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

FEB 15 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Robin Beaty and James Bloom v. Verizon Pennsylvania LLC.; C-2012-2300642
Response to Reply Exceptions of Verizon Pennsylvania LLC

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the Response to Reply Exceptions of Verizon PA LLC in connection with the above-captioned matter. In response to Mr. Lehman's objection, I also enclose a true copy of our Jan. 5, 2013 filing of Exceptions to the Initial Decision in this matter with the Exceptions numbered. Since we are being so punctilious, please note that Verizon's Reply Exceptions is dated Feb. 1, 2013, which is twenty-seven (27) days after the filing of our Exceptions.

A copy of these documents has been served, as indicated, on the attached Certificate of Service.

Thank you for your attention in this matter. I may be reached at 610 867 3308.

Sincerely,

Robin Beaty

Robin Beaty

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SECRETARY'S BUREAU

*I signed the Certificate
of Service, as requested.
Thank you for reminding me.
Robin Beaty*

Before the Pennsylvania Public Utility Commission

Robin Beaty and James Bloom, Complainants

v.

Docket No. C-2012-2300642

Verizon Pennsylvania LLC, Respondent

ROBIN BEATY AND JAMES BLOOM'S RESPONSE TO VERIZON PENNSYLVANIA LLC'S REPLY EXCEPTIONS TO THE EXCEPTIONS FILED BY ABOVE COMPLAINANTS

I. INTRODUCTION AND SUMMARY OF RESPONSE

In their Reply Exceptions, Verizon PA asserts that ALJ Barnes' mistake in identifying the date of the phone bill on which the hidden telephone number first appeared as 2008 instead of the correct year, 2012, is a "small, immaterial and harmless error in the Initial Decision" (I. paragraph 3). Asserting that the second telephone number was on the bills between 2008 and 2010 is hardly a "minor error." We are asking for a refund of all charges associated with the second number for those two years. The judge's Initial Decision is based on identifying when the second telephone number finally appeared on our bills. She misread the date on Exhibit 10 (the bill that alerted us to the existence of the second number) as 2008, a mistake which she refers to at several key points in her argument.

Verizon's position seems to be that no matter how disguised the existence of the second telephone line was in their monthly bills, we "knew or should have known" about it.

To review: the line was apparently installed in August 2002 for a DSL service that was never operational. We asked twice that any work done be removed and were assured that it was. There were no DSL charges on our bills and no reason to suspect a second line had been added to our Basic Charges because the bills from 2002-2003 did not break down the Basic Charges. In all following bills before we allowed Verizon PA to withdraw their charges directly from our bank account, the second telephone line was never identified by its number. Only the number we knew about was on the bills, and the word "line" was always singular.

In their Response, Verizon PA asserts "the Complainants knew, or with any type of diligence whatsoever, should have known that they were being billed for two telephone lines all along and receiving and using service for two telephone lines" (II. paragraph 4). The bills did not give us any reason to suspect the existence of a second line and we were **certainly** not "receiving and using service" for the second line. It was never functional. When we called the number, nothing rang. According to the RCN installer of our new phone service, only the outside box had been modified for a second line.

Our belief that there was no second line and that we were charged in error informed our early interactions with Verizon customer service, but we insisted that the charge be

stopped in each of the three phone calls we had to make to get Verizon to act. Jennifer Miketa was particularly unhelpful and rude. Verizon's Response says Ms. Miketa "offered to disconnect the line at that time, but the customer refused" (p. 6, bottom). This is simply false. I had already called Verizon twice to have the number removed.

At issue is the degree of transparency necessary before a customer can "know or be expected to know" of the existence of a telephone line. Surely the number associated with the telephone line--the only way an ordinary customer has of identifying it-- should be present and clearly linked with its associated taxes and charges on the billing records. Verizon PA's billing records between 2002 and 2010 were fiendishly obscure. Their assertion that we "should have known" is disingenuous, to put it mildly.

Sincerely,

Robin Beaty

Robin Beaty
James Bloom

J. Bloom

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2535 Main St. Ext.
Bethlehem, PA 18017
Jan. 5, 2013

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Pennsylvania Public Utility Commissionconvert to pdf

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EXCEPTIONS OF ROBIN BEATY AND JAMES BLOOM, COMPLAINANTS
PENNSYLVANIA PUBLIC UTILITY COMMISSION Case #C-2012-2300642

Robin Beaty and James Bloom, Complainants v. Verizon Pennsylvania, Inc., Respondent

The Initial Decision of Administrative Law Judge Elizabeth Barnes is based on a misreading of the date of our Exhibit 10 and a consequent error in the summary of testimony about when we, the complainants, first knew we were being charged for two separate telephone numbers. Complainants' Exhibit 10 is clearly a bill for the period of Feb. 19--Mar. 18, 2012, not 2008. The conclusion that we knew about the second telephone number in 2008 but didn't call Verizon to complain until 2012 is therefore incorrect. In fact, the second phone number never appeared on any of our phone bills before we began allowing direct withdrawal on October 9, 2009. Assuming Verizon Pennsylvania provided the earliest document in their records that shows the second telephone number, that number didn't appear until their summary of our automatic payment on May 17, 2010 (Verizon Pa.'s Exhibit 4). As I testified at the Hearing (July 16, 2012), we didn't notice the addition of a second number until the automatic withdrawal summary of Feb.-March 2012 (Exhibit 10), whereupon we immediately called Verizon to have it disconnected.

We make the following specific Exceptions.

EXCEPTION 1

Please see page 3, items 10-11, in the Judge's Initial Decision:

10. Complainants did not understand they had two phone lines for which they were being charged because the phone bill in January, 2008 identified only one telephone number, (610) 867-3308. N.T. 31. Complainants Exhibit 9.

The fact that there was only one phone number on the 2008 bill is correct and undisputed by Verizon Pennsylvania. The error is in the following Item 11, page 3:

11. *Complainants first noticed on the phone bill for the period of February through March, 2008 that they were also being charged for a second phone line because the bill contained a breakdown of charges and listed a second phone line number (610) 867-1756 with charges to that number. N.T. at 32; Complainants Exhibit 10.*

Exhibit 10 clearly shows the date as 2012, not 2008. It is true that this is the summary of charges that first alerted us to the existence of a second telephone line. We immediately contacted Verizon to find out how long we had been being charged and to have the second line removed, a process that took three phone calls and three months to complete. So the "courtesy refund" we received equaled the amount we were billed for the second phone line **after** our first request that it be disconnected.

EXCEPTION 2

With regard to Item 18, page 4,

...there is no indication Ms. Beaty called between 2009 through March 1, 2012 to discuss charges associated with the additional line

I had no reason to suspect the existence of a second line; the telephone number for it wasn't listed on the bills and we had made no changes to our telephone service since 2002.

EXCEPTION 3

Item 21, page 5, also contains an inaccuracy (one that is internally inconsistent with Item 11, page 3, quoted above):

*21. Ms. Beaty suspected she was being overcharged in the Fall of 2002; however, she mistakenly believed that since there was only one phone number listed on her bills, that she was being billed for two dial tones because she had two jacks in her home and that **the first time she saw the second telephone number appear on her bill was May 17, 2010. N.T. 24-27.***

The statement in bold type above is simply false. The date refers to Verizon's Exhibit 4; we did not have this record. Once again, as I have testified, the first time we became aware of the second phone number was on the summary of charges for the automatic withdrawal for Feb.- March 2012. We did not know about it in 2008 (as asserted in Item 11, page 3) and we did not know about it in 2010 (as asserted immediately above.) The May 17, 2010 date quoted above is the date of the first document Verizon Pennsylvania could produce that included the telephone number for the second line in their breakdown of our phone charges. From the consumer's point of view, a phone line and a phone number are the same thing, so one can't have a line without its identifying number.

EXCEPTION 4

In the Judge's Discussion, we take exception to several of the conclusions on page 6:

They [complainants] then assert that although it became clear to them from the breakdown in their bills in March, 2008 that they were being billed separate charges for two separate phone numbers, they did not call Verizon PA again until March 1, 2012 to complain and ask the second line be removed from their account

This conclusion is based on the error of identifying Exhibit 10 as a bill from March 2008, when it is in fact dated March 2012, as the exhibit clearly shows. See Item 11, page 3, quoted above followed by our exception.

The Discussion on page 6 continues:

Evidence shows Complainants were aware that they were being charged for a second line in 2008 through 2012 and yet from October 9, 2010 through March 31, 2012, Complainants paid their monthly bills in full through automatic direct withdrawals from their bank account, and only telephoned Verizon PA on March 1, 2012 during said time period to request removal of the second line. Complainants Exhibit 19, N.T. 31-32. Complainant Ms. Beaty admitted that not looking at statements during the period of automatic withdrawals was a mistake on her part because the "phantom number" started showing up on her bill six months later after she had authorized automatic payment. N.T. 32; Complainants Exhibit 10, 19.

Again, we were not "aware that [we] were being charged for a second line in 2008 through 2012." The tell-tale second number didn't even appear in our billing summaries until May 17, 2010, six months after we authorized automatic withdrawal, as the passage from the Judge's discussion above goes on to say.

EXCEPTION 5

The second paragraph on page 6 continues:

Complainants had a responsibility to question their bill and file an informal complaint or a formal complaint if their dispute was not being adequately addressed by Respondent by an earlier time in 2008-2012.

Our Exhibit 10, the 2012 summary of charges that alerted me to the existence of the second phone line, arrived by mail early in the billing period listed, Feb. 19--Mar 18, 2012. I took a few days to assemble our records and talk to my husband before calling Verizon PA on Mar. 1, 2012, well within that same billing period, and was assured the line charge would be removed. I called Verizon again on March 19, 2012, after the next phone bill arrived with charges for the second number still intact. On April 10, 2012, I lodged an informal complaint with the PUC. After the next phone bill arrived on April 19, 2012, which still included a charge for the second phone line, I lodged a formal complaint with the PUC the following day, April 20, 2012. Surely this sequence of events demonstrates that we fulfilled our "responsibility to question" our bill and file the appropriate complaints as soon as we knew of the existence of the second line.

EXCEPTION 6

Paragraph 2, page 6, continues:

The bill formats shown in the exhibits pertaining to the years 2008-2012 specifically broke down the charges attributable to each phone number and are in compliance with Commissions Regulations at 52 Pa. Code 64.14 (regarding billing information.)...Complainants did request to terminate service to the second line, it was promptly handled and the Respondent gave Complainants a courtesy refund totaling \$165.98.

First, I'm compelled by irritation to make a minor exception: no reasonable customer would call a three-month wait necessitating three long and frustrating phone calls "prompt handling" of our request. Furthermore, the 3-month "courtesy refund" offered at the beginning of the process was eaten up by the continued charges in the months it took to get the second line charge off our phone bill. Verizon Pa.'s customer representatives stalled and gave conflicting information, necessitating considerable research on our part in order to try to understand what had happened.

Our main exceptions are to the Judge's erroneous conclusion that we knew about the second line in 2008 (and 2010), and to the assertion that the phone bills were specifically broken down into "charges attributable to each phone number" beginning in 2008, as stated in the excerpt above. A review of all the exhibits shows that the second telephone number did not appear on our bills until May, 2010. As the Judge's Initial Decision notes in Item 10, page 3, "the phone bill in January, 2008 identified only one telephone number, (610) 867-3308." Our Exhibit 9 is the only exhibit for the year 2008, and it does not "specifically break down the charges attributable to each phone number." Verizon PA submitted two intervening exhibits between our Exhibit 9 (the bill for Jan. - Feb. 2008) and our Exhibit 10 (the summary of automatic withdrawal for Feb./March 2012) which was the document that alerted me to the existence of the second line because it *does* break down the charges "attributable to each phone number." Verizon's Exhibit 3, for the period ending May 19, 2009, does not show a breakdown of the charges "attributable to each phone number"; the second phone number is not listed anywhere on that bill. Verizon's Exhibit 4, showing a due date of May 17, 2010, is presumably the first time the second phone number appeared on our "bills," which by that time had become summaries of automatic withdrawals. As I conceded in my testimony, we should have noticed the existence of the second line in May 2010, but we did not in fact notice it until Jan. 2012. Consequently, we think that we are at least entitled to a refund covering the period beginning four years prior to the filing of the Formal

Complaint (the statute of limitations 4/20/2008--4/20/2012) and ending with the first appearance of the second phone number in May 2010.

Respectfully submitted on Jan. 5, 2013

Robin Beaty

Robin Beaty

James Bloom

J B

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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

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Honorable Elizabeth H. Barnes
Administrative Law Judge
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Robin Beaty

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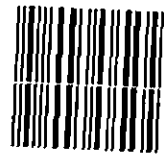
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