

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120**

Curt Eckroth v. Verizon Pennsylvania, Inc.

Public Meeting April 18, 2013  
2279168-ALJ  
Docket No. C-2011-2279168

**MOTION OF  
CHAIRMAN ROBERT F. POWELSON**

Before the Commission today for disposition is the Initial Decision adjudicating the Formal Complaint of Curt Eckroth (Mr. Eckroth or Complainant) against Verizon Pennsylvania Inc. (Verizon). In his Formal Complaint, Mr. Eckroth alleged that he experienced chronic issues with his telephone service and requested that Verizon be ordered to repair the facilities that provide him with service. In her Initial Decision, the Administrative Law Judge (ALJ) sustained the Complaint “[t]o the extent the Complainant raises an issue of [Verizon] failing to provide adequate service, [failing to] properly repair Complainant’s residential service line and failing to close trouble outage reports in a timely manner from September 2009 through July 2012” and fined Verizon \$1,000.<sup>1</sup> All other aspects of the Complaint were dismissed.

In arriving at her conclusion that Verizon provided unreasonable service, the ALJ relied extensively on Verizon’s issuance of numerous bill credits to Mr. Eckroth. While I agree with both the ALJ’s conclusion that Verizon provided unreasonable service to Mr. Eckroth in violation of Section 1501 of the Public Utility Code<sup>2</sup> and her imposition of a \$1,000 penalty, I disagree with using the issuance of bill credits as evidence of unreasonable service.

Bill credits are used by all utilities for many different reasons, including:

- As a customer service measure to keep customers satisfied with their service regardless of whether they experienced a violation of the Public Utility Code or Commission Regulations;
- As a manner of settling disputes as well as informal or Formal Complaints in accordance with the Commission’s policy encouraging settlements<sup>3</sup>; and
- Compensating customers for issues for which the Commission has no authority to award compensation.

I am concerned that using the issuance of credits as evidence of a violation of the Public Utility Code or Commission Regulations will have a chilling effect on their use, to the detriment of customers. In the instant case, there is sufficient credible evidence in the record to find that Verizon provided unreasonable service to Mr. Eckroth without relying on bill credits.

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<sup>1</sup> *Curt Eckroth v. Verizon Pennsylvania Inc.*, Docket No. C-2011-2279168, Initial Decision issued December 10, 2012 at 21.

<sup>2</sup> 66 Pa. C.S. § 1501.

<sup>3</sup> See generally 52 Pa. Code § 5.231(a).

Specifically, I note that there is record evidence that Verizon found trouble with the facilities that provided Mr. Eckroth with service 24 times between September 2009 and July 2012.<sup>4</sup>

Further, the ALJ cited to the matter of *Gary L. Gaskins v. Verizon Pennsylvania Inc.*, Docket No. C-2010-2195549, as support for her decision. I note, however, that contrary to the discussion in the Initial Decision, the *Gaskins* decision cited was a Tentative Order and as such should not have been relied upon.

Lastly, Ordering Paragraph Number 4 (O.P. 4) of the Initial Decision directs Verizon to

complete whatever corrective action may be necessary to provide Complainant with a level of reasonable and adequate telephone service that is free of dropped excessive distortion and noise, and send a report within forty-five (45) days to the Commission's Bureau of Consumer Services and the Commission's Bureau of Investigation and Enforcement.

The record establishes that Mr. Eckroth is no longer a customer of Verizon and is receiving telephone service from a competitive provider using alternative facilities<sup>5</sup> and, as such, Verizon has no way of complying with O.P. 4. This Ordering Paragraph should therefore be modified to require Verizon to undertake these corrective actions if Mr. Eckroth, or a successor resident of the address at issue, becomes a customer of Verizon at any point in the future.

**THEREFORE, I MOVE THAT:**

1. The Initial Decision in this matter is modified consistent with the discussion herein, and
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

  
ROBERT F. POWELSON  
CHAIRMAN

**DATE: April 18, 2013**

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<sup>4</sup> Tr. at 52:18 – 53:3.

<sup>5</sup> *Id.* at 17:2-6.