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December 1, 2015

**VIA ELECTRONIC FILING**

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

Re: Petition of Communications Workers of America for a Public,  
On-the-Record Commission Investigation of the Safety, Adequacy, and  
Reasonableness of Service Provided by Verizon Pennsylvania LLC  
Docket No. P-2015-2509336

Dear Secretary Chiavetta:

Enclosed please find the Reply of Verizon Pennsylvania LLC ("Verizon") to New Matter of Full Service Network, L.P., in the above referenced matter.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

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

Suzan D. Paiva

SDP/slb  
Enc.

cc: **Via E-Mail and First Class Mail**  
Attached Certificate of Service

**CERTIFICATE OF SERVICE**

I, Suzan D. Paiva, hereby certify that I have this day served a copy of Verizon's Reply to New Matter of Full Service Network, LP, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 1<sup>st</sup> day of December, 2015.

**VIA E-MAIL AND FIRST CLASS U.S. MAIL**

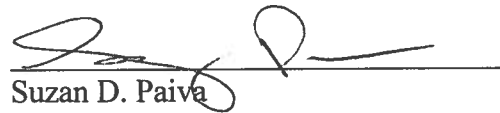
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Attorney for Verizon Pennsylvania LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Communications Workers of America for a Public, On-the-Record Commission Investigation of the Safety, Adequacy, and Reasonableness of Service Provided by Verizon Pennsylvania LLC : : Docket No. P-2015-2509336

**REPLY OF VERIZON PENNSYLVANIA LLC  
TO NEW MATTER OF FULL SERVICE NETWORK, LP**

Pursuant to 52 Pa. Code § 5.63, Verizon Pennsylvania LLC (“Verizon PA”) hereby replies to the new matters contained in the answer of Full Service Network, LP (“FSN”) to the Communications Workers of America (“CWA”) petition.<sup>1</sup> Taking a page from the CWA playbook, FSN’s answer attempts to use its “support” for CWA’s requested unnecessary investigation to put its own regulatory pressure on Verizon PA. The Commission should reject both parties’ attempts to misuse the Commission’s limited resources in this manner.

On November 10, 2015, Verizon PA answered CWA’s petition, explaining that the union’s demand for a wide-ranging investigation was nothing but a bargaining tactic calculated to increase “regulatory pressure” during protracted labor negotiations. Verizon PA rebutted CWA’s anecdotal claims and selective pictures of outdoor facilities. The Commission already has objective evidence in the form of investment reporting, service quality monitoring, and customer complaint tracking, demonstrating that there is no problem with Verizon PA’s services provided over copper facilities. Going forward, these existing Commission programs are more than sufficient to continue to monitor Verizon PA’s service quality and customer satisfaction without the intrusive and unnecessary investigation CWA demands.

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<sup>1</sup> See 52 Pa. Code § 5.62(a) and (b) and 5.63 (permitting a reply to answers that allege a “material fact which is not merely a denial of the averments of the preceding pleading” or seek “affirmative relief.”) FSN’s answer appears to have been filed on November 10, 2015, but it was served by email on Verizon PA’s counsel on November 11, 2015 at 3:04 pm. Accordingly, under 52 Pa. Code § 1.56(a)(4), November 11, 2015, was the date of service, making Verizon PA’s answer due December 1, 2015 under 52 Pa. Code § 5.63(a).

FSN now attempts to piggyback on CWA's unnecessary request. But FSN is simply taking advantage of the CWA's filing to try to extract conditions advancing its own narrow interests. FSN alone among the many competitive carriers that operate in Pennsylvania repeatedly intervenes or comments in Verizon proceedings to advance arguments that serve its own business interests.<sup>2</sup> FSN's claims here are nothing more than another attempt to leverage the regulatory process and bypass good faith negotiation directly with Verizon PA. Just as with CWA's petition, FSN's answer does not support a finding of any comprehensive problem with Verizon PA's network or service.

**A. FSN Has Failed First To Engage In Good Faith Negotiation As Required By Its Interconnection Agreement And Other Rules.**

FSN is a competitive carrier that leases Verizon PA facilities through a Commission-approved interconnection agreement to serve at least some of its end user customers.<sup>3</sup> That interconnection agreement contains mandatory dispute resolution provisions that require FSN to attempt in good faith to resolve its issues directly with Verizon PA before coming to the Commission.<sup>4</sup> But instead of bringing its current accusations to Verizon PA, FSN instead raises them for the first time in its answer to CWA's petition. FSN has violated the letter and the spirit of the interconnection agreement.

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<sup>2</sup> See, e.g., *Joint Application of Verizon Communications Inc. and MCI, Inc. for Approval of Agreement and Plan of Merger*, Docket No. A-310580F9; *Re: Wholesale Rate for Resale of Telecommunications Services Provided by Verizon Pennsylvania Inc.*, Docket No. R-00038516; *Pennsylvania Public Utility Commission v. Verizon Pennsylvania Inc.*, Docket No. R-2011-2244373 (detariffing case); *Pennsylvania Public Utility Commission v. Verizon North LLC*, Docket No. R-2011-2244375 (detariffing case); *Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas, and for a Waiver of Regulations for Competitive Services*, Docket No. P-2014-2446303.

<sup>3</sup> In 1998 FSN adopted an interconnection agreement between Verizon PA and another competitive carrier. The adopted agreement was approved by a Commission order entered on April 1, 1999, and has been amended several times.

<sup>4</sup> See, e.g., ICA Part A, Section 24 ("... the Parties agree that any dispute arising out of or relating to this Agreement that the Parties themselves cannot resolve, may be submitted to the Commission for resolution.") (emphasis added); Part A, Section 42.1 ("In the performance of their obligations under this Agreement, the Parties shall cooperate fully and act in good faith and consistently with the intent of the Act."). These provisions are attached hereto as Exhibit A.

Moreover, FSN has other alternatives to resolve its alleged complaints short of demanding a full scale investigation of Verizon PA's entire network. First, if dispute resolution under the interconnection agreement fails, the Commission provides an Alternative Dispute Resolution Process (ADRP) process to obtain expedited dispute resolution of wholesale issues.<sup>5</sup> But FSN would have to "engage in good faith negotiations" with Verizon PA "with respect to the dispute in question for at least 30 calendar days," before it can enter the ADRP process.<sup>6</sup> FSN has not yet had those good faith negotiations, and indeed, previously has failed to meet this condition in other contexts.<sup>7</sup>

Second, the Commission monitors Verizon PA's wholesale performance through its monthly carrier-to-carrier and performance assurance plan metrics.<sup>8</sup> Those reports are reviewed by Commission staff each month. CLEC-specific reports are also available to the individual CLECs. If staff or the individual CLEC is concerned about Verizon PA's performance they have the opportunity to discuss the issue with Verizon PA and to bring the matter to the attention of the Pennsylvania Carrier Working Group for discussion and informal resolution.

But FSN has not availed itself of any of these opportunities to raise its concerns with Verizon PA or to engage in good faith dispute resolution to resolve any alleged problems. Instead it chose to join in the CWA's grandstanding by filing an answer "in support" of the CWA's petition. Since FSN has failed to abide by the requirements that it attempt in good faith

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<sup>5</sup> The Commission's ADRP Guidelines are set forth most recently in its August 31, 2005 Order at Docket M-00021685.

<sup>6</sup> ADRP Rules 2 and 4.

<sup>7</sup> *Full Service Computing Corporation t/a Full Service Network v. Verizon Pennsylvania Inc.*, Docket No. P-2010-2214623 (Final Order entered January 24, 2011) (adopting as final an ALJ order dismissing FSN's ADRP petition against Verizon because FSN failed to negotiate in good faith with Verizon before coming to the Commission).

<sup>8</sup> *Performance Measures Remedies, Final Opinion and Order On Performance Measures and Remedies for Wholesale Performance for Verizon Pennsylvania Inc. (PMO II)*, M-00011468 (Opinion and Order entered December 10, 2002).

to address its issues directly with Verizon PA in the first instance, the Commission should disregard FSN's answer "in support" and direct FSN to comply with its dispute resolution obligations.

**B. FSN's Claims Misstate The Facts Or Are Too Vague To Answer**

Most of FSN's general anecdotal claims about service issues with its customers are so vague and unsubstantiated that they are impossible to investigate and rebut. But Verizon PA was able to identify the facilities involved in the allegations made in paragraph 11 of FSN's answer claiming that Verizon PA is "destroying good copper lines without any advance notice to FSN" based on an alleged incident at a building at 425 6<sup>th</sup> Avenue in Pittsburgh. This building, the former Alcoa Building, is being renovated by its owner to serve a mix of residential and commercial tenants with upgraded facilities. As part of the upgrade, the owner asked Verizon PA to bring fiber to the building to make Fios by Verizon available to the tenants. The copper facilities were not removed from the building, and currently Verizon makes services available to the tenants of this building over both fiber and copper facilities. There is no plan to remove any Verizon copper facilities from the building.

The owner also requested as part of the renovations that Verizon PA move the old copper demarcation point originally located on the 12<sup>th</sup> floor and establish a new copper demarcation point on the second floor to accommodate some of the commercial tenants that were served by CLECs and did not want to convert to fiber facilities. The building owner paid for this rearrangement of Verizon PA's copper facilities, which was completed about two months ago. Verizon tagged and tested all working lines at the new demarcation point; beyond that point, the copper inside the building is the building owner's responsibility. Verizon PA understands that an

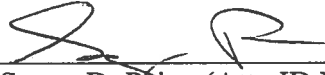
independent vendor was to extend the working lines from the new second floor demarcation to the individual customers within the building.

To the extent FSN complains that Verizon PA's deployment of fiber facilities and offering of Fios services has some sort of competitive impact, that issue was not raised in the CWA petition. The petition alleged issues specifically in locations where fiber facilities are *not* available; FSN's attempt to raise other issues is thus not properly raised as an answer "in support" of that petition. And to the extent FSN implies that deployment of fiber facilities means that FSN can no longer utilize Verizon PA's wholesale services to serve its own customers, that is not the case. Resellers like FSN can and do resell telecommunications services provided over fiber facilities just as they do services provided over copper facilities. Other wholesale service options provided over fiber facilities are also available.

#### **CONCLUSION**

For the foregoing reasons, the Commission should not entertain CWA's or FSN's attempt to use this Commission to exert regulatory pressure on Verizon PA. The Commission already has the ability to monitor Verizon PA's performance, and the data it has already collected shows that Verizon PA's facilities are performing adequately. The Commission also already has programs to monitor Verizon PA's wholesale service should such review be necessary, but FSN has refused to take even the first steps to take advantage of them. Given these facts, FSN's "answer" is more grandstanding than valid contention. The Commission should dismiss the CWA's petition and FSN's answer without further proceedings.

Respectfully submitted,



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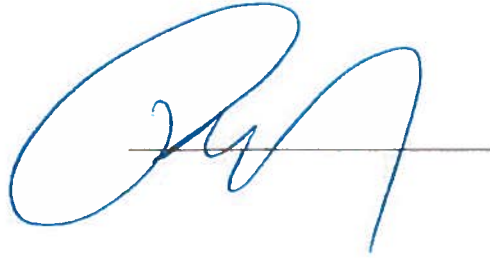
Dated: December 1, 2015



**VERIFICATION**

I, Philip Wood, state that I am Director, State Government Affairs, for Verizon and that as such I am authorized to make this verification on behalf of Verizon Pennsylvania LLC ("Verizon PA"). I have reviewed Verizon PA's Reply to the New Matter of Full Service Network, LP and verify that the facts contained therein are true to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Date: November 10, 2015

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be the initials 'PW'.