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February 15, 2012

Via Hand Delivery

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

RECEIVED
2013 FEB 15 AM 11:32
PA PUC
SECRETARY'S BUREAU

RE: Robin Beaty and James Bloom v. Verizon Pennsylvania LLC.; C-2012-230642;
Request to Disregard Complainants' Response to Reply Exceptions

Dear Secretary Chiavetta:

By this letter, Verizon Pennsylvania LLC (“Verizon PA”) requests that the Office of Special Assistants (“OSA”) disregard the Complainants’ letter titled “Response to Reply Exceptions of Verizon Pennsylvania LLC,” submitted to the Pennsylvania Public Utility Commission (“Commission”) on February 13, 2013. This pleading is in violation of the Commission’s regulations, and, as such, should be disregarded and the information contained therein not reviewed or relied upon in making the final decision in this matter.

By way of background, on July 16, 2012, a telephonic hearing was held before Administrative Law Judge (“ALJ”) Elizabeth H. Barnes. The Complainants fully participated in that hearing, along with the undersigned counsel for Verizon PA. On December 31, 2012, ALJ Barnes issued an Initial Decision denying the Complainants’ requested relief and dismissing their Formal Complaint. Complainants took full advantage of the Exception process, and filed Exceptions on January 7, 2013, although the Exceptions were not actually due until January 22, 2013. Reply Exceptions were due on February 1, 2013, and, on that date, Verizon PA timely filed its Reply Exceptions. On February 13, 2013, counsel for Verizon PA received a letter titled “Response to Reply Exceptions of Verizon Pennsylvania LLC,” apparently submitted by the Complainants to the Secretary’s Bureau of the Commission.

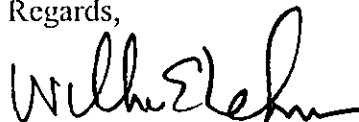
The Commission’s Regulations at 52 Pa. Code §§ 5.533 and 5.535 allow for the filing of Exceptions, and Replies to those Exceptions. These Regulations do not allow for the Complainants’ self-styled “Response to Reply Exceptions,” and this self-serving attempt to get in the “last word” should be disregarded by the Commission. Furthermore, a “Response to Reply Exceptions” is not a pleading that is allowed under 52 Pa. Code § 5.1 - enumerating pleadings allowed before the Commission. If the Commission were to allow the Complainants’ pleading, this would result in a never-ending series of back and forth pleadings that would waste not only the Commission’s valuable time and expense, but also that of the Parties.

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For these reasons, Verizon PA requests that the Commission disregard the Complainants' "Response to Reply Exceptions." However, should the Commission decide to allow and consider the Complainants' "Response to Reply Exceptions," Verizon PA reserves its right to respond to the information contained in this document before the Commission makes its final ruling. Should the Commission allow this pleading, Verizon PA requests that the Commission inform Verizon PA of this and allow a period of ten (10) days for Verizon PA to respond to the information contained therein. Verizon PA strongly urges, however, the Commission to disregard the pleading altogether.

Thank you very much for your attention to this matter. Please feel free to contact me at 717-236-1300 with any questions.

Regards,



William E. Lehman
Counsel for Verizon Pennsylvania LLC

WEL/bes

Enclosures

cc: Per Certificate of Service
Pa. PUC, Office of Special Assistants

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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 52 Pa. Code § 1.54 (relating to service by a party).


Service by First Class Mail:

Robin Beaty
2535 Main Street
Bethlehem, PA 18017

Service by Hand Delivery:

Honorable Elizabeth H. Barnes
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, L-M West
Harrisburg, PA 17120

Office of Special Assistants
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
3rd Floor, 9 East
Harrisburg, PA 17120



William E. Lehman
Counsel for Verizon Pennsylvania LLC

Dated: February 15, 2013

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