



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 24, 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 LLC.; Docket No. C-2013-2371560;
**MOTION OF VERIZON PENNSYLVANIA LLC TO STRIKE THE
MOTION TO DISMISS VERIZON'S ANSWER OF SEPTEMBER 17, 2013
OF LIDIA SHAN**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is Verizon Pennsylvania LLC's ("Verizon PA") Motion to Strike the Motion to Dismiss Verizon's Answer of September 17, 2013 filed by the Complainant in the above-captioned proceeding. A copy of this document has been served upon the Complainant in accordance with the attached Certificate of Service.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Sincerely,

Steven K. Haas
Counsel to Verizon Pennsylvania LLC

SKH/san

Enclosures

cc: Honorable Christopher P. Pell
Per the Certificate of Service

recordings exist. Verizon PA objected to the Complainant's Request No. 3 on the basis that the information sought related back to the issue raised in the Complainant's 2009 complaint proceeding, which was concluded by the Commission by its Opinion and Order entered July 16, 2013.

On September 15, 2013, the Complainant filed a document titled, "Petition to Assign a New Impartial ALJ for Hearing Scheduled September 27, 2013." In his Order Continuing Hearing dated September 18, 2013, Administrative Law Judge Christopher P. Pell indicated that a section of the Complainant's Petition embedded within the document would be treated as a Motion to Compel answers to discovery requests. On September 17, 2013, Verizon PA filed its Answer to the Complainant's "Motion to Compel." Verizon PA's Answer is incorporated herein by reference. In its Answer, Verizon PA again stated that the recordings sought in Complainant's Request Nos. 1 and 2 do not exist. With respect to Request No. 3, Verizon PA noted Judge Pell's directive in his letter to the Complainant, dated September 4, 2013, that the issues addressed in the 2009 proceeding would not be addressed again in this proceeding. Verizon PA objected to Request No. 3 on the ground that the information sought related to the reasonableness of the rate contained in its Commission-approved tariff for its temporary suspension (vacation) service, which was the very issue addressed and concluded in the 2009 proceeding. Accordingly, as directed by Judge Pell, this issue will not be addressed in the instant proceeding.

On September 19, 2013, the Complainant filed the instant "Motion to Dismiss Verizon's Answer of September 17, 2013."² By this Motion, Verizon PA requests that the Complainant's Motion be stricken in its entirety.

The Commission's regulations allow for the filing of a Motion to Compel in response to a Party's objections to discovery requests. 52 Pa. Code §5.342(g). The Complainant filed such a

² In her Motion, the Complainant identifies additional information she is seeking that goes significantly beyond her initial requests. Verizon PA does not consider these requests, which are contained in her "Motion to Dismiss," to be valid discovery requests and, accordingly, will not respond thereto. Verizon PA will, however, provide additional information related to the conversation from November, 2011 in a separate supplemental discovery answer.

Motion. The regulations also allow for the filing of an Answer in response to a Motion to Compel. 52 Pa. Code §5.342(g)(1). Verizon PA filed such an Answer. The regulations do not, however, allow for the filing of an Answer or other response to an Answer to a Motion to Compel, and they certainly do not contemplate allowing a Party to ask that a Party's answers be "dismissed" if they do not like those answers, which the Complainant is attempting to do here. The Complainant's "Motion to Compel" and Verizon PA's Answer are currently before ALJ Pell. No further documents are allowed under the Commission's regulations. Accordingly, the Complainant's "Answer to Dismiss Verizon's Answer of September 17, 2013" must be stricken in its entirety.

WHEREFORE, for the reasons set forth above, Verizon Pennsylvania LLC respectfully requests that the Complainant's "Answer to Dismiss Verizon's Answer of September 17, 2013" be stricken in its entirety.

Respectfully submitted,



Steven K. Haas
Hawke McKeon & Sniscak LLP
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300
Email: skhaas@hmslegal.com

DATED: September 24, 2013

Counsel for Verizon Pennsylvania LLC

Steven K. Haas

From: Smellsense <smellsense@aol.com>
Sent: Thursday, September 05, 2013 2:36 PM
To: Steven K. Haas
Subject: docket #2013-2371560
Attachments: verizon_puc_certof_serv_alj_pell.pdf; verizon_puc_alg_pell_1_2013.pdf

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.

Attachment A

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 24th day of September, 2013