



COMMONWEALTH OF PENNSYLVANIA

December 3, 2015

E-FILED

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

**Re: Office of Small Business Advocate v. Verizon North, LLC
Docket No. C-2015-2512883 and R-2015-2510233**

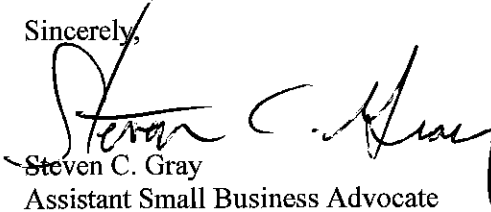
Dear Secretary Chiavetta:

I am delivering for filing today the Office of Small Business Advocate's Answer to Verizon North's Preliminary Objections to the Complaint of the Office of Small Business Advocate, in the above-captioned proceeding.

Copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

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

Sincerely,


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: The Honorable Joel Cheskis
Al Buckalew
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office of Small Business Advocate,	:	
Complainant	:	
	:	Docket No. C-2015-2512883
v.	:	R-2015-2510233
	:	
Verizon North LLC,	:	
Respondent	:	

**OFFICE OF SMALL BUSINESS ADVOCATE’S
ANSWER TO VERIZON NORTH’S PRELIMINARY OBJECTIONS
TO THE COMPLAINT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

Pursuant to 52 Pa. Code § 5.101(f), the Office of Small Business Advocate (“OSBA”) submits this Answer to the Preliminary Objections to the Complaint of the Office of Small Business Advocate (“Preliminary Objections”) that were filed by Verizon North LLC (“Verizon North” or the “Company”) with the Pennsylvania Public Utility Commission (“Commission”) on November 23, 2015.

Response to the Preliminary Objections’ Unnumbered Paragraph

Some of the averments of Unnumbered Paragraph 1 contain summaries of Verizon North’s request for relief and conclusions of law to which no response is required. By way of additional response, Verizon North requests that the OSBA complaint “should be dismissed for insufficient specificity pursuant to 52 Pa. Code § 5.101(a)(3).” The OSBA denies this averment. Furthermore, Section 5.101(e)(1) governs the answer to this preliminary objection:

If a preliminary objection regarding insufficient specificity in a pleading is filed, an answer is not required until further directed by the presiding officer or the Commission.

52 Pa. Code § 5.101(e)(1). Consequently, the OSBA will not answer this preliminary objection until required to do so by Administrative Law Judge (“ALJ”) Joel Cheskis or the Commission.

By way of further response, Verizon North claims that the OSBA complaint was legally insufficient pursuant to 52 Pa. Code § 5.101(a)(4). The OSBA denies this averment. The OSBA complained that the Verizon North October 2015 Price Change Opportunity (“PCO”) Filing may propose rates that are unjust, unreasonable, and discriminatory. 66 Pa. C.S. § 315(a) places the burden of proving that the PCO Filing is just and reasonable upon Verizon North. Furthermore, Verizon North’s own Alternative Regulation Plan states that Sections 1301 and 1304 shall still apply to Verizon North’s rates. *See Final Alternative Regulation Plan of Verizon Pennsylvania Inc. as of December 2011*, Part 4.C.2, at 23.

Therefore, the OSBA complaint was clear and unambiguous that the Verizon North October 2015 PCO Filing may contain rates that violate Sections 1301 (rates to be just and reasonable) and 1304 (discrimination in rates). Verizon North’s Preliminary Objection should be denied.

Responses to the Preliminary Objections’ Numbered Paragraphs

1. The averments of Paragraph 1 contain summaries of Verizon North’s request for relief and conclusions of law to which no response is required. By way of further response, the OSBA admits that on October 22, 2015, Verizon North did submit its 2016 PCO Filing to the Commission.

2. Admitted.

3. The averments of Paragraph 3 contain conclusions of law to which no response is required. By way of further response, the OSBA complained that the PCO Filing may propose rates that are unjust, unreasonable, and discriminatory in violation of Sections 1301 and 1304 of the Public Utility Code. If Verizon North's proposed rates are unjust, unreasonable, or discriminatory, that is, by definition, a "specific defect" in the PCO filing.

4. The averments of Paragraph 4 contain conclusions of law to which no response is required. By way of further response, 52 Pa. Code § 5.22 speaks for itself. By way of additional response, the OSBA was "clear" that the PCO Filing may propose rates that are unjust, unreasonable, and discriminatory in violation of Sections 1301 and 1304 of the Public Utility Code.

5. The averments of Paragraph 5 contain conclusions of law to which no response is required. By way of further response, 66 Pa. C.S. § 701 speaks for itself. By way of additional response, the OSBA set forth the "violation . . . of any law" when it complained that the PCO Filing may propose rates that are unjust, unreasonable, and discriminatory in violation of Sections 1301 and 1304 of the Public Utility Code.

6. The averments of Paragraph 6 contain summaries of Verizon North's request for relief and conclusions of law to which no response is required. By way of further response, 52 Pa. Code § 5.101 and the cases cited by Verizon North in Paragraph 6 speak for themselves. By way of additional response, the OSBA complaint alleged that the PCO Filing may propose rates that are unjust, unreasonable, and discriminatory in

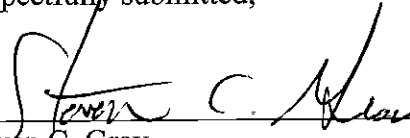
violation of Sections 1301 and 1304 of the Public Utility Code. That, by definition, raises a violation of the Public Utility Code.

7. Denied. By way of further response, pursuant to 52 Pa. Code 5.101(e)(1), the OSBA will not answer this preliminary objection until required to do so by ALJ Joel Cheskis or the Commission.

Conclusion

Therefore, the Office of Small Business Advocate respectfully requests that the Commission deny Verizon North's Preliminary Objections in their entirety.

Respectfully submitted,



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Assistant Small Business Advocate

For:

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Dated: December 3, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Office of Small Business Advocate,
Complainant**

v.

**Verizon North LLC,
Respondent**

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**Docket No. C-2015-2512883
R-2015-2510233**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (unless other noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

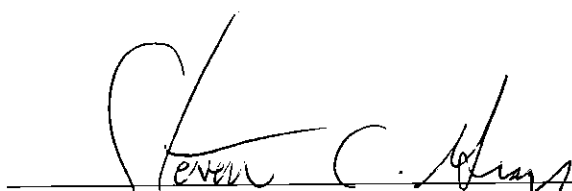
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DATED: December 3, 2015



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