

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: 01/23/06  
 8. DOCKET NO: C-20065797 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: SMYK, DAVID

RESPONDENT/APPLICANT: VERIZON PENNSYLVANIA INC

COMP/APP COUNTY: CHESTER

UTILITY CODE: 310200

ALLEGATION OR SUBJECT

COMPLAINANT STATES ON DECEMBER 30, 2005 HE TERMINATED HIS LONG DISTANCE TELEPHONE SERVICE PROVIDED BY AT&T. HIS JANUARY VERIZON BILL REFLECTS "ONE-TIME" CHARGES ON \$6.00. HE WANTS THE PJC TO ARRANGE FOR CREDIT OF \$6.00 TO HIS VERIZON ACCOUNT.

DOCUMENT  
FOLDER

DOCKETED

JAN 24 2006

Formal Complaint Form

ORIGINAL

310200

Please print or type.

C-20065797

1. CUSTOMER NAME (COMPLAINANT)

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

Name DAVID SMYK

Street/P.O. Box 1015 GENERAL GREENE Apt # \_\_\_\_\_

City West Chester State PA Zip 19382

County Christiana

Area Code/HOME Phone 610-692-0562

Area Code/WORK Phone \_\_\_\_\_

Utility Account Number 610 692 0562 957 08Y  
(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 \_\_\_\_\_

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: VERIZON

3. TYPE OF UTILITY (check one)

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

RECEIVED  
2006 JAN 23 AM 9:51  
F.P.U.C.  
SECRETARY'S BUREAU

31

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.

ON Dec 30, 2005 I TERMINATED MY long distance telephone service provided by AT&T. My January Verizon bill (attached) reflects "one-time" charges of \$6.00. I initiated the cancellation of the service directly with AT&T. At that time, AT&T did NOT state that Verizon would charge me to make this change. I have no previous disclosures from Verizon stating that these charges would be made.

5. RELIEF

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

- #1 I would like the PUC to arrange for credit of \$6.00 to my Verizon account + direct that Verizon + the long distance carriers fully disclose to customers that one-time charges will result in instances such as this.
- #2 I would like the PUC, to cause Verizon to reveal the names of all ~~the~~ customers + their addresses to the PUC + for the PUC to notify all customers that they may have been charged fees not disclosed by the long distance carrier at the time said customers requested such service termination + advise them that they have the right to file a formal complaint.
- #3 I request that the PUC, remove the power of Verizon + similar carriers from charging any such fee to begin with, instead having Verizon + other such carriers and/or AT&T + other such carriers absorb the costs.
- # IF I AM CALLED TO A HEARING I WANT THE PUC TO DIRECT AT&T AND OR VERIZON TO REIMBURSE ME FOR REASONABLE COSTS.

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)

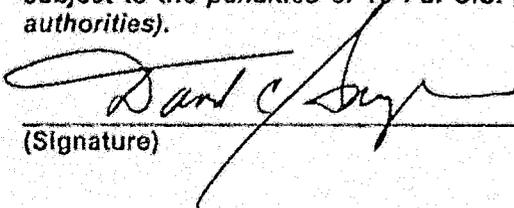
NO

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 DAVID C. Smyk, 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).

  
(Signature)

1/18/06  
(Date)



We never stop working for you.

Billing Date: 01/09/06 Page  
Telephone Number: 610 692 056.  
Account: 610 692 0562 957 08 Y  
How to Reach Us. See page 2

Pa. Relay Surcharge .....	+ .14
Public Safety Emergency Telephone Act (9-1-1) Fee .....	+2.50
Federal tax.....	+ .97

**Total Verizon basic charges** **\$35.96**

Please check the Customer Guide -- Local Calling pages of your telephone directory for discount information.

**NON-BASIC CHARGES**

These monthly charges are for your service from Jan 9 to Feb 8

Identa*ring service.....	\$3.83
Call waiting service .....	+3.83

Additional credits and charges

Removal of your long distance company,  
AT&T LONG DISTANCE SVC.  
This was effective on or about Dec 30 2005 on  
610-692-0562

Removal of your regional toll company,  
AT&T LONG DISTANCE SVC.  
This was effective on or about Dec 30 2005 on  
610-692-0562

Federal tax.....	+ .23
State tax.....	+ .46

**Total Verizon non-basic charges** **\$8.35**

**VERIZON TOLL CHARGES**

Additional credits and charges

~~Dec 30 2005-ORDER # C5JT43235~~

One time cost for services provided

change of long distance company .....	+1.00
change of regional toll company .....	+5.00

No.	Date	Time	Call type	Place	Number	Minutes	Cost	T
-----	------	------	-----------	-------	--------	---------	------	---

**Calls for 610-692-0421**

Your local calling usage for this line was	\$ .43
Your local calling allowance for this line is	\$ .25

Federal tax.....	+ .18
------------------	-------

**Total Verizon toll charges** **\$6.18**

Continued

*FCC Pub. UNTIL COMM  
1-800-782-1110*

*Todd North*

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: January 24, 2006

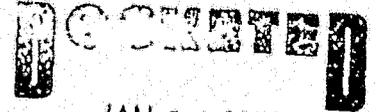
DOCUMENT  
FOLDER

DAVID SMYK  
Complainant

v.

VERIZON PENNSYLVANIA, INC.  
Respondent

Complaint Docket  
No: C-20065797



JAN 24 2006

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: VERIZON PENNSYLVANIA, 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



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: January 24, 2006

C-20065797

WILLIAM B PETERSEN  
VERIZON PENNSYLVANIA INC  
FLOOR 32SW  
1717 ARCH ST  
PHILADELPHIA PA 19103

DOCUMENT  
FOLDER

Dear Mr. Petersen:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DAVID SMYK. 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.

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

January 24, 2006

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,

James J. McNulty  
Secretary

ane

**H**awke  
 **M**ckeon  
  **S**niscak &  
   **K**ennard 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

February 16, 2006

**BY HAND DELIVERY**

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Second Floor, Commonwealth Keystone Building  
PO Box 3265  
Harrisburg, PA 17105-3265

2006 FEB 16 PM 4:29  
SECRETARY'S OFFICE

RE: David Smyk v. Verizon Pennsylvania Inc.; Docket No. C-20065797; ANSWER OF VERIZON PENNSYLVANIA INC. TO THE FORMAL COMPLAINT FILED BY DAVID SMYK

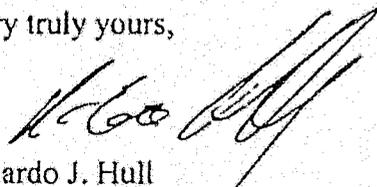
DOCUMENT  
FOLDER

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of Verizon Pennsylvania Inc.'s Answer to the Formal Complaint filed by David Smyk in the above-captioned proceeding.

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

Very truly yours,



Rikardo J. Hull  
Counsel for Verizon Pennsylvania Inc.

RJH/das  
Enclosures

cc: David Smyk

ORIGINAL

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

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID SMYK,

Complainant

v.

Docket No. C-20065797

VERIZON PENNSYLVANIA INC.,

Respondent

**DOCUMENT  
FOLDER**

SECRETARY'S BUREAU

2006 FEB 16 PM 1:29

**ORIGINAL**

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**ANSWER OF VERIZON PENNSYLVANIA INC.  
TO THE FORMAL COMPLAINT FILED BY  
DAVID SMYK**

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Verizon Pennsylvania Inc. ("Verizon PA" or "Company"), by and through its attorneys in this proceeding, Hawke McKeon Sniscak & Kennard LLP, hereby submits its Answer<sup>1</sup> to the Formal Complaint filed by David Smyk ("Complainant"). In support thereof, Verizon PA responds and avers as follows:

1. ADMITTED.
2. ADMITTED. By way of further answer, Verizon PA AVERS that its proper corporate name is "Verizon Pennsylvania Inc."
3. ADMITTED upon information and belief.
- 4.A. ADMITTED.

**DOCKETED**  
FEB 23 2006

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<sup>1</sup> Verizon PA filed a Motion to Dismiss portions of Complainant's Formal Complaint concurrently with this Answer.

4.B. ADMITTED in part and DENIED in part. Verizon PA ADMITS that the Company received a mechanized order to change Complainant's Preferred Interexchange<sup>2</sup> Carrier ("PIC") and IntraLATA<sup>3</sup> provider. Verizon PA ADMITS that Complainant's January 9, 2006 Verizon PA bill show a one-time charge of \$1.00 for change of long distance company<sup>4</sup>

Verizon PA further ADMITS Complainant was billed a one-time \$5.00 charge for change of regional toll company on his January 9, 2006 telephone bill. By way of further answer, Verizon PA AVERS that this charge is proper under the Company's Commission-approved tariff.<sup>5</sup>

Verizon PA ADMITS Complainant did not initiate these changes in service with Verizon PA directly, but rather the Company received a mechanized order from AT&T, Complainant's long distance and regional toll provider.

Verizon PA is without sufficient knowledge or information to respond to Complainant's statement regarding conversations he may have had with AT&T. This statement is therefore DENIED. Verizon PA DENIES Complainant did not have any "previous disclosures" from Verizon PA regarding these charges. By way of further answer, Verizon PA AVERS that these charges are listed in its Commission and FCC-approved tariffs, and as such, Complainant had constructive notice thereof.

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<sup>2</sup> Interexchange service is commonly known as long distance service

<sup>3</sup> IntraLATA service is commonly known as regional toll service.

<sup>4</sup> This charge is an approved Federal Communications Commission ("FCC") tariffed rate, F.C.C. No. 1, Original Pages 4-40 and 4-43, attached hereto as Appendix "A." As is more fully set forth in the Motion to Dismiss referenced in n. 1, *supra*, the Commission has no jurisdiction to hear this claim. It should be noted that the "Electronically requested Presubscription" charge listed on Revised Page 4-43 was increased from \$1.00 to \$1.25 effective January 1, 2006.

<sup>5</sup> The relevant portions of Verizon PA's Pennsylvania Access Service Tariff (Pa. P.U.C. No. 302, Second Revised Sheet 120A and 6<sup>th</sup> Revised Sheet 120G) are attached hereto as Appendix "B."

5. The statements set forth at Paragraph 5 of the Formal Complaint are requests for relief or represents Complainant's opinions, to which no responses are necessary. To the extent responses are deemed to be necessary, these statements are DENIED.

6. Does not apply.

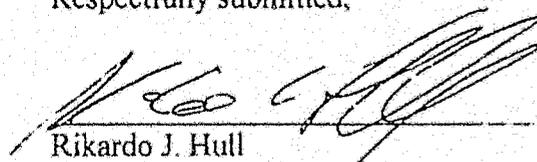
7. Does not apply.

WHEREFORE, for all of the reasons set forth in this Answer, and in accordance with the Commission's Regulations, Verizon Pennsylvania Inc. requests that

(1) The Formal Complaint filed at Docket No. C-20065797 be dismissed or denied in its entirety, or in the alternative,

(2) The Commission issue an Order describing a Complainant's burden of proof when challenging a Commission-approved rate. Verizon PA has attached an Order as **Appendix "C"** that it requests the Commission use as a guideline for same.

Respectfully submitted,



Rikardo J. Hull  
Hawke McKeon Sniscak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105  
717-236-1300

Counsel for Verizon Pennsylvania Inc.

DATED: February 16, 2006

ACCESS SERVICE

4. End User Access Service and Presubscription (Cont'd)

4.2 Presubscription (Cont'd)

(E) PIC NONE

(T)

(1) When an end user does not want to be presubscribed to any carrier, (C)  
 or when a carrier submits a request to remove their PIC from an end |  
 user's line, the end user will be required to dial 101XXXX or other (C)  
 access code (i.e., 950-XXXX) for all calls to all carriers. This |  
 line condition, designated PIC NONE, is considered a PIC change for (C)  
 purposes of administering the rates contained in this tariff. PIC |  
 NONE changes can only be made by the end user or by the carrier to |  
 whom the end user's line is presubscribed. (C)

(D)

|

|

|

(D)

(2) End User Presubscription Charges - PIC NONE (C)

Presubscription Charges, as described in (A) (5) preceding, will  
apply to the end user as follows:

- (a) When an end user submits a request to the Telephone Company to  
remove the PIC from the end user's line, the applicable  
nonrecurring charge set forth in (G) following applies to the end  
user. |
- (b) When a carrier submits a request to the Telephone Company on behalf  
of the end user to remove the carrier as the end user's PIC, the  
carrier must inform the Telephone Company that the end user desires  
to have no PIC. In such cases, the applicable nonrecurring charge  
set forth in (G) following applies to the end user. |
- (c) For (E) (2) (b) preceding, the Telephone Company will verify that the  
end user's line is currently presubscribed to the carrier  
submitting the request. If the end user's line is currently  
presubscribed to the carrier submitting the request, then the  
Telephone Company will remove such carrier's PIC from the line  
thereby changing the end user's line PIC designation to PIC NONE. (C)

Certain material previously appearing on this page currently appears on  
Original Page 4-40.1

(Issued under Transmittal No. 623)

Issued: September 16, 2005

Effective: October 1, 2005

Vice President, Federal Regulatory  
1300 I Street, NW, Washington, D.C. 20005

(T)

(T)

## ACCESS SERVICE

4. End User Access Service and Presubscription (Cont'd)4.2 Presubscription (Cont'd)

	<u>RATE</u>	<u>USOC</u>	
(G) The charge for a change in Presubscription +*			
- per Telephone Exchange Service Line, Trunk, or Pay Telephone			
(1) When Presubscription change is requested without an LPIC change request on the same line and on the same order:			
(a) Electronically requested Presubscription	\$1.25	--	(I)
(b) Manually requested Presubscription	5.50	--	(I)
(2) When Presubscription change is requested together with an LPIC change request on the same line and on the same order:			
(a) Electronically requested Presubscription	0.63	--	(R)
(b) Manually requested Presubscription	2.75	--	(R)

+ Where these charges are applicable to a subscriber or end user under this tariff, except as set forth in (E)(2)(b) preceding, a carrier may make arrangements with the Telephone Company to pay these charges on behalf of the subscriber or end user.

\* For customers in Washington, D.C., this charge will apply separately to both interLATA and intraLATA toll presubscription changes, except when the request is to change the toll provider for both interLATA and intraLATA services at the same time, for the same line, and on the same order. In this case, a single charge will apply per line.

(Issued under Transmittal No. 655)

Issued: December 16, 2005

Effective: January 1, 2006

Vice President, Federal Regulatory  
1300 I Street, NW, Washington, D.C. 20005

ACCESS SERVICE

4. Presubscription (Cont'd)

4.1 IntraLATA Toll Presubscription (Cont'd)

- B. At the option of the ITP, the nonrecurring charge for a change in intraLATA toll presubscription, as provided in 4.1.5 (A) following, may be billed to the ITP, instead of the end user.

(C)

Direct Billing

The direct billing option is available when an ITP initiates an intraLATA PIC change order.

The ITP can designate direct billing on any intraLATA PIC change orders it chooses. The nonrecurring charge for a change in presubscription will then be assessed to the ITP, instead of the end user.

The direct billing option is not available for orders placed via the Telephone Company's Residence or Business Service Centers.

Reverse Billing

The Reverse Billing Option is available to ITPs for end user-initiated intraLATA PIC change orders placed at the Telephone Company's Residence or Business Service Centers. The nonrecurring charge for all of the ITP's end user-initiated intraLATA PIC change orders placed at the Telephone Company's Residence or Business Service Centers will then be assessed to the ITP, instead of the end user.

The ITP must notify the Telephone Company in writing of its election to establish and/or cancel the Reverse Billing Option. Establishment and/or cancellation will be effective within ten business days from the date the Telephone Company receives written notification and must be in effect for a minimum of six months.

ACCESS SERVICE

4. Presubscription (Cont'd)

4.1 IntralATA Toll Presubscription (Cont'd)

4.1.5 Rates and Charges

	<u>RATE</u>
(A) The charge for a change in IntralATA Toll Presubscription.	\$5.00
(B) Equal Access Recovery Charge	0.00 (D)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Frank R. Aument, Jr.,  
Complainant

v.

The United Telephone Company of  
Pennsylvania,  
Respondent

Docket No. C-00992931

ORDER DENYING UNITED'S  
MOTION TO DISMISS COMPLAINT

On October 22, 1999, Frank R. Aument, Jr., (Customer) filed a formal complaint<sup>1</sup> which (1) alleged that The United Telephone Company of Pennsylvania (Utility) charged a monthly rate of 70¢ for touchtone dialing service, (2) requested that the Pennsylvania Public Utility Commission (Commission) investigate whether this rate exceeds Utility's cost of providing the service, and (3) asked that all affected Utility customers receive a refund of any excessive rates paid to Utility for the service.

On November 12, 1999, Utility filed an answer to Customer's complaint. Utility's answer alleged (1) that Utility charged a monthly rate of 70¢ for touchtone

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<sup>1</sup> In his answer to Utility's motion to dismiss, Customer alleges that his complaint is dated October 21, 1999. Customer is correct about the date which appears on his complaint. However, the word "filing" is a technical term which means the date on which the Pennsylvania Public Utility Commission received Customer's complaint. See the Commission regulation at 52 Pa. Code §1.11(a)(1). The filing date of Customer's complaint is October 22, 1999 as alleged in paragraph 1 of Utility's motion to dismiss Customer's complaint.

dialing called U-Touch Service according to its Commission-approved Tariff Pa. P.U.C. No. 26, Section 22, 11th Revised Sheet 7 and 4th Revised Sheet 8 and (2) that, as a result of the Commission's July 16, 1999 approval of Utility's Alternative Regulation Plan, Utility stopped billing customers for U-Touch Service as of October 1999.

Also on November 12, 1999, Utility separately filed a motion to dismiss Customer's complaint. The motion was accompanied by a notice to plead which informed Customer that he had 10 days to file an answer to the motion under the Commission regulation at 52 Pa. Code §5.101. The motion repeated the material allegations contained in Utility's answer to Customer's complaint and alleged (1) that, when Utility's customers were billed for U-Touch Service, the billing was done in accordance with a Commission-approved tariff and (2) that Utility's customers are no longer billed for U-Touch Service as of October 1999 in accordance with Utility's Alternative Regulation Plan which was recently approved by the Commission.

By a letter sent to the parties on November 15, 1999, Chief Administrative Law Judge Robert A. Christianson advised Customer that he had 10 days under the Commission regulation at 52 Pa. Code §5.101 to file an answer to Utility's motion to dismiss. In response to this letter, Customer telephoned the Commission's Office of Administrative Law Judge to state that he had not yet received a copy of Utility's motion. Utility was contacted and asked to serve Customer with a second copy of its motion. Utility agreed to send Customer a second copy of its motion and also agreed to an extension of time for Customer to file an answer to the motion.

By an Order issued November 18, 1999, I extended the deadline for Customer to file an answer to Utility's motion so that Customer would have time to receive and respond to the duplicate copy of Utility's motion. On November 30, 1999, Customer timely filed an answer to Utility's motion. In paragraphs 3, 9 and 10 of his

answer, Customer repeated that the purpose of his complaint was to have the Commission investigate the cost of Utility's U-Touch Service and determine whether other customers were overcharged for it and should be given a refund.

Utility's motion to dismiss and Customer's answer are now before me for disposition.

### I. Challenge to Approved Rate

A utility tariff (list of rates and rules for services) that has been approved by the Commission has the force of law and is binding on both the utility and the utility's customers. Pennsylvania Electric Co. v. Pennsylvania Public Utility Commission, 663 A.2d 281 (Pa. Cmwlth. Ct. 1995); Brockway Glass Co. v. Pennsylvania Public Utility Commission, 63 Pa. Cmwlth Ct. 238, 437 A.2d 1067 (1981).

Nevertheless, a utility's Commission-approved tariff rate for a service may be challenged by a customer through the customer's filing and prosecuting of a complaint Schellhammer v. Pennsylvania Public Utility Commission, 157 Pa. Cmwlth. Ct. 86, 629 A.2d 189 (1993); see subsections 315(a) and 332(a) of the Public Utility Code.<sup>2</sup> Section 1312 of the Public Utility Code<sup>3</sup> authorizes the Commission to order a refund to customers of any amount collected in excess of a reasonable, just or lawful rate within four years prior to the date of the filing of a customer's complaint if it is proven that a rate received by a utility was unjust, unreasonable or in violation of a Commission regulation

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<sup>2</sup> 66 Pa. C.S. §§315(a) and 332(a).

<sup>3</sup> 66 Pa. C.S. §1312.

or order. For these reasons, I shall deny Utility's motion to dismiss Customer's complaint at Docket No. C-00992931.

## II. Customer's Burden of Proof

In his complaint and his answer to Utility's motion to dismiss, Customer repeatedly mentions his desire to have the Commission investigate the allegations in his complaint. To prevent a misunderstanding, I believe it important to explain generally the procedures which will be involved if Customer pursues his complaint.

The Commission does not independently investigate a complaint filed by a customer against a utility's Commission-approved rate. A customer who has filed a complaint challenging a Commission-approved rate has the burden of proving by a preponderance of the credible,<sup>4</sup> competent<sup>5</sup> and relevant<sup>6</sup> evidence of record that the rate is unjust, unreasonable or in violation of a Commission regulation or order. Schellhammer; see 1301 of the Public Utility Code.<sup>7</sup> There is a strong presumption that rates in a utility's Commission-approved tariff are just, reasonable and in compliance with Commission regulations and orders. Popowsky v. Pennsylvania Public Utility Commission, 669 A.2d 1029 (Pa. Cmwlth. Ct. 1995), rev'd in part on other grounds, 706

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<sup>4</sup> Credible evidence is such evidence as a reasonable mind would accept.

<sup>5</sup> Competent evidence is such evidence as comes from a properly qualified witness trained in the subject matter about which he testifies.

<sup>6</sup> Relevant evidence is evidence which has a logical tendency to prove or disprove a material fact.

<sup>7</sup> 66 Pa. C.S. §1301 which states that "[e]very rate made, demanded, or received by any public utility . . . shall be just and reasonable, and in conformity with regulations or orders of the commission."

A.2d 1197 (1997). This means that a customer has a heavy burden to prove that a Commission-approved rate such as Utility's former U-Touch Service rate, was unjust, unreasonable or in violation of Commission regulations or orders.

To carry his burden of proof, a customer-complainant must present, at a hearing before an Administrative Law Judge,<sup>8</sup> the testimony of accountants, economists, engineers or other expert witnesses who can analyze the components of the utility's cost of providing the questioned service and the utility's technological methodology for providing the questioned service and demonstrate how the cost and/or methodology has resulted in an unreasonable or unjust rate or a rate violative of Commission regulations or orders. See, e.g., subsection 332(b) of the Public Utility Code.<sup>9</sup> Each witness produced by the customer is subject to cross-examination (questioning) by the utility. See subsection 332(c) of the Public Utility Code.<sup>10</sup> If a customer can produce competent, credible, relevant evidence sufficient to establish each element of his case (a prima facie case), then the utility must present the testimony of witnesses to rebut the customer's evidence. A customer cannot establish a prima facie case or ultimately prove the allegations of his complaint merely by saying that he personally wonders how much it cost the utility to provide a particular service or personally wonders about the method by which the utility provided a particular service. If a customer establishes a prima facie case so that the utility must then present rebutting evidence, each witness produced by the utility will be subject to cross-examination by the customer.

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<sup>8</sup> The Administrative Law Judge presides impartially over the hearing, rules on motions, determines the admissibility of evidence, and issues a decision which is subject to Commission review. See 66 Pa. C.S. §§331, 334 and 335. The Administrative Law Judge does not function as the lawyer for any party in a case.

<sup>9</sup> 66 Pa. C.S. §332(b).

<sup>10</sup> 66 Pa. C.S. §332(c)

Both the customer and the utility will be permitted after the hearing to write and submit legal briefs which explain the respective party's position on the law pertinent to the case and how the law should be applied to the material facts supported by the hearing evidence.

Although a customer may participate in a hearing without representation by a lawyer, it is helpful in a complex case, like a rate case, for a customer to have legal counsel who can help prepare and present the customer's witnesses' testimony and exhibits, prepare and conduct cross-examination of the utility's expert witnesses, research the law on the subject, and write a legal brief after the hearing to explain how the customer wants the Administrative Law Judge and the Commission to apply the law on the subject to the material facts contained in the evidence presented at the hearing.<sup>11</sup>

### III. Scheduling of Hearing on Complaint

Now that Customer is aware of his burden of proof, it is advisable to allow Customer an opportunity to consider whether he will pursue his complaint by presenting evidence at a hearing or will withdraw his complaint. Consequently, Customer shall have until December 31, 1999 to notify the Commission in writing whether he wants to have a hearing scheduled on his complaint or is withdrawing his complaint. Appendix A contains notice forms which Customer may use for this purpose.

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<sup>11</sup> The Commission is not authorized to award damages (compensation), attorney's fees or costs. Elkin v. Bell Telephone Co. of Pennsylvania, 491 Pa. 123, 420 A.2d 371 (1980); Poorbaugh v. Pennsylvania Public Utility Commission, 666 A.2d 744 (Pa. Cmwlth. Ct. 1995), allocatur denied, 544 Pa. 678, 678 A.2d 367 (1996) and allocatur denied, 548 Pa. 662, 698 A.2d 69 (1997); Re Philadelphia Electric Co., 80 Pa. P.U.C. 589 (1993).

On or before December 31, 1999, Customer shall send the original (fresh ink signature) of his written notice to the Commission for filing. The address is:

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

On or before December 31, 1999, Customer shall send a copy of his written notice to Utility at the following address:

Janet L. Miller, Esquire  
Malatesta, Hawke & McKeon LLP  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105

On or before December 31, 1999, Customer shall send a copy of his written notice to me at the following address.

Administrative Law Judge Debra Paist  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pa 17105-3265

If, on or before December 31, 1999, Customer provides written notice of his intent to proceed to a hearing on his complaint, the complaint at Docket No. C-00992931 will be scheduled for a hearing. Written notice of the hearing date will be sent to Customer and Utility.

If, on or before December 31, 1999, Customer provides written notice of the withdrawal of his complaint, then Customer's complaint at Docket No. C-00992931 will be dismissed without a hearing. Customer and Utility will be sent written notice that the case at Docket No. C-00992931 has been closed.

If, on or before December 31, 1999, Customer does not provide written notice of his intent to proceed to a hearing on his complaint, the Customer's complaint at Docket No. C-00992931 shall be dismissed without a hearing. Customer and Utility will be sent written notice that the case at Docket No. C-00992931 has been closed.

ORDER

THEREFORE, IT IS ORDERED:

1. That the motion filed by The United Telephone Company of Pennsylvania to dismiss the formal complaint of Frank R. Aument, Jr., at Docket No. C-00992931 is hereby denied.
2. That, on or before December 31, 1999, Frank R. Aument, Jr., shall notify the Commission in writing whether he wants to have a hearing scheduled on his complaint at Docket No. C-00992931 or is withdrawing his complaint at Docket No. C-00992931
3. That, if on or before December 31, 1999, Frank R. Aument, Jr., does not notify the Commission in writing that he wants to have a hearing on his complaint, then his complaint at Docket No. C-00992931 shall be dismissed without a hearing

Dated: 12/7/99

Debra Paist  
DEBRA PAIST  
Administrative Law Judge

APPENDIX A

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

SUBJECT: SCHEDULE HEARING ON COMPLAINT OF  
Frank R. Aument, Jr. v.  
The United Telephone Company of Pennsylvania  
Docket No. C-00992931

By this written notice, I request the scheduling of a hearing on my formal complaint against The United Telephone Company of Pennsylvania at Docket No. C-00992931.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
FRANK R. AUMENT, JR.

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

SUBJECT: WITHDRAW COMPLAINT OF  
Frank R. Aument Jr. v.  
The United Telephone Company of Pennsylvania  
Docket No. C-00992931

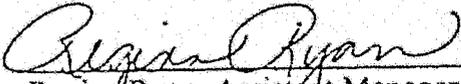
By this written notice, I withdraw my formal complaint against The United Telephone Company of Pennsylvania at Docket No. C-00992931.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
FRANK R. AUMENT, JR

## AFFIDAVIT

I, Regina Ryan, Assistant Manager, Customer Relations swear or affirm that the customer billing record marked as Attachment "A" is a true and correct copy. I am authorized to make this affidavit on behalf of Verizon Pennsylvania Inc., and I do hereby verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

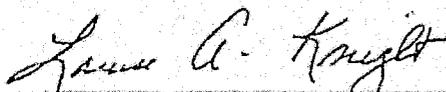
  
\_\_\_\_\_  
Regina Ryan, Assistant Manager  
Verizon Pennsylvania Inc.

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:

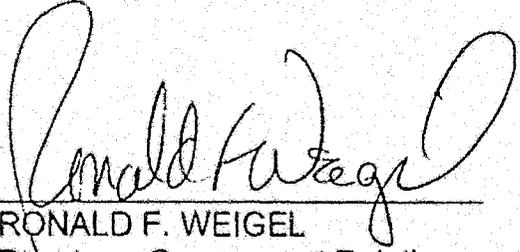
Neal Kiner t/a Penn Telephone Systems  
304 Camer Drive  
Bensalem, PA 19020

  
\_\_\_\_\_  
Louise A. Knight

DATED: September 15, 2000

**AFFIDAVIT**

I, **RONALD F. WEIGEL**, Director – Government Relations of Verizon Pennsylvania, am authorized to make this affidavit on its behalf, and I verify that the information provided in the foregoing document(s) is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



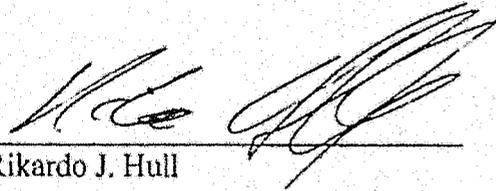
**RONALD F. WEIGEL**  
Director – Government Relations

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:

David Smyk  
1015 General Greene Drive  
West Chester, PA 19382

  
Rikardo J. Hull

DATED: February 16, 2006

SECRETARY'S BUREAU  
2006 FEB 16 PM 4:29

**H**awke  
 **M**ckeon  
  **S**niscak &  
   **K**ennard 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

February 16, 2006

**BY HAND DELIVERY**  
James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Second Floor, Commonwealth Keystone Building  
PO Box 3265  
Harrisburg, PA 17105-3265

**DOCUMENT  
FOLDER**

2006 FEB 15 PM 4:29  
SECRETARY'S BUREAU

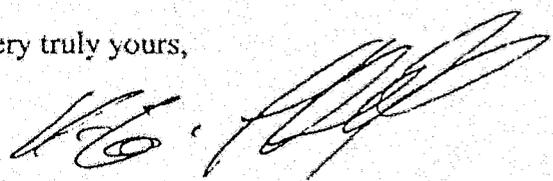
RE: David Smyk v. Verizon Pennsylvania Inc.; Docket No. C-20065797; **MOTION OF VERIZON PENNSYLVANIA INC. TO DISMISS, IN PART, THE FORMAL COMPLAINT FILED BY DAVID SMYK**

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of Verizon Pennsylvania Inc.'s Motion to Dismiss Portions of the Formal Complaint Filed by David Smyk in the above-captioned proceeding.

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

Very truly yours,



Rikardo J. Hull  
Counsel for Verizon Pennsylvania Inc.

RJI/das  
Enclosures

cc: David Smyk

**ORIGINAL**

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

63

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID SMYK,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20065797

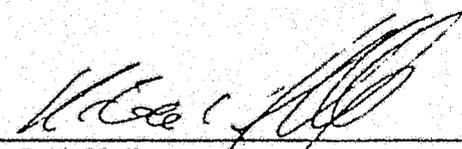
NOTICE TO PLEAD

TO: David Smyk  
1015 General Greene Drive  
West Chester, PA 19382

SECRETARY'S BUREAU

2006 FEB 16 11:4:29

Pursuant to 52 Pa. Code §§5.101 et seq. you are hereby notified that Verizon Pennsylvania Inc. ("Verizon PA") has filed a Motion to which you may answer within ten (10) days unless otherwise provided in Chapter 5 of Title 52 of the Pennsylvania Code. Your failure to answer will allow the presiding officer to rule on the Motion without a response from you, thereby requiring no other proof. All Pleadings such as a reply to this Motion must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon PA.

  
Rikardo J. Hull  
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 Pennsylvania Inc.

DATED: February 16, 2006

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DAVID SMYK,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20065797

**DOCUMENT  
FOLDER**

SECRETARY'S BUREAU

2006 FEB 16 PM 4:29

**DOCKETED**  
FEB 24 2006

**MOTION OF  
VERIZON PENNSYLVANIA INC.  
TO DISMISS, IN PART, THE FORMAL COMPLAINT  
FILED BY DAVID SMYK**

Verizon Pennsylvania Inc. ("Verizon PA"), by its attorneys in this matter, Hawke McKeon Sniscak & Kennard LLP, and pursuant to 52 Pa. Code §5.101(a)(1), hereby files this Motion to Dismiss, in Part, the Formal Complaint filed by David Smyk ("Complainant" or Mr. Smyk") in the above-captioned matter on the basis that the Commission lacks jurisdiction to hear and decide a portion of Complainant's dispute. In support thereof, Verizon PA represents as follows:

1. Verizon PA provides residential service to Complainant. On or about January 18, 2006, Complainant filed a Formal Complaint against Verizon PA that was docketed by the Commission at Docket No. C-20065797. In his Formal Complaint, at Paragraph 4.B.,

Complainant disputes Verizon PA's charge for changing his Presubscribed Interexchange Carrier ("PIC") from AT&T to NONE.

2. Under 52 Pa. Code §5.101(a)(1), a Formal Complaint may be dismissed where there is a lack of Commission jurisdiction. In filing a preliminary motion, the moving party may not rely on its own factual assertions, but must accept, for purposes of disposition of the motion, all well-pleaded material facts of the other party, as well as every inference reasonably deductible from those facts. The motion is granted only if the moving party prevails as matter of law.

3. Verizon PA bills the change in PIC charge to its customers in accordance with mandates of the Federal Communications Commission ("FCC"). Specifically, the FCC has approved the billing of the charge and, as such, this charge is included in Verizon PA's FCC Tariff at F.C.C. No. 1, Original Page 4-40 and 4-43 (attached as Attachment A).

4. In order to decide a controversy, the Commission must have subject matter jurisdiction to decide the matter at issue. Hughes v. Pennsylvania State Police, 619 A.2d 390 (Pa. Commw. 1992), alloc. den., 637 A.2d 293 (Pa. 1993). The Commission must act within, and cannot exceed, the jurisdiction conferred upon it by the Legislature. Feingold v. Bell of Pennsylvania, 383 A.2d 791 (Pa. 1977). In addition, the Public Utility Code ("Code") allows the Commission to dismiss any complaint if a hearing is not needed. 66 Pa. C.S. §703(b).

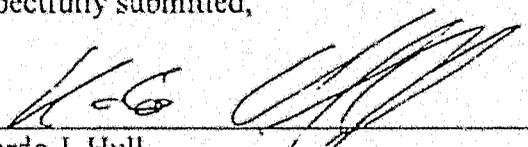
5. The Commission previously has determined that it does not have jurisdiction to decide the FCC charge issues raised in Formal Complaints. Maureen Engle v. AT&T Communications of Pennsylvania, Inc., (Docket No. C-00992426, Final Order entered

September 21, 1999) (the Commission does not have jurisdiction to review the charges imposed by the FCC). A similar result should occur in this matter.

6. Because the Formal Complaint with respect to the FCC-approved change in PIC charge raises no claim for which Verizon PA can be directed to provide relief, and because the Commission has no jurisdiction to hear complaints involving FCC-approved charges, a hearing on the FCC-approved change in PIC charge is not necessary. The Formal Complaint should be dismissed or stricken with respect to the change in PIC charge for lack of Commission jurisdiction.

WHEREFORE, for all of the reasons set forth above, Verizon Pennsylvania Inc. requests that the portions of the Formal Complaint filed by David Smyk at Docket No. C-20065797 relating to the FCC-approved change in PIC charge be dismissed or stricken.

Respectfully submitted,



---

Rikardo J. Hull  
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 Pennsylvania Inc.

DATED: February 16, 2006

ACCESS SERVICE

4. End User Access Service and Presubscription (Cont'd)

4.2 Presubscription (Cont'd)

(E) PIC NONE

- (1) When an end user does not want to be presubscribed to any carrier, or when a carrier submits a request to remove their PIC from an end user's line, the end user will be required to dial 101XXXX or other access code (i.e., 950-XXXX) for all calls to all carriers. This line condition, designated PIC NONE, is considered a PIC change for purposes of administering the rates contained in this tariff. PIC NONE changes can only be made by the end user or by the carrier to whom the end user's line is presubscribed. (T)  
(C)  
|  
(C)  
|  
(C)  
|  
(C)  
|  
(D)  
|  
|  
|  
|  
(D)
- (2) End User Presubscription Charges - PIC NONE (C)  
 Presubscription Charges, as described in (A) (5) preceding, will apply to the end user as follows:  
 (a) When an end user submits a request to the Telephone Company to remove the PIC from the end user's line, the applicable nonrecurring charge set forth in (G) following applies to the end user.  
 (b) When a carrier submits a request to the Telephone Company on behalf of the end user to remove the carrier as the end user's PIC, the carrier must inform the Telephone Company that the end user desires to have no PIC. In such cases, the applicable nonrecurring charge set forth in (G) following applies to the end user.  
 (c) For (E) (2) (b) preceding, the Telephone Company will verify that the end user's line is currently presubscribed to the carrier submitting the request. If the end user's line is currently presubscribed to the carrier submitting the request, then the Telephone Company will remove such carrier's PIC from the line thereby changing the end user's line PIC designation to PIC NONE. (C)

Certain material previously appearing on this page currently appears on Original Page 4-40.1

(Issued under Transmittal No. 623)

Issued: September 16, 2005

Effective: October 1, 2005

Vice President, Federal Regulatory  
 1300 I Street, NW, Washington, D.C. 20005

(T)  
(T)

ACCESS SERVICE

4. End User Access Service and Presubscription (Cont'd)

4.2 Presubscription (Cont'd)

	<u>RATE</u>	<u>USOC</u>	
(G) The charge for a change in Presubscription +*			
- per Telephone Exchange Service Line, Trunk, or Pay Telephone			
(1) When Presubscription change is requested without an LPIC change request on the same line and on the same order:			
(a) Electronically requested Presubscription	\$1.25	--	(I)
(b) Manually requested Presubscription	5.50	--	(I)
(2) When Presubscription change is requested together with an LPIC change request on the same line and on the same order:			
(a) Electronically requested Presubscription	0.63	--	(R)
(b) Manually requested Presubscription	2.75	--	(R)

+ Where these charges are applicable to a subscriber or end user under this tariff, except as set forth in (E) (2) (b) preceding, a carrier may make arrangements with the Telephone Company to pay these charges on behalf of the subscriber or end user.

\* For customers in Washington, D.C., this charge will apply separately to both interLATA and intraLATA toll presubscription changes, except when the request is to change the toll provider for both interLATA and intraLATA services at the same time, for the same line, and on the same order. In this case, a single charge will apply per line.

(Issued under Transmittal No. 655)

Issued: December 16, 2005

Effective: January 1, 2006

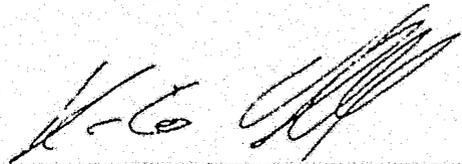
Vice President, Federal Regulatory  
 1300 I Street, NW, Washington, D.C. 20005

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:

David Smyk  
1015 General Greene Drive  
West Chester, PA 19382



Rikardo J. Hull

DATE: February 16, 2006

SECRETARY'S BUREAU  
2006 FEB 15 PM 4:29



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
February 23, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20065797

(See attached list)

**DOCUMENT  
FOLDER**

David Smyk v. Verizon Pennsylvania, Inc.

Motion Judge Assignment Notice

This is to inform you that a preliminary motion was filed on the above-captioned case. This motion is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the motion was served on you to file an answer.

If you file any pleading or document relating to this motion with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

(717) 783-5453

pc: SA Rumsey  
Susan Licon  
Beth Plantz  
Docket Section

**DOCKETED**  
MAR 06 2006