

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street-Second Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

April 22, 2012

LIDIA SHAN – COMPLAINANT V VERIZON PENNSYLVANIA, INC -
RESPONDENT

Docket No. C-2009-2150021 .

EXCEPTIONS TO THE INITIAL DECISION

CERTIFICATE OF SERVICE.

Dear Ms. Chiavetta,

Attached for filing with the Commission are my Exceptions to the Initial Decision in connection with complaint Docket No. C-2009-2150021.

My Exceptions and the request for overturning the initial decision of Judge Cynthia W. Fordham will be served to your office and the opponent at the same time as required by the Commission's Regulations by the date first available for me to mail from any post office of the country I will be in. This is to verify that I E-filed my response and mailed two hard copies of my response and Certificate of Service to your attention and to the opponent together with my response.

Thank you very much for your attention into the above matter.

Respectfully,

Lidia Shan,
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Philadelphia, PA 19116
215-677-6471
smellsense@aol.com

cc: Janet L. Miller,
Counsel for Verizon Pennsylvania Inc.
Hawke McKeon & Sniscak, LLP
100 North Tenth Street,
Harrisburg, PA 17101

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lidia Shan

v.

Verizon Pennsylvania, Inc.

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C-2009-2150021

:

INITIAL DECISION

Before
Cynthia Williams Fordham
Administrative Law Judge

Docket No. C-2009-2150021.

EXCEPTIONS TO "INITIAL DECISION"

- 1. VACATE THE INITIAL DECISION,**
- 2. VACATE THE ORDER,**
- 3. VACATE PRELIMINARY OBJECTIONS OF VERIZON AS THEY DID NOT RESPOND TO MY FORMAL COMPLAINT,**
- 4. DISREGARD THE ANSWER BY VERIZON TO MY COMPLAINT,**
- 5. GRANT THE VALUE OF THE COMPLAINT AND ORDER PA PUC TO REVISE THE ILLGITIMATE TARIFFS OF NON- EXISTING SERVICES.**

I fully object to the Initial Decision made by Judge C.W. Fordham dated April 13, 2012 as the credibility of this document is in question based on the following:

In my opening statement to the court in September 23, 2010 hearing that is supposed to be on record I mentioned that the hearings are not about Verizon overcharging my account nor did I question Verizon not following the Regulations of PA PUC tariffs; but, rather I questioned the costs of seemingly the same operational procedures as turning off the circuit of the telephone line in the case of temporary suspension and temporary disconnection of the consumer's telephone.

I also told the court that I do not have a burden of proof in the court proceedings because I did not question whether Verizon violated PA PUC tariffs but rather Verizon and PA PUC must prove that their tariffs are based on actual costs involved by not servicing the line when it is on suspension or disconnected. My intent was not to discuss the charges Verizon made to my account but technical issues as what seems to be operational procedures in temporary disconnecting the telephone line or temporary suspending the telephone line and their associated costs.

In your section of **Discussion** you stated that:

" the Complainant bears the burden of proving by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or order of the Commission. The record in this proceeding must be reviewed to determine whether the Complainant has satisfied her burden of proof.

As I stated in the hearing, I did not have to prove or satisfy the burden of proof as I never questioned whether Verizon violated the Pa PUC rules or tariffs.

Why Judge C.W. Fordham willfully misconstrued the proceeding that must be on record available to PA PUC and based her decision on a different subject as "Overcharges of my account" or provide burden of proof to irrelevant subject when we did not discuss in the hearing anything concerning overcharging? How this decision can be real unless your Initial Decision was written by the counsel of Verizon as previously they made the same attempt with Judge Buckley' decision.

As evidence of possible collusion, your court provided me with the Initial Decision dated April 13, 2012 that I read on your web site where I found that most of this document was written by the counsel of Verizon and most of it was "copy and paste" from previous correspondences of Verizon and they even forgot to eliminate portions in this document by repeating several times the same issues with different types of printing letters and invalid number sequence. This proves that it was not a Judge C.W. Fordham decision but Verizon's and it proves that this decision was not based on facts.

It is extremely disturbing to realize that Pa PUC has no credibility of conducting their impartial investigations and making proper orders and decisions.

Based on these findings I demand to fully dismiss initial Decision and open an investigation into this matter. Public cannot accept or tolerate these activities from an office that is a Public Office of Consumer Affairs that supposed to protect the consumers.

As of today, April 22, 2012 Verizon failed to provide necessary documentation to substantiate the actual costs involved and how these costs reflect the approved tariffs. Verizon disregarded my request in the court hearings.

This was a burden of proof Verizon failed to satisfy for the court and PA PUC did not enforce the request.

"During the hearing, the Complainant stated that the Respondent failed to respond to her discovery request concerning costs associated with a suspended

telephone account. The record was held open for the Complainant to submit the letter as a late filed exhibit. On September 24, 2010, the Complainant submitted a cover letter and a copy of her letter dated January 27, 2010, which was addressed to Secretary McNulty."

I provided my letter to the court and the opponent immediately after the court hearing as requested by the Judge; however, Verizon failed to provide the necessary statements from the operational costs, and having said this Verizon had requested the judge to make this letter to be **"stricken from the record or given no evidentiary weight"!**

Why this letter was even requested if in your "History" Verizon stated and apparently you approved that because the letter was not sent directly to Verizon, it must be "STRICKEN FROM RECORD"?

What an absurd action Verizon and PA PUC came up with! This matter was discussed in court, the letter was submitted immediately after the court hearing and besides, I was not aware of your procedures and Mr. McNulty did not advise me otherwise after receiving my letter.

"In addition to determining whether the Complainant has satisfied her burden of proof, care must be exercised to insure that the Commission's decision is supported by substantial evidence. 2 Pa.C.S. § 704. The term "substantial evidence" has been defined by various Pennsylvania courts as such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. Substantial evidence is more than a mere trace of evidence or a suspicion of the existence of a fact sought to be established"

When important "substantial evidence" is purposely not being admitted for the final decision under the pressure of Verizon then why are you even mentioning about "substantial evidence". Even though I discussed in the hearing the same what I wrote in my January 27, 2009 letter to Mr. McNulty you managed to disregard my verbal statements and made sure that by not allowing my "substantial evidence" there should be no reasons to revise your own tariffs.

You must have on the recorded testimony that in court there was no discussion regarding overcharges Verizon made to my account and yet your Initial Decision is concentrated only that I had a "burden of proof". What a joke!

Judge C.W. Fordham failed to request from Verizon this particular documentation; however, granted the request of Verizon to "stricken my request from records or as evidence."

"After reviewing the correspondence provided by the parties, the undersigned sustained the Respondent's objection and the Complainant's January 27, 2010 letter will not be admitted as a late filed exhibit."

Why I wasn't advised about this part of your decision prior to this April 13, 2012 document? **I want to know based on what grounds my exhibit was not admitted as substantial evidence and how this decision was made?**

I object to this decision and request that this decision be overturned because it was part of my discussions in the court hearing and because there is no grounds of not admitting my document as a late filed exhibit. I do not know why I had to mail the letter of January 27, 2009 to the opponent if I filed a complaint with PA PUC and this letter was a response to the PA PUC statement? It should not be my responsibility to write a letter or a copy to the opponent. It should be the responsibility of PA PUC as I was complaining about undeliverable services of Verizon? Besides, Mr. McNulty did not inform me otherwise.

Did I receive justifiable court hearings when the interests of the millions of consumers fell in jeopardy as I was not treated as equally as Verizon? Apparently, according to the April 13, 2012 Initial Decision by Judge C.W. Fordham it was not a "level playing field." (a situation in which everyone has a fair and equal chance of succeeding) It is apparent that PA PUC is in collusion (secret or illegal cooperation or conspiracy in order to deceive others) or in legal terms "such a cooperation or conspiracy between ostensible opponents in the law suit" with Verizon and disregards the consumer.

"By correspondence dated October 11, 2010, the Respondent, through its counsel, explained that the January 27, 2010 letter was not sent to the Respondent. Therefore, the Respondent requested that the Complainant's statements alleging that the Respondent failed to provide requested discovery information be stricken from the record or given no evidentiary weight."

I find this inconceivable, Judge C.W. Fordham, that you ignored everything what was discussed in court and gave a different spin to the whole hearing I attended. Why PA PUC even has the court hearings against utility companies if the Judges are appointed and paid by the utility companies? What a farce! Why it took Judge C.W. Fordham only 18 months to ridicule the whole concept and content of the hearing and bring into decision making something that was not even a part of the hearing?

In Judge's findings item 11 states that:

"During temporary suspension of service, Verizon's facilities and the physical connection from the central office to the customer's home are still in place (Tr. 68, 69, 74, 75, 104). "

Judge, you failed to consider the actual fact that even though there is a physical connection to the customer's home as underground telephone cables were installed many years ago in the process of building homes and it doesn't have present cost incurred to Verizon. There is no connection between central office and customer's home because the telephone line is shut off from the circuit as Ms. Ryan stated in her testimony.

In the court proceeding Ms. Ryan, Verizon's representative, was testifying by stating that there is no difference in operational procedures between suspended and disconnected telephone lines because in both cases Verizon switches off the circuit. This statement was made in front of Judge C.W. Fordham. Based on the statement of Ms. Ryan I questioned why there are discrepancies in multiply tariffs for suspended telephone lines if there was no difference in operational proceedings. Due to this fact there should not be any differences in costs of these procedures to Verizon.

Why Judge C.W. Fordham willfully ignored these facts? I believe it is irresponsible on Judge C.W. Fordham part to not admit my request of providing the actual costs of operational procedures that was an important part of my complaint. By not accepting my late exhibit of January 27, 2009 letter and my verbal discussions in court hearing there would not be a case for a hearing. Why so much time, energy and tax dollars were wasted on the hearing if Judge C.W. Fordham failed to recognize the importance of Verizon's unfair practices to rip off the consumers for Verizon's convenience?

Judge's findings item 12 states that:

"When a customer disconnects service, his/her telephone number is returned to the pool of available numbers after thirty days. "

This statement is incorrect. The procedure states that the telephone number is kept by Verizon out of service for at least 6 months and can be extended to 9 months at the customer request.

I strongly believe that my formal complaint filed in 2009 brought to light major discrepancies in tariff structures regarding suspended and disconnected telephone lines Verizon with the willfully blinded PA PUC is able to hide for many years. Ms. Ryan in her testimony was not able to explain to court why there are discrepancies in similar operational procedures costs wise and did not provide the associated costs with these procedures. Unfortunately Judge C.W. Fordham willfully ignored these facts, perhaps under the duress from the legal staff of Verizon.

“The Complainant denied that she had the burden of proof (Tr. 63). She said that Verizon was required to provide evidence to show the difference in cost between a disconnected line and a suspended line”

Verizon failed to provide the associated costs as evidences to substantiate their approved tariffs and therefore your decision should have been delayed until Verizon furnished this pertinent information requested in the court hearing. Verizon did not satisfy their burden of proof.

I do object to your decision because you do not have all the substantial evidence needed to make a proper decision.

If PA PUC will not reconsider my requests, I will have no choice but to continue to file another formal complaint until these issues will be resolved positively for the millions of consumers that are in the dark because they are not aware of the manipulations Verizon has by providing non-existing services and charge them with the PA PUC approval.

Therefore I request you to vacate the Initial Decision and vacate the Order of Judge C.W. Fordham in the case C-2009-2150021.

Based on my formal complaint, these Exceptions and records of court hearing on September 23, 2010, I request PA PUC to provide me with the information I discussed in my letter of January 27, 2009 and in the court hearing of September 23, 2010 as of actual costs incurred by Verizon by suspending and disconnecting the telephone lines.

I request PA PUC revise the tariffs for suspended and disconnected telephone lines previously approved by PA PUC in accordance with the actual costs of these operational procedures. I requested the same in my letter of October 15, 2010 and as of today, April 22, 2012 nothing had been done by the PA PUC!

I request a proper order be made as to not allow Verizon to extort the fees for non-existing services that are in effect today, almost 2 years later after the court hearing.

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