

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Neil and Gilda Altman

Public Meeting October 27, 2016

v.

2515583-ALJ

Verizon Pennsylvania LLC

Docket No. C-2015-2515583

STATEMENT OF COMMISSIONER JOHN F. COLEMAN, JR.

Before the Pennsylvania Public Utility Commission for disposition is an Initial Decision (ID) issued in the above-captioned formal complaint proceeding.

The Complainants allege that their telephone service provided by Verizon Pennsylvania LLC (Verizon) deteriorated in 2015, including a service outage early in early 2015 and line distortion later in the year. Mr. and Mrs. Altman also complain about Verizon's Network Transformation project occurring in their wire center (Kirklyn). Verizon's Network Transformation involves migrating all Verizon customers in a particular wire center from a copper-based to a fiber-based service. As relief, the Complainants request to keep their copper-based telephone service from Verizon.

The ID sustains the Complaint, in part, and finds that Verizon violated the Commission's service outage and repair regulations. The ID also finds that Verizon did not provide reasonable service under Section 1501 of the Public Utility Code (Code)¹ by issuing to the Complainants multiple and conflicting end dates for service as part of its Network Transformation in the Kirklyn Wire Center. For these violations, the recommended civil penalty is \$4,750. I agree with this outcome for the reasons set forth in the ID.

The ID also denies the Complainants' request to restore their copper wire telephone service from Verizon. I agree with this outcome as well. The record evidence shows that Verizon's Network Transformation in the Kirklyn Wire Center complied with the Federal Communications Commission's (FCC) copper retirement rules in effect at the time of the project.

Furthermore, I agree with the ID that no Pennsylvania law, regulation, or order grants the Commission the authority to require Verizon to restore copper-based telephone service to the Complainants. This includes the Code, which is agnostic when it comes to the technology used to provide telephone service in Pennsylvania. In other words, the Code does not require Verizon to deploy a particular technology when offering telephone service. Rather, the key requirement is that the technology used must support the provision of adequate, safe, efficient, reasonable, and reasonably continuous service in accordance with Code Section 1501.


¹ Verizon is obligated under Section 1501 of the Code, 66 Pa. C.S. § 1501, to provide adequate, safe, efficient and reasonable telephone service.

At the same time, this case highlights the need for Verizon to communicate clearly, accurately, and consistently with affected customers about its Network Transformation. Here, Verizon provided the Complainants with multiple and conflicting service termination dates that would be triggered if the Complainants did not make an appointment with Verizon to complete the migration of their service to fiber. Moreover, there is evidence that Verizon did not intend to actually terminate service to the Complainants on any of the end dates provided and that Verizon would have retained the Altmans' telephone number for up to a year in case they wanted Verizon service. However, according to the ID, this information was not conveyed to the Complainants.

I agree with the ID that these communication failures constitute unreasonable service that warrants the recommended civil penalty. In my view, proper communication is critical to ensuring that the transition of service from copper to fiber is a seamless one for affected customers. Although this may be of little comfort to the Altmans, I expect this case to serve as a "lessons learned" so that going forward, these communication failures do not occur as Verizon continues with its Network Transformation in Pennsylvania.

I note that Commission staff has been working to ensure that Verizon's Network Transformation notices that will be sent to affected customers in Pennsylvania comply with Pennsylvania law. This includes compliance with the Commission's rules regarding suspension and termination of service in Chapter 64 of our regulations. I believe the Commission is doing its part, and will continue to do its part, to ensure that affected customers receive lawful and appropriate notice as Verizon continues with its Network Transformation in Pennsylvania.

Date: October 27, 2016


JOHN F. COLEMAN, JR.
COMMISSIONER