



Suzan DeBusk Paiva
Assistant General Counsel
Verizon

1717 Arch Street, Floor 3 SE
Philadelphia, PA 19103

January 9, 2014

Via Electronic Filing

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

Re: Cheryl Zack v. Verizon Pennsylvania LLC;
Docket No. C-2013-2388000;
REPLY EXCEPTIONS OF VERIZON PENNSYLVANIA LLC

Dear Secretary Chiavetta:

Enclosed please find the Reply Exceptions of Verizon Pennsylvania LLC, being filed in the above referenced matter.

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

Very truly yours,

Suzan D. Paiva
Counsel for Verizon Pennsylvania LLC

SDP/meb
Enclosures

Via U.S First Class Mail
cc: Administrative Law Judge Elizabeth H. Barnes
Herbert Nurick, Mediator
Certificate of Service
Office of Special Assistant (via email)

Verizon filed preliminary objections seeking dismissal of the complaint on the grounds that the Commission lacks jurisdiction over television service and also lacks authority to award damages in the form of “financial compensation.” Verizon also pointed out that, although Ms. Zack raises no issue with her voice service, the voice service to which she subscribes is FiOS Digital Voice, a Voice over Internet Protocol (“VoIP”) service, and accordingly the Commission would not have jurisdiction over any voice service claims by virtue of the VoIP Freedom Act, 73 P.S. § 2251.1, et seq. (See New Matter, ¶ 2).

The Commission should adopt the ID, deny the exceptions and dismiss the complaint. It is clear from the face of the complaint that the only issue raised is with television service. This Commission has no jurisdiction over television service issues. *Gray v. Comcast Phone of Pennsylvania, LLC*, Docket No. C-2012-2292826 (Final Order entered November 6, 2012). It is also well-settled that the Commission lacks authority to order financial damages. *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (Pa. 1977). The above limitations on the Commission’s jurisdiction are sufficient grounds to dismiss the complaint in its entirety. However, the ID also correctly found that even if the Complainant had raised any issue with her voice or internet services – which she did not -- the Commission would also lack jurisdiction over such claims. 73 P.S. § 2251.4 (“[N]o department, agency, commission or political subdivision of the Commonwealth may enact or enforce, either directly or indirectly, any law, rule, regulation, standard, order or other provision having the force or effect of law that regulates, or has the effect of regulating, the rates, terms and conditions of VoIP service or IP-enabled service”); *Brown v. Armstrong Digital Services* Docket No. C-2008-2079810 (Final Order entered May 12, 2009) (“VoIP [is a] telephone service that this Commission does not regulate.”)

The Complainant's handwritten exceptions do not provide any reason why the ID's conclusion of lack of jurisdiction is wrong. Instead, the document confirms that the problem is limited to an issue of television service, noting that "the problem started again on mom's TV" and "my TV (w/DVR) is still losing volume a bunch of times during the day." The exception document only reaffirm that the complaint is limited to television issues and should be dismissed.

Moreover, even though the Commission lacks jurisdiction, Verizon has attempted to assist Ms. Zack with the issues raised in the complaint. As detailed in Verizon's answer, when Verizon's local manager could not reach her by phone he made a visit to the home but Ms. Zack refused to speak with him and told him that she had the number he left on her answering machine and would call if she wanted to talk with him. (Answer ¶ 4). The exception document confirms that "I had a ton of people from Verizon call to say they wanted to help me with my problem" and that a local manager "not only called but showed up at my front door" and "wanted to make an appointment to go over our problem," but she told him she already has "a contact" at Verizon. But this discussion also provides no basis to overturn the ID since the Commission lacks jurisdiction over the services Verizon provides to Ms. Zack.

For the foregoing reasons the Commission should adopt the ID and dismiss the complaint.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Suzan D. Paiva".

Suzan DeBusk Paiva, I.D. No. 53853

Verizon

1717 Arch Street, 3rd Floor

Philadelphia, PA 19103

Counsel for Respondent

Verizon Pennsylvania LLC

DATED: January 9, 2014

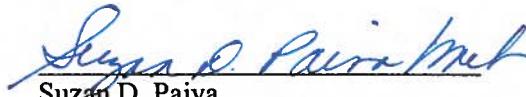
CERTIFICATE OF SERVICE

I, Suzan D. Paiva, hereby certify that I have this day served a copy of the Reply Exceptions of Verizon Pennsylvania LLC, upon the participants listed below.

Dated at Philadelphia, Pennsylvania, this 9th day of January, 2014.

VIA USPS FIRST CLASS MAIL

Cheryl Zack
825 W. Tilghman Street
Allentown, PA 18102



Suzan D. Paiva
Verizon Pennsylvania LLC
1717 Arch Street, 3SE
Philadelphia, PA 19103