

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 10/21/05
8. DOCKET NO: C-20055469	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: MESSNER, KEITH A. #EC-6538

RESPONDENT/APPLICANT: VERIZON SELECT SERVICES INC

COMP/APP COUNTY: ERIE

UTILITY CODE: 310291

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON HIS BILL.

DOCUMENT  
FOLDER

**DOCKETED**

OCT 21 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20055469

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name Keith A. Messner - # EC-6538 (SCI-Albion)

Street/P.O. Box 10745 Route 18 Apt #

City Albion State PA Zip 16475-0002

County Erie

Area Code/HOME Phone (814) 756-5778 (Main Prison number)

Area Code/WORK Phone

Utility Account Number (from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

RECEIVED 2005 OCT 21 AM 8:58 PA P.U.C. SECRETARY'S BUREAU

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Verizon Select Services

3. TYPE OF UTILITY (check one)

- ELECTRIC, GAS, WATER, TELEPHONE (local, long distance), STEAM HEAT, WASTE WATER, MOTOR CARRIER (taxi, moving company, limousine)

Handwritten mark

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.  
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint. During the period of 10-03 To Present (10-05) I have been subject to countless erroneous disconnections during Phone calls to my home. these disconnections are Always Preceded by A recording stating "custom calling Features Are Prohibited", It should be noted that the number I call has no custom calling Features on it's line. I have submitted numerous discrepancy reports to the Prison each of which stated that the call was disconnected due to "noise" on the line. These disconnections caused me to have to call back and incur additional charges. Also there are recorded security announcements that  
cont. on Attached Page

5. RELIEF

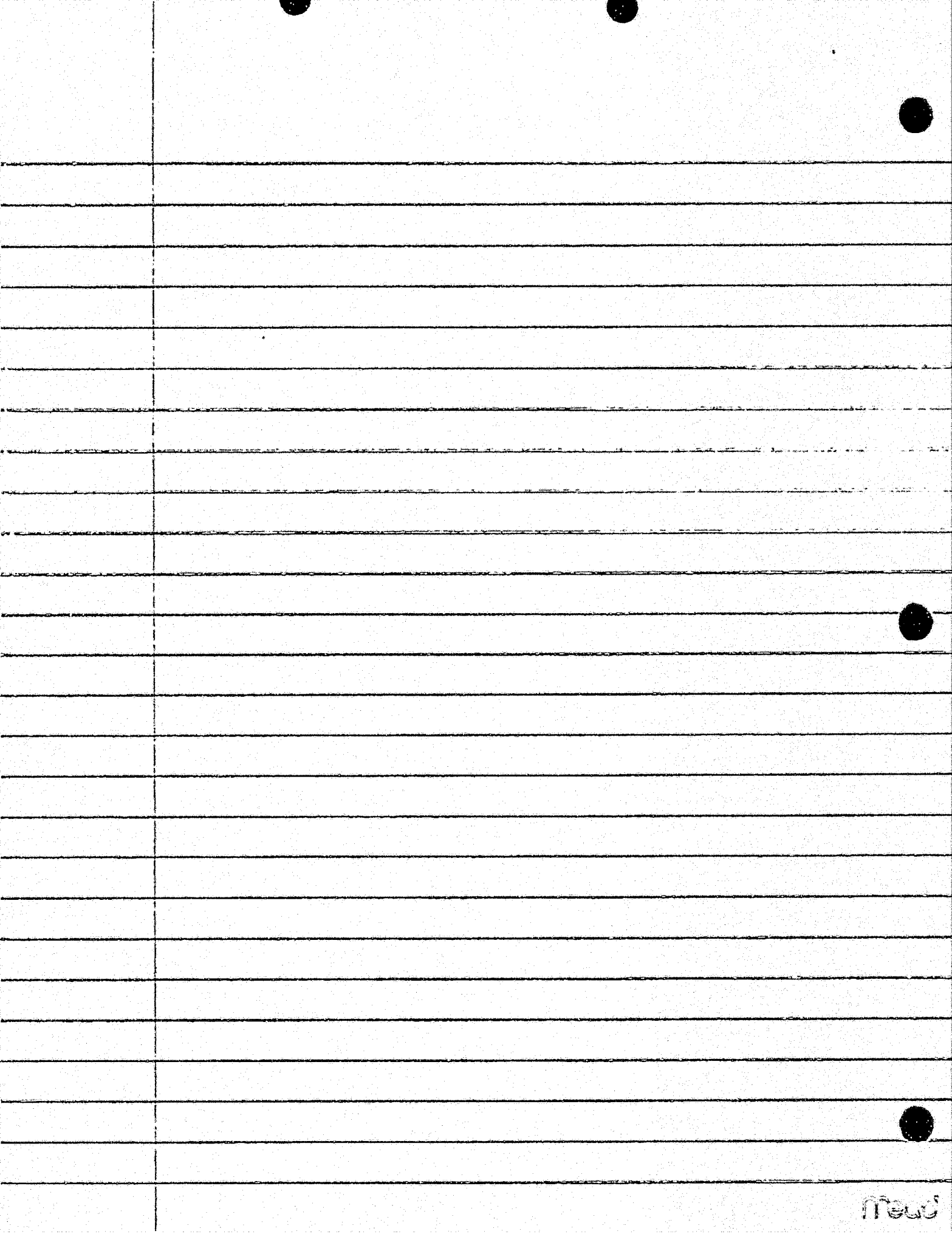
What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Due to the fact that these numerous erroneous disconnections caused me to incur additional charges that, had the initial calls been completed without being disconnected, I would not have had to pay at a rate of \$2.47 for the first minute and \$.22 for each additional minute plus tax, together with charges for time during over 100 calls that I could not talk during due to several periodic announcements that interrupt talk time I would like to be refunded an amount at the discretion of the commission.

Facts of Complaint cont.

Air at periodic intervals in each call. These announcements run for several seconds each and completely interrupt the call because they can not be talked or heard over. They take out an estimated 2-2 1/2 minutes of talk time from each call however, we are still billed for this time despite the fact that we can't talk during it. This has occurred in every call I've made during the period whether collect calls or pre-paid calls.

The Commission should note that in 2004 this problem was brought to the attention of Dept. of Corrections Deputy Secretary John Shafer by members of PA C.U.R.E., a lobbyist organization for Par. Prisoners represented by Ernie Preate. Deputy Secretary Shafer told C.U.R.E. that the announcements were supposed to be in the background of the call so that while still heard they could be talked over and that it would be corrected. It never was and the announcements remain in the foreground of each call interrupting talk time that we are charged for.



6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Keith A. Messner, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Keith A. Messner  
(Signature)

10-19-05  
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your complaint for your records.**

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

DATE SERVED: OCTOBER 24, 2005

C-20055469

VERIZON SELECT SERVICES, INC.  
600 HIDDEN RIDGE  
MAIL CODE: HQE02E91  
IRVING TX 75038

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by KEITH A. MESSNER, #EC-6538. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

DOCUMENT  
FOLDER

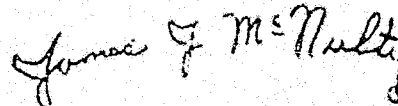
OCTOBER 24, 2005

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name.

James J. McNulty  
Secretary

JIH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 24, 2005

KEITH A. MESSNER, #EC-6538  
Complainant

VS.

VERIZON SELECT SERVICES, INC.  
Respondent

Complaint Docket  
No: C-20055469

DOCUMENT  
INDEXED  
**DOCKETED**  
OCT 21 2005

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: VERIZON SELECT SERVICES, INC.

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

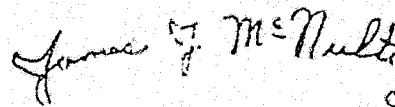
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which

prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

N. Bruce Kazeo  
Senior Counsel  
Legal Department



ORIGINAL

Legal Department  
600 Hidden Ridge  
HQE03H21  
Irving, TX 75038

October 28, 2005

Phone: 972-718-6969  
Fax: 972-718-7634  
bruce.kazeo@verizon.com

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Re: Docket No. C-20055469 – Keith A. Messner

DOCUMENT  
FOLDER

Dear Mr. McNulty:

Enclosed is an original and three (3) copies of a Notice of Appearance to be filed regarding the above referenced docket. Please file the original and return one copy to me in the enclosed self-addressed, postage paid envelope.

Sincerely,

N. Bruce Kazeo

NBK/jvn  
enclosures

RECEIVED  
2005 OCT 31 AM 11:04  
PA P.U.C. BUREAU  
SECRETARY'S BUREAU

16

COMMONWEALTH OF  
PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC  
UTILITY COMMISSION

ORIGINAL

2005 OCT 31

PA P.U.C.  
SECRETARY'S BUREAU

In the Matter of:  
Docket No. C-20055469 – Keith A. Messner

# DOCUMENT FOLDER

## NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of  
Verizon Select Services Inc.

I am authorized to accept service on behalf of said participant in this matter.

On the basis of this notice, I request a copy of each document hereafter issued  
by the Commission in this matter.

I am already receiving or have access to a copy of each document issued by the  
Commission in this matter (alone, or in a consolidated proceeding) and do not on the  
basis of this notice require an additional copy.

DOCKETED  
OCT 21 2005

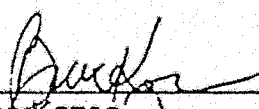
Bruce Kaze Signature  
Bruce Kaze Name (Printed)  
Verizon, P.O. Box 152092 P.O. Address  
Irving, TX 75038 City, State and Zip Code  
972-718-6969 Telephone Number

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participants, listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Keith A. Messner – EC-6538  
SCI Albion  
10745 Rt. 18  
Albion, PA 16475-0002

Dated this 28th day of October, 2005.

  
\_\_\_\_\_  
Bruce Kazee  
Counsel for Verizon

RECEIVED  
2005 OCT 31 AM 11:05  
PA P.U.C.  
SECRETARY'S BUREAU

ORIGINAL

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  
Todd S. Stewart

Craig R. Burgraff  
Steven D. Snyder  
Janet L. Miller  
Steven K. Haas  
William E. Lehman  
Rikardo J. Hull  
Katherine E. Lovette

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

November 14, 2005

RECEIVED  
2005 NOV 14 PM 3:49  
PA PUC  
SECRETARY'S BUREAU

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street - Filing Room (2 North)  
P.O. Box 3265  
Harrisburg, PA 17105-3265

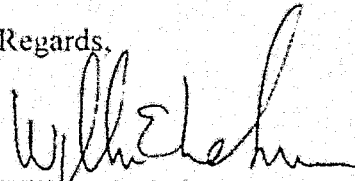
RE: Keith A. Messner v. Verizon Select Services Inc.; Docket No. C-20055469.  
ANSWER

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of Verizon Select Services Inc.'s ("VSSI") Answer in the above-captioned proceeding. A copy of this document has been served upon the Complainant in accordance with the attached Certificate of Service.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

DOCUMENT  
FOLDER

Regards,  


William E. Lehman  
Counsel for Verizon Select Services Inc.

WEL/kmg  
Enclosures  
cc: Keith A. Messner

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

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KEITH A. MESSNER,

Complainant

v.

VERIZON SELECT SERVICES INC.,

Respondent

Docket No. C-20055469

PA. P.U.C.  
SECRETARY'S BUREAU

2005 NOV 14 PH 3:49

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ANSWER OF  
VERIZON SELECT SERVICES INC.  
TO THE COMPLAINT OF KEITH A. MESSNER

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Verizon Select Services Inc. ("VSSI"), by and through its counsel in this proceeding, Hawke McKeon Sniscak & Kennard LLP, hereby submits its Answer to the Complaint filed by Keith A. Messner ("Complainant" or "Mr. Messner"). In support thereof, VSSI avers and represents as follows:

1. ADMITTED upon information and belief.
2. ADMITTED. The correct corporate name of the Respondent in this matter is "Verizon Select Services Inc."
3. ADMITTED upon information and belief.

DOCUMENT  
FOLDER

**DOCKETED**  
NOV 16 2005

4. VSSI DENIES that there are incorrect charges on the Complainant's telephone bill. By way of further answer, VSSI avers that the Complainant is in an inmate at a Pennsylvania State Correctional Institution and, as such, he does not receive a telephone bill. Verizon PA DENIES that the Complainant has been subject to "countless erroneous disconnections during phone calls to my home." Notwithstanding VSSI's denial above, VSSI ADMITS that if an inmate's call is terminated for a prohibited three-way call attempt, a message will play that states, "custom calling features are prohibited." VSSI is without sufficient information or knowledge at this time to respond to whether the telephone numbers the complainant calls have custom calling features; therefore, this allegation is denied. VSSI DENIES the Complainant's allegations regarding his description of alleged discrepancy forms or the response thereto; therefore, these allegations are DENIED. VSSI ADMITS that there are recorded security announcements that play at periodic intervals during each telephone call. VSSI ADMITS that these announcements are several seconds in length and cannot be talked over. VSSI DENIES the announcements take out an estimated 2-2 ½ minutes of talk time for each call. VSSI ADMITS that the security announcements play during every call that an inmate makes. By way of further answer, VSSI avers that the security message is mandated by state law<sup>1</sup> and the content and duration of the messages are controlled by the Pennsylvania Department of Corrections ("DOC"). The taped messages are played at the beginning of a call, and repeat during the call, during the second and third minute, and every 5 to 6 minutes thereafter. The message is five seconds long, so during a fifteen minute call, approximately 15 seconds would be used. The Complainant is not billed during the initial message because the billing does not start until the called party accepts the call; however, billing continues during the subsequent security messages. VSSI is without sufficient

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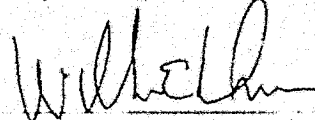
<sup>1</sup> 66 Pa. C.S. §2907(a).

information or knowledge to respond to the Complainant's allegations regarding statements made by a representative of the DOC to the inmates; therefore, these allegations are DENIED. To the extent that the Complainant is alleging that such an unsupported allegation in any way shows that VSSI has provided unreasonable service to the Complainant, such allegation also is DENIED.

5. The statements set forth in Paragraph 5 are requests for relief to which no response is required.

WHEREFORE, for the reasons set forth above, Verizon Select Services Inc. respectfully requests that the Formal Complaint of Keith A. Messner be denied in its entirety.

Respectfully submitted,



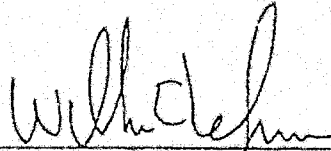
William E. Lehman  
Hawke McKeon Sniscak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for  
Verizon Select Services Inc.

DATED: November 14, 2005

**AFFIDAVIT**

I, William E. Lehman, certify that I am counsel for Verizon Select Services Inc. and that, in this capacity, I am authorized to and do make this Affidavit for them, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that I expect Verizon Select Services Inc. to be able to prove the same at any hearing hereof. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



---

William E. Lehman  
Hawke McKeon Sniscak & Kennard LLP  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
Telephone: (717) 236-1300  
Facsimile: (717) 236-4841  
E-mail: welehman@hmsk-law.com

Counsel for Verizon Select Services Inc

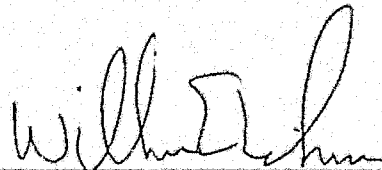
DATED: November 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the person and in the manner indicated below.

Service by first class mail:

Keith A. Messner  
10745 Route 18  
Unit EC-6538  
Albion, PA 16475-0002



William E. Lehman

DATED: November 14, 2005

RECEIVED  
2005 NOV 14 PM 3:49  
PA PUC  
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
November 18, 2005

21 PAGE DOCKET

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20055469

(SEE ATTACHED LIST)

Keith A. Messner v. Verizon Select Services Inc.

Billing dispute.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephonic Hearing  
Date: Wednesday, January 18, 2006  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Kandace F. Melillo  
PO Box 3265  
Harrisburg, PA 17105-3265  
Phone: 717.783.5452  
Fax: 717.787.0481

DOCUMENT  
FOLDER

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

**DOCKETED**  
NOV 22 2005

At the above date and time, the Presiding Officer will contact the parties as follows:

Keith A. Messner/William Barr 814.756.5778  
William E. Lehman, Esquire 717.236.1300

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

*Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.*

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Melillo  
Dawn Reitenbach  
Beth Plantz  
Docket Section  
Calendar File