



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITIES COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

October 24, 2006

Katherine E. Lovette Esquire
Hawke McKeon Sniscak & Kennard LLP
100 North Tenth Street
Po Box 1778
Harrisburg Pa 17105

DOCKETED
OCT 24 2006

Re: Vince Marino v. Verizon Pennsylvania Inc
C-20055656

**DOCUMENT
FOLDER**

Dear Ms Lovette:

On October 20, 2006, Vince Marino filed Exceptions to the Initial Decision of Administrative Law Judge John H. Corbett in the above captioned matter. Our review of the Exceptions revealed that no certificate of service or other indications of service accompanied that filing. Accordingly, we have enclosed a copy of the Exceptions for your use. This shall constitute service of the Exceptions for purposes of 52 Pa. Code §5.533.

Pursuant to 52 Pa. Code §5.535, you shall have ten (10) days from the date of service of the enclosed Exceptions to reply. The Exceptions were filed October 20, 2006. Although the Exceptions were timely filed, due to the failure of Vince Marino to note service on Verizon Pennsylvania Inc, and in order to avoid prejudice to either party, we shall deem the filing date to be the date of this letter for purposes of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), relating to the time for Commission consideration of Exceptions.

Sincerely,

James J. McNulty
Secretary

Enclosure

nvl

cc: Vince Marino
3324 Dawson Street
Pittsburgh Pa 15213
Office of Special Assistants
Document Folder

BTL

ORIGINAL

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733
(412) 225 - 0017

OCT 2 2006
VERIZON

Ref: Public Utility Commission Case C - 20055656

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To the involved parties involved in the case listed above.

Katherine E. Lovette & Verizon Pa Inc Honorable Judge John H. Corbett Jr, James J. McNulty secretary of Pennsylvania Public Utility Commission.

I'm incloseing a update note, this is not a Exception just a note of what is happening i'm not in any diagreed state with the order rendered. Inside you will find information i have submitted and presently investagateing the abnormal phone conditions are still present, please adhere to the proper actions the involved parties need to follow, after the intial decision exception time has concluded i would like to know after the 45 day order, how are we going to know if the appropriate actions where taken as ordered by the judge Please in some time one of the parties notify me of what will become of the order if the problem is still present as is will there be a fine or penalty imposed on Verizon Pa Inc as of the dates listed no actions have been rendered to my phone service and past recent and present investagation findings of out of standard phone service have been found continually, and reported to Verizon and the authority's.

On October 16, 2006 as written inside this note Vice President Ralph S. Giglio of Americom Inc. while pref orming a test and measurement on Mr Marino's home phone varified again a conversation of another party on Mr Marino's phone line coming from Verizon Pa Inc it was witnessed by both Mr Giglio and Mr Marino. This is very important to the fact that someone is on Mr Marino's Phone line and as reported by Mr Marino hearing party on his phone line while recieving and makeing phone calls at (412) 682 - 6733 as this is being confirmed time and time again it is covert and invasion of privacy Verizon is not correcting this problem. Invasion of privacy is a federal felony and a state crime, i'm sincerely adviseing Verizon to correct this issue there are over 3 torts involved in this.

PHONE SERVICE IS STILL BEING INTERRRUPTED AT MR MARINO'S HOME NUMBER IN ISSUE
(412) 682- 6733

MR MARINO WAS ADVISED TO CONTACT POLICE IN PITTSBURGH RATHER CALL VERIZON INC PA.
INFORMATION WAS TOLD BY BRENNAN M. YARNOT, CPP

Inclosed is a update note, all findings will be submitted at reasonable time before 45 day period of order is rendered, Mr Marino is investagateing all issues and related personal as well as the service as to who is ordering the false and misguided information to him and the PUC Commission. This a very dangerous problem we are involved in finding eves dropping on a phone service at the providers termination facility with out a court order its been confirmed over 5 times.

BTL

70

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733
(412) 225 - 0017

To all parties of concern in regards to case C - 20055656 Vince Marino v.s Verizon Pa Inc.

Ref. Note this is not a objection to the Honorable John H. Corbett JR decision or any type of (Exceptions) again this is a note to what has occurred from the time Verizon Pa Inc. has visited Mr Marino's home for look into the matter of the improper and actual illegal phone service that is being provided to Mr Marino at 3324 Dawson St Pgh, Pa 15213 phone number (412)682 - 6733.

As of the date September 20, 2006 and to the order rendered on that date, it is known that Verizon Pa, Inc. has been contacted over 6 more times do to phone transmission problems and abnormal activity that is going on at Mr Marino's home phone (412)682 -6733 it is also documented by Americom Inc dates of July 28, 2006 and October 16, 2006 that the phone service that is being provided to Mr Marino is still and presently out of Pennsylvania State laws and Federal Communication Ciation laws which the state adopts its regulations from. From the closing of the formal hearing Verizon has been contacted numerous times and police reports filed to the matter Mr Marino was called by Trish a Verizon employee in regards to Verizon sched uleing to visit the home of Mr Marino in October which was the second week of the month the exact date was not taken, at the visit Verizon inspected Mr Marino's inside wiring and as found had no problems, they also tested the outside loop and termination box the intire test lasted about a half hour to 45 minuets roughly the group from Verizon visted the home about a hour and a half in time or less. No findings where dislosed to Mr Marino, at the date of October 16, 2006 Americom Inc visited the home of Mr Marino test and investagation preformed by Vice preside nt Ralph S. Giglio as in July's findings again was Verizon provideing Mr Marino with improper phone service it found other disturbances on the line and found confirmed a party coverseing on the land line.

Mr Giglio's findings will be sent in after the time has finished to the Intial Decision for any exceptions to be filed.

It is outrageous that Verizon is allowing this to happen, in the final term of the 45 day order that will possibly take effect ordering Verizon to repair their facility's Mr Marino and its hired exspert and telecommunication firm Americom Inc will continue to investagate the improper phone service and provide the data that is found.

It is relevant that Verizon Pa Inc. is not preforming the proper inspection at their own property meaning someone or a group are allowing this to happen it is a serious problem Verizon is not correcting.

Mr Manno's right to a safe phone service are being broken possiable and a sure inspection has varified other parties on Mr Marino's phone line, evidence of covert listening device was reported do to the line tests and line current measure ments that Americom Inc has provided. Mr Marino is paying for phone service and a monthly repair fee for any problems that might normally occur to his phone line but the problem happening is being done continually to his phone on Verizons property and facilities.

At the date in October when Verizon's test group visited Mr Marino's home the main objective by security investa gator Brennan M. Yarnot, CCP to the problem was don't call Verizon to report phone trouble anymore just call the police and file reports to the police, Mr Marino has spoken to police and turned this matter into FBI Headquarter's in Pittsburgh aswell, it is the property of Verizon of Pa Inc. that this problem is happening not in the home of Mr Marino's Verizon is playing a game and appearantly hiding a serious problem that someone is allowing to go

Hawke

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October 25, 2006

BY HAND DELIVERY

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DOCUMENT
FOLDER

SECRETARY'S BUREAU

2005 OCT 25 PM 2:01

RECEIVED

RE: Vince Marino v. Verizon Pennsylvania Inc.; Docket No. C-20055656;
EXCEPTIONS

Dear Mr. McNulty:

Enclosed, for filing with the Commission in the above-captioned matter, are an original and nine (9) copies of Exceptions of Verizon Pennsylvania Inc. Copies of this filing have been served in accordance with the attached Certificate of Service.

If you have any questions regarding these filings, please contact me.

Very truly yours,

Katherine E. Lovette
Counsel for Verizon Pennsylvania Inc.

KEL/das

Enclosures

cc: Per Certificate of Service

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

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BEFORE THE
PENNSLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2006 OCT 25 PM 2:01
SECRETARY'S BUREAU

VINCE MARINO

v.

VERIZON PENNSYLVANIA INC.

Docket No. C-20055656

ORIGINAL

EXCEPTIONS OF VERIZON PENNSYLVANIA INC.

DOCUMENT
FOLDER

DOCKETED
OCT 31 2006

Katherine E. Lovette

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Counsel for Verizon Pennsylvania Inc.

DATED. October 25, 2006

Pursuant to 52 Pa. Code § 5.533, Verizon Pennsylvania Inc. ("Verizon PA" or "Company") hereby excepts in part to the Initial Decision ("I.D.") of Administrative Law Judge John H. Corbett, Jr. ("ALJ") issued on October 5, 2006 granting in part the complaint of Vince Marino ("Complainant").

I. Summary

The genesis of this case is Complainant's persistent and unsupported belief that some unidentified individual or individuals are somehow conducting surveillance upon him by tapping his telephone line.¹ Based on that supposition, the Complainant barraged Verizon PA with reports of trouble (75+ calls or contacts in roughly one year), claimed to support his wiretap or interception belief, ranging from clicks or noises on his line to crosstalk.² Verizon PA, giving the Complainant the benefit of any doubt, made extraordinary investigations, and indeed, made replacements and changes of certain facilities, to assuage and address Complainant's concerns.

¹ Because the portion of his original formal complaint alleging that some third party was wiretapping his telephone line was dismissed for lack of Commission jurisdiction, and because his Motion seeking to have his formal complaint somehow transferred by the Commission to the Attorney General's office was dismissed, I.D. at 1-2, Complainant has persisted in his claims of "noise" on his telephone line in an attempt to have the Commission force Verizon PA to address his claims that a third party is tampering with his telephone service. This is even more apparent from Complainant's letter addressed to the Commission after issuance of the Initial Decision in which Complainant states that there continues to be a "covert" invasion of privacy and that "Verizon is not correcting this problem" and that "someone or a group is allowing this to happen" and that Verizon has failed to detect this. The letter indicates that Mr. Marino believes that because the third party tampering is occurring at some location outside of his home, that it is Verizon PA's responsibility to deal with. Respectfully, Verizon PA has tested and inspected its facilities on numerous occasions and has found nothing abnormal. If Verizon PA had found evidence of illegal tampering, the Company would report such evidence to the police. Verizon PA's duty pursuant to the Public Utility Code is to provide reasonable telephone service to Complainant, and that is the only scope of this proceeding. To the extent something illegal is being perpetrated by third parties which is outside the knowledge or control of Verizon PA, it is solely a matter for the police. For convenience, a copy of the Mr. Marino's letter is attached hereto as "Attachment A."

² In fact, the Complainant even barraged the ALJ's office staff with telephone calls in furtherance of pursuing his complaint with the Commission to the extent that the ALJ was, regretfully, forced to send a letter to Complainant instructing him that he was no longer permitted to call the ALJ's office because his "incessant calling" had become "a severe burden upon our administrative staff." A copy of the letter is attached hereto as "Attachment B."

In the I.D., the ALJ found that the *only objective technical evidence* presented by Complainant's technical witness³ was "in equilibrium" with the evidence presented by Verizon PA's technical witness and that the technical testimony offered by the Complainant therefore "did not preponderate."⁴ Nonetheless, after making this finding, the ALJ concluded that the Complainant had nevertheless met his burden of proof and that Verizon PA had provided unreasonable service. The ALJ compounded his error by virtually ignoring significant technical evidence produced by Verizon PA that counters any conclusion of unreasonable service, including Verizon PA's extraordinary efforts to check every possible source of problems on the Company's side.

Regarding Complainant's remaining allegations of "noise," the record shows Complainant has aged cordless telephones and various other equipment attached to his telephone line, and, in one instance, had a bad inside wire connection.⁵ The record shows Verizon PA tested its facilities *on at least 75 occasions in the past year*, including 33 occasions when tests were performed by technicians dispatched to Complainant's location and one occasion when a full 100% inspection was performed by a technician accompanied by an area manager, *and no abnormalities or problems with Verizon PA's facilities or service were detected.*⁶ The record also shows that Verizon PA took measures above and beyond what was required, including making unnecessary changes to the Company's facilities on multiple occasions, in order to ensure there was no problem attributable to Verizon PA's facilities or the service Verizon PA provided to Complainant.⁷

³ Toward fulfillment of his wiretap fixation, the Complainant hired an "expert" to conduct tests and look for wiretaps. See Complainant Exh. Nos. 1-3.

⁴ I.D. at 17.

⁵ Tr. 29-33, 44, 45.

⁶ Tr. 89, 99, 103.

⁷ Tr. 103, 138-139.

Even if, for the purposes of argument, there were problems with Verizon's system, that would not dictate a conclusion of inadequate or unreasonable service. The statute, at 66 Pa.C.S. § 1501, does not require perfect service, but rather adequate and reasonably continuous service. In other words, the inquiry is, when there are reports of problems occurring, did the utility act reasonably and address the problems? Here, the record could not be clearer that Verizon PA acted more than reasonably to address and to mitigate the Complainant's reports of problems. Accordingly, it was clear error for the ALJ to conclude that the Company provided unreasonable service. Therefore, Verizon PA respectfully excepts as follows:

Exception No. 1: Verizon PA Excepts To Conclusion of Law No. 2 Because Complainant *Did Not* Meet His Burden Of Proving Verizon PA Provided Him With Unreasonable Service.

1. In this case, the record shows that Verizon PA not only acted reasonably, but took extraordinary measures, including making unnecessary changes to the Company's facilities on multiple occasions despite having detected no problems occurring, in its attempts to investigate and address the problems Complainant reported to the Company.⁸ Indeed, the ALJ found that Verizon PA has given its "best efforts"⁹ to ensure that there are no problems occurring with the Company's facilities or the service Verizon PA has provided to the Complainant. In light of this, it was erroneous for the ALJ to hold that Verizon PA provided unreasonable service to Complainant.

⁸ Tr. 103, 138-139

⁹ I.D. at 19. The ALJ also correctly held that, because the Company has voluntarily expended time and efforts to investigate and mitigate the problems the Complainant reported, no civil penalty would be warranted, even if Verizon PA had provided unreasonable service to the Complainant. I.D. at 20.

- A. Complainant did not meet his burden to prove that the noise and crosstalk he has complained of was *caused by* a problem with Verizon PA's facilities or service.

2. Complainant did not present evidence that shows the problems Complainant has reported experiencing when using his telephone resulted from Verizon PA's facilities or from the quality of service Verizon PA provided to Complainant; therefore, the ALJ was incorrect to hold Complainant met his burden of proof. After finding that the technical testimony presented by Complainant's witness *did not* outweigh the technical testimony presented by Verizon PA's witness, the ALJ incorrectly held that Complainant *had* met the burden to prove Verizon PA provided him with unreasonable service. The ALJ unduly relied on "additional testimony" by Mr. Giglio which, in part consisted of casual observations (not test results) by Mr. Giglio, to "tip" the evidence over the "preponderance" standard, finding that this "additional testimony" corroborated Complainant's claims that he continues to experience interference with his telephone.¹⁰

3. The "additional testimony" the ALJ relied upon to support his finding that Complainant met his burden of proof consisted of Mr. Giglio's statements that: 1) he heard loud noise when Complainant first called him in October of 2005;¹¹ 2) he heard others talking on the line when testing Complainant's facilities in October of 2005 and during the inspection of Complainant's facilities in December of 2005 when Complainant "handed him the telephone;"¹² and 3) he measured crosstalk on three occasions when he tested Complainant's facilities.¹³ However, the ALJ was incorrect to find that Complainant met his burden of proof based on these

¹⁰ ID. at 18, 19. A finding that Complainant continues to experience interference when using his telephone is not the equivalent to a finding that such interference *results* from the service Verizon PA provides and is not enough to support a holding that Verizon PA provided unreasonable service despite all other record evidence to the contrary.

¹¹ ID. at 18.

¹² ID. at 19.

¹³ ID. at 19.

isolated observations made when *using his own*¹⁴ or *Mr. Marino's telephone equipment* (which could have caused the disturbances) or based upon measurements of crosstalk without any evidence showing Verizon PA's facilities caused the measurements to occur.

4. First, the ALJ cites Mr. Giglio's testimony about "what he heard on Complainant's telephone service" when Complainant first telephoned him in October of 2005;¹⁵ however, the record shows this noise was likely caused by a problem with Complainant's inside facilities that Mr. Giglio detected and repaired during his first visit to Complainant's residence. Mr. Giglio testified that upon his first inspection of Complainant's residence in October of 2005, he found an abnormality in an inside jack that he repaired and that he admitted would cause problems such as clicking, pops, and crosstalk.¹⁶ The record also shows that Complainant has lots of equipment attached to his telephone line inside his home that could cause the types of problems Complainant has reported, including a dial-up personal computer, a fax machine, a wall-mounted telephone, two cordless telephones, a Radio Shack "recording control,"¹⁷ and a burglar alarm.¹⁸ Thus, Mr. Giglio's statement that he heard a noise on the line when Complainant first called him does not prove that Verizon PA provided unreasonable service

5. Second, the ALJ cited Mr. Giglio's testimony that he heard crosstalk on two occasions while he was present at Complainant's residence, and, third, that he measured

¹⁴ When Mr. Giglio allegedly heard a loud noise when Mr. Marino called him the first time, the problem could have been occurring on Mr. Giglio's end.

¹⁵ I.D. at 18.

¹⁶ Tr. 44-45.

¹⁷ Complainant testified that this is a device that plugs into a phone jack which records telephone calls. Tr. 31.

¹⁸ I.D. at 3, Tr. 14-15, 29-31. While the ALJ noted that Complainant disconnected the cordless telephones for a period of one month but still experienced problems, Tr. 15-16, there is no evidence that he also disconnected all of the other equipment attached to the telephone line during that period. Also, the ALJ's statement that the "problems continued after Mr. Giglio cleared the problem with the bedroom jack," I.D. at 18, is supported *only* by the fact that Complainant continued to report these problems to the Company. These problems could easily have been caused by the equipment Complainant had attached to his phone line inside his residence. The mere fact that Complainant continued to report experiencing the same problems when using the same equipment inside his home after Mr. Giglio left his premises is no substitute for evidence that there was some problem occurring with Verizon PA's system, especially in light of the fact that Verizon PA tested its facilities over and over again and found no abnormalities.

crosstalk as a decibel reading the three occasions Mr. Giglio performed tests at Complainant's residence while Verizon's technician took no measurements or "made no findings" of crosstalk.¹⁹ Again, Mr. Giglio stated that he heard cross talk when Complainant "handed him the phone" indicating that the problem could have been caused by the telephone unit itself, or other equipment attached to the telephone line. The record shows, however, that the kinds of tests Verizon PA's technicians routinely perform, and have performed at Complainant's location numerous times, *would have detected* the kinds of problems that cause noise and crosstalk, if they were occurring on Verizon PA's system.²⁰ Furthermore, Mr. Giglio himself admitted that the "crosstalk" he apparently measured and heard could have been caused by "external forces" such as "environmental conditions" or a police car transmitting over its microphone near Complainant's residence.²¹ Therefore, Mr. Giglio's testimony regarding "crosstalk" was substantially rebutted on the record, as was his other technical testimony, and could not serve as a reliable basis for the ALJ's conclusion.

6. Moreover, even if Mr. Giglio's testimony regarding isolated incidents of "crosstalk" were proved to be due to Verizon's facilities, (which the witness conceded he could not prove) these few isolated incidents are not sufficient to prove Verizon PA provided unreasonable service. Verizon PA is not required to provide perfect service.²² Here Mr. Giglio *admitted* that the level of crosstalk that he actually heard on Complainant's line was not so loud that it would have prevented Complainant from using his telephone service. "You could have

¹⁹ I.D. at 19.

²⁰ Tr. 137, 154.

²¹ Tr. 84.

²² *Moser v. PECCO Energy Co.*, 2003 WL 22860199 (Pa. PUC) (citing *Maldonado v. Pocono Water Co.*, 1994 Pa. PUC Lexis 93 and *Answerphone, Inc. v. Bell Telephone Co. of PA.*, 1993 Pa. PUC Lexis 70), *Trautman v. Verizon Pennsylvania, Inc.*, PUC Docket No. C-20065809 (Initial Decision dated April 21, 2006, adopted as Commission final decision by Order entered June 2, 2006) (even if clicking noises reported on numerous occasions by complainants had been caused by the utility's facilities, there was no violation of the public utility code because, while the noise was annoying, it was not preventing complainants from using the telephone service).

talked over it very easily.”²³ Mr. Giglio’s testimony that the ALJ found “corroborates” Complainant’s reports of crosstalk on a few occasions does not raise to the level of meeting the burden to prove unreasonable service, especially in light of the record evidence that Verizon PA tested its facilities on at least 75 occasions and dispatched technicians to performed additional tests on at least 33 occasions and found no abnormalities or problems occurring with Verizon PA’s service.²⁴ The ALJ’s holding that Complainant met his burden to prove Verizon PA provided Complainant with unreasonable service based upon this “additional testimony” by Mr. Giglio is erroneous. It is entirely lacking in technical proof and Mr. Giglio himself never identified Verizon PA as the source of the problem and indeed volunteered that other sources could be causing any problems.²⁵

7. In sum, Complainant did not present evidence showing that Verizon PA caused the problems he reported experiencing and did not meet his burden to prove Verizon PA provided him with unreasonable service. In fact, Mr. Giglio testified that, in his expert opinion, the types of problems he allegedly detected could only result from four causes. (1) the telephone line running through a building instead of directly from Complainant’s residence to the Company’s Central Office; (2) a “very long” line running from Complainant’s residence to the Company’s Central Office; (3) a conditioning device such as a bridge or load coil placed on the line; or (4) a device improperly placed on the telephone line by tampering of a third party outside of Complainant’s residence.²⁶ However, the record, including Mr. Giglio’s own testimony that the line providing service to Complainant was not long enough to cause these problems,²⁷ shows that the first three conditions identified by Mr. Giglio *are not present* on Verizon PA’s facilities

²³ Tr. 70 (emphasis added).

²⁴ Tr. 89, 99, 103. Verizon PA Exh. Nos. 1 & 2.

²⁵ Tr. 73, 84.

²⁶ Tr. 72-73.

²⁷ Tr. 75.

providing service to Complainant,²⁸ leaving only tampering by a third party as a possible cause of the problems Mr. Giglio alleges he detected, according to his own testimony.²⁹

8. In short, there simply is no record evidence proving that Verizon PA's facilities were causing the reported problems or that the service Verizon PA provided to Complainant was unreasonable, and the ALJ's holding based upon the additional evidence including isolated, casual observances, cannot stand.

B. Verizon PA's service and reaction to the trouble reports do not constitute inadequate or unreasonable service.

9. The record shows Verizon PA responded more than reasonably to Complainant's repeated reports of experiencing problems using his telephone. First, the record shows Verizon PA ran an automated mechanized loop test ("MLT") from the Central Office on all of the 75 occasions in the course of a year when Complainant reported experiencing problems to the Company.³⁰ Second, on 33 occasions that year, Verizon PA dispatched technicians to Complainant's location to run further tests and perform further inspections, even though the initial MLTs revealed that no problems were occurring.³¹ Third, in response to Complainant's Formal Complaint, Verizon PA dispatched a technician *and* his area supervisor to Complainant's location on December 29, 2005 in order to run a complete, 100% inspection of Verizon PA's facilities to ensure that there truly were no problems occurring.³² Additionally, Verizon PA

²⁸ Tr. 138, 139. The transcript of testimony reads, in part, "there's no local's on the line," however, the context of the statement makes clear that this is a typographical error and that the word "local's" should have been transcribed as "load coils."

²⁹ If, as is suggested by the questions Complainant asked his own witness and the questions he asked Verizon PA's witness (Tr. 77-79, 81, 145, 146, 156), Complainant believes the "interference" he claims he experiences when using his telephone is caused by improper tampering of a third party, that is a matter for law enforcement agencies to investigate. The only issue in this case is whether the service that Verizon PA provided to Complainant was reasonable, and the record evidence shows that it was.

³⁰ Tr. 89, 99.

³¹ Tr. 103-104; Verizon PA Exh. No. 1. As is shown on Verizon PA Exh. No. 1, 23 of the 33 dispatches were to respond to specific reports of transmission noise.

³² Tr. 105-106.

performed tests on its facilities that Complainant's technical witness, Mr. Giglio, could not perform because he did not have full access to the Company's facilities.³³ Despite the Company's testing and re-testing its facilities and system on *numerous and frequent* occasions in response to Complainant's reports, Verizon PA was unable to detect any problems occurring with its facilities or the service it was providing to Complainant.³⁴

10. Additionally, Verizon PA voluntarily expended time and resources to attempt to mitigate the problems Complainant reported but that the Company did not detect. The record shows that Verizon PA made physical changes to its facilities on several occasions in order to ensure that the Company's facilities could not be the source of the frequent problems Complainant reported experiencing. These changes included changing the cable pair serving Complainant on several occasions, adding noise suppressors to the line, changing the originating equipment providing Complainant's service from the Central Office, removing excess cable from the line providing Complainant's service, and removing conditioning devices such as bridges or load coils.³⁵ Verizon's technical witness testified that there was nothing else that Verizon PA had not already done that he could recommend in order to further address the Complainant's reports of problems.³⁶ In fact, Mr. Giglio himself admitted that the changes Verizon PA made to its facilities in an attempt to respond to Complainant's reports of problems would have corrected the kinds of problems he reported experiencing "to a 99%" degree of certainty.³⁷

11. Thus, the record is replete with evidence that Verizon PA responded appropriately, and more than reasonably, to Complainant's frequent complaints of experiencing problems using his telephone. In the absence of record evidence showing that the instances of

³³ Tr. 138

³⁴ Tr. 103, 106, 132.

³⁵ Tr. 103, 138-139.

³⁶ Tr. 139.

³⁷ Tr. 74 (emphasis added).

"interference" reported by Complainant resulted from a problem with Verizon PA's facilities or service, the ALJ was incorrect to hold that Complainant met his burden of proof.

- C. The Commission recently dismissed a similar complaint where there was evidence of a noise occurring but no evidence that the noise was caused by the utility's facilities and where, as here, the utility acted appropriately to test and ensure no problems were occurring with the utility's facilities.

12. The Commission recently dismissed a similar complaint by a telephone customer who reported clicking noises on *numerous* occasions to the telephone company. In *Trautmann v. Verizon Pennsylvania Inc.*,³⁸ even though the ALJ accepted as true that the complainants frequently heard a clicking noise on their telephone line, the complaint was dismissed because there was insufficient evidence to prove that the clicking noise was caused by the utility's facilities. The ALJ in *Trautmann* found that because Verizon PA had dispatched technicians to the location on several occasions but had found no problems, including one occasion where a supervisor accompanied the technician *as occurred in this case*, the Company had acted reasonably to ensure reasonable service:

As an initial matter, the Complainant has failed to demonstrate that the Respondent's facilities were causing the clicking noise. . . . The evidence all indicates that the clicking noise was caused by something other than the Respondent's facilities.

In this case, the record indicates that the Respondent repeatedly dispatched technicians to the Complainant's apartment to investigate the alleged telephone service problems. The respondent's technicians performed numerous tests and preventative repairs at the Complainant's apartment in an attempt to assure that the Complainant received adequate and reasonable service. On those occasions that the Respondent did not dispatch technicians, it performed a mechanized loop test which revealed no malfunction of its equipment.

. . . .
The Respondent acted reasonably in this case. I conclude that the Respondent's conduct in attempting to correct the clicking noise described

³⁸ PUC Docket No. C-20065809 at 9-10 (Initial Decision dated April 21, 2006, adopted as Commission final decision by Order entered June 2, 2006).

by the Complainant was adequate and reasonable and thus did not violate either the Public Utility Code or Commission regulations.

Based on the evidence produced, I conclude that the Complainant has failed to prove by a preponderance of the evidence that the Respondent provided unreasonable or inadequate service by failing to fix the clicking noise from the Complainant's phone line or by failing to dispatch a technician in response to each of the Complainant's service complaints.

Trautmann, Initial Decision at 9-10.

13. As demonstrated above, in this case there is more than ample record evidence showing that Verizon PA acted reasonably, and even took measures beyond what was required, in order to investigate and attempt to address the problems Complainant frequently reported experiencing. Also, there is a lack of evidence here showing that the problems Complainant reported experiencing were caused by Verizon PA's facilities or service. Therefore, as in *Trautmann*, here the Complainant failed to meet his burden of proof and the complaint should have been denied in its entirety.

CONCLUSION

The ALJ here was correct in his finding that Verizon PA has put forth its "best efforts" in this case to respond to Complainant's reports of experiencing problems when using his telephone.³⁹ The record is simply not adequate to support the ALJ's untenable conclusion that Verizon PA provided unreasonable service to Complainant.

³⁹ *Id.* at 19.

Based upon the above, and based upon the entire record in this case, the Exception of Verizon Pennsylvania Inc. should be granted, and the Formal Complaint at Commission Docket No. C-20065656 should be denied in its entirety.



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Pgh, Pa 15213

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(412) 225 - 0017

RECEIVED
2006 OCT 25 PM 2:01
SECRETARY'S BUREAU

Ref: Public Utility Commission Case C - 20055656

To the involved parties involved in the case listed above

Katherine E. Lovette & Verizon Pa Inc Honorable Judge John H. Corbett Jr, James J. McNulty secretary of Pennsylvania Public Utility Commission.

I'm incloseing a update note, this is not a Exception just a note of what is happening i'm not in any diagreed state with the order rendered. Inside you will find information i have submitted and presently investagating the abnormal phone conditions are still present, please adhere to the proper actions the involved parties need to follow, after the intial decision exception time has concluded i would like to know after the 45 day order, how are we going to know if the appropriate actions where taken as ordered by the judge. Please in some time one of the parties notify me of what will become of the order if the problem is still present as is will there be a fine or penalty imposed on Verizon Pa Inc. as of the dates listed no actions have been rendered to my phone service and past recent and present investagation findings of out of standard phone service have been found continually, and reported to Verizon and the authority's.

On October 16, 2006 as written inside this note Vice President Ralph S. Giglio of Americom Inc. while performing a test and measurement on Mr Marino's home phone varified again a conversation of another party on Mr Marino's phone line coming from Verizon Pa Inc it was witnessed by both Mr Giglio and Mr Marino. This is very important to the fact that someone is on Mr Marino's Phone line and as reported by Mr Marino hearing party on his phone line while recieving and makeing phone calls at (412) 682 - 6733 as this is being confirmed time and time again it is covert and invasion of privacy Verizon is not correcting this problem. Invasion of privacy is a federal felony and a state crime, i'm sincerely adviseing Verizon to correct this issue there are over 3 torts involved in this.

PHONE SERVICE IS STILL BEING INTERRUPTED AT MR MARINO'S HOME NUMBER IN ISSUE
(412) 682- 6733

MR MARINO WAS ADVISED TO CONTACT POLICE IN PITTSBURGH RATHER CALL VERIZON INC PA.
INFORMATION WAS TOLD BY BRENNAN M. YARNOT, CPP

Inclosed is a update note, all findings will be submitted at reasonable time before 45 day period of order is rendered, Mr Marino is investagating all issues and related personal as well as the service as to who is ordering the false and misguided information to him and the PUC Commission. This a very dangerous problem we are involved in finding eves dropping on a phone service at the providers termination facility with out a court order its been confirmed over 5 times.

ATTACHMENT A

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733
(412) 225 - 0017

To all parties of concern in regards to case C - 20055656 Vince Marino v.s Verizon Pa Inc.

Ref: Note this is not a objection to the Honorable John H. Corbett JR decision or any type of (Exceptions) again this is a note to what has occurred from the time Verizon Pa Inc. has visited Mr Marino's home for look into the matter of the improper and actual illegal phone service that is being provided to Mr Marino at 3324 Dawson St Pgh, Pa 15213 phone number (412)682 - 6733.

As of the date September 20, 2006 and to the order rendered on that date, it is known that Verizon Pa, Inc. has been contacted over 6 more times do to phone transmission problems and abnormal activity that is going on at Mr Marino's home phone (412)682 -6733 it is also documented by Americom Inc dates of July 28, 2006 and October 16, 2006 that the phone service that is being provided to Mr Marino is still and presently out of Pennsylvania State laws and Federal Communication Ciation laws which the state adopts its regulations from From the closing of the formal hearing Verizon has been contacted numerous times and police reports filed to the matter. Mr Marino was called by Trish a Verizon employee in regards to Verizon sched uleing to visit the home of Mr Marino in October which was the second week of the month the exact date was not taken, at the visit Verizon inspected Mr Marino's inside wiring and as found had no problems, they also tested the outside loop and termination box the intire test lasted about a half hour to 45 minuetes roughly the group from Verizon visted the home about a hour and a half in time or less. No findings where dislosed to Mr Marino, at the date of October 16, 2006 Americom Inc visited the home of Mr Marino test and investagation preformed by Vice preside nt Ralph S. Giglio as in July's findings again was Verizon provideing Mr Marino with improper phone service it found other disturbances on the line and found confirmed a party coverseing on the land line.

Mr Giglio's findings will be sent in after the time has finished to the Intial Decision for any exceptions to be filed.

It is outrageous that Verizon is allowing this to happen, in the final term of the 45 day order that will possiably take effect ordering Verizon to repair their facility's Mr Marino and its hired exspert and telecommunication firm Americom Inc will continue to investagate the improper phone service and provide the data that is found.

It is relevant that Verizon Pa Inc. is not preforming the proper inspection at their own property meaning someone or a group are allowing this to happen it is a serious problem Verizon is not correcting.

Mr Marino's right to a safe phone service are being broken possiably and a sure inspection has varified other parties on Mr Marino's phone line, evidence of covert listening device was reported do to the line tests and line current measure ments that Americom Inc has provided Mr Marino is paying for phone service and a monthly repair fee for any problems that might normally occur to his phone line but the problem happening is being done continually to his phone on Verizons property and facilities.

At the date in October when Verizon's test group visited Mr Marino's home the main objective by security investa gator Brennan M. Yarnot, CCP to the problem was don't call Verizon to report phone trouble anymore just call the police and file reports to the police. Mr Marino has spoken to police and turned this matter into FBI Headquarter's in Pittsburgh aswell, it is the property of Verizon of Pa Inc. that this problem is happening not in the home of Mr Marino's Verizon is playing a game and appearantly hideing a serious problem that someone is allowing to go



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
1103 PITTSBURGH STATE OFFICE BUILDING
300 LIBERTY AVENUE
PITTSBURGH, PENNSYLVANIA 15222-1210

Tel: 412-565-3550
Fax: 412-565-5692

IN REPLY PLEASE
REFER TO OUR FILE

February 10, 2006

Mr. Vince Marino
3324 Dawson Street
Pittsburgh, PA 15213

Re: Vince Marino v. Verizon Pennsylvania Inc.
Docket No. C-20055656

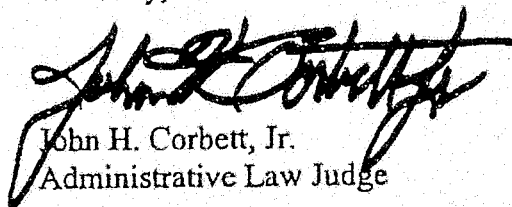
Dear Mr. Marino:

Pursuant to our telephone conversation this afternoon, kindly be advised that you are no longer permitted to call this office, unless you have a question concerning the scheduling of your hearing in this case now set for 10:00 a.m. on March 14, 2006. I regret taking this action, but your incessant calling to obtain information about procedural and substantive matters relating to your case has become a severe burden upon our administrative staff. As I advised you during our conversation, you may contact the Lawyer Referral Service for the Allegheny County Bar Association, 920 City-County Building, Pittsburgh, PA 15219, telephone number 412-261-5555 to obtain answers about the procedure or substantive law relating to your case.

In all other instances, you must put all of your motions, petitions, requests, *etc.* in writing addressed to me and serve a copy on the Secretary for the Commission, James J. McNulty, as well as counsel for Verizon. I shall then rule thereon in accordance with the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code §§1.1, *et seq.* You should also be aware that absent exigent circumstances, any request for a continuance of the scheduled hearing must be submitted in writing no later than five days before the hearing and served upon opposing counsel. 52 Pa. Code §1.15(b).

I thank you for your anticipated cooperation in this matter.

Sincerely,



John H. Corbett, Jr.
Administrative Law Judge

pc: Veronica A. Smith, Chief Administrative Law Judge
Eric A. Rohrbaugh, Esq., Legal Supervisor
Katherine E. Lovette, Esq.
File Room

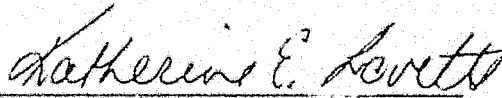
ATTACHMENT B

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

BY FIRST CLASS MAIL

Vince Marino
3324 Dawson Street
Pittsburgh, PA 15213



Katherine E. Lovette

Dated this 25th day of October, 2006

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PA PUC
SECRETARY'S BUREAU

Original

ORIGINAL

Vince Marino
3324 Dawson St
Pgh, Pa 15213

(412) 682 - 6733

(412) 225 - 0017

Date 10 - 27 - 06

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OCT 28 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

By certified postage
James J. McNulty, secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P.O. Box 3265
Harrisburg, Pa 17105 - 3265

DOCUMENT
FOLDER

Ref. Vince Marino V S Verizon Pa Inc. Docket No. C - 20055656
Replies to Verizons Exceptions.

Dear Mr. McNulty.

Please inclosed for filing with the Commission in the above - captioned case, are in short a original and nine copies of replies regarding Verizon of Pa Inc. exceptions. Copies of this filing have been served in accordance with the attached certificate of service.

If you have any pertinent concerns or questions to be answered please contact me.

Very truly

Vince Marino

Vince Manno Pro Se
Exspert in case
Ralph Giglio
Americom Inc

2

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Vince Marino

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V.S

Docket No. C - 20055656

Verizon Pa Inc.

OCT 28 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REPLIES TO VERIZON EXCEPTIONS.

DOCUMENT
FOLDER

Vince Marino

Vince Marino
Pro Se
3324 Dwason St
Pgh, Pa 15213
(412) 682 - 6733
Ralph Giglio
Exspert
Americom Inc.
(412) 831 - 3131

Date 10 - 27 - 06

DOCKETED
NOV 01 2006

home phone I STRIKE and Reply that it be not used as a issue inrejudging this case decision on the fact that wire tapping was stricken prior to the FORMAL TRIAL and that the decisions that where used and judged by Honorable Judge Corbett be reused again and they are proper phone transmission standards and requirements

Because Defendant is trying to use basis of wire tapping to dismiss this case and that it was not used in formal trial it should be stricken again, and that Defendant is using that Plaintiff has called Police and Attorney General they are appropriate actions that Plaintiff can take do to the fact that threats and serious diconnects and no dial tones verified made the Plaintiff unsecure and unsafe. This problem is on Defendants side of the phone cable It was reported to Verizon that some how they are provideing Plaintiff still with unsecure phone service it was found on two seperate occasions after formal trial July 2006 and October 2006 confirmed investagations made by Americom Inc Ralph S Giglio Vice President. This issue is on Verizons side of the phone service and as found of other parties on the line and the possiability of some other part listening or by fault of Verizon hears Mr Marino on the phone it is invasion of privacy wether it is deliberate or accident and it was confirmed by Mr Giglio twice of a party converseing on Mr Marino's phone line. Mr Marino sent in a note regarding proper identification of the case and continued problem Verizon is not correcting, inregards to the police it was told to Mr Marino by Brennan M Yarnot, CCP Investagator Verizon security that Plaintiff call the police to report any continued phone trouble and this was told to Plaintiff while Verizon provide a inspection of Mr Marino's home telephone wiring and outside wieing leading to the Verizon Central exchange as in the formal trial Verizon provide a inspection no test results or evidence is provided Defendant is suggesting to the Commission since they are a utility company that just their word is burden of proof enough if someone is tampering with Verizons property to cause this or how ever this phone problem is being done it is on the providers side not Plaintiff's side and it is their responsibilitaty to correct it unsafe phone service and improper transmission standards are not sutiable to say that Defendant is a little out of perfect.

Duty's of Verizon as follows.

- 1 A public utility, shall furnish, operate and maintain facilities adequate to provide accepatable transmission of communications. Transmission shall be at adequate volume levels and free of excessive distortion, noise and crosstalk
2. The transmission standards shall be based upon the use of telephone sets connected to a 48 - volt dial central office , measured at a frequency of 1000 Hertz.
3. A telephone line terminateing at a customers premises shall have a loop resistance not exceeding the operateing design of the associated central office equipment.
Note this applies to December 12, 2005 exsperit findings and December 29, 2005 Verizon Pa found a bridge.
4. Overall transmission loss on a customers loop shall not exceed 15 decibels.

Note this applies to experts findings.

Verizon failed in all of these requirments and admitted to the extended loop found and supposeively removed by Rona'd LeClair

Inreplying to Defendants mentioning of Plaintiff calling the chambers of the Honorable Corbett I reply it is to be stricken that this be used in any way to rejudge this case Defendant is trying to make Plaintiff look as he is a criminal of some sort that he should be rejudged this action has no merit with the Burden of Proof and the proceedings that have taken place this exception should be stricken. Honorable Corbett did not use or mention this at trial in any way nor use it to make his intial decision.

(NOTE DEFENDANT IS TRYING TO USE UNSUPPORTIVE MATERIAL THAT HAS NO MERIT TO REJUDGE THIS CASE)

Pusuant to 52 Pa code 5.533, Vince Marino has accepted John H. Corbett Jr initial decision issued on October 5, 2006 in the full acceptance.

Brief And Reply to Verizon Pa Inc. regarding their Exceptions.

In Defendants Summary they are suggesting that Plaintiff has a unsupported belief that some unidentified individual or individuals are somehow conducting surveillance upon him by tapping his telephone line. In the summary of Verizon it is understood that Plaintiff has inappropriately reported numerous telephone problems and the associated trouble that he has encountered and accordingly proved in the Formal Hearing with his expert witness Ralph S. Giglio Vice President of Americom Inc a Telecommunication service Company. In retrospect of the case and past issues of wire tapping it was determined that a bridge and some kind of device operating on the Land Line of Verizon Pa Inc side of the transmission system was creating the problems of Mr Marino at (412) 682-6733 this confirmation was documented before Formal trial three times and put out on a test report conducted by Mr Giglio and as it was explained and verified to the transmission problems explained to Honorable Judge Corbett. In regards to Defendants mentioning of the wiretapping i request and reply that this be struck and not taken as any matter to rejudge this case, and that Plaintiff is not unsupported in presenting his evidence that improper phone service was provided and still being provided due to the current data that was presented at Formal trial and the added investigated data, and that Defendant had admitted in trial with Verizon Pa Linesman Ronald LeClair on December 29, 2005 of finding a Bridge that was creating an extension of Mr Marino's transmission loop it is documented on record.

At formal trial wire tap was not mentioned it was the burden of proof of improper transmission service that was being argued, clicks pops and chronic disconnects as confirmed by Mr Giglio, this was confirmed December 12, 2005 that a bridge was found and measured as did Verizons Linesman Ronald LeClair found and supposedly removed December 29, 2005 as case fact and admitted by Defendant.

Note a Bridge is slang although done and used it is not proper phone line transmission, a bridge can mean several things as follows.

1. a extended drawn loop meaning a unauthorized connection to another phone line which was a possible issue
2. A joining of a service line in a junction box of a Building or other creating the cross talk clicking and related matter.
3. A transmission cable that is improperly brought to customers home and joined with other customers service cables

Bridging is not proper line termination practice.

In retrospect to Defendants argument of a third party involved in the phone problems to Mr Marino's

There is no genesis involved but, the provider and its associated employees involved in this case. again this was not used at trial it has no merit to the proceedings and it should be stricken out in anyway to rejudge this case.

Brief , of technical evidence presented by complaint's expert witness the. ALJ did not make a error, the expert witness provided documentation that verified given testimony, and admitted to by Defendant's expert Ronald LeClair in that a Bridge was found and supposedly removed the, ALJ could not have errored because prior to Defendant's findings of a bridge Plaintiff's expert verified the improper loop current and bridge on December 12, 2005 then Verizon found the bridge on December 29, 2005 this is FACT not opinion and with that basis and added documentation Defendant failed to meet their burden of proof. In retrospect to Defendant stating that the ALJ ignored evidence provided by Defendant its incorrect Defendant avered no proof but hearsay testimony and that trouble reports were made by Plaintiff in any of the 75 reports no data proving that Defendant met or was providing Plaintiff with legal and proper phone service was not avered to the court, in that Defendant did not meet their Burden of Proof it should be stricken that this exception not be used to reconsider the decision. Repair tests only perform a computer test not a mechanical loop test as in the field.

Defendant states that ALJ failed to accept that efforts to check possible sources of problems on providers side and the evidence they avered , Defendant is entirely mistaken they have no Proof as mentioned earlier and confirmed in December 2005 Defendant admitted to finding a bridge on Mr Marino's phone line on providers side of the transmission cable. Defendant only avers repair reports no test lists or evidence of their findings, if provider found no trouble and transmission problems and seventy five times this reported, it would be logical that some evidence of findings should have been documented.

Brief to noise, as follows the forementioning of aged telephones has no merit it is Fraud never was it mentioned at trial of aged phones nor was it found that any of the equipment to be faulty as was inspected by Defendant and Plaintiff's expert, and to a small inside wiring problem in a particular phone jack, it has no merit as well because this was discovered before the December findings of a bridged line connected to Mr Marino's phone line on Defendants side causing a out of standard transmission problem . The record to date shows that no evidence and proof that Defendant took measures to correct any of this problem. Defendant only provided repair orders and hearsay testimony that technicians tested and found nothing, it is relatively proven as in December of 2005 that the findings of the Plaintiff's expert that were proven by the Defendant admitting to a line bridged to Plaintiff's phone line and that the problem is on Defendants side of the telephone system.

(Note) Defendant avers that they took measures to correct a problem it is Fact that Plaintiff is paying for phone service and a monthly Repair package if any problem happens the provider is to correct the problem Defendant is acting out that they are clear they have taken no documentation as Plaintiff did with his expert

In closing to of Defendants summary it is stated that even if problems with Verizon's system are taking place that it would not dictate a conclusion of inadequate or unreasonable service. The Statute does not require perfect service, but rather adequate service meaning a legal amount, the Defendant is entirely mistaken again in that they failed to meet the legal amount of transmission requirement it again this was proven as case fact relating to December 2005 findings Defendant failed to provide proper sufficient phone service in adequate amounts they could not also meet the BURDEN OF PROOF as decided by ALJ Corbett. Defendant's other mentioned summary is that record shows

that Defendant mitigated the complaint's problem accordingly it is error on Defendant's part not ALJ Defendant did not provide reasonable service they mitigated the reports that's all, that is what the Defendant is supposed to do but this action does not make service problems correct, it is error on Defendant's part providing reasonable service means phone transmission service as far as Defendant responding that is entirely a different area of providing service, it is understood that this also be stricken as any means to rejudge this proceeding that has taken place.

In short term it is perfectly explained in Plaintiff's Brief that the ALJ did not make any errors and that Defendant has placed some immaterial issues that have no known MERIT in causing any of the ALJ decision. Defendant's summary offers no merit Defendant has also tried to incorporate case fact and confuse it to the point that they have met a burden of proof, but in the same time are admitting to a transmission problem that was admitted by their own expert Ronald LeClair in December 29, 2005 and confirmed by Mr Ralph S. Giglio of Americom Inc Telecommunications.

Plaintiff's Reply to Defendant's Exception 1

Defendant's exception be stricken and dismissed, Plaintiff did meet his burden of proof as found in three separate investigations with Plaintiff's expert and as admitted by Defendant's expert linesman Ronald LeClair, this exception has no merits due to the fact that Defendant admitted under oath and on record that a bridged telephone line providing Plaintiff's phone service was found and supposedly removed, and this also supports ALJ in that Mr Giglio discovered it in advance of Defendant's linesman and that it was causing a significant out of range line reading causing the phone trouble resulting in what was reported to Defendant. The evidence is as in the Exhibits enclosed normal line impedance is 600 Ohms what was found on December 14, 2005 was that Defendant was serving Plaintiff with more than double the standard line impedance meaning a possible line bridge Note a possible unauthorized connection. In support of Plaintiff's burden of proof Defendant admitted at trial on December 29, 2005 that a bridge was found and removed it, it's that the burden of proof on Plaintiff's behalf met it that his expert also verified of accurate findings resulting from Defendant's admission in court of the bridge causing a out of specification transmission problem.

Note clicking popping and static reported by Plaintiff then a confirmed bridge by an expert technician and then Defendant admitting to the bridge at trial.

In detailed formality of Defendant's exceptions it is immaterial of the Defendant's exception about that the burden of proof of plaintiff is not met the proof is documented on test reports and testimony on record the findings match what was found by Defendant on December 29, 2005 and continued and are presently happening Defendant's exceptions have no merit Plaintiff's home phone equipment were found properly functional as well as his burglar system and as provided in the plaintiff's exhibits the burglar system and inside wiring were not connected while Mr Giglio performed his tests and investigation it is pure distortion of the Defendant to take a fraud manner in stating that the Plaintiff has a lot of equipment on his phone line that a dial up computer is connected a fax plaintiff requests that all of the exceptions be stricken and that none of it provided explanations be used to rejudge this case.

(Note) Defendant is stating that Plaintiff has a lot of equipment on his phone line per say that in other words that plaintiff may be contributing to this problem, it's confirmed that Plaintiff does not have any malfunction of his inside wiring and phone related equipment. This was confirmed Verizon and Plaintiff's expert it was given as testimony under oath Verizon performed computer

tests from the main office and found nothing wrong on customers inside phone line.

Inclosing to to Defendant's Exceptions Plaintiff needs no more to explain, and chooses to aver the following to sum up the decision order, in everything that Verizon Pa Inc's defense attorney has provided and argued it all has no merit to the decision of ALJ in that the Plaintiff met his burden of proof in every associated matter because the main factor in this case is that Plaintiff's expert witness found a improper connection on Plaintiff's phone line documented it and provided it to plaintiff and Defendant prior numerous reports of phone loss static popping and clicking where reported to Verizon Pa Inc at the Date of December 14, 2005 Mr Giglio from Americom Inc Telecommunication found a bridge at Mr Marino's home KEY FACT on December 29, 2005 Ronald LeClair found a bridge and supposedly removed the connection in a time frame at least 5 reports to Defendant of phone loss and static where turned in to them, it is impossible that Plaintiff did not meet his burden of proof its fact the defendant confirmed the problem. It is fact that Plaintiff met the burden of proof in relation to what defendant filed as exceptions.

The case of Trautmann V. Verizon Pa Inc. has no merit in relation to Plaintiff's case in that a expert witness was used and a admitted submission at trial of Defendant's lines man Ronald LeClair confirmed the improper phone transmission problems of a bridged line prior to him finding it Verizon had over 30 reports of phone problems resulting from static popping and clicking it was also identified and mentioned at trial that FSK was recognized this is a type of utility transmission system relaying utility company's meter readings such as gas water electric, Plaintiff does not have meters connected to his phone line for bill paying.

Note Trautmann does not have any merit to Marino V.S Verizon Vince Marino hired a expert telecommunication firm to provide and confirm the problem and assure the burden of proof. The excuse of measure met by defendant are not substantial enough they have to provide results as Plaintiff provided.

The final phrase that Defendant states that lack of evidence is provided that Verizons facilities are causing the problems occurring are pure mis conception it is confirmed and admitted by Defendant regarding to December 29, 2005 that a bridge was found on Verizon's side meaning their property cable and facilities in general the transmission line is part of Verizons facility meaning lines and central office they are all joined together these items are the property of the provider. Defendant is also trying to misguide the decision, by stating numerous times they acted out more than enough to correct this current problem, again plaintiff is paying a repair fee for this a problem is happening and Plaintiff has taken the appropriate actions, he is being violated to his right of normal phone service it is fact. In regards to Defendants example case it should be stricken out as a example it has no merit with what is being argued.

Plaintiff requests that Defendants exceptions be denied and dismissed.

CONCLUSION

The ALJ was correct in finding Verizon Pa Inc. failing to provide Plaintiff with reasonable adequate service in violation of section of 1501 of the Public Utility Code, 66 Pa C.S. 1501 and section 63.63 of the Commission's regulations 52 Pa. Code 63.63. The record is sufficient and adequate to support the ALJ decision that Verizon Pa Inc. provided Complainant with unreasonable phone

service.

As submitted above ,and provided by record in this case,the exceptions from Verizon Pa Inc. should be denied in full respect to have any rejudgement on this case ,and the reply's of Plaintiff be taken as a guide and refreshment to sustain ALJ decision,and that it be ordered as already decided by Honorable John H. Corbett JR that Verizon make its corrections at their own cost.

Vince Marino
3324 Dawson St
Pgh,Pa 15213
(412) 682 - 6733
Pro Se

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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OCT 28 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Vince Marino

V.S

Verizon Pa Inc

REPLIES TO EXCEPTIONS

Date 27, 2006

Tangible Evidence Exhibits:

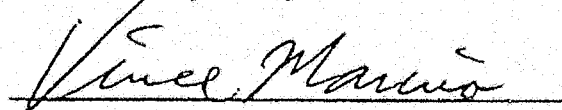
Please find attached the accepted documentation of the current phone transmission service problem, occurring at Mr Vince Marino's home in respect to the Burden of proof the documentation provided are confirmed infield test made by Americom Inc Mr Ralph S. Giglio Vice President of Americom Telecommunication he has 38 years experience in the field of telecommunications, and maintains current schooling and associated knowledge of the Telecommunication industry and is familiar with all telephone wiring and what causes technical problems. Mr Giglio as mentioned in judge Corbetts initial decision performed subcontracted work in Bell Of Pa facilities up until Verizon Pa Inc took over, Mr Giglio has presented expert testimony in several other Public Utility Commission cases and has won successfully this is his forth. The credits Mr Giglio has are mentioned in the initial decision of this case.

Test reports and findings of involved 2 hour each investigations are from October of 2005 December 2005, January 2006, July 2006, October 2006 in all tests and investigations Verizon Pa Inc was providing Mr Marino with inadequate phone service meaning it was not legal phone service. Mr Marino is occurring a lot of damages none of the firms findings are created they are verified reports and results Verizon Pa Inc. has not corrected none of this it is outrageous that an exception be filed with the burden of proof that was provided by Plaintiff and his expert, Verizon Pa offers hearsay testimony that in a case as this will not sustain burden of proof as mentioned to the final closing in June 2006 Mr Marino stood as Pro Se with a seasoned expert that not only confirmed Verizon providing him with unsafe phone service but the evidence that its repeated. In over 75 reports to Verizon not one line test in the field was generated 75 times technicians re

ported to Mr Marino's call of phone loss and static not one technician took data that sustained and proved that Verizon is in compliance with the Pennsylvania Utility Commission Code of providing adequate proper safe efficient phone service, to see a past case being used to dismiss a confirmed line transmission problem is totally outrageous.

In this action taken by Mr Marino Verizon Pa Inc. could not provide that Mr Marino's phone line goes straight to the central office nor will they produce and verify that no other connection is attached or ajoined to his phone line, Mr Marino gave Verizon permission to put a moitor on his line with security but they will not preform this for what reason, it is appearant that Verizon is trying to push away a problem that is serious. Mr Marino's father has a heart condition if a condition arrises that no dial tone or a delay of dial tone is created while a 911 call is made then a serious problem will occur.

Respectfully submitted





AMERICOM

1830 Stoltz Road • South Park, PA 15129 • 412-831-3131

Where The Art and Science Of Communications Meet

10/14/2005

Vincent Marino
3324 Dawson Avenue
Pittsburgh, PA 15213

RECEIVED

OCT 28 2006

Dear Mr. Marino,

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

On October 13, 2005, Americom, Inc. performed an inspection of your home telephone wiring. Included in this inspection was a Radio Frequency (RF) spectrum sweep of the premises. The following results are reported here for your information:

Telephone line (412-682-6733) is a common loop start, 2 wire, Dual Tone Multi-Frequency (DTMF) public switched telephone network (PSTN). Inspection and measurements were made with all inside wiring disconnected:

Circuit Loss (1 KHz. Signal from Verizon Central Office) -7.2 dB. Normal

Circuit Noise (Call Terminated to a Verizon Silent Termination) -1.2 dB. Normal

Power Line Influence 58.1 dB. Normal

Transverse Balance below 1 KHz. Is 42 dB; 1 KHz. To 4 KHz. is 36 dB. This is out of specification. The FCC Specification is 60 dB or greater for frequencies below 1 KHz. and 40 dB. or greater for frequencies between 1 KHz. and 4 KHz.

Line Current 35.3 ma. The range specified by Bell Core Specifications is 25 to 35 ma. This reading is out of Bell Core specification.

Line Voltage, Open Circuit, 49.2 VDC. Normal

Line Voltage, 900 ohm Termination, 5.7 VDC. Normal

Line Impedance 740 Ohms. Normal Impedance is 600 Ohms. This suggests a possible Line Conditioning arrangement (Load Coil) may be on the line from the serving Verizon Central Office to the Demarcation Network Interface.

The inside wiring is a combination of two and four wire insulated bi and quad inside telephone cable and non jacketed six pair frame wiring. The frame wiring is run to each floor and looped from jack location to jack location in a "daisy chain" fashion and then home run to the basement. The wiring is terminated to RJ-12 jacks in various locations on each floor. The following was found:



AMERICOM

1830 Stoltz Road • South Park, PA 15129 • 412-831-3131

Where The Art and Science Of Communications Meet

Basement: One single line telephone connected via mounting cord to a wall jack.

First Floor: Kitchen Single Line Wall phone. The wall jack was broken and was replaced; Living Room: Cordless Phone; FAX Machine; Home Security System with RJ-48 jack interface.

Second Floor: Bed Room number 1: Cordless phone and recording device. This bedroom also had a jack location with a blank cover. It appears that the cover had been removed at some point as the paint was disturbed and paint flecks were observed on the floor directly below the jack cover. Upon removal of the cover, it was discovered that the wiring had been spliced from pair one (White/Blue, Blue/White) to pair 3 (White/Green, Green/White) and not insulated. The splice was a loose mechanical splice. This splice was opened and pair 1 properly terminated. Pair 3 was cut and stored. Bedroom 2: Jack 1 location with blank cover. Jack 2 location with RJ-12 jack. A mounting cord is connected to this jack which runs to a Computer with modem in the ante room.

The wiring, except for Bedroom 1 was unremarkable and what was expected to be found in a residence of that age.


A Radio Frequency sweep was made in the basement and third floors. The analyzer used is a Sencore TVA. The scanned frequencies were from zero to 2,190 MHz. Also, a Bird QV Frequency meter was used to measure frequency levels. A Hewlett-Packard Spectrum Analyzer was used to analyze the frequencies found. Two predominate frequencies were evident. Carrier frequencies in the range of 350-400 MHz. Which were the harmonics of the cordless phones in the residence and 900-980 MHz. Which were the cellular phones carried by the owner, Mr. Marino and Americom's service technician. A short, intense RF signal occurred approximately 1:41 PM in the range of 1,540 MHz. The location and specification of this signal could not be determined as it was less than a second in duration. Experience with this area suggests this is a common signal emanating from either Duquesne Energy's sub station SCADA system or the University of Pittsburgh, Cathedral of Learning roof top.

A monitoring of the telephone line without any inside wiring connected revealed mostly unremarkable conditions except for two instances of an audible FSK signal that was less than 2 seconds in duration and a pronounced "clicking" noise which was less than a second in duration. The location of these signals must be outside of the premises as all inside telephone wiring was disconnected.

The street location has many anomalous RF emissions; however, all of these were continuous and were either standard broadcast commercial signals or extremely low level RF "noise" and not covert transmissions.

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12/14/2005
Vincent Marino
3324 Dawson Avenue
Pittsburgh, PA 15213

Dear Mr. Marino,

On December 12, 2005, Americom, Inc. performed an inspection of your home telephone wiring. This is a follow-up of an inspection made in October, 2005. Included in this inspection was a Radio Frequency (RF) spectrum sweep of the premises. The following results are reported here for your information:

Telephone line (412-682-6733) is a common loop start, 2 wire, Dual Tone Multi-Frequency (DTMF) public switched telephone network (PSTN) line. Inspection and measurements were made with all inside wiring disconnected:

Circuit Loss (1 KHz. Signal from Verizon Central Office) -6.5 dB. Normal

Circuit Noise (Call Terminated to a Verizon Silent Termination) -1.8 dB. Normal

Power Line Influence 58.9 dB. Normal

Transverse Balance below 1 KHz. is 42 dB; 1 KHz. to 4 KHz. is 36 dB. This is out of specification. The FCC Specification is 60 dB or greater for frequencies below 1 KHz. and 40 dB. or greater for frequencies between 1 KHz. and 4 KHz.

Line Current: 36.2 ma. The range specified by Bell Core Specifications is 25 to 35 ma. This reading is out of Bell Core specification.

Line Voltage, Open Circuit, 49.3 VDC. Normal

Line Voltage, 900 ohm Termination, 7.2 VDC. Normal

Line Impedance 1220 Ohms. Normal Impedance is 600 Ohms. This suggests a possible Line Bridge. This could be a possible unauthorized connection.

Crosstalk, -40 db. This was not observed in the October inspection.

A Radio Frequency sweep was made in the basement, first and second floors. The analyzer used is a Sencore TVA. The scanned frequencies were from zero to 2,190 MHz. Also, a Bird QV Frequency meter was used to measure frequency levels. A Hewlett-Packard Spectrum Analyzer was used to analyze the frequencies found. One predominate frequency was evident. Carrier



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frequencies in the range of 910-930 MHz at a level of greater than -10 db were observed suggesting a possible wireless device was operating in or near the premises. The device location could not be determined. Both Mr. Marino's and the Americom, Inc. technician's cell phones were off.

A monitoring of the telephone line without any inside wiring connected revealed mostly unremarkable conditions. Mr. Marino reported that there is excessive cracking, popping and static on the line. He also has evidence of many disconnects while talking on the line. After one and a half hours of monitoring, no static, cracking, popping or disconnects were observed.

Aside from the 910-930 MHz. frequencies observed, there were many anomalous RF emissions; however, all of these were continuous and were either standard broadcast commercial signals or extremely low level RF "noise" and not covert transmissions.

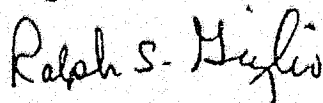
It is the opinion of Americom, Inc. that, on the day of this inspection, that there may be RF transmissions transmitting close to this premises. The locations of these transmissions could not be determined. There is evidence that telephone line covert transmitters or listening devices may be connected to the telephone line, however, these connections are not on the premises and the measurements taken suggest the connections are remote from the premises.

It is the recommendation of Americom, Inc. that Mr. Marino again contact Verizon with the listed information and a thorough evaluation of the physical plant from the serving central office to the premises be made by Verizon personnel. The higher than normal loop impedance suggests there is an obvious connection on the line and is remote to Mr. Marino's premises.

As was the case during the October investigation, audio recordings made by Mr. Marino on calls to Verizon Repair, indicate that several line disconnects have been occurring which are not due to inside wiring or connected telephone equipment owned by Mr. Marino. This disconnect problem needs to be addressed, again, by Verizon and corrected.

Thank you for securing the services of Americom, Inc. If you have need of any telecommunications services in the future, please contact Americom, Inc.

Regards,



Ralph S. Giglio
Vice President Of Engineering



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Where The Art and Science Of Communications Meet

01/12/2006
Vincent Marino
3324 Dawson Avenue
Pittsburgh, PA 15213

Dear Mr. Marino,

On January 12, 2006, Americom, Inc. performed an inspection of your home telephone wiring. This is a follow-up of an inspection made in December, 2005. Included in this inspection was a Radio Frequency (RF) spectrum sweep of the premises. The following results are reported here for your information:

Telephone line (412-682-6733) is a common loop start, 2 wire, Dual Tone Multi-Frequency (DTMF) public switched telephone network (PSTN) line. Inspection and measurements were made with all inside wiring disconnected:

Circuit Loss (1 KHz. Signal from Verizon Central Office) -7.2 dB. Normal

Circuit Noise (Call Terminated to a Verizon Silent Termination) -9.4 dB. This is the higher limit to the Bellcore specification.

Power Line Influence 57.7 dB. Normal

Transverse Balance below 1 KHz. is 44 dB; 1 KHz. To 4 KHz. is 34 dB. This is out of specification. The FCC Specification is 60 dB or greater for frequencies below 1 KHz. and 40 dB. or greater for frequencies between 1 KHz. and 4 KHz.

Line Current 35.9 ma. The range specified by Bellcore Specifications is 25 to 35 ma. This reading is out of Bellcore specification.

Line Voltage, Open Circuit, 49.4 VDC. Normal

Line Voltage, 900 ohm Termination, 9.2 VDC. Normal

Line Impedance 1410 Ohms. Normal Impedance is 600 Ohms. This suggests a possible Line Bridge. This could be a possible unauthorized connection.

Crosstalk, -35 db. This was observed in the December inspection and is still present.



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A Radio Frequency sweep was made in the basement, first and second floors. The analyzer used is a Sencore TVA. The scanned frequencies were from zero to 2,190 MHz. Also, a Bird QV Frequency meter was used to measure frequency levels. A Hewlett-Packard Spectrum Analyzer was used to analyze the frequencies found. One predominate frequency was evident. Carrier frequencies in the range of 910-930 MHz at a level of greater than -10 db were observed suggesting a possible wireless device was operating in or near the premises. The device location could not be determined. Both Mr. Marino's and the Americom, Inc. technician's cell phones were off.

A monitoring of the telephone line without any inside wiring connected revealed mostly unremarkable conditions. Mr. Marino reported that there is excessive cracking, popping and static on the line. He also has evidence of many disconnects while talking on the line. After several 15 minute interval observations, static and popping was observed. The time and duration were inconsistent, however, there was a definite noise on the telephone line consistent with a metallic connection of unknown source outside of the premises being made to the telephone line.

Mr. Marino was attempting a service request call to Verizon Customer Service at 2:25 PM when there was a long, loud cracking and static and then a total disconnect. When the phone was taken off-hook, it took 5 seconds for dial tone to return. This is NOT normal.

Aside from the 910-930 MHz. frequencies observed, there were many anomalous RF emissions; however, most of these were continuous and were either standard broadcast commercial signals or extremely low level RF "noise" and not covert transmissions.

However, there was a continuous data transmission at 929.587.500 MHz. that would last for approximately 40 seconds and then cease. The transmission would start again after a 30 second silence. This condition persisted for the 3 hours the Americom, Inc. technician was on the premises. This transmission was not observed in either the October or December inspections.

It is the opinion of Americom, Inc. that, on the day of this inspection, that there may be RF transmissions transmitting close to this premises. The locations of these transmissions could not be determined. There is evidence that telephone line covert transmitters or listening devices may be connected to the telephone line, however, these connections are not on the premises and the measurements taken suggest the connections are remote from the premises.



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It is the recommendation of Americom, Inc. that Mr. Marino again contact Verizon with the listed information and a thorough evaluation of the physical plant from the serving central office to the premises be made by Verizon personnel. The higher than normal loop impedance suggests there is an obvious connection on the line and is remote to Mr. Marino's premises. It is also necessary to determine if the loop between Mr. Marion's home and the Verizon Central Office is not bridged in another premises.

As was the case during the October and December investigations, audio recordings made by Mr. Marino on calls to Verizon Repair, indicate that several line disconnects have been occurring which are not due to inside wiring or connected telephone equipment owned by Mr. Marino. This disconnect problem needs to be addressed, again, by Verizon and corrected.

There is a much higher than normal or acceptable rate of line disconnects. The disconnections are occurring randomly and to various called numbers. There is unexplained line "off hook" conditions occurring when no equipment is being used by Mr. Marino. The "off hook" conditions are occurring off premises, again, suggesting a possible bridge between Mr. Marino's home and the Verizon Central Office.

Thank you for securing the services of Americom, Inc. If you have need of any telecommunications services in the future, please contact Americom, Inc.

Regards,

Ralph S. Giglio
Vice President Of Engineering



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Where The Art and Science Of Communications Meet

07/28/2006

Vincent Marino
3324 Dawson Avenue
Pittsburgh, PA 15213

Dear Mr. Marino,

On July 21, 2006, Americom, Inc. performed an inspection of your home telephone wiring. This is a follow-up of an inspection made in January, 2006. Included in this inspection was a Radio Frequency (RF) spectrum sweep of the premises. The following results are reported here for your information.

Telephone line (412-682-6733) is a common loop start, 2 wire, Dual Tone Multi-Frequency (DTMF) public switched telephone network (PSTN) line. Inspection and measurements were made with all inside wiring disconnected:

Circuit Loss (1 KHz. Signal from Verizon Central Office) -6.8 dB. Normal. This is an improvement from previous readings.

Circuit Noise (Call Terminated to a Verizon Silent Termination) -2.2 dB. Normal. This is an improvement from previous readings.

Power Line Influence 55.8 dB. Normal

Transverse Balance below 1 KHz. is 62 dB; 1 KHz. to 4 KHz. is 44 dB. This is within specification. The FCC Specification is 60 dB or greater for frequencies below 1 KHz. and 40 dB. or greater for frequencies between 1 KHz. and 4 KHz.

Line Current 36.4 ma. The range specified by Bellcore Specifications is 25 to 35 ma. This reading is out of Bellcore specification.


Line Voltage, Open Circuit, 49.3 VDC. Normal

Line Voltage, 900 ohm Termination, 9.2 VDC. Normal

Line Impedance 780 Ohms. Normal Impedance is 600 Ohms. This is within normal specifications. This is a marked improvement from previous readings.

Crosstalk, -60 db. Although still present, the level is too low to be considered a problem. This is an improvement from previous readings.

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A Radio Frequency sweep was made in the basement, first and second floors. The analyzer used is a Sencore TVA. The scanned frequencies were from zero to 2,190 MHz. Also, a Bird QV Frequency meter was used to measure frequency levels. A Hewlett-Packard Spectrum Analyzer was used to analyze the frequencies found. Two predominate frequencies were evident. Carrier frequencies in the range of 929.587 MHz at a level of greater than -2 dB were observed. At this time, it has not been determined if this is a public broadcast frequency or a telemetry signal from a utility company. The origination location could not be determined. Both Mr. Marino's and the Americom, Inc. technician's cell phones were off. The second frequency of 1167.550 MHz. at a level of +2dB was observed. The frequency contained data superimposed on the carrier. A check of the public radio frequency allocations from the FCC did not reveal any licensed, legal entity using this frequency. At this time, it can not be determined what device is emanating this frequency.

A monitoring of the telephone line without any inside wiring connected revealed no remarkable conditions. Mr. Marino reported that there is still excessive cracking, popping and static on the line. He also has evidence of many disconnects while talking on the line. Physical monitoring did not reveal any such condition. However, moments after the Americom, Inc.'s technician departed the premises, a phone call to the technician from Mr. Marino's telephone indicated the static and cracking noise Mr. Marino reported.

Aside from the 929.587 and the 1167.550 MHz. frequencies observed, there were many anomalous RF emissions; however, most of these were continuous and were either standard broadcast commercial signals or extremely low level RF "noise" and not covert transmissions. There was a strong telemetry signal at 1120 MHz. that research revealed is a telemetry signal from Children's Hospital.

However, there was a continuous data transmission at 929.587MHz. that would last for approximately 40 seconds and then cease. The transmission would start again after a 30 second silence. This condition persisted for the 2 hours the Americom, Inc. technician was on the premises. This was the same transmission observed in January 2006 inspection.

It is the opinion of Americom, Inc. that, on the day of this inspection, that there may be RF transmissions transmitting in close proximity to this premises. The locations of these transmissions could not be determined. There is no evidence that telephone line covert transmitters or listening devices are connected to the telephone line.

Juli



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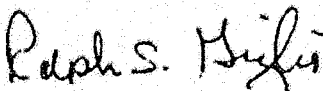
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Although many of the testing parameters have been brought in line with normal standards, the clicking, popping and disconnects Mr. Marino experiences are not normal. It may be in Verizon's best interest and the service of Mr. Marino if Verizon changed Mr. Marino's service to FIOS. It is obvious that the metallic noise and disconnects are of an external nature to Mr. Marino's premises.

The observed high level RF transmissions are not normal transmissions. The location and purpose of these transmissions needs to be resolved. This is a police matter and should be resolved by local authorities.

Thank you for securing the services of Americom, Inc. If you have need of any telecommunications services in the future, please contact Americom, Inc.

Regards,



Ralph S. Giglio
Vice President Of Engineering

MEMBER OF THE

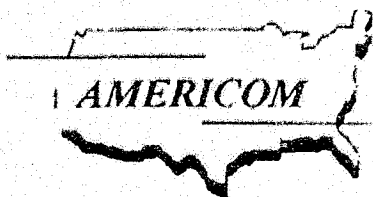


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Where The Art and Science Of Communications Meet

10/16/2006
Vincent Marino
3324 Dawson Avenue
Pittsburgh, PA 15213

Dear Mr. Marino,

On October 11, 2006, Americom, Inc. performed an inspection of your home telephone wiring. This is a follow-up of an inspection made in July 28, 2006. Included in this inspection was a Radio Frequency (RF) spectrum sweep of the premises. The following results are reported here for your information:

Telephone line (412-682-6733) is a common loop start, 2 wire, Dual Tone Multi-Frequency (DTMF) public switched telephone network (PSTN) line. Inspection and measurements were made with all inside wiring disconnected:

Circuit Loss (1 KHz. Signal from Verizon Central Office) -7.5 dB. Normal. This reading is slightly degraded from the July reading by -2.2 dB.

Circuit Noise (Call Terminated to a Verizon Silent Termination) -7.5 dB. Normal. This is an improvement from the July reading by -5.3 dB.

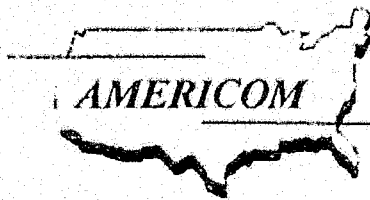
Power Line Influence 60.4 dB. Normal high. This reading is degraded from July's reading by +5.4 dB.

Transverse Balance below 1 KHz. is 62 dB; 1 KHz. to 4 KHz. is 44 dB. This is within specification. The FCC Specification is 60 dB or greater for frequencies below 1 KHz. and 40 dB. or greater for frequencies between 1 KHz. and 4 KHz. This reading is no change from July's reading.

Line Current 50.1 ma. The range specified by Bellcore Specifications is 25 to 35 ma. This reading is significantly out of Bellcore specification and is much too high. This reading is 13.7 ma. higher than July's reading.

Line Voltage, Open Circuit, 54.3 VDC. Normal. This reading is 5 VDC greater than July's reading.

Line Voltage, 900 ohm Termination, 10.4 VDC. Normal



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Line Impedance 710 Ohms. Normal Impedance is 600 Ohms. This is within normal specifications. This is an improvement from July's reading.

Crosstalk, -66 db. Although still present, the level is too low to be considered a problem. This is an improvement from July's reading by -6 dB

A voice transmission was detected on the "on hook" line of 412-682-6733 at 12:30 P.M. by the Americom, Inc. technician. There was a clear, -3 dB to -5 dB conversation on the line for several seconds. When the test set was switched from monitor to talk, there was a 4 second delay in dial tone. This is NOT normal and is a problem which needs to be addressed by Verizon immediately.

In addition to the Harris TS-21 test set used to test the telephone line, a Ziad PHD test set was also used to measure line conditions. When a low impedance load was applied to the line (as a means to determine stress test analysis) a measurable and audible rotary dial signal was present. The numbers dialed were "0-2" in a three repeated pattern. This is NOT a normal condition. Furthermore, upon extensive monitoring and later analysis of the data recovered, it is evident that the line conditions were changing radically during the test. The line impedance, voltage and current were fluctuating. Suddenly, all activity ceased and the line returned to normal.

A Radio Frequency sweep was made on the first floor. The analyzer used is a Sencore TVA. The scanned frequencies were from zero to 2,190 MHz. Also, a Bird QV Frequency meter was used to measure frequency levels. A Hewlett-Packard Spectrum Analyzer was used to analyze the frequencies found. There were no abnormal radio frequencies evident.



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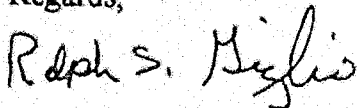
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It is the opinion of Americom, Inc. that, on the day of this inspection, there was definitely some abnormal conditions present on Mr. Marino's telephone line. The conditions were present for no more than 5 minutes but indications are that there was some sort of device or possibly a cable problem that caused the radical changes in the line condition. The problems were EXTERNAL to Mr. Marino's premises as all inside telephone wiring was removed. There is no reasonable explanation for the monitored conversation on the "on hook" telephone line, the long delay in dial tone when the line was placed "off hook," the sudden changes in line conditions and then the resumption of normal service other than either a device was being connected and disconnected external to Mr. Marino's premises or there is a serious cable problem between Mr. Marino's premises and the Verizon Central Office.

Although many of the testing parameters have been brought in line with normal standards, the monitored conversation on an "on hook" line, delayed dial tone and higher than reasonable line current Mr. Marino experiences are not normal and are of an external nature to Mr. Marino's premises.

Thank you for securing the services of Americom, Inc. If you have need of any telecommunications services in the future, please contact Americom, Inc.

Regards,



Ralph S. Giglio
Vice President Of Engineering



Brennan M. Yarnot, CPP
Investigator
Verizon Security

15 East Montgomery Ave
Pittsburgh, PA 15212
Phone 412 633-4286
Fax 412 321-7249
Mobile 412 215-1273

brennan.m.yarnot@verizon.com

Exhibit

Defendant's counsel states on page four of its exception, that Plaintiff did not meet its burden of proof in providing evidence that Verizon's facilities were causing the noise and crosstalk as he reported and found and observed by Americom Inc. The burden of proof was met in retrospect that Plaintiff's expert not technical witness measured it and documented it on his report as dated test results, no one else would be causing the problems but Verizon do to fact that Plaintiff's inside wiring and equipment are operating properly including his burglar system.

FRAUD:

1 Defendant for Verizon Pa Inc. states in its exception on page 4 of its filing that the ALJ unduly relied on additional testimony by Mr Giglio Plaintiff's expert witness not technical witness, in part consisted of casual observations (not test results) by Mr Giglio to tip the evidence over the preponderance standard, finding that this additional testimony corroborated Complainant's claims that he continues to experience interference with his telephone.

In this paragraph Defendant's counsel writes a FRAUD statement test results were provided and introduced at the formal hearing as tangible evidence of record, surely Defendant's counsel has provided the Commission with a false misguided statement the documentation of Plaintiff's expert was submitted and used as averred evidence to support the BURDEN OF PROOF.

In this the mistake and fraud statement the ALJ did not make error in his decision in that he properly credited Mr Giglio with his evidence and findings provided.

Defendant is trying to misguide the Commission that the ALJ just took Mr Giglio's verbal testimony that is incorrect as verbal testimony supported his test results and findings, if no test results would have been taken the verbal testimony of Mr Giglio would have been hearsay. The findings of Mr LeClair on December 29, 2005 of the bridged line is support of Mr Giglio and his findings in that it proves not just burden of proof but that a fact of a problem is existing prior and after in a time frame of 10 days or better because Plaintiff reported repair orders to the above argued term NOISE.

On page 2 of Defendant's summary their counsel states that on an occasion that Verizon had an area manager and a technician perform a test check and found no problems, again this is fraud this date was of December 29, 2005 when Verizon's counsel requested that a test check be performed before the formal trial was heard in this statement it is fraud, because at the formal trial the technician which was Mr Ronald LeClair admitted under oath on the day he and the area manager visited Mr Marino's home that a bridge was found and supposedly removed. And in retrospect to ALJ decision Mr Giglio's findings corroborated with what Mr LeClair found in turn proving that a line transmission problem was present, in the admission of Mr LeClair he also admitted that no proper test was found or could not give a measurement of the line impedance that was on the bridge he just stated that he found an extension on the loop which is in violation of the States loop required distance.

In conclusion to the above brought out FRAUD statements of Defendant's Counsel, it is suggested and let it be sustained that the incorrect statements and misguided testimony in Defendants Exceptions be STRICKEN out and dismissed in having any rejudgement to this case. .

Note a court report was taken under oath of all parties Verizon Pa Inc has stated FRAUD statements in regards to these particular paragraphs listed.

Respectfully submitted

Vince Marino

ORIGINAL

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733 (412) 225 - 0017 Cell

By Certified Overnight Postage

James McNulty
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P O Box 3265
Harrisburg

Ref: *Vince Marino V.s Verizon* Pennsylvania Inc. Docket No. C - 20055656

Dear Mr McNulty please find inclosed to the Repl'ys i mailed on October 28, 2006 a certificate of service for the mailed reply's towards Verizon's exception's.

Very Truly yours
Vince Marino

Vince Marino

Forwarded Via Overnight postage
Katherine E. Lorette
Honorable John H. Corbett Jr.
Chairman Wendell F. Holland
Vice Chairman James H. Cawley
Commissioner Kim Pizzigrilli
Commissioner Terrance J. Fitzpatrick
Per certificate of service

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OCT 30 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

104

Vince Marino
3324 Dawson St
Pgh, Pa 15213

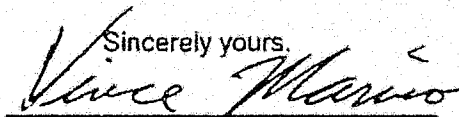
Phone (412) 682 - 6733 Home
(412) 225 - 0017 Cell

Att: Mr McNulty.

Mr McNulty please find inclosed a original and nine copy's to my October 28, 2006 filing of Reply's to Venzon's Exception's towards Judge Corbett's Case.

I rushed Friday night for the simple reason that i got Verizon's filings on Frnday Oct 27, 2006 inturn they where delivered by hand delivery to your department despite of the quicker forwarding of the Exceptions to you i wanted to get my Reply's out on Saturday with overnight mail,so i ask for forgiveness in my error of not sending a attached certificate of service to you and the other parties i also inclosed a certificate of Oct 30, 2006 aswell.

Sincerely yours,



Vince Marino

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OCT 30 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

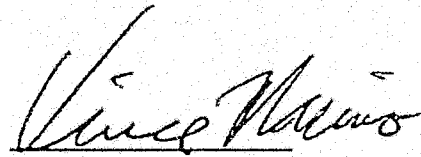
104

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 pa Code 1.54 relating to service of party.

BY OVERNIGHT EXPRESS CERTIFIED POSTAGE.

James J. McNulty Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P O Box 3265
Harrisburg, Pa 17105 - 3265



Vince Marino

Dated on October 28, 2006

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OCT 30 2006

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Vince Marino
3324 Dawson St
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By First Class Postage Delivery
James J. McNulty
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P O Box 3265
Harrisburg, Pa 17105 - 3265

RE: *Vince Marino V.s Verizon Pa Inc* Dockett No. C - 20055656
Statement, Regarding the quick short time filing of Defendant's Exceptions nearing the end of the time limit.

Mr McNulty,

Inclosed within is the statement I followed up along with my over night delivery of my reply's to Verizon's Exceptions to the referred case held on June 13, 2006 copies have been sent to Verizon's counsel and Honorable Judge John H. Corbett JR regarding the quick and unsuspected delivery almost nearing the end of time to submit and respond to Exception filing.

Yours truly

Vince Marino



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2006 NOV -1 AM 9:20

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733 Home
(412) 225 - 0017 Cell

SECRETARY'S OFFICE

Date 10 - 29 - 06

RE. *Vince Marino V.s Verizon Pa Inc.* Dockett No. C - 20055656
Statement, Regarding the quick short time filing of Defendant's Exceptions nearing the end of the time limit.

To all parties involved in this case, especially counsel for Verizon on Friday October 27, 2006 I found in my mail a letter from Verizon's counsel Katherine Lovette, regarding filing of exceptions to the above referenced case.

On June 13, 2006 a formal hearing was heard involving Vince Marino v.s Verizon Pa Inc. in the hearing evidence and testimony of both parties was presented to the Administrative Law Judge John H. Corbett Jr. A formal court report was taken at the hearing recording the case in the statements made and the testimony's of both parties and their witness's, it is to my extreme and hard work on Friday night writing and fabricating the appropriate Reply's to Verizon's quick and sudden retaliation towards Vince Marino in filing almost to the end of the period of filing and responding to exceptions the delivered mistaken information that was included in the summary and the actual exception towards the ALJ decision that Judge Corbett decided and concluded in his Initial decision on the presented case and testimony followed by the evidence both parties presented to him on June 13, 2006.

In this case, it is important to understand that besides that the Burden of Proof is always needed to win or achieve winning a hearing, it is also very serious and important to understand an Expert witness was used and hired by Plaintiff to undergo important investigation of the inadequate phone service that was and still being provided to Mr Marino, this case is not an ordinary case it involves a 38 year field and telecommunication expert that has experience in the phone business for just a hair of 40 years, and that was hired by Bell of Pa to do contracted work at its Central facilities up until 1989, this expert Ralph S. Giglio Vice President of Americom Inc. a telecommunication firm visited the home of Mr Marino and performed inside and outside inspections visual and test performed inspection with listed metering and measuring equipment, all of this was done with the inside equipment disconnected in finding that Verizon was at fault with servicing Mr Marino's home with inadequate phone service, on each and every time he visited the home of Mr Marino. Mr Marino paid Americom to perform the needed telecommunication investigations that determined the fault of Verizon's cables and facilities.

(Term adequate meaning in a legal way or amount)

In defendant's summary of its late filed exceptions counsel for Verizon specifically declines that the ALJ has erred, it is to my understanding and the study of this past recent hearing that it is clear and defined that Verizon is the one that erred in no doubt, not only is the exception filing outrageous it lists important case factors that became distorted by counsel of Verizon and Fraud non ments of the case in this counsel for Verizon uses a past case of *Trautmann V.s Verizon Pa Inc.* in its providing of the case counsel for Verizon mentions that the same issue happened in the proceedings that initially a decision was rendered

ered favoring *Trautmann* by closing of the evidence the ALJ decided towards the Plaintiff, also in this case it is very important that it was mentioned by Defendant's counsel that the same reports were being turned in as did Mr Marino on 75 occasions to Verizon Pa Inc. This is important to counter attack because it is fact that not only has Mr Marino and Mr Giglio of Americom verified transmission problems but a past case was heard regarding the same very reported pertinent matters to the PUC, in the closing of Verizon's counsel she states that a burden of proof was not met by *Trautmann* and that it was not proved that Verizon's facilities was at fault providing inadequate phone service to *Trautmann*. In this example, it was not confirmed or mentioned if a Expert witness was used in its findings of static popping or the associated matters of the case were found, it is relevant that this is an inappropriate topic because, it is not the matter of past cases that a Formal Hearing relating to any complaint of a utility be used to render a decision but to give just an example to the decision after, in its example Verizon is suggesting that the case be rejudged over a past case but not the burden of proof this is a matter of question now one must say *Trautmann V s Verizon* did not conclude a Expert testimony nor did it present the matching and fact evidence as *Marino V s Verizon* so the case of example by Verizon should not have any weight to tip the scale to Verizon it should be ignored because the example comes after the decision not before in judging a case, every case has and handles different facts and burdens of proof to make a decision, as did Honorable Judge John Corbett he took the facts and used them to make a decision in favor of Plaintiff Vince Marino, then in his initial decision used past cases to explain his decision and similar results.

FRAUD

As follows in the Exceptions filed by Verizon, counsel states and lists key facts and evidence as distorted mislead information, in its Summary counsel for Verizon states that on one occasion a technician and a area manager visited the home of Mr Marino and found nothing wrong, this is a FRAUD statement this particular date was on December 29, 2005 and on this date it was requested by Counsel Katherine Lovette that the two manager and technician make a inspection of Mr Marino's phone line and system On this date as it was given under oath and recorded on court report Mr Ronald LeClair found a bridge which was causing an extension of Mr Marino's phone cable on Verizon's side meaning facilities and associated networks.

(Note an extension on Mr Marino's loop of the phone cable)

In its filing of # 1 exception Verizon continues on that the ALJ unduly relied on additional testimony by Mr Giglio which, in part consisted of casual observations (not test results) by Mr Giglio to tip the evidence over the preponderance standard finding this additional testimony corroborated Complainant's claims that he continues to experience interference with his telephone FRAUD this is incorrect record holds the following 3 exhibits submitted by plaintiff and his expert witness included test results and offered times and dates and the equipment used to determine the transmission problems.

It is also mentioned of a lot of equipment attached to the Complainant's phone line this is fraud it has no merits in any of the case never was it stated that Plaintiff has a lot of equipment attached to his phone line inside his home, nor was it stated that it caused problems this to is a misguided step to rejudge the case and its original facts. FRAUD

Verizon's counsel twisted the most important key factor that made case favor Mr Marino and his expert witness, the December 12, 2005 findings of Mr Giglio and the admitted testimony of Mr Ronald LeClair in that he found a bridge extension on Mr Marino's phone cable which was on Verizon's Facility side and supported the findings Mr Giglio found and observed and tested on December 12, 2005 basically Verizon's counsel states that no proof was given it was stated on record that Mr LeClair found a cable bridge on Verizon's side meaning cable and facility and associated property they have. This to is a misguided step to make Verizon have this case rejudged FRAUD.

This letter was written on behalf of the quick and sudden dead line appearance of Exceptions filed by Verizon in this letter I included Pertinent facts that counsel for Verizon stated as Fraud exceptions the matters I listed

are case Fact Not Just Proof it is important that the Commission realize that the misguided information be addressed to as very important matters. i did not have time to submit this and send it with my reply's do to the mailing on Saturday i wanted the reply's and nine copy's to get to Mr McNulty's office on Monday first thing so finished this adressed statement on Sunday 10 - 29 - 06 i hope none of this misguided information be used to rejudge the ALJ decision and i must say it is low procedure to send in a fileing two days before the deadline af ter all of this case was handled professionally in proper time manner.

Yours truly

Vince Maswo

DATE: November 2, 2006

DOCKETED
NOV 03 2006

SUBJECT: C-20055656

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James J. McNulty
Secretary
nvl

**DOCUMENT
FOLDER**

VINCE MARINO
V.
VERIZON PENNSYLVANIA INC

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

VERIZON PENNSYLVANIA INC

Reply Exceptions have been received from:

VINCE MARINO

cc: Susan Hoffner

Hawke

ORIGINAL

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott I. Wyland
Todd S. Stewart
Craig R. Burgraff

Steven D. Snyder
Janet L. Miller
Steven K. Haas
William E. Lehman
Rikardo J. Hull
Katherine E. Lovette
Amy A. Whitney

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.bmsk-law.com

October 27, 2006

BY HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

RECEIVED
2006 OCT 27 PM 4:20
SECRETARY'S BUREAU

RE: Vince Marino v. Verizon Pennsylvania Inc.; Docket No. C-20055656; REPLY TO "UPDATE NOTE" LETTER FILED BY COMPLAINANT

Dear Mr. McNulty:

This letter is in reply to the letter referred to as an "update note" that Vince Marino, complainant in the above-captioned matter, recently filed with the Commission. While the letter is undated, a copy was received in my office on October 23, 2006 which indicated that the letter had also been filed with the Commission and served upon ALJ Corbett. For convenience, a copy of the letter is attached hereto.

Mr. Marino's letter indicates that it is not intended as an exception or objection to ALJ Corbett's Initial Decision issued in the above-captioned matter, but instead is intended to "update" the ALJ, and presumably the Commission, on events that have occurred since the July 13, 2006 hearing.¹ The purpose of this letter is to respond to Mr. Marino's statements regarding events that have occurred since the hearing was held.

After the hearing on this matter was held on July 13, 2006, Mr. Marino continued his practice of making numerous contacts to Verizon Pennsylvania Inc.'s ("Verizon PA") repair department claiming he was experiencing interference when using his telephone service (Mr.

¹ The letter also asks some procedural questions regarding enforcement of the Initial Decision. There is no need for Verizon Pennsylvania Inc. to respond to these procedural questions beyond stating that Verizon Pennsylvania has filed Exceptions to the Initial Decision, thus it is premature to answer Mr. Marino's questions until a final Commission Order has been issued in the proceeding.

Marino's original formal complaint claimed that his phone was being monitored or interfered with, or wiretapped by third parties). Automated mechanized loop tests (MLTs) were yet again conducted by the repair department and revealed no problems occurring with Verizon PA's facilities. Despite this, Verizon PA dispatched technicians to Mr. Marino's location on two occasions prior to October of 2006 in order to perform additional tests and ensure that there were no problems occurring. No abnormalities were detected on either of these occasions. Undeterred, Mr. Marino persisted in calling the Company's repair department and placed several calls to Verizon's Security Department complaining of continued interference with his telephone.

As was indicated by Verizon PA's witnesses at the July 13, 2006 hearing, the Company tested its facilities 75 times from 2004 to 2005, when Mr. Marino filed his formal complaint, including 33 dispatches of technicians to his location, including a dispatch of a technician accompanied by an area manager to perform a full inspection in response to the formal complaint, and found no problems occurring with the Company's facilities. The Company also voluntarily made changes to its facilities on several occasions out of an abundance of caution, even though no problems were ever detected. See Transcript of July 13, 2006 hearing ("Tr.") at 88, 89, 103, 138-139. It was Verizon PA's position at the time of the hearing that no further action would be taken by the Company prior to receiving an Initial Decision and a Commission Final Order on Mr. Marino's complaint proceeding.

However, due to Mr. Marino's persistent reports of problems after the hearing was held, Verizon PA and Verizon Security decided to deploy a team of Verizon PA and Verizon Security personnel to Mr. Marino's location in order to ensure Mr. Marino, once again, that there are no problems occurring with Verizon PA's facilities. On Thursday, October 5, 2006, prior to issuance of the Initial Decision, a team of 6 Verizon PA and Verizon Security personnel were dispatched to Mr. Marino's location. The team included a service technician, a splicing technician, a local manager from the local repair department, an area manager who oversees the area's repair departments, and two investigators with Verizon Security. The team conducted "inactive"² tests on the following: voltage, resistance, and capacity balance. These tests were normal. The team then conducted the following "active"³ tests: line current, circuit loss, circuit noise, power influence, stress, and voltage. All of these inactive and active tests were normal and within specification. The team then checked the pole and verified that the Mr. Marino is still receiving service from the same working cable pair and that there are no bridges anywhere on the line providing service to Mr. Marino. The team also had the dispatch center run an active MLT on the customer's line and the results were normal.

Mr. Marino permitted the team to enter his premises and perform some tests from inside his home. Inside the home the team noted the following equipment: a jack in the basement connected to a cordless phone, a kitchen jack connected to a hardwired phone, two jacks in the dining room not being utilized but having dial tone, three jacks in the living room, one not utilized with dial tone, one with a cordless phone (on the hearing record Mr. Marino claimed

² This term means the tests were conducted on an open line from the central office to the pole where the network interface device is located.

³ This term means that the tests were conducted with the service line connected at the network interface device.

these phones had been disconnected and were no longer being used)⁴ and caller i.d. box and one with a fax machine and a "comsac" which Mr. Marin explained is a device for testing interference, two bedroom jacks, one not utilized with dial tone and another attached to a long cord running into another room and attached to a computer. The team also noted a burglar alarm and that the home is "Michigan pre-wired"⁵ except in the basement which is wired separately.

Inside the premises the team checked the dial tone at each jack and opened each jack to ensure there was nothing abnormal. The team then had two test calls placed from Verizon PA's Greensburg repair dispatch office and both calls came through with no problems or abnormalities. Mr. Marino showed the team one of his cordless telephones and demonstrated to the team how there was a delay in connecting to the dial tone when the cordless unit was turned on. The team advised Mr. Marino that this was a common and normal occurrence when operating a cordless telephone because it takes a cordless telephone a moment to search for a signal. Mr. Marino also demonstrated to the team that there was an audible clicking noise when the cordless telephone picked up the dial tone. The team assured Mr. Marino that these types of noises are normal and often occur when using a cordless telephone. The team disconnected the cordless telephone and tested the line with the butt-set from the jack and there was no interference on the line. The team concluded that there are no problems occurring with Verizon PA's facilities or the service Verizon PA is providing to Complainant.

Mr. Marino advised the team, and has advised Verizon PA's counsel, regarding his concerns that a third party is threatening him by illegally tampering with his telephone service and regarding evidence that he is attempting to collect in order to identify this perpetrator. The Verizon Security personnel and Verizon PA's counsel have advised Mr. Marino that Verizon PA has detected no abnormalities upon its inspections and that he should contact the police regarding these concerns.

Finally, Verizon PA has also taken the added measure of having the team's findings from the October 5, 2006 inspection, and the history associated with Mr. Marino's telephone account, internally reviewed by an Inductive Coordination & Electrical Protection (ICEP) Engineer employed by Verizon Communications' National Operations & Support Technical Support Services ("Engineer"). It is the opinion of the Engineer that the tests performed by the team on October 5, 2006 showed Verizon PA's service to be operating within normal parameters in satisfaction of the requirements of the Commission's regulation at 52 Pa. Code § 63.63. He also opined that, if abnormalities occurring with Verizon PA's facilities were causing the problems Mr. Marino has complained of, there would be other customers in the area complaining of the same problems, and Verizon PA has received no other complaints. The Engineer noted that the inside wiring configuring and the amount of equipment Mr. Marino has attached to the telephone line inside the home are unique and could explain why this customer is apparently experiencing problems not reported by other customers in his neighborhood.

⁴ Tr. 30-31

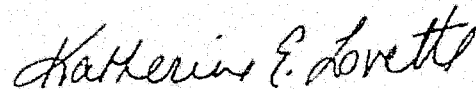
⁵ This is an older method of wiring that runs throughout the house from jack to jack.

The Engineer also reviewed a report, forwarded to Verizon PA by Mr. Marino, of the tests performed by Mr. Giglio, who Mr. Marino hired to test run tests inside his home on July 21, 2006. The Engineer noted that radio frequency (RF) readings detected by Mr. Giglio and noted in his report could indicate that there is some interference occurring because of radio frequencies being transmitted totally independent of Verizon PA's facilities, but that could be coupled into either Verizon PA's facilities or Mr. Marino's equipment inside his home. Such types of interference are not generally within Verizon's scope of responsibility and are a police matter and should be resolved by local authorities.

In conclusion, since the date of the hearing in this matter, Verizon has taken additional and exceptional measures to test and re-test its facilities and has attempted to assure Mr. Marino that there are no problems occurring with the service Verizon PA is providing to him. Verizon PA has advised Mr. Marino that, to the extent he believes the problems he claims to be experiencing are being caused by some third party acting illegally, or to the extent he has evidence of such activity, he should contact the police.

A verification of the above-facts is attached. If you have any questions regarding this letter, please contact me.

Very truly yours,



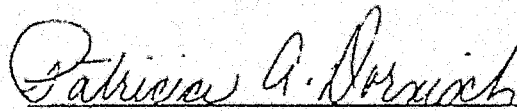
Katherine E. Lovette
Counsel for Verizon Pennsylvania Inc.

Enclosure

cc: Honorable John H. Corbett, Jr.
Chairman Wendell F. Holland (via hand delivery)
Vice Chairman James H. Cawley (via hand delivery)
Commissioner Kim Pizzigrilli (via hand delivery)
Commissioner Terrance J. Fitzpatrick (via hand delivery)
Per Certificate of Service

VERIFICATION

I, Patricia A. Dornisch, Verizon Pennsylvania Inc., hereby state that facts set forth in the foregoing letter are true and correct to the best of my knowledge, information, and belief, and that I expect Verizon Pennsylvania Inc. to prove the same at any further hearing which may be required in this matter. I understand that the statements made herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification authorities).



Patricia A. Dornisch
On behalf of Verizon Pennsylvania Inc.

DATED: October 27, 2006

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2006 OCT 27 PM 4: 20

SECRETARY'S BUREAU

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733
(412) 225 - 0017

Ref. Public Utility Commission Case C - 20055656

To the involved parties involved in the case listed above

Katherine E Lovette & Verizon Pa Inc Honorable Judge John H Corbett Jr, James J McNulty secretary of Pennsylvania Public Utility Commission.

I'm incloseing a update note, this is not a Exception just a note of what is happening i'm not in any diagreed state with the order rendered. Inside you will find information i have submitted and presently investagating the abnormal phone conditions are still present, please adhere to the proper actions the involved parties need to follow, after the intial decision exception time has concluded i would like to know after the 45 day order, how are we going to know if the appropriate actions were taken as ordered by the judge. Please in some time one of the parties notify me of what will become of the order if the problem is still present as is will there be a fine or penalty imposed on Verizon Pa Inc as of the dates listed no actions have been rendered to my phone service and past recent and present investagation findings of out of standard phone service have been found continually and reported to Verizon and the authority's

On October 16, 2006 as written inside this note Vice President Ralph S. Giglio of Americom Inc. while performing a test and measurement on Mr Marino's home phone varified again a conversation of another party on Mr Marino's phone line coming from Verizon Pa Inc it was witnessed by both Mr Giglio and Mr Marino. This is very important to the fact that someone is on Mr Marino's Phone line and as reported by Mr Marino hearing party on his phone line while recieving and makeing phone calls at (412) 682 - 6733 as this is being confirmed time and time again it is covert and invasion of privacy Verizon is not correcting this problem. Invasion of privacy is a federal felony and a state crime, i'm sincerly adviseing Verizon to correct this issue there are over 3 torts involved in this.

PHONE SERVICE IS STILL BEING INTERRUPTED AT MR MARINO'S HOME NUMBER IN ISSUE
(412) 682- 6733

MR MARINO WAS ADVISED TO CONTACT POLICE IN PITTSBURGH RATHER CALL VERIZON INC PA
INFORMATION WAS TOLD BY BRENNAN M. YARNOT, CPP

Inclosed is a update note, all findings will be submitted at reasonable time before 45 day period of order is rendered. Mr Marino is investagating all issues and related personal as well as the service as to who is ordering the false and misguided information to him and the PUC Commission. This a very dangerous problem we are involved in finding eves dropping on a phone service at the providers termination facility with out a court order its been confirmed over 5 times.

RECEIVED OCT 23 2006

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733
(412) 225 - 0017

To all parties of concern in regards to case C - 20055656 Vince Marino v.s Verizon Pa Inc.

Ref Note this is not a objection to the Honorable John H. Corbett JR decision or any type of (Exceptions) again this is a note to what has occurred from the time Verizon Pa Inc. has visited Mr Marino's home for look into the matter of the improper and actual illegal phone service that is being provided to Mr Marino at 3324 Dawson St Pgh, Pa 15213 phone number (412)682 - 6733.

As of the date September 20, 2006 and to the order rendered on that date, it is known that Verizon Pa, Inc has been contacted over 6 more times do to phone transmission problems and abnormal activity that is going on at Mr Marino's home phone (412)682 -6733 it is also documented by Americom Inc dates of July 28, 2006 and October 16, 2006 that the phone service that is being provided to Mr Marino is still and presently out of Pennsylvania State laws and Federal Communication Ciation laws which the state adopts its regulations from. From the closing of the formal hearing Verizon has been contacted numerous times and police reports filed to the matter. Mr Marino was called by Trish a Verizon employee in regards to Verizon scheduling to visit the home of Mr Marino in October which was the second week of the month the exact date was not taken, at the visit Verizon inspected Mr Marino's inside wiring and as found had no problems, they also tested the outside loop and termination box the intire test lasted about a half hour to 45 minutes roughly the group from Verizon visited the home about a hour and a half in time or less. No findings were disclosed to Mr Marino, at the date of October 16, 2006 Americom Inc visited the home of Mr Marino test and investigation performed by Vice president Ralph S. Giglio as in July's findings again was Verizon providing Mr Marino with improper phone service it found other disturbances on the line and found confirmed a party coverseing on the land line. Mr Giglio's findings will be sent in after the time has finished to the Intial Decision for any exceptions to be filed. It is outrageous that Verizon is allowing this to happen, in the final term of the 45 day order that will possibly take effect ordering Verizon to repair their facility's Mr Marino and its hired expert and telecommunication firm Americom Inc will continue to investigate the improper phone service and provide the data that is found. It is relevant that Verizon Pa Inc. is not performing the proper inspection at their own property meaning someone or a group are allowing this to happen it is a serious problem Verizon is not correcting. Mr Marino's right to a safe phone service are being broken possible and a sure inspection has varified other parties on Mr Marino's phone line, evidence of covert listening device was reported do to the line tests and line current measurements that Americom Inc has provided. Mr Marino is paying for phone service and a monthly repair fee for any problems that might normally occur to his phone line but the problem happening is being done continually to his phone on Verizons property and facilities.

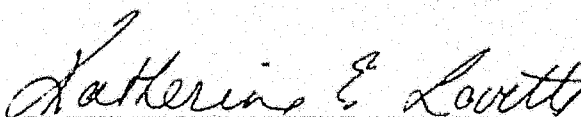
At the date in October when Verizon's test group visited Mr Marino's home the main objective by security investigator Brennan M. Yarnot CCP to the problem was don't call Verizon to report phone trouble anymore just call the police and file reports to the police. Mr Marino has spoken to police and turned this matter into FBI Headquarter's in Pittsburgh as well, it is the property of Verizon of Pa Inc. that this problem is happening not in the home of Mr Marino's Verizon is playing a game and apparently hiding a serious problem that someone is allowing to go

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party)

BY FIRST CLASS MAIL

Vince Marino
3324 Dawson Street
Pittsburgh, PA 15213


Katherine E. Lovette

Dated this 27th day of October, 2006.

RECEIVED
2006 OCT 27 PM 4:20
PA PUC
SECRETARY'S BUREAU

Hawke
 McKeon
 Sniscak &
 Kennard LLP

ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyland
Jodd S. Stewart
Craig R. Burgraff

Steven D. Snyder
Janet L. Miller
Steven K. Haas
William E. Lehman
Rikardo J. Hull
Katherine E. Lovette
Amy A. Whitney

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

November 7, 2006

BY HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P.O. Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

RE: Vince Marino v. Verizon Pennsylvania Inc., Docket No. C-20055656; EXTRA-RECORD ATTACHMENTS TO REPLIES TO EXCEPTIONS

Dear Mr. McNulty,

DOCKETED
NOV 15 2006

On October 27, 2006 Vince Marino, complainant in the above captioned matter, filed his Reply Exceptions to Verizon Pennsylvania Inc.'s ("Verizon PA") Exceptions to the Initial Decision. Attached to Mr. Marino's Reply Exceptions are five letter-reports that were sent to him by Mr. Ralph S. Giglio, who testified on Mr. Marino's behalf at the hearing in the above-captioned matter. The first three letter-reports, dated October 14, 2005, December 14, 2005 and January 12, 2006, were entered into the record as Complainant's exhibits at the hearing. The last two letter-reports, dated July 28, 2006 and October 16, 2006, post-date the hearing and are not part of the record in this matter.

Because Mr. Marino has, and continues to offer new information, Verizon PA believes it is necessary to respond to such submission. First, Mr. Marino's continuing habit of barraging¹

¹ The genesis of this case is Complainant's persistent and unsupported belief that some unidentified individual or individuals are somehow conducting surveillance upon him by tapping his telephone line. Based on that supposition, the Complainant barraged Verizon PA with reports of trouble (75+ calls or contacts in roughly one year), claimed to support his wiretap or interception belief, ranging from clicks or noises on his line to crosstalk. As related in Verizon PA's Exceptions, the record shows Verizon PA tested its facilities *on at least 75 occasions in the past year*, including 33 occasions when tests were performed by technicians dispatched to Complainant's location and one occasion when a full 100% inspection was performed by a technician accompanied by an area manager, *and no abnormalities or problems with Verizon PA's facilities or service were detected*. Tr. 89, 99, 103.

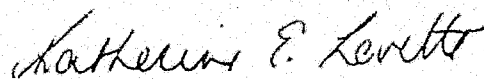
MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

BTL H

Verizon PA and this Commission with an abnormal amount of conjectural or insubstantial information regarding his stubborn belief that some third party is somehow interfering with his telephone service and causing alleged problems should neither be condoned nor rewarded in this matter. Second, these submittals (the extra-record letter-reports) do not add any substantial evidence to the record which could satisfy the complainant's burden of proof. Specifically, these two additional self-serving letter-reports, like the other letter-reports that are part of the record, still do not pinpoint whether the problems Mr. Giglio claims to have detected are caused by Verizon PA, some third-party or outside interference, or for that matter, whether the problems Mr. Marino reports to Mr. Giglio that he continues to experience in Mr. Giglio's absence could be caused by his own telephone customer premises equipment.²

Therefore, Verizon PA respectfully requests that the Commission take note that the July 27, 2006 and October 16, 2006 letters attached to Mr. Marino's Replies to Verizon PA's Exceptions are extra-record materials.

Very truly yours,



Katherine E. Lovette
Counsel for Verizon Pennsylvania Inc.

cc: Honorable John H. Corbett, Jr.
Chairman Wendell F. Holland (via hand delivery)
Vice Chairman James H. Cawley (via hand delivery)
Commissioner Kim Pizzigrilli (via hand delivery)
Commissioner Terrance J. Fitzpatrick (via hand delivery)
Vince Marino

² See Verizon PA Exceptions at 5 ("The record also shows that Complainant has lots of equipment attached to his telephone line inside his home that could cause the types of problems Complainant has reported, including a dial-up personal computer, a fax machine, a wall-mounted telephone, two cordless telephones, a Radio Shack "recording control," and a burglar alarm.)

MR. McNulty copy

Vince Marino
3324 Dawson St
Pgh, Pa 15213

Phone (412) 682 - 6733
(412) 225 - 0017

ORIGINAL

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NOV 10 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

By First Class Postage

James J. McNulty, secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P O. Box 3265
Harrisburg, Pa 17105 - 3285

DOCUMENT
FOLDER

Date 11-9-06

C-20055656

Ref: Verizon's letter of Vince Marino's Record Of Attachments To Replies To Exceptions

Dear Mr McNulty:

Please inclosed and to the other parties involved, please stricken and disregard all pertinent information and data that Verizon's counsel has submitted, haveing to do with the exceptions and current letters it is not case closed data The review only is involveing what was heard at Formal Hearing, not the recent, in my submitting of my Experts test results i submitted the later dates also in combatting the counsel for Venzon stating that there is nothing wrong with my telephone.

Note do not use July's test reports or Octobers they where not introduced as evidence in the Formal Hearing. Dates 2006 test results.

Also please excuse and do not acknowledge the fraud testimony of Verizon Counsel. regarding that the evidence me and my expert witness provided at Formal Hearing does not provide that Verizon's Facilities are creating the transmission problems and inadequate service in which they do, because Verizon admitted to finding a exstension on my loop as also did Mr Giglio of Americom Inc. in December 12, 2005 as did Mr Ronald LeClair on December 29, 2005 the statements that Verizon's counsel continues to right to you and the Commission are false all of the test reports of my expert disclose that the problems of my telephone are on Venzon's side again meaning all of their Facilities cables and property, it is foolish to continue to explain, this it is poor tatic of Verizon's counsel to continue to introduce this non ment false statement of the evidence provided, all of Mr. Giglio's test reports disclose to contact Verizon of Pa and report the problems Mr Giglio is not disclosing a third party is doing anything it is a twisted statement of Venzon's Counsel Mr Giglio has stated that a party was detected on Mr Marino's phone line regarding cross talk and to the pertinent matters of his findings Verizon's counsel is introduceing false statements and rewriting case facts as if it it was written mistakeingly at the Formal Hearing.

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As in Verizon's letter stating that the two additional test results are not case record, and that they still do not pin point that the problems Mr Giglio has found are the facilities of Verizon is a misguided statement to encourage the Commission to rejudge the Formal Hearing This statement written by counsel for Verizon is False the problems are on Verizon's side meaning facilities and property

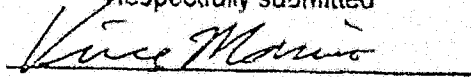
Note: As stated and case record Verizon of Pa on December 29, 2005 found and removed as to their swearing under oath, a Bridged cable on Mr Manno's phone line, admitting to bringing his loop at a longer distance than State required transmission loop distance required by the Commission standards.

Inclosing, to shorten the inappropriate statements written and to confuse this case please disregard, and stricken out the information of Verizon's counsel regarding a review to the Formal Hearing, she is only trying to confuse the case and possibly make an extended time frame in reading case facts and misjudging the case. Basically Verizon's counsel is trying to confuse the testimony that was sworn under oath and make a lot of complicated unnecessary wasted time in this case, it was proven of the inadequate phone service Verizon admitted to the extended loop on Mr Marino's phone line no Bridge is to be on a customer's phone line and as sworn under oath by Mr LeClair he could not state where the Bridge went what it was for or what was connected to it, he stated he just removed one Bridge. Ref page 142 of court report.

Also Verizon's counsel introduced a case off record to mine titled C - 20065809 Richard Trautmann V.s Verizon it was not used in the case or on record, it again as previously mentioned and stated by me Mr Marino has no grounds for Merits to rejudge my case, I read all of that case it does not involve Expert findings it only introduces testimony of Lay witness not expert testimony or considered professional testimony, and it again should be disregarded in any way shape and form to be even considered as an example against my case.

The mentioning of wire tapping again was not used at the Formal Hearing and the statements of Verizon's counsel in the letter above mentioned and in her exceptions should be STRICKEN out of the review it has no merit nor was it introduced at the Formal Hearing, it's not part of what the case was argued about. Inadequate phone service was brought to trial at Formal Hearing.

Respectfully submitted



Vince Manno

Ref: First class mail

Honorable John H. Corbett, Jr.
Chairman Wendell F. Holland
Vice Chairman James H. Cawley
Commissioner Kim Pizzingrilli
Commissioner Terance J. Fitzpatrick
Katherine E. Lovette Verizon Pa Inc Counsel