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April 19, 2013

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – Filing Room (2nd Floor)
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Lidia Shan v. Verizon Pennsylvania Inc.; Docket No. C-2009-2150021;
**MOTION OF VERIZON PENNSYLVANIA INC. TO STRIKE THE
REPLY OF LIDIA SHAN TO VERIZON PENNSYLVANIA INC'S.
ANSWER TO THE COMPLAINANT'S PETITION FOR RESCISSION**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Motion of Verizon Pennsylvania Inc. ("Verizon PA") to Strike the Reply of Lidia Shan to Verizon PA's Answer to the Complainant's Petition for Rescission in the above-captioned proceeding. As indicated on the attached Certificate of Service, a copy of this document has been served upon the Complainant via both first class mail and electronic mail.

Thank you for your attention to this matter. Please contact me with any questions you may have.

Sincerely,

Steven K. Haas
Counsel to Verizon Pennsylvania Inc.

SKH/das
Enclosure
cc: Lidia Shan

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LIDIA SHAN,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent.


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Docket No. C-2009-2150021

NOTICE TO PLEAD

TO: Lidia Shan
301 Byberry Road, Apt. F-14
Philadelphia, PA 19116
smellsense@aol.com

Pursuant to 52 Pa. Code §5.103(b), you are hereby notified that a Motion has been filed in the above-captioned proceeding by Verizon Pennsylvania Inc. A written response to this Motion, if any, must be filed within twenty (20) days from service of this notice. Any response must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon Pennsylvania Inc.



Steven K. Haas
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Hawke McKeon & Sniscak LLP
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DATED: April 19, 2013

Counsel for Verizon Pennsylvania Inc.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LIDIA SHAN,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent.

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Docket No. C-2009-2150021

**MOTION OF VERIZON PENNSYLVANIA INC.
TO STRIKE THE REPLY OF LIDIA SHAN
TO VERIZON PENNSYLVANIA INC'S.
ANSWER TO THE COMPLAINANT'S PETITION FOR RESCISSION**

Verizon Pennsylvania Inc. ("Verizon PA"), by its attorneys in this proceeding, Hawke McKeon & Sniscak LLP, hereby files, pursuant to 52 Pa. Code §5.103, this Motion of Verizon Pennsylvania Inc. ("Verizon PA") to Strike the Reply of Lidia Shan to Verizon PA's Answer to the Complainant's Petition for Rescission. In support thereof, Verizon PA avers as follows:

On April 13, 2012, Administrative Law Judge Cynthia Williams Fordham ("ALJ") issued her Initial Decision ("I.D.") in this proceeding. In her I.D., the ALJ correctly determined that the Complainant had not sustained her burden of proof with respect to the assertions raised in the Complaint. Accordingly, the ALJ dismissed Ms. Shan's Complaint.

On April 22, 2012, the Complainant filed Exceptions to the I.D. Subsequently, on May 14, 2012, Verizon PA filed its Replies to the Complainant's Exceptions. Ms. Shan's Exceptions and Verizon PA's Replies are incorporated herein by reference. The Commission's Opinion and Order in this proceeding was entered on August 31, 2012. In its Order, the Commission denied the Complainant's Exceptions and adopted the I.D. in its entirety.

On March 17, 2013, seven months after the Opinion and Order was entered, the Complainant filed a Petition for Rescission, requesting that the Opinion and Order be rescinded and that a new trial be scheduled. On April 1, 2013, Verizon PA filed an Answer to the Complainant's Petition for Rescission. Verizon PA's Answer is incorporated herein by reference. Subsequently, on or about April 16, 2013, the Complainant filed a Response to Verizon PA's Answer to the Petition for Rescission. The Complainant's Reply must be stricken.

The Commission's regulations allows for the filing of Petitions for Rescission. 52 Pa. Code §5.572(a). The regulations also allow for the filing of Answers to Petitions filed thereunder. 52 Pa. Code §5.572(e). The regulations do not, however, allow for the filing of a Reply to an Answer. There must be an end to the process, and the Commission, through its regulations, has established the end at the Answer phase, with no allowance for further responses. Accordingly, the Complainant's Reply to Verizon PA's Answer is improper under the Commission's regulations and must be stricken.

WHEREFORE, for the reasons set forth above, Verizon Pennsylvania Inc. respectfully requests that the Complainant's Reply to Verizon PA's Answer to the Complainant's Petition for Rescission be stricken in its entirety.

Respectfully submitted,



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DATED: April 19, 2013

Counsel for Verizon Pennsylvania Inc.

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 via first class mail:

Lidia Shan
301 Byberry road, Apt. F-14
Philadelphia, PA 19116

Service via electronic mail:

Lidia Shan
smellsense@aol.com



Steven K. Haas

Dated this 19th day of April, 2013.