

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Karen Gauden

v.

Comcast Phone of Pennsylvania, LLC.

Donald A. Barnot

v.

Comcast Phone of Pennsylvania, LLC.

Kevin Povich

v.

Comcast Phone of Pennsylvania, LLC.

**DOCUMENT**

C-20030938

SECRETARY'S BUREAU

04 JAN -5 AM 11:54

C-20030986

**DOCKETED**

FEB 25 2004

C-20031022

**INTERIM ORDER THREE—  
CONSOLIDATING COMPLAINTS FOR HEARING AND DECISION<sup>1</sup>**

On August 6, August 8, and August 8, 2003, Karen Gauden, Donald A. Barnot, and Kevin Povich, respectively, filed complaints with the Pennsylvania Public Utility Commission (Commission) against Comcast Phone of Pennsylvania, LLC (Comcast). Each complainant asks to remain a subscriber to Comcast's services, rather than having service furnished to them by Bentleyville Telephone Company, a previous service provider for them. Comcast filed timely responsive answers to the complaints.

<sup>1</sup> This interim order is designated "three" because there are outstanding prehearing orders and orders setting conferences between the parties in the individual complaint proceedings.

RJP

Comcast's answers explain the circumstances giving rise to the complaints, as follows:

The complaint addresses a scenario in which Comcast's predecessor, AT&T Broadband Phone of Pennsylvania, LLC ("Broadband") erroneously and inadvertently accepted...[complainants] as customers even though...[complainants reside] in the service territory of Bentleyville Telephone Company ("Bentleyville") and even though Broadband did not have final Commission authority to provide local service in Bentleyville's service territory. Upon discovering this error on the part of its predecessor and upon notifying the Commission, Comcast has taken the appropriate steps, in coordination with the Commission, to notify...[the complainants] (and other affected customers) that, given the circumstances, Comcast would be required to discontinue its local service and return...[the complainants'] local service to Bentleyville. [Footnote No. 1—Furthermore, neither Broadband nor Comcast have *[sic]* a local interconnection agreement with Bentleyville.]

By notices to the parties dated December 15, 17, and 19, 2003, the three complaints are now scheduled for a telephone hearing on February 6, 2004, at 10:00 a.m.

On December 10, 2003, Comcast's counsel filed a motion to consolidate the three complaints for hearing and decision. The motion points out that the three complainants are similarly situated, with respect to their service complaints, and the complaints allege nearly identical facts and raise identical legal issues. Therefore, the complaints are consolidated for hearing and decision under Section 5.81 of Title 52 of the Pennsylvania Code.<sup>2</sup>

THEREFORE,

IT IS ORDERED:

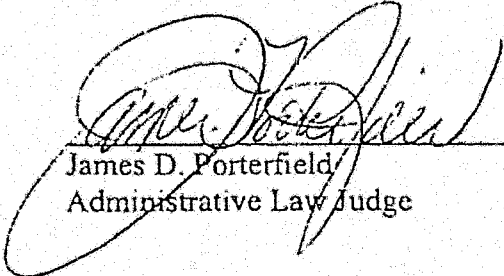
That the complaints captioned *Karen Gauden v. Comcast Phone of Pennsylvania, LLC.*, at Doc. No. C-20030938; *Donald A. Barnot v. Comcast Phone of Pennsylvania, LLC.*, at

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<sup>2</sup> No response was filed to the motion to consolidate.

Doc. No. C-20030986; and *Kevin Povich v. Comcast Phone of Pennsylvania, LLC.*, at Doc. No. C-20031022, are consolidated for hearing and decision purposes.

Dated: December 26, 2003



James D. Porterfield  
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

January 29, 2004

In Re: C-20031022

(See letter dated 12/15/2003)

Kevin Povich v. Comcast Phone of Pennsylvania

Service dispute.

Telephone Hearing Cancellation/Reschedule Notice

This is to inform you that due to a scheduling conflict, the Initial Telephone Hearing on the above-captioned case now scheduled to be held on Friday, February 6, 2004 at 10:00 a.m. has been canceled and has been rescheduled as follows:

Type: Initial

Date: Tuesday, March 2, 2004

Time: 10:00 a.m.

Presiding: Administrative Law Judge James D. Porterfield  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 565-3550  
Fax: (412) 565-5692

DOCUMENT

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

Kevin Povich (724) 565-4824  
Alan Kohler, Esquire (717) 237-7160

Please change your records accordingly.

PROCKETED  
FEB 17 2004

RJP

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:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Porterfield  
Steve Springer, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

# OALJ Hearing Report

*Please Check Those Blocks Which Apply*

Docket No.:	C-20031022, C-20030938, C-20030986		YES	NO
Case Name:	Kevin Povich, Karen Gauden and Donald A. Barnot v. Comcast Phone of Pennsylvania, LLC	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Pittsburgh	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	February 6, 2004	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	James D. Porterfield	Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	<i>n/c</i>	
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	<i>01/30/04 motion to 03/02, canceled &amp; rescheduled by ALJ OALJ file "Scheduling conflict"</i>	

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City      State      Zip	DOCUMENT FOLDER
Telephone:	E-mail Address:	
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

\_\_\_\_\_  
Reporter's Signature

*Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.*



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

February 17, 2004

In Re: C-20031022

(See letter dated 01/29/2004)

Kevin Povich v. Comcast Phone of Pennsylvania  
Service dispute.

Telephone Hearing Cancellation/Reschedule Notice

This is to inform you that due to a scheduling conflict, the Initial Telephone Hearing on the above-captioned case now scheduled to be held on Tuesday, March 2, 2004 at 10:00 a.m. has been canceled and has been rescheduled as follows:

Type: Initial  
Date: Thursday, April 22, 2004  
Time: 1:00 p.m.  
Presiding: Administrative Law Judge James D. Porterfield  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 565-3550  
Fax: (412) 565-5692

DOCUMENT  
FOLDER

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

Kevin Povich (724) 565-4824  
Alan Kohler, Esquire (717) 237-7160

Please change your records accordingly.

DOCKETED  
MAR 10 2004

RJP

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:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Porterfield  
Steve Springer, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20031022, C-20030938, and C-20030986	Prehearing Held:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Case Name:	Kevin Povich v. Comcast Phone of Pennsylvania	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Karen Gauden v. Comcast Phone of Pennsylvania	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Donald A. Barnot v. Comcast Phone of Pennsylvania	Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Pittsburgh	Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	March 2, 2004	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	JMC	
ALJ:	James D. Porterfield	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
Reporting Firm:	Commonwealth Reporting	Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	Rescheduled from 03/02/04 to 04/22/04 by [Signature]	

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
<div style="border: 2px solid black; padding: 10px; display: inline-block;"> <p style="font-size: 24px; margin: 0;">DOCUMENT FOLDER</p> </div>		
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	

Check this box if additional parties or attendees appear on back of form.

\_\_\_\_\_  
Reporter's Signature

*Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.*

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222

Tel: 412-565-3550  
Fax: 412-565-5692  
IN REPLY PLEASE  
REFER TO OUR FILE



DOCUMENT

April 13, 2004

DOCKETED

JUN 09 2004

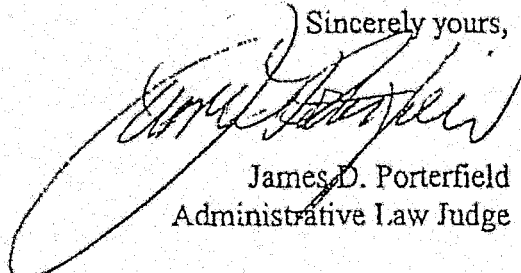
Mr. Donald A. Barnot  
55 Florence Drive  
Charleroi, PA 15022

Re: *Karen Gauden, Donald A. Barnot, and Kevin  
Povich v. Comcast Phone of Pennsylvania, LLC;*  
C-20030938, C-20030986, C-20031022

Dear Mr. Barnot:

Your letter, dated April 9, 2004, asks that the April 22, 2004 hearing date in the above-captioned matters be changed because you "are scheduled to be out of the area for business and will not be available for the telephone hearing at that time." The stated basis for your request is insufficient for the purpose of rescheduling the hearing. You offer no reason for being unavailable to participate in the 1:00 p.m. hearing. Please furnish me with the telephone number at which you can be contacted at 1:00 p.m., on April 22, 2004, if it is different from 724-565-1473. Failure to participate in the hearing and present evidence on the matters at issue may result in your complaint being summarily dismissed.

Sincerely yours,



James D. Porterfield  
Administrative Law Judge

cc: Service List  
Secretary Bureau

SECRETARY'S BUREAU

2004 APR 15 03:09:41

RECEIVED

SECRETARY'S BUREAU

2004 APR 15 AM 9:11

RECEIVED

MEMORANDUM

COMMONWEALTH OF PENNSYLVANIA  
PA Public Utility Commission

DATE: April 22, 2004

SUBJECT: Kevin Povich v. Comcast Phone of Pennsylvania  
Docket No. C-20031022;  
Karen Gauden v. Comcast Phone of Pennsylvania  
Docket No. C-20030938;  
Donald A. Barnot v. Comcast Phone of Pennsylvania  
Docket No. C-20030986

TO: Wanda Zeiders, Docket Management  
PA Public Utility Commission

FROM: ALJ James D. Porterfield *JDP/aw*  
Office of Administrative Law Judge, Pittsburgh

Please find enclosed Respondent's Exhibit 1 (original and one) relative to the above-captioned case. Please place these exhibits in the appropriate file folder. Thank you.

JDP:seo

Enclosure

DOCUMENT

RECEIVED  
2004 APR 27 AM 9:31  
SECRETARY'S BUREAU

RECEIVED

2004 APR 27 AM 9:31

SECRETARY'S BUREAU

DOCKETED

MAY 07 2004

Comcast

Exh 1

C-20031022

July 22, 2003

DOCUMENT

Kevin Povich  
56 Florence Drive  
Charleroi, PA 15022-3407

Re: Comcast Account Number 42138-01  
Telephone Number 724-565-4824

Dear Mr. Povich:

As you are aware, Comcast has contacted you to advise you that Comcast would no longer be able to provide telephone service to you. We sincerely regret any inconvenience this situation has caused you and your family.

As Comcast's representatives have previously described to you, Comcast is not authorized by the Pennsylvania Public Utilities Commission (PA PUC) to provide service to customers in your immediate community. Comcast initially agreed to provide service to you due to a system error that had erroneously indicated Comcast was authorized to provide service at your address. Comcast subsequently discovered this system error. Comcast has informed the PA PUC of this system error and is coordinating its efforts to correct the problem with the PA PUC.

Since, as noted above Comcast is not authorized to provide service to you, the Company may not continue doing so. Therefore, please be advised that Comcast will cease providing service to your address forty-five (45) days from the date of this letter. If you wish to retain wireline telephone service, you must contact Bentleyville Telephone Company ("Bentleyville") within this forty-five (45) day period. Comcast has contacted Bentleyville to advise of this unusual circumstance. The company has agreed to assist in facilitating a smooth transition and to that end has designated Mr. Walter Ziemba to be your exclusive contact for purposes of switching your service. Mr. Ziemba may be reached at 724-239-2501. Please be advised that because of this change, you will also need to receive a new telephone number.

Bentleyville has assured Comcast that its service can be installed at your premises within the forty-five (45) day period. Nonetheless, both companies have agreed that Comcast will not shut off service until Bentleyville verifies that the installation is complete, provided that installation of Bentleyville's service is scheduled by the conclusion of the forty-five (45) day period.

In an effort to mitigate your inconvenience, Comcast will refund \$66.00 for three (3) months of recurring charges for your calling plan and reimburse you in the amount of \$57.50 which is the cost of a standard installation of service by Bentleyville Telephone Company.

Bentleyville has informed Comcast that its telephone directory for 2003/2004 has already been printed. Therefore, Comcast will not only provide call forwarding to your new telephone number on a complimentary basis for sixty (60) days from the date you switch to your new provider, but also will provide another three (3) months of call intercept service. Call intercept will play a recorded message with your new telephone number for callers to your Comcast telephone number.

Kindly contact Michael Gross at 412-920-5970 with any questions. We will continue to work with you and your new service provider to ensure a smooth transition and to facilitate any credits that should be applied to your account.

Very truly yours,

Michael Gross  
Advanced Services Project Manager

c: Joan Smith, Pennsylvania Public Utility Commission  
Walter Ziemba, Bentleyville Telephone Company

**OALJ Hearing Report**

*Please Check Those Blocks Which Apply*

Docket No.:	C-20031022, C-20030938 and C-20030986	YES	NO
Case Name:	Kevin Povich v. Comcast Phone of Pennsylvania Karen Gauden v. Comcast Phone of Pennsylvania Donald A. Barnot v. Comcast Phone of Pennsylvania	Prehearing Held:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Location:	Pittsburgh	Hearing Held:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Date:	April 22, 2004	Testimony Taken:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ALJ:	James D. Porterfield	Transcript Due:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Further Hearing Needed:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Estimated Add'l Days:	
		RECORD CLOSED:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Briefs to be Filed:	DATE: 05/24/04 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Bench Decision:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		REMARKS:	

**DOCUMENT  
FOLDER**

**RECEIVED**

APR 28 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU  
PLEASE PRINT CLEARLY. Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
<i>Karen Gauden</i> 724-565-1416 <i>Karen</i>	143 Cross Ridge Road Charleroi PA 15022	<i>Self</i>
<i>Donald A. Barnot</i> <i>Linda</i> 724.565.1473	55 Florence Drive Charleroi PA 15022	<i>Self</i>
<i>Kevin Povich</i> 724.565.4824	56 Florence Drive Charleroi PA 15022	<i>Self</i>

Check this box if additional parties or attendees appear on back of form.

Witness Michael Gross  
412.747.6553

*Anne Shouprow*  
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Address	Who are you representing?
Alan Kohler, Esq. 717.237.7160 Telephone:	Wolf Block Storage Suite 300, 212 Locust St. Harrisburg PA 17101 City State Zip E-mail Address:	Solis-Cohen LLP Communist Party of Pennsylvania Fax Number
Shaun Sparks, Esq. 717.783.5048 Telephone:	555 Walnut St, 5th floor Forum Place Harrisburg PA 17101-1923 City State Zip E-mail Address:	OCA Fax Number
<i>monitoring role</i> Telephone:	City State Zip E-mail Address:	Fax Number
Telephone:	City State Zip E-mail Address:	Fax Number
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Telephone:	City State Zip E-mail Address:	Fax Number
Telephone:	City State Zip E-mail Address:	Fax Number