exceptions at p. 4.

<sup>14</sup> 52 Pa. Code § 5.101.

**Reply to Exception No. 4: The Commission Should Disregard, As Inappropriate And Unsubstantiated Matter, All Statements Made By Complainant In The “Statement of Facts” Included In Her Exceptions.**

22. On pages 4-8 of her Exceptions, Complainant sets forth ten numbered paragraphs that she has titled as a “Statement of Facts.” Very few of the “Statements,” however, represent actual “Facts” and none of this material is relevant to Complainant’s request that the Commission vacate the Initial Decision and remand the 2011 Complaint for a hearing on the merits.

23. First, Verizon notes the Commission’s Regulations do not provide for including a “Statement of Facts” in Exceptions to an Initial Decision and Complainant’s comments on these pages should be disregarded for this reason alone. Even if it were appropriate to include a Statement of Facts in Exceptions, the statements contained on pages 4-8 of Ms. Shan’s Exceptions *are not facts*. Rather, they are Complainant’s (A) interpretation of certain events and actions taken during the course of this proceeding, which interpretation is often based on her lack of understanding of the Commission’s procedural process; (B) unsubstantiated and disrespectful allegations made against the Commission, ALJ Buckley, Verizon and its counsel; and (C) untrue and uncorroborated statements concerning events and activities that Complainant presumes have been perpetrated by certain parties.

24. The true nature of Complainant’s “Facts” is illustrated by looking at the statements themselves. On page 5 of her Exceptions, Complainant argues that the Company’s Answer and New Matter should be dismissed and a hearing scheduled on her 2011 Complaint because the Answer and New Matter “should have been in the e-file on the stated date, but it was never e-filed.” This statement, however, is not true. There is no requirement in the Regulations that a pleading must be listed on the InfoMap docket sheet shown on the Commission’s website

on the date the pleading is filed. Verizon's Answer and New Matter and its Preliminary Objections were properly filed via the Commission's E-Filing system at 4:02 pm on Friday, June 17, 2011.

25. Similarly, Complainant claims she was not given an opportunity to respond to Verizon's Answer and New Matter or its Preliminary Objections. Again, this is an untrue statement. By letter dated July 7, 2011, the Commission's Secretary granted Ms. Shan's request for an extension of time until July 22, 2011 to respond to the Answer and New Matter and Preliminary Objections. Complainant filed her response to the Company's Preliminary Objections on July 10, 2011. The fact that she chose not to file a response to the Answer and New Matter, even though she was granted an extension of time to do so, was a decision that Complainant made and her failure to do so cannot form the basis for the Commission to reverse the Initial Decision in this case.

26. While Verizon will not repeat them here, Complainant also included in her Exceptions offensive and uncorroborated statements regarding, among other things, the possibility that ALJ Buckley was influenced by Verizon into making certain statements or decisions in his Initial Decision and that the Commission tries to "shut up the public" instead of fulfilling its obligations under the Public Utility Code.<sup>15</sup> None of these claims are true, they are inflammatory and they should be disregarded by the Commission.

27. For the reasons set forth above, this Exception should be denied and the Initial Decision issued by ALJ Buckley should be adopted by the Commission, without modification.

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<sup>15</sup> Exceptions at pp. 7-8.

**Reply to Exception No. 5: The Commission Should Disregard, As Inappropriate And Unsubstantiated Matter, All Statements Made By Complainant In The “Argument” Section Of Her Exceptions.**

28. Pages 9-16 of Complainant’s Exceptions contain what she has titled as “Argument.” Verizon acknowledges that it is not only appropriate but is necessary for a party to include “argument” in Exceptions to an Initial Decision in order to explain why certain determinations or conclusions reached by the ALJ are erroneous and should, therefore, be modified or vacated by the Commission. However, the “Argument” presented in Complainant’s Exceptions, like her “Statement of Facts,” is inappropriate and should be disregarded in its entirety by the Commission.

29. The only time Complainant states in her Argument that she objects to any portion or all of ALJ Buckley’s Initial Decision is in her conclusion. Specifically, Complainant states:

Based on these facts, that both complaints have a different set of issues ... I respectfully request that the “Initial Decision to grant Preliminary Objection” be dismissed and the Order signed by Judge Buckley be vacated.<sup>16</sup>

30. Contrary to her assertion that the issues raised in her 2009 Complaint are different from the issues raised in her 2011 Complaint, Ms. Shan presents nothing in her Argument to support such a contention. Instead, Complainant’s Argument includes (A) a quotation from a book without any indication of its relevance to the Initial Decision or the Exceptions; (B) Complainant’s version of some facts about the chronology of events that took place and that spawned Complainant’s dispute with Verizon; (C) quotations of testimony from the hearing held in connection with the 2009 Complaint; (D) a discussion about problems with the arbitration process, again with no indication of the relevance this discussion has to the Initial Decision or the Exceptions; and (E) a list of questions she claims were included in her 2011 Complaint that

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<sup>16</sup> Exceptions at p. 16

“differentiate” the issues raised in that Complaint from the Complaint filed in 2009; thereby requiring that a hearing be held in connection with this case. Complainant does not, however, provide any explanation as to how or why any of the material included in her Argument demonstrates the 2009 and 2011 Complaints raise different issues. In fact, Verizon submits Complainant’s Argument strengthens the Company’s claim that the two complaints raise the same issues and that ALJ Buckley properly agreed with Verizon’s argument and determined a second hearing is not necessary to decide these issues.

31. Again, the true nature of Complainant’s Argument can be illustrated by her own statements. Complainant quoted portions of the testimony she gave during the September 23, 2010 hearing held in connection with her 2009 Complaint:

*My intent to request the hearings were not to settle the monetary dispute between Verizon and me, it was not to discuss whether Verizon violated any Commission's rules but to make sure that PA PUC will do their job by representing the interests of the public as their office is named Public Utility Commission and ask Verizon to prove that they have extra expenses when the phones are not in use on temporarily suspension and to provide the actual costs to them when they apply fees to the consumer; to provide actual costs when the phones are temporarily disconnected; to provide the difference in actual procedures and costs for both activities.*

\* \* \* \* \*

*It was outlined that the existing tariffs are outdated and must be reviewed after the hearing. They do not reflect the actual costs of the services. This was the reason for me to come and ask PUC to initiate and approve new changes in existing tariffs for temporary suspended telephones. The subject matter was to identify the difference in Verizon's services and costs between telephone on temporary suspension and temporary disconnected telephone.... The testimony of Ms. Ryan proved that in both procedures when the phone is on temporary suspension or temporary disconnected the phone lines are disconnected and therefore should not have any fees applied.*

\* \* \* \* \*

*This is why I suggested that PUC request from Verizon to modify their tariffs to suit the requests of the public.*<sup>17</sup>

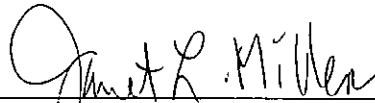
32. A comparison of the text set forth above, together with the comparison of the dispute descriptions made in the 2009 and 2011 Complaints and discussed in Verizon's Reply to Exception No. 2, contradicts Complainant's Argument that the issues raised in the two complaints are different. They are not and ALJ Buckley properly reached that conclusion in the Initial Decision.

33. For the reasons set forth above, this Exception should be denied and the Initial Decision issued by ALJ Buckley should be adopted by the Commission, without modification.

### III. CONCLUSION

WHEREFORE, for the reasons set forth above, Verizon Pennsylvania Inc. respectfully requests that (1) the Exceptions filed by Lidia Shan be denied in their entirety; (2) the Commission adopt the Initial Decision of Administrative Law Judge Dennis J. Buckley as issued on September 19, 2011, without modification; (3) the Commission dismiss the Formal Complaint filed at Docket No. C-2011-2243183, without a hearing and with prejudice.

Respectfully submitted,



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*Counsel for Verizon Pennsylvania Inc.*

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OCT 19 2011

PA PUBLIC UTILITY COMMISSION  
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DATED: October 19, 2011

<sup>17</sup> Exceptions at pp. 11-12 (emphasis added).

## CERTIFICATE OF SERVICE

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

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Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – Second Floor  
Harrisburg, PA 17120

Cheryl Walker Davis, Director  
Office of Special Assistants  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – Third Floor  
Harrisburg, PA 17120

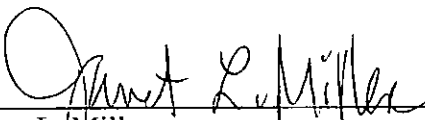
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\_\_\_\_\_  
Janet L. Miller

DATED this 19<sup>th</sup> day of October, 2011

From: (717) 236-1300  
 JANET L. MILLER  
 HAWKE MCKEON & SNISCAK LLP  
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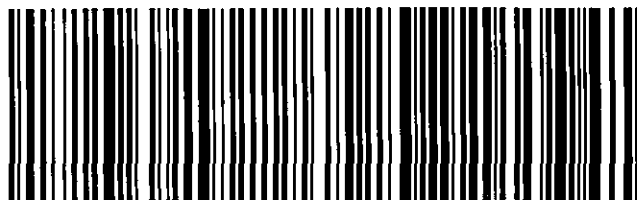
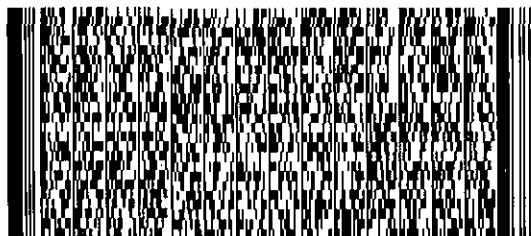
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