

**H**awke  
  **M**cKeon &  
   **S**niscak LLP

ATTORNEYS AT LAW

William T. Hawke  
Kevin J. McKeon  
Thomas J. Sniscak  
Todd S. Stewart  
Craig R. Burgraff  
Janet L. Miller

Steven K. Haas  
William E. Lehman  
Judith D. Cassel  
Of Counsel  
Julia A. Conover  
Christopher J. Knight

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

October 24, 2011

**VIA HAND DELIVERY**

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

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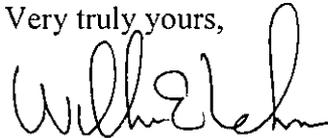
RE: Michael Moffa v. Verizon Pennsylvania Inc.; Docket No. C-2010-2212745;  
**PETITION FOR ISSUANCE OF A PROTECTIVE ORDER**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are an original and three (3) copies of a Petition for Issuance of a Protective Order in the above-captioned matter. A copy of 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: The Joel H. Cheskis  
Micahel Moffa

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL MOFFA,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-2010-2212745

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**PETITION OF VERIZON PENNSYLVANIA INC.  
FOR ISSUANCE OF A PROTECTIVE ORDER**

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Verizon Pennsylvania Inc. (“Verizon PA” or “Company”), by its attorneys in this matter, Hawke McKeon & Sniscak LLP, hereby files this Petition for Issuance of a Protective Order pursuant to the provisions of 52 Pa. Code § 5.423. Verizon PA requests that the Pennsylvania Public Utility Commission (“Commission”) grant protective or confidential treatment to certain information to be disclosed in connection with this matter. In support of its Petition, Verizon PA submits the following:

**I. PETITION FOR PROTECTIVE ORDER**

1. On or about December 8, 2010, the Commission served Verizon PA with the Formal Complaint of Michael Moffa (“Mr. Moffa” or “Complainant”). Verizon PA filed its Answer and Preliminary Objections on or about April 6, 2011. By Order dated October 4, 2011, Administrative Law Judge (“ALJ”) Joel H. Cheskis granted in part and denied in part Verizon PA’s Preliminary Objections. By Order dated October 20, 2011, this matter was set for an Initial Telephonic Hearing for Monday, November 28, 2011, before ALJ Cheskis. This Petition is in anticipation of documentary evidence to be provided by Verizon PA for this hearing.

2. As has been its typical practice before this Commission in customer complaint proceedings, Verizon PA intends to present Company employees as witnesses during the hearing. These witnesses intend to address entries in Verizon PA's regularly-kept business records that are pertinent to Verizon PA's defense in this proceeding and are prepared to testify as to the events that occurred on the basis of those business records.

3. In view of the Commission's May 15, 2007 Opinion and Order in *Rahman v. Verizon Pennsylvania Inc.*, Docket No. F-02009165, Verizon PA intends to make these business records a part of the evidentiary record.

4. For the reasons set forth below, Verizon PA submits that the Company's business records are confidential and proprietary and, therefore, should be given appropriate treatment by the parties to this proceeding and the Commission.

5. The Commission's Regulation at 52 Pa. Code §5.423(a) provides that a "protective order to limit the disclosure of . . . confidential information on the public record" may be issued by considering factors including, *inter alia*:

- (1) The extent to which the disclosure would cause unfair economic or competitive damage.
- (2) The extent to which the information is known by others and used in similar activities.
- (3) The worth or value of the information to the party and to the party's competitors.
- (4) The degree of difficulty and cost of developing the information.
- (5) Other statutes or regulations dealing specifically with disclosure of the information.

6. Verizon PA considers the business records from which its witnesses will testify to be proprietary and confidential. The records contain customer specific information that may be subject to identity theft. Additionally, the records contain Company service information that is not available to the public through any means. The information contained in Verizon PA's

business records may be valuable to its competitors if permitted to be placed in the public record. 52 Pa. Code § 5.423.

7. In considering whether a Proprietary Order should issue, 52 Pa. Code § 5.423(a)(5) requires the Commission to consider other statutes or regulations dealing with the disclosure of information. The Commission has promulgated regulations at 52 Pa. Code § 63.131-137, which require that telephone companies such as Verizon PA treat customer information and communications as confidential, and Verizon PA is required to adopt appropriate procedures for safeguarding the confidentiality of customer information. 52 Pa. Code § 63.135(5). Customer information is defined broadly in 52 Pa. Code § 63.132 as follows:

*Customer information* – Information regarding a customer of a telephone company or information regarding the services or equipment ordered and used by the customer. The term includes a person's name, address and telephone number, occupation, information concerning toll calls, collect calls and third-party billed calls, local message detail information and information concerning services ordered or subscribed to by a customer. The term also includes bills, statements, credit history, toll records whether on paper, microfiche or electro magnetic media; computer records; interexchange carrier selection, service problems and annoyance call records.

Commission regulations at 52 Pa. Code §§ 63.131(b) and 63.135(2)(v) indicate that a customer can authorize the release of customer information and arguably, a customer has waived confidentiality as to the name, address and telephone number upon the public filing of a Formal Complaint. However, in the instant case, Complainant has not waived the confidentiality of other customer information, which would undoubtedly be included in business records to be introduced during the course of this proceeding.

8. Limiting the disclosure of the business records to allow its use only in connection with this litigation will not frustrate the prompt, orderly and fair resolution of this proceeding, nor will it infringe upon Complainant's due process rights.

9. The potential harm to the customer of disclosure of customer information and competitive harm to Verizon PA is substantial and outweighs any need for public disclosure of the business records.

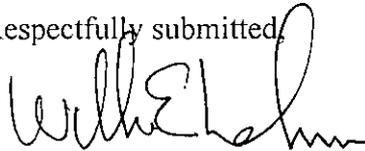
10. For the foregoing reasons, entry of a Protective Order is necessary to protect public disclosure of the business records provided by Verizon PA and is consistent with the Commission's Regulations. Therefore, good cause exists for entry of such an Order.

11. Verizon PA requests that Your Honor issue an Order granting proprietary treatment to the business records described above and that the Order prohibit disclosure of records and the information contained therein to any person except as provided by the Order.

12. Further, Verizon PA requests that the business records be sealed and not be made available for public inspection in the Commission's files. The Order should restrict the use of the information except in testimony, written advocacy, and initial or final decisions issued by the Commission in this particular proceeding and, when so used, should require that the document be designated as containing proprietary and confidential information, and be sealed and filed separately from the public record.

WHEREFORE, Verizon Pennsylvania Inc. respectfully requests that Your Honor enter the attached Protective Order.

Respectfully submitted,



William E. Lehman - Attorney I.D. #83936  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street, P.O. Box 1778  
Harrisburg, PA 17105-1778  
E-mail: [welehman@hmslegal.com](mailto:welehman@hmslegal.com)  
Telephone: (717) 236-1300  
Facsimile: (717) 236-4841

*Counsel for Verizon Pennsylvania Inc.*

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Dated: October 24, 2011

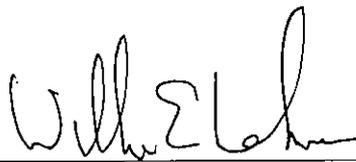
**CERTIFICATE OF SERVICE**

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:**

Michael Moffa  
1877 School Road  
Hatfield, PA 19440

Administrative Law Judge Joel H. Cheskis  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Bldg., 2<sup>nd</sup> Floor  
Harrisburg, PA 17120



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William E. Lehman  
Counsel for Verizon Pennsylvania Inc.

Dated this 24<sup>th</sup> day of October, 2011

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