



Steven K. Haas
(717) 236-1300 x244
skhaas@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

September 17, 2013

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105

RE: Lidia Shan v. Verizon Pennsylvania LLC; Docket No. C-2013-2371560;
**ANSWER OF VERIZON PENNSYLVANIA LLC TO THE RESPONSE TO
VERIZON'S OBJECTIONS OF LIDIA SHAN**

Dear Secretary Chiavetta:

Enclosed for filing is Verizon Pennsylvania LLC's Answer to the Response to Verizon's Objections of Lidia Shan in the above-captioned proceeding.

If you have any questions regarding this filing, please do not hesitate to contact me.

Sincerely,

Steven K. Haas
Counsel for Verizon Pennsylvania LLC

SKH/san

Enclosures

cc: Honorable Christopher P. Pell (Via Electronic and First Class Mail)
Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Lidia Shan	:	
	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2013-2371560
	:	
	:	
Verizon Pennsylvania LLC	:	
	:	
	:	
Respondent	:	

**ANSWER OF
VERIZON PENNSYLVANIA LLC
TO THE RESPONSE TO VERIZON’S OBJECTIONS
OF LIDIA SHAN**

The document to which this Answer responds was titled by the Complainant as “Response to Verizon’s Objections.” Out of an abundance of caution, Verizon Pennsylvania LLC (“Verizon PA”) will treat this document as a Motion to Compel. Pursuant to 52 Pa. Code §5.342(g), Verizon PA, by and through its counsel in this matter, Hawke McKeon & Sniscak LLP, hereby submits its Answer to the Motion to Compel filed by Lidia Shan in the above-captioned proceeding.¹

¹ The Complainant’s Certificate of Service indicates that the “Motion to Compel” was served electronically on the undersigned counsel on September 11, 2013. In fact, I did not receive a copy of the Motion to Compel via e-mail until September 16, 2013.

By e-mail dated September 5, 2013, the Complainant transmitted the following data requests to the undersigned counsel to Verizon PA:

September 5, 2013

Counsel, Steven K. Hass, Esq.
Verizon Pennsylvania

Attached, please find my letter to ALJ Christopher Pell. These documents were attached via e-filing to the docket #2013-2371560.

Please provide for me the following documentation:

1. Recordings of November 2, 2010 conversation between Verizon representative and me in regard to suspend my telephone.
2. Recordings of November 21, 2011 conversation between Verizon representative and me in regard to suspend my telephone.
3. Operational procedure to suspend the telephone line in Philadelphia and associated costs to suspend these lines.

Thank you for your consideration,

Lidia Shan.

On September 9, 2013, Verizon PA submitted to the Complainant answers to request numbers 1 and 2, and an objection to request number 3. Verizon PA will address each request, its response (either answer or objection) and the Complainant's response below.

COMPLAINANT'S REQUEST NO. 1:

Recordings of November 2, 2010 conversation between Verizon representative and me in regard to suspend my telephone.

VERIZON PA'S RESPONSE:

No such recording exists. Verizon did not record calls during that time period.

COMPLAINANT'S "MOTION TO COMPEL"

The Complainant merely states, on the second page of her Motion, ". . . these conversations have always been recorded as Verizon's message states then you must provide transcripts of these conversations"

VERIZON PA'S ANSWER

In fact, as stated by Verizon PA, it did not record its customer conversations during the time period at issue in the request. Accordingly, the recordings sought by the Complainant do not exist, since they were never made. Since no recordings were made, there are no transcripts of those conversations. The Complainant's belief that there should be recordings or transcripts does not make it so. She cites to no legal authority requiring such recordings or transcripts. Therefore, the Complainant's "Motion to Compel" must be denied.

COMPLAINANT’S REQUEST NO. 2

Recordings of November 21, 2011 conversation between Verizon representative and me in regard to suspend my telephone.

VERIZON PA’S RESPONSE:

No such recording exists. Verizon did not record calls during that time period.

COMPLAINANT’S “MOTION TO COMPEL”

The Complainant merely states, on the second page of her Motion, “. . . these conversations have always been recorded as Verizon’s message states then you must provide transcripts of these conversations”

VERIZON PA’S ANSWER

In fact, as stated by Verizon PA, it did not record its customer conversations during the time period at issue in the request. Accordingly, the recordings sought by the Complainant do not exist, since they were never made. Since no recordings were made, there are no transcripts of those conversations. The Complainant’s belief that there should be recordings or transcripts does not make it so. She cites to no legal authority requiring such recordings or transcripts. Therefore, the Complainant’s “Motion to Compel” must be denied.

COMPLAINANT'S REQUEST NO. 3:

Operational procedure to suspend the telephone line in Philadelphia and associated costs to suspend these lines.

VERIZON PA'S OBJECTION:

Verizon PA objects to this request on the ground that it has no relevance to this proceeding. The procedures and costs associated with Verizon's voluntary suspension ("vacation") service were the subject of your prior complaint proceeding at Docket No. C-2009-2150021. This proceeding was ultimately concluded by the Commission's July 16, 2013 Opinion and Order. Further, Judge Pell stated in his letter to you of September 4, 2013, "the issue of the reasonableness of Verizon's rates under its Commission-approved tariff that was addressed in your Complaint at Docket no. C-2009-2150021 has already been addressed by the Commission on two separate occasions (Commission Orders entered August 31, 2012 and July 16, 2013). **Accordingly, this issue from your prior Complaint at Docket No. C-2009-2150021 will not be addressed again during the evidentiary hearing on September 27, 2013.**" (Emphasis in the original).

The inquiry requests the procedures and costs associated with suspending a telephone line. This was the subject of your prior complaint and, as stated by Judge Pell, is not an issue and will not be addressed in this proceeding.

COMPLAINANT'S "MOTION TO COMPEL"

The Complainant argues that this request was made during her 2009 complaint proceeding. She further argues that, because the information was not provided during that proceeding, Verizon PA cannot object to having to provide it in this proceeding.

VERIZON PA'S ANSWER

Verizon PA initially notes that the fact that the requested information was not provided in the previous proceeding provides no basis for the Complainant to demand that it be provided in this proceeding. Any dispute about whether the company should have provided the information in that proceeding would have to have been resolved in that proceeding. Verizon PA was not required to provide the information in that proceeding. Further, as argued by Verizon PA in its

objection to this request, the information relates back to the Complainant's challenge to the reasonableness of the company's tariffed rate for its voluntary suspension (or vacation) service. This issue was the subject of the 2009 proceeding and was finally concluded by the Commission's July 16, 2013 Opinion and Order. By this request, the Complainant is merely attempting to revive or re-litigate this very same issue in this proceeding. Accordingly, her Motion on this request must fail.

For the reasons set forth above, Verizon Pennsylvania LLC respectfully requests that the Complainant's Response to Verizon's Objections be denied in its entirety.



Steven K. Haas
Hawke McKeon & Sniscak LLP
100 North Tenth Street
PO Box 1778
Harrisburg, PA 17105-1778
717-236-1300

DATED: September 17, 2013

Counsel for Verizon Pennsylvania LLC

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Lidia Shan	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2013-2371560
	:	
Verizon Pennsylvania LLC	:	
	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served a true and correct copy of the foregoing Answer of Verizon Pennsylvania LLC to the Response to Verizon's Objections of Lidia Shan upon the persons and in the manner indicated below.

Service by First Class Mail

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

Service by Electronic Mail

Lidia Shan
smellsense@aol.com

DATED: September 17, 2013



Steven K. Haas