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November 1, 2011

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: Dominic Longo v. Verizon Pennsylvania Inc.; Docket No. C-2010-2191445;
Motion for Sanctions

Dear Secretary Chiavetta:

Enclosed with this letter are the original and three (3) copies of the Motion of Verizon Pennsylvania Inc. for Sanctions in the above-captioned proceeding. As indicated on the attached Certificate of Service, a copy of this document has been served on the Complainant via first class mail.

Thank you for your attention to this matter. Please contact me with any questions you may have.

Sincerely,



Steven K. Haas
Counsel to Verizon Pennsylvania Inc.

SKH/san
Enclosures

cc: Honorable Eranda Vero
Dominic Longo

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SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOMINIC LONGO

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

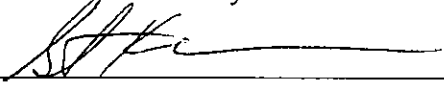
Docket No. C-2010-2191445

NOTICE TO PLEAD

TO: Dominic Longo
313 Trenton Road
Fairless Hills, PA 19030

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SECRETARY'S BUREAU

You are hereby notified that Verizon Pennsylvania Inc. has filed, pursuant to 52 Pa. Code §§5.371 and 5.372, a Motion for Sanctions in the above-captioned proceeding. You may submit a response to this Motion within five (5) days unless otherwise provided in Chapter 5 of Title 52 of the Pennsylvania Code. If no response is submitted, the Presiding Officer may rule on the Motion without a response from you, thereby requiring no other proof. All pleadings, such as a response to this Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon Pennsylvania Inc. .



Steven K. Haas
Hawke McKeon & Sniscak LLP
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
717-236-1300
Counsel to Verizon Pennsylvania Inc.

DATED: November 1, 2011

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOMINIC LONGO

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-2010-2191445

**MOTION OF
VERIZON PENNSYLVANIA INC.
FOR SANCTIONS**

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NOW COMES the Respondent in the above-captioned proceeding, Verizon Pennsylvania Inc. ("Verizon PA"), by its attorneys in this proceeding, Hawke McKeon & Sniscak LLP, and files, pursuant to 52 Pa. Code §§5.371 and 5.372, this Motion for Sanctions against the Complainant, Dominic Longo ("Complainant").¹ In support thereof, Verizon PA represents as follows:

A. Procedural History

1. On August 2, 2010, the Complainant filed the instant Formal Complaint with the Commission at Docket No. C-2010-2191445.
2. On August 23, 2010, Verizon PA filed an Answer with New Matter to this Complaint.
3. Also on August 23, 2010, Verizon PA filed Preliminary Objections to the Complaint, on the basis that the Commission lacks subject matter jurisdiction over the dispute.

¹ In the alternative, Verizon PA requests that this be treated as a Motion to Compel Answers.

Verizon PA also argued in its Preliminary Objections that the Commission does not have the authority to order the payment of monetary damages. The Complainant did not file a response to Verizon PA's Preliminary Objections.

4. By order dated February 9, 2011, ALJ Eranda Vero granted in part, and denied in part, Verizon PA's Preliminary Objections. ALJ Vero granted the Preliminary Objections with regard to the Complainant's request for monetary damages. However, ALJ Vero denied the Preliminary Objection that sought to dismiss the Complaint on the basis of lack of subject matter jurisdiction.

5. By hearing notice dated February 10, 2011, the Commission scheduled a hearing in this proceeding for Thursday, March 17, 2011.

6. On March 3, 2011, Verizon PA filed a Motion by which it requested that the March 17, 2011 Initial Hearing in the instant proceeding be continued. In support of its Motion, Verizon PA noted that the issues raised in the *instant* Formal Complaint were nearly identical to those raised in a previous Formal Complaint filed by the Complainant; namely, the extent, if any, to which the Commission has subject matter jurisdiction over issues involving allegations of trespass, and the existence and/or scope of a valid right-of-way agreement for the location of utility facilities on a customer's property. Verizon PA noted that it filed Preliminary Objections in the previous proceeding (at Docket No. C-2010-2184380), on the basis that the Commission does not have jurisdiction over such issues. Verizon PA stated in its request for a continuance that its Preliminary Objections in the previous proceeding had been granted by the ALJ, but that a Final Order had not yet been issued by the Commission. Verizon PA argued that a final resolution of those issues by the Commission would have a direct impact on the resolution of these same issues in the instant proceeding. Therefore, Verizon PA requested that the hearing in

the instant proceeding be continued until after a final decision was issued by the Commission in the prior proceeding.

7. By Interim Order dated March 11, 2011, ALJ Vero granted Verizon PA's Motion for a Continuance. In so ordering, the ALJ noted:

Upon review of both cases, I agree with Respondent that the resolution of the issues in the previous proceeding at Docket No. C-2010-2184380 will have a direct impact on the ultimate resolution of the issues in the present proceeding under Docket No. C-2010-2191445. For this reason, I will grant Verizon PA's Motion to continue the hearing currently scheduled in this proceeding for March 17, 2011, until after a final decision is issued in the previous proceeding at Docket No. C-2010-2184380.

Interim Order Granting Respondent's Request for Continuance, (March 11, 2011).

8. Subsequently, by Order entered August 11, 2011, the Commission adopted ALJ Corbett's Initial Decision in the previous proceeding (Docket No. C-2010-2184380), which granted Verizon PA's Preliminary Objections. Accordingly, the previous proceeding was dismissed. A copy of this Order is attached hereto as Appendix A.

9. On August 29, 2011, Verizon PA filed a Motion to Dismiss the instant complaint, citing in support the Commission's final decision in the previous proceeding.

10. By Order dated September 28, 2011, ALJ Vero granted in part, and denied in part, Verizon PA's Motion to Dismiss. The Motion was granted with respect to the right-of-way and trespassing claims, and was denied with respect to service quality issues.

11. On September 30, 2011, the Commission issued a Hearing Notice by which it scheduled a hearing for November 2, 2011.

12. Shortly thereafter, by letter dated October 5, 2011, Verizon PA requested that the November 2, 2011 hearing be continued for at least sixty (60) days to enable Verizon PA to conduct discovery on the service quality issues that remained.

13. On October 7, 2011, Verizon PA sent Interrogatories and Requests for Production of Documents to the Complainant. A Certificate of Service evidencing service of Verizon PA's discovery requests on the Complainant was filed with the Commission on that same day. A copy of Verizon PA's discovery requests is attached hereto as Appendix B. Verizon's requests seek information relating directly to the Complainant's service quality issues. This information is necessary to enable Verizon PA to adequately investigate and prepare a defense to the allegations.

14. Verizon PA informed the Complainant on the cover page of its discovery requests that objections, if any, were due within ten (10) days of the date of service, and answers were due within twenty (20) days of the date of service.

15. By Interim Order No. 3, dated October 17, 2011, ALJ Vero granted Verizon PA's request for a continuance, but approved a continuance of thirty (30) days, rather than the sixty (60) days requested by Verizon PA.

16. To date, the Complainant has neither objected to nor answered any of Verizon PA's discovery requests. Accordingly, Verizon PA is filing the instant Motion for Sanctions due to the Complainant's refusal to respond in any way to the company's discovery requests.

B. MOTION FOR SANCTIONS

17. As noted above, Verizon PA's discovery requests were served on the Complainant on October 7, 2011. Under the Commission's regulations, the Applicant had 10 days from the date of service, or until October 17, 2011 (October 20, 2011, when adding three days for mailing), to file objections to the requests. 52 Pa. Code §5.342(e). Answers to the requests were due within 20 days of the date of service, or by October 27, 2011 (October 31, 2011 when adding three days for mailing and 1 additional day for the weekend). 52 Pa. Code §5.342(d).

18. The Commission's regulations provide, in relevant part, that "[t]he Commission or the presiding officer may, upon motion, make an appropriate order if one of the following occurs: (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter." 52 Pa. Code §5.371(a).

19. Sanctions allowed under the regulations include, but are not limited to, (1) an order prohibiting the disobedient party from supporting designated claims, (2) an order striking out pleadings or parts thereof, and (3) an order staying further proceedings until the order is obeyed. 52 Pa. Code §5.372(a).

20. As a result of the Applicant's lack of cooperation and willingness to participate in this proceeding as required under the Commission's regulations, sanctions under those regulations are appropriate.

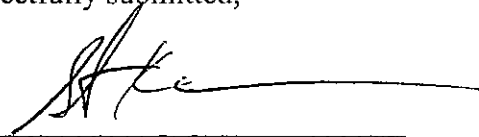
21. As noted above, the information sought by Verizon PA relates directly to the Complainant's service quality allegations. The requests are straight forward and clear, and Verizon PA is entitled to this information in order to enable it to prepare an appropriate defense to those allegations.

22. As a result of the Complainant's actions (or inactions), Verizon PA requests that the Application be dismissed in its entirety.² This is an appropriate sanction in light of the Complainant's failure to comply with the Commission's discovery regulations. In the alternative, however, Verizon PA requests that the Complainant be directed to fully respond to the discovery requests within five (5) days.

² This action would be the functional equivalent of striking the Complaint.

WHEREFORE, for the reasons set forth above, Verizon Pennsylvania Inc. respectfully request that the Commission order the relief requested above in paragraph number 22.

Respectfully submitted,



Steven K. Haas
Hawke McKeon & Sniscak LLP
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
717-236-1300
Counsel to Verizon Pennsylvania Inc.

November 1, 2011

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 11, 2011

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Wayne E. Gardner
James H. Cawley
Pamela A. Witmer

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Dominic and Bunita Longo

v.

Verizon Pennsylvania Inc.

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C-2010-2184380

ORDER

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge John H. Corbett, Jr., dated September 10, 2010;

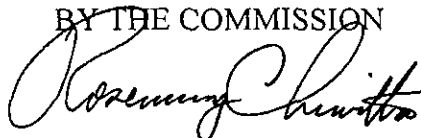
THEREFORE,

IT IS ORDERED:

1. That the preliminary objections of Verizon Pennsylvania Inc. at Docket No. C-2010-2184380 are hereby granted.

2. That the complaint of Dominic and Bunita Longo against Verizon Pennsylvania Inc. at Docket No. C-2010-2184380 is hereby dismissed.

BY THE COMMISSION



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: August 11, 2011
ORDER ENTERED: August 11, 2011

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOMINIC LONGO,

Complainant

v.

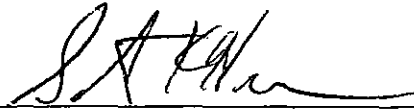
VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-2010-2191445

**INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
OF VERIZON PENNSYLVANIA INC.
DIRECTED TO DOMINIC LONGO
(SET 1)**

Pursuant to 52 Pa. Code §§ 5.341 and 5.349, Verizon Pennsylvania Inc. ("Verizon PA") hereby directs the following Interrogatories and Requests for Production of Documents to Dominic Longo. Pursuant to 52 Pa. Code §5.342, objections, if any, to the attached requests are due within ten (10) days from the date of service, and answers to the attached questions are due within twenty (20) days from the date of service.



Steven K. Haas
Hawke McKeon & Sniscak LLP
100 North Tenth Street
P. O. Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300

Dated: October 7, 2011

Counsel to Verizon Pennsylvania Inc.

Instructions

1. Two copies of these Interrogatories and Request for Production of Documents are enclosed. Please write your responses to the Interrogatories on one of the copies and return it to me in the enclosed envelope within the time period specified above. You may attach and use additional paper as necessary. If you attach additional paper, please write the number of the Interrogatory that you are answering next to the answer on that piece of paper.

2. Any documents provided in response to the Requests for Production of Documents should be included with your answers to the Interrogatories. Please indicate on any documents provided the number of the request to which it is responsive.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 1

Your complaint includes allegations that Verizon PA personnel, among other things, (1) caused damage to certain trees, bushes and grasses in your yard while they were performing work on the Verizon PA facilities located on your property, (2) left trash on your property, and (3) left gates open on your property. You did not identify a specific time period during which these alleged incidents occurred. To the best of your recollection, please identify, as closely as you can remember, the specific dates on which, or range of dates within which, the incidents described by you in your complaint took place.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 2

You stated in your complaint that cable lines are hanging loose, some on or near the ground of the playground area. Does this condition still exist, or has it been corrected? If it has been corrected, please state, to the best of your recollection, the date on which it was corrected by Verizon PA.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 3

You stated in your complaint that gates were never closed by Verizon's crew members. Please state, to the best of your recollection, approximately how many times Verizon crew members left your gate or gates open. Were the gates left open while the workers were still working on your property, or were gates left open after the workers had left for the day?

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 4

During the time period that you identified in your response to Interrogatory No. 1, approximately how many days were Verizon personnel actually on your property performing work on the Verizon facilities located in your yard? To the best of your recollection, please identify the specific dates on which Verizon personnel were on your property.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 5

You stated in your complaint that you collected trash left by Verizon's crew members in your yard. Please describe, to the best of your recollection, the specific items or types of trash to which you are referring (for example, was it leftover telephone equipment, wires or supplies, food wrappers, etc.). On approximately how many days was trash left on your property by Verizon crew members.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 6

You stated in your complaint that cable line was thrown into your holly bush and sharp ended cable was left on the ground near your front yard gate for over a week. To the best of your recollection, on what dates were these items left on your property as you described. Did Verizon personnel ultimately remove these items from your yard, or did someone else remove the items.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 7

You stated in your complaint that Verizon trucks drove across your neighbor's front yard to arrive at a PECO pole to complete Verizon work, and that they caused damage to the neighbor's yard. Is the PECO pole where the Verizon crew performed this work on your property, or is it located on your neighbor's property? Was any damage caused to your yard or property as a result of this particular incident when Verizon drove across your neighbor's yard to work on the PECO pole? If so, please describe the damage caused to your property.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Interrogatory No. 8

You stated in your complaint that a lack of planning on Verizon's part has created emergencies on your business and personal lives. Please describe in detail each of the emergencies that have been created as a result of Verizon's actions, and explain the specific actions of Verizon personnel that caused each emergency that you identify.

Dominic Longo v. Verizon Pennsylvania Inc.
Docket No. C-2010-2191445

Request for Production of Documents No. 1

Please provide copies of all documents, records, notes or photographs you intend to use or to which you intend to refer during the hearing in this proceeding.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOMINIC LONGO,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent


Docket No. C-2010-2191445

CERTIFICATE OF SERVICE

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

SERVICE BY FIRST CLASS MAIL:

Dominic Longo
313 Trenton Road
Fairless Hills, PA 19030



Steven K. Haas

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SECRETARY'S BUREAU

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Dated this 7th day of October, 2011



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 7, 2011

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: Dominic Longo v. Verizon Pennsylvania Inc.; Docket No. C-2010-2191445
Certificate of Service for Discovery Requests

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are the original and three copies of a Certificate of Service indicating service of Interrogatories and Requests for Production of Documents by Verizon Pennsylvania Inc. ("Verizon PA") on the Complainant in the above-captioned proceeding. Two copies of Verizon PA's discovery requests were sent to the Complainant today by First Class Mail.

Thank you for your attention to this matter. Please contact me with any questions you may have.

Sincerely,

Steven K. Haas
Counsel to Verizon Pennsylvania Inc.

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SKH/san
Enclosure
cc: Dominic Longo

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Motion for Sanctions upon the persons and in the manner indicated below.

Service by First Class Mail:

Dominic Longo
313 Trenton Road
Fairless Hills, PA 19030



Steven K. Haas

DATED: November 1, 2011

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