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August 8, 2013

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Ed Himmelwright vs. The United Telephone Company of
Pennsylvania LLC d/b/a CenturyLink
Docket No. C-2013-2360033

Dear Secretary Chiavetta:

On behalf of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, attached for filing, please find the Prehearing Memorandum of CenturyLink in the above-captioned proceeding. Please note that hard copies have been sent via overnight mail to the Complainant and Administrative Law Katrina Dunderdale.

Should you have any questions, please do not hesitate to contact me at 717-245-6346.

Sincerely,

A handwritten signature in blue ink that reads "Sue Benedek".

Sue Benedek

ZEB/jh

cc: The Honorable Katrina Dunderdale (*via overnight mail*)
All Parties on the Attached Certificate of Service (*via overnight mail*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ED HIMMELWRIGHT,)	
Complainant)	
)	
v.)	Docket No. C-2013-2360033
)	
THE UNITED TELEPHONE COMPANY OF)	
PENNSYLVANIA LLC D/B/A CENTURYLINK)	
Respondent)	
)	
)	
)	

**PREHEARING MEMORANDUM
OF THE UNITED TELEPHONE COMPANY OF PENNSYLVANIA LLC d/b/a
CENTURYLINK**

In accordance to the Prehearing Conference Order dated July 15, 2013 and pursuant to 52 Pa. Code §5.222(d), The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink (“CenturyLink”) submits this Prehearing Memorandum.

I. PROCEDURAL BACKGROUND AND STATUS

On April 29, 2013, Ed Himmelwright (“Complainant”) filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”). The Formal Complaint was docketed at C-213-2360033.¹

On July 2, 2013, CenturyLink timely filed its Answer to Complainant’s Formal Complaint. Per a telephone conference notice dated July 11, 2013, an Initial Telephonic

¹ Complainant had previously filed a Formal Complainant docketed at C-2011-2251755. By final order entered November 2, 1011, the preliminary objections of CenturyLink were granted and that Formal Complaint at docket number C-2011-2251755 was dismissed in accordance with the Initial Decision of Dennis J. Buckley dated September 8, 2011. By Secretarial Letter dated September 27, 2011, Exceptions were due 20 days after issuance of the Secretarial Letter. Mr. Himmelwright did not file exceptions at docket number C-2011-2251755. The issues raised by Complainant at docket number C-2011-2251755 are unrelated to the issues raised in this instant docket.

Hearing has been scheduled for August 22, 2013 at 10:00 a.m. The case has been assigned to Administrative Law Judge Katrina Dunderdale.

II. IDENTIFIED ISSUES

The Formal Complaint of Mr. Himmelwright sets forth two allegations: (1) Claims of nuisance telephone calls made to Complainant, which Complainant has alleged are being placed by an entity or entities (allegedly with 1-800 telephone numbers); and

Based upon Information set forth in the Formal Complaint and belief, Complainant seeks that CenturyLink cease requesting social security information as part of its account verification process. Furthermore, the Formal Complaint states that the Complainant wants these “800 #'s to stop calling my phone number”²

Consistent with the Prehearing Order in this docket, CenturyLink will be presenting exhibits regarding these issues. The exhibits will be overnight mailed to the Complainant and the presiding Judge on August 15, 2013, for receipt on August 16, 2013.

A. Nuisance Telephone Calls Made to Complainant

To the extent the remedy and relief requested by Complainant is within the Commission’s jurisdiction to address, CenturyLink does not have an obligation to block certain calls (allegedly, 1-800 callers) made to Complainant’s premises. CenturyLink, however, does provide to requesting customers a set of optional call-blocking services available for purchase, as set forth in CenturyLink’s tariff.³ Accordingly, regarding the alleged nuisance calls made to Complainant’s premises, Complainant’s remedy relative

² See, Section 5 in Complaint, under “Requested Relief.”

³ CenturyLink’s tariff sets forth a set of call-blocking optional services. Notably, “Selective Call Acceptance” enables customers to provide a list of acceptable numbers from which to receive calls. Similarly, “Selective Call Rejection” allows a customer to block up to 12 incoming telephone calls.

to CenturyLink (and this Commission) is to avail of optional tariff services.⁴ To the extent Complainant requests that CenturyLink provision these optional tariff services for free to the Complainant or that CenturyLink undertake the effort to ascertain the origin of the nuisance calls allegedly made to Complainant, CenturyLink maintains that any such requests are outside the Commission's jurisdictional reach and are unlawful. 66 Pa. C.S. §§ 1303, 1302. *See also*, 66 Pa. C.S. § 1501.

B. Complainant's Social Security Number and Birth Date

Complainant also asserts that CenturyLink allegedly requested Complainant to provide his social security and birth information. CenturyLink denies that it requested Complainant to provide his complete social security number. CenturyLink's processes and procedures require customers to verify that the person calling CenturyLink is the responsible party on the account. As part of this verification process, CenturyLink allows customers to place a password on the account for verification in lieu of requesting other information of the customer. If there is no password on the customer's account, CenturyLink then requests that the customer provide only the last four digits of the social security number of the customer/person responsible for the account. If the last four digits of the social security number are not provided by the customer, then other information is requested of the customer/person responsible for the account – *i.e.*, information such as birth date and/or last billed amount. At no point in the verification process does CenturyLink request that the customer provide his/her complete social security number.

⁴ To the extent the calls qualify, Complainant may have available remedies through state and/or federal Do-Not-Call lists.

CenturyLink's verification process protects customers from fraud and/or unauthorized actions attempted on the account. CenturyLink's verification process enables CenturyLink to furnish and maintain adequate, efficient, safe and reasonable service. 66 Pa. C.S. § 1501.

III. WITNESSES & PROPOSED AREA OF TESTIMONY

CenturyLink intends to call the following witness:

Jim Roberts, Regulatory Manager
CenturyLink
240 North Third Street, Suite 300
Harrisburg, PA 17101
Phone: 717-245-6502
Email: jim.roberts@centurylink.com

Mr. Roberts will present testimony regarding both claims set forth by Complainant in the Formal Complaint and will be available for cross examination and questions.

IV. PROPOSED PROCUDURAL SCHEDULE

CenturyLink is preparing to attend the telephonic initial hearing scheduled for August 22, 2013.

V. SETTLEMENT

CenturyLink on several occasions contacted the Complainant after receipt of the Presiding Officer's initial hearing notice in an attempt to settle this matter. Complainant will not discuss settlement. It does not appear that settlement is achievable in this case.

Respectfully submitted,



Sue Benedek, Esquire
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DATED : August 8, 2013