

Reply Brief

Docket No.C-2015-2515583: Altman v. Verizon

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ARGUMENT: pg.17

Verizon's initial letter to us served, as they state, as the notice of suspension of our phone service within 30 days if we refused to migrate **our copper** service to fiber-optic service. Attached was the "Frequently Asked Questions" page, which placed suspension at 45 days, adding confusion to our shock that, after being long-time customers of Verizon, in good standing, we were threatened with loss of phone service and being given an ultimatum.

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Regarding our letter from Neil's neurologist(re: his serious medical condition that requires continuous telephone access from our phone),Verizon contends that the letter does not specify the type of phone connection. Nowhere in Verizon's requirement of medical certification does it make it mandatory to specify, so it is assumed that the status quo of copper is being referred to. In addition, the "soft suspend" that continues 911 access does not take into account the necessity of urgent calls to his doctor for what direction to take in an impending neurologic crisis, or other important advice. Furthermore, for chronic health conditions, like Neil's, no provision or accommodation is made after specified 30 days of impending suspension. We dispute that Kevin Organ specifically offered us more time to make a decision about migration. In fact, he made the uncertainty of losing our phone service even more certain by reinforcing the December 1st deadline, and then suggesting that we use his personal phone number. The ultimate purpose we recognized would be to permit migration with no other resolution from Verizon. Mr.Organ's comment in testimony about customers having medical conditions--"We take those very concerning. We realize that our customers are people"--is disingenuous, in light of his attitude over the phone. (Transcript, p.192-193) Knowing Neil had a medical condition, Mr.Organ said, in testimony concerning the November 12,2015 phone conversation, "...suspension would begin on Dec.1st, and it would last for approximately two weeks and then the final service interruption would occur on Dec.16th. That was the plan." (Transcript, p.214) In fact, Philip Wood, a Verizon executive, in an e-mail to the OCA, indicated that the medical certificate would only

matter if and when we called to schedule an appointment to switch to fiber. In "Frequently Asked Questions,#14," the conditions of not having our telephone service cut off are: "a.have a physician certify by phone or in writing that such an illness exists and that the person will be endangered if telephone service is stopped; and b.contact us at 1.877.439.7442 to place an order to transfer your voice service to fiber no later than thirty(30) days from the date of the attached Notice." This has been the consistent attitude of Verizon to us, and all of their contacts with us have been to that sole purpose of getting us to switch.

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We strongly disagree that Mr.Organ offered to postpone suspension in an effort to provide us more time and be reasonable, because "dating the migration order weeks or months in the future" amounts to the same thing as our accepting the migration. In addition, had he truly been trying to help us, he would not have waited until November 29,2015 to pull us out of the process, when, in fact, the OCA had already intervened on our behalf to stop the clock of the Dec.1st suspension. Nor, with all of his "concern"that we have his personal phone number, did Mr.Organ directly notify us that we would not be suspended, thus allaying our fears that we would lose our phone number.

In addition, there is an interesting footnote(8) on page 6. of Verizon's main brief: "One of the changes Verizon has subsequently made in consultation with Commission staff is to add a specific suspension date to each individual letter and postcard, rather than just saying 45 days." This is a very important point that should not be buried in a footnote. Verizon is downplaying the fact that we were unreasonably treated and had to port our phone number in sheer panic due to their omission of information such as this, and because of all the confusion about suspending us, which was going on behind the scenes without our knowledge.

Under the heading "Verizon Offers a Robust Battery Back-up" Verizon states, "The Altmans have never articulated a clear and specific objection to fiber technology but one concern they raised is continuing to have service operating during a commercial power

outage." We have clearly articulated more than one objection to fiber-optics as instituted by Verizon. In extended outages, "more than 20 hours" of back-up is not even a day and hardly "robust" for such events. Their system of battery-backup is unreliable because it is dependent on batteries supplied by the customer. In effect, customers have the responsibility, in addition to paying their bill, of powering their own phones. Twelve D batteries that will generally last up to 8 hours of continual use currently cost about \$25, so for people on a fixed income, just 24 hours of battery-back-up becomes very expensive, if the Power Reserve is deployed.

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The steps a customer can take to extend the back-up time can put the customer at risk, especially at night during sleep when the unit may be turned off and a sudden storm or other outage occurs. New batteries may not be "easier to purchase or keep on hand." These D batteries are used primarily in flashlights and may become unavailable in an impending storm. The batteries a customer stores may be depleted by the time they should be used. Giving the customer the first set of batteries free of charge is ludicrous because the customer will be paying for future batteries for the rest of his life. That the fiber-optic system must be extended repeatedly in outages with fresh batteries only serves to prove the vulnerability of the system, and does not take into account that heavy battery use is not environmentally beneficial. Furthermore, the Power Reserve is not optional for people like us who depend on continuous telephone access.

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Under the heading "Verizon Responded Reasonably to the February 2015 Service Outage," our testimony shows that we were repeatedly told each day for several days that repairs would be made. The explanation in the main brief is that the problem was a wet copper cable.

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"If the trouble is 'of an emergency nature,' Verizon must respond and take substantial action 'within 3 hours of the reported outage consistent with the needs of customers....'" We clearly informed Verizon's repair unit that Neil has a serious medical condition. In fact, Neil needed possible emergency help during the outage at 5 am; with no phone available, it was very scary, but our calls were treated as a trouble not requiring "unusual repair."

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CONCLUSION: pg.23

Throughout Verizon's dealings with us, they have used manipulative and unreasonable practices to convince us to migrate to a system that has several flaws, the most glaring of which are its vulnerability and consequent unreliability for customers. Their threatening behavior cannot be downplayed with skewed explanations from them to invalidate what we have stated. We have offered the Commission a letter from Neil's doctor and have explained the mental anguish Verizon has put us through, forcing us to apply our own remedy to the problem that they created, by going to another company in order to retain our phone number. In consequence, Gilda fell and broke her wrist and two front teeth in going to make the transfer.

In direct testimony and in our main brief, we have already shown evidence that doesn't support Verizon's testimony and arguments as presented in their main brief. For the foregoing reasons, our formal complaint should NOT be dismissed and denied.

APPENDIX C: (Altman Gall Notes)

The phone call notes from Verizon attached to their main brief are incomplete because we remember conversations with and kept notes on some representatives of Verizon that we spoke with. For example, not included in the Appendix is Neil's call on November 6, 2015 to the 1-877-439-7442 number given on the "Frequently Asked Questions #14" for people with medical problems. He spoke with Ms. Tatel, representative, who said even before Neil could speak with her that she has to read him the various services Verizon provides; then she spoke to her supervisor, Ms. Young, who told her to ask why Neil doesn't want FIOS. Ms. Tatel said that she doesn't record Neil's health issue because her system can't take that information.

The notes provided in Verizon's Appendix C are not only incomplete but cryptic at points.

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Respectfully submitted,

*Gilda Anne Altman*

*Neil A. Altman*

Gilda Anne Altman

Neil Altman

CERTIFICATE OF SERVICE

Reply Brief--Docket No.C-2015-2515583 (Altman v.Verizon)

Today, May 19,2016, we served by first-class mail a copy of our reply brief to Suzan Paiva, attorney for Verizon; by first-class mail an original copy to Rosemary Chiavetta, secretary to the PUC; and by hand delivery two copies to the Honorable Judge Darlene Heep, Administrative Law Judge.

*Gilda Anne Altman*  
*Neil A. Altman*

Neil and Gilda Altman

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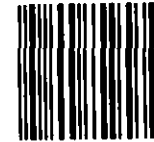
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