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

March 17, 2013

LIDIA SHAN – COMPLAINTANT V VERIZON PENNSYLVANIA, INC - RESPONDENT

Docket No. C-2009-2150021

PETITION FOR RESCISION

CERTIFICATE OF SERVICE.

Dear Ms. Chiavetta,

Attached for filing with the Commission is my Petition for Rescission and Request for new hearing in connection with complaint Docket No. C-2009-2150021.
My Petition for Rescission and the Request for new hearing will be served to your office and the opponent at the same time as required by the Commission's Regulations by the date above. This is to verify that I E-filed my Petition for Rescission and mailed two hard copies of my Petition and Certificate of Service to your attention and to the opponent.

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

Respectfully,

Lidia Shan,
301 Byberry Rd, Apt. #F-14,
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.	:	**C-2009-2150021**
Verizon Pennsylvania, Inc.		

PETITION FOR RESCISSION

RE: DOCKET # 2009-2150021

Please be advised that I had never received any correspondence from PA PUC concerning the above docket decision until February 25, 2013 during my conversation with Ms. Robinson-Brown of PA PUC. Ms. Robinson-Brown advised me that the PA PUC document concerning Docket #2009-2150021 had been returned; it was never delivered to my mailing address that is on PA PUC records.

On February 25, 2013, I learned that Docket #2009-2150021 was closed under very suspicious circumstances and the opinions were based not on premise of my complaint and the issues I raised, but on ludicrous bias ALJ Initial Decision. Verizon's counsel in manipulated testimonies managed not to address the issues in question in my complaint. Under what law Commission has rights to close a complaint unsatisfied without addressing the issues of complaint?

It is a double fraud of pretending that ALJ did understand the premise of the complaint but managed to ignore important issues of the complaint by cooking her bias Initial Decision and answering in her own kind of manner. The Initial Decision of ALJ, basically creates thousands of Philadelphians to become victims in order to subsidize Verizon with unjustifiable tariffs PA PUC approved.

Moral depravity of PA PUC ALJ, Commission and Verizon presents a face value of PA PUC conflict of interest by your dismissal of my entire complaint as non-existing issues and questions I raised. ALJ purposely or under duress from Verizon or just due to incompetency mishandled my complaint. It took ALJ 18 months to cook a mockery of my complaint without evidence that ALJ understood the premise of my complaint to make a decision: as **"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."**

What a nuisance! I gave PA PUC a benefit of a doubt and complained to your organization in trust; however, PA PUC miserably failed to satisfy my complaint.

When the Judge was not capable to identify the actual burden of proof of the complainant, what was the purpose to wait for 18 months to come up with an absurd decision?

The complaint was about unjustifiable PA PUC approved tariffs for Philadelphia and one that Verizon applied to my account:

In my complaint the following tariff was in question.

BELL ATLANTIC- Pa. P.U.C.-No. 1. Section 27
PENNSYLVANIA, INC. 42nd Revised Sheet 1 Canceling 41st Revised Sheet 1
SUSPENSION OF SERVICE
B. RATES
1. *MISCELLANEOUS NONRECURRING CHARGE*
A miscellaneous nonrecurring charge as specified in Section 22C of this Tariff applies at the time of suspension.
ISSUED OCTOBER 1, 2002 EFFECTIVE NOVEMBER 1, 2002
VERIZON PENNSYLVANIA INC. Pa. P.U.C.-No. 1 Section 27 Thirteenth Revised Sheet 2 Canceling Twelfth Sheet 2
SUSPENSION OF SERVICE
b. Suspension of Longer Than 30 Days
(1) Residence Service
The customer will be billed the full monthly rate of the following: Dial Tone Line Charge (USOC-DTLRX) as specified in Local General Tariffs Pa. P.U.C.-Nos. 180A, 182, 182A, 185B and 185C.
Line Cost Charge (USOC-9ZR11). Telephone Company Equipment, Charge Listings, Custom Calling Service, Touch-Tone and Wire Maintenance Plans. Federal Universal Service Fund (FUSF).

What was my complaint about? All about unjustifiable approved tariffs by PA PUC for suspended telephone wire lines. There was nothing mentioned in my complaint about Verizon's violations of any codes, nor was I interested to identify codes in violation.

The following is the premise of my complaint and at the same time is to refresh the memories of those that made incorrect decision and closed the docket #2009-2150021 without resolution.

1. When the phone is in vacation/suspension how can the dial-tone and voice service function when the circuit on the Verizon circuit board is being switched off and there is no incoming or out going signal?
2. When the circuit is switched off on a particular line, how can the touch-tone be functioning?
3. When the dial-tone, touch-tone and voice service are dysfunctional due to the shut off of the circuit as in suspension, why does PA PUC approve tariffs allowing for full monthly rate charges?
4. When the phone is disconnected and the circuit is switched off, the dial-tone, voice service or touch tone are not functioning as in suspension, why does the tariff states that a full monthly rate will be applied if there are no incoming signal and services?
5. Why does the phone of suspended/vacation lines have the same monthly rate as if the phone is fully operational?
6. What is the actual cost of keeping telephone in suspension/vacation that supports the existing tariff for Philadelphia?
7. Why do consumers have to subsidize Verizon?

My complaint suggested that PA PUC must revise their approved tariffs in Philadelphia that will reflect the actual cost for suspended wire lines of telephones. Other states have approved flat fees for the suspended/vacation wire lines and in some states there are no fees at all.
Why is Pennsylvania divided by the zip code and different rates are applied for the same services?

These were the main questions of my complaint and they were not addressed nor answered by ALJ, by Commission, or by Verizon.

My burden of proof was to satisfy what was in question and that was that when the phone is physically disconnected (suspended/vacation) and the circuit is switched off there is no incoming signal, the dial-tone, touch tone and voice service are not in operation and therefore the tariff **BELL ATLANTIC- Pa. P.U.C.-No. 1. Section 27PENNSYLVANIA, INC. 42nd Revised Sheet 1 Canceling 41st Revised Sheet 1**
SUSPENSION OF SERVICE Verizon applied to my account is incorrect. I satisfied my burden of proof; however, to support the above mentioned tariff and charge full monthly rate PA PUC and Verizon as respondents failed to satisfy their burden that was that when the circuit is switched off on Verizon side and there is no incoming signal but the dial-tone, touch tone and voice service are still operable on the consumer side.
Based on this concept ALJ failed to properly identify my burden of proof.

Only incompetent or under duress ALJ can formulate the Initial Decision based on such an absurd conclusion. Therefore I refuse to accept the improper Initial Decision because ALJ is in conflict of interest and her bias opinions was based on the same premise-conflict of interest.

My complaint was mishandled. I request to annul the Initial Decision of docket #2009-2150021as it did not serve the purpose of resolving what was in question in my complaint. I refuse to recognize and accept the order and decision made in my case by the Commission. Commission without blink of an eye closed my complaint without resolution and based their order on the false premise of the Initial Decision of the ALJ. Justice was not served. I disagree with previously made decision of the Commission and I am petitioning for rescission of docket number 2009-2150021 and for retrial.

Lidia Shan
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VIA AÉREA
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