

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cynthia Young- Nelson

v.

Verizon Pennsylvania, Inc.

DOCKETED

JAN 14 2005

C-20042785

RECORDS SECTION

COMPLAINT

PREHEARING ORDER #2

History

The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. This case is scheduled to be heard in an available hearing room on the 13th floor of the Philadelphia State Office Building on Friday, January 21, 2004 at 10:00 a.m.

On April 6, 2004, Cynthia Young-Nelson ("Young-Nelson" or "Complainant") filed a formal complaint with the Pennsylvania Public Utility Commission ("Commission") against Verizon Pennsylvania, Inc. ("Verizon" or "Respondent"). She alleged the following: that she started getting high telephone bills about two years ago; that when she called Verizon to complain, she was given various explanations; and that in December 2003 a neighbor told the Complainant that Robin Spence who lives at 1611 Clifton Avenue, Sharon Hill, illegally hooked her telephone line to the Complainant's line. The Complainant stated that she spoke to Janice Roberts, the director of Delaware County Housing Authority, about the matter since the Complainant and Ms. Spence were both tenants of the Authority. The Complainant further alleged that Ms. Roberts convened a meeting on January 3, 2004 to discuss the matter; that during the meeting, Ms. Spence admitted that her friend, Marvin Jones, a Verizon employee hooked up the illegal connection; and that Ms. Spence apologized. The Complainant objects to the Respondent holding her accountable for the results of the illegal connection. The Complainant further alleged that she is concerned about the morality and professionalism and

business ethics of the Verizon Customer Relations Services located at 1717 Arch Street in Philadelphia.

The Respondent, through its counsel, filed an Answer on May 11, 2004. The Respondent admitted that there is a Customer Relations Office at 1717 Arch Street. However, the Respondent denied that the office is a Business office that handles general customer service contacts. The Respondent admitted that the Complainant has contacted the business office on numerous occasions to question her telephone bills and that she was given an explanation each time. The Respondent does not have information regarding statements made to the Complainant by her neighbors or employees of the Delaware County Housing Authority. The Respondent denied that it employs a Marvin Jones. The Respondent stated that Verizon Southwest Inc., which has its office in Kilgore, Texas, employs a Marvin Jones. The Respondent admits that it provides telephone service to 1611 Clifton Avenue, Sharon Hill and that Robin Spence is the customer of record. Nevertheless, the Respondent stated that it did not supply telephone service at this location until February 2003. The Respondent averred that its technician inspected the Complainant's network interface at her premises in January 2004, March 2004 and on May 4, 2004. The technician did not find any evidence of tampering, illegal wiring or any other problem that would indicate that someone else was using the Complainant's facilities.

On May 19, 2004, the Respondent's attorney sent Interrogatories (Set 1) to the Complainant after the Complainant refused to discuss the complaint with her by telephone on May 11, 2004. The Complainant advised Ms. Lovette that she was represented by counsel and that her counsel would contact Ms. Lovette.

The Complainant did not file objections or respond to the interrogatories. 52 Pa. Code §5.342.

On June 15, 2004, the Respondent's attorney filed a Motion to Compel Responses to Interrogatories and for Sanctions. 52 Pa. Code §5.342

The Complainant did not file an answer to the Motion to Compel.

By notice dated July 2, 2004, a hearing was scheduled in this matter for October 13, 2004.

By correspondence dated August 9, 2004, the Respondent's attorney notified the presiding officer of the pending Motion to Compel.

On August 10, 2004, the Respondent's attorney served Interrogatories Set 2 on the Complainant.

On August 13, 2004, the Respondent's attorney filed a Motion to Compel Responses to Interrogatories (Set 2) and for Sanctions. 52 Pa. Code §5.342. Ms. Lovette provided documentation to show that the Complainant refused to accept delivery of Interrogatories (Set 2) from Federal Express. (A copy of the Interrogatories was attached to the Motion). It was noted that the Respondent's counsel contacted the Complainant on August 9, 2004 in an attempt to settle the matter. During that conversation, the Complainant indicated that a local television station was investigating the allegations in her complaint. The Complainant refused to provide the name of the television station or send documents related to the formal complaint to the Respondent's attorney. The Complainant told Ms. Lovette that she was trying to find an attorney to represent her.

The Complainant failed to file an answer to the August 13, 2004 Motion to Compel. In addition, the Complainant did not file objections or respond to the Interrogatories (Set 2). 52 Pa. Code §5.342.

In the Motion, the Respondent submitted that the Complainant's actions in refusing to respond to discovery and to accept mail from the Respondent's counsel constitutes conduct that is "obstructive to the orderly conduct of the proceeding" as described in section 332(f) of the Public Utility Code, 66 Pa. C. S. §332(f). Furthermore, the Respondent will be prejudiced in its preparation and presentation of a defense by not having information about the

television investigation, statements from potential witnesses and other documents pertaining to this case.

The Complainant failed to respond to the Motion to Compel.

By Order dated September 15, 2004, the Respondent's Motions to Compel Responses to Interrogatories Set 1 and Set 2 were granted and the Complainant was ordered to respond to the Respondent's Interrogatories on or before September 27, 2004.

A telephonic prehearing conference was held on October 13, 2004. Cynthia Young Nelson, the Complainant participated. Katherine E. Lovette, Esquire, represented the Respondent.

During the prehearing, we discussed potential witnesses. The Complainant stated that her potential witnesses include Ms. Janice Roberts, the director of the Delaware County Housing Authority, Ms. Forbs from the Delaware County Housing Authority, Ms. Betty Bee from Call for Action, Channel 6 and Ms. Robin Spence (Tr. 18, 21, 34-36). It was noted that Ms. Spence would probably need to be subpoenaed (Tr. 46). The Complainant stated that Ms. Bee from Call for Action has the documentation from Ms. Spence (Tr. 14, 15, 32, 34). The Complainant stated that she changed from Verizon to another carrier on June 21, 2004 (Tr. 16, 45). The Complainant agreed to note the charges she is disputing on her bills and return the marked copies to the Respondent's attorney within ten days (Tr. 44, 45).

On October 25, 2004, the presiding officer received a packet of bills from the Complainant. By correspondence, dated October 27, 2004, Ms. Lovette requested a ruling on the Motion to Dismiss because the Complainant had not sent marked copies of her bills. I assume that Ms. Lovette has received her copy by now. If she has not, she should contact my office.

Hearing

The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a)

If you intend to subpoena witnesses for the hearing, you should review the procedures in the Commission's regulations at 52 Pa. Code §5.421. You must submit your written application to me in sufficient time to provide the witness with the required ten (10) days' notice to answer or object to the application and to give yourself enough time to receive the subpoena and serve it. I have attached a copy of the relevant Commission regulation and two subpoena applications to the Complainant's copy of the order.

If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), please bring a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record. Please keep a copy for yourself. 52 Pa. Code §5 409.

Pursuant to 52 Pa. Code §1.15(b), requests for postponements or continuance of hearings must be submitted in writing no later than five (5) days prior to the hearing. Requests for postponement or continuance of hearings are to be sent to the presiding officer with copies to the Scheduling Office and the other party of record. The address for the Scheduling Office is P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265.

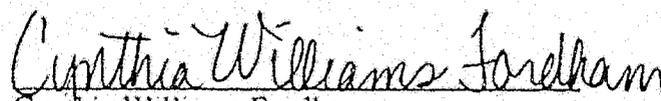
ORDER

THEREFORE,

IT IS ORDERED:

That the parties shall comply with the procedural rules and regulations discussed herein.

Date: December 14, 2004


Cynthia Williams Fordham
Administrative Law Judge



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

IN REPLY PLEASE
REFER TO OUR FILE

January 7, 2005

In Re: C-20042785

(SEE LETTER OF 11-04-04)

DOCUMENT
FOLDER

Cynthia Young-Nelson v. Verizon Pennsylvania Inc.
Billing Dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial in-person hearing on the above-captioned case previously scheduled for Friday, January 21, 2005 has been canceled.

The hearing has been rescheduled as follows:

Type: Initial In-Person Hearing

Date: Thursday, March 17, 2005

Time: 10:00 a. m.

Location: In an available hearing room
13th Floor
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Cynthia W. Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

DOCKETED
JAN 14 2005

Please mark your records accordingly.

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 Fordham
Ona Lester
Beth Plantz
Docket Section
Calendar File

Hawke
 McKeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

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Thomas J. Sniscak	Janet L. Miller
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Lillian Smith Harris	William E. Lehman
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Todd S. Stewart	Katherine E. Lovette

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

January 13, 2005

**DOCUMENT
FOLDER**

Cynthia Young-Nelson
1601 Clifton Avenue
Sharon Hill, PA 19079

Via FedEx Overnight Mail

RE: Cynthia Young-Nelson v. Verizon Pennsylvania Inc.; Docket No. C-20042785;
INTERROGATORIES (SET 3)

Dear Ms. Young-Nelson:

Enclosed are questions, known as Interrogatories, related to the issues raised in your Formal Complaint against Verizon Pennsylvania Inc. ("Verizon PA"). The questions relate to your statement, during our January 6, 2005 telephone conversation, that you had other telephone accounts that could have been affected by your neighbor's use of your telephone line. As I have been unable to identify any other account for which you owe an outstanding balance, I require your assistance in identifying the telephone numbers to which you referred. Please try your best to answer the questions, as this will aid in the resolution of the issues to be addressed at the hearing scheduled for March 17, 2005.

The Commission's Regulations require that you respond to the enclosed Interrogatories within 20 days. I have enclosed a self-addressed, stamped envelope so you can return your responses to me.

Your responses to the enclosed Interrogatories are due to my office on or before Wednesday, February 2, 2005.

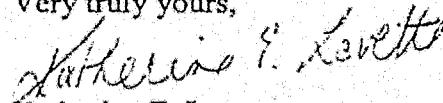
MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

SEARCHED
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JAN 13 2005
FBI - HARRISBURG

Cynthia Young-Nelson
January 13, 2005
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Thank you for your anticipated cooperation in this matter. If you have any questions, please call me collect at 717-236-1300.

Very truly yours,



Katherine E. Lovette
Counsel for Verizon Pennsylvania Inc.

KEL/
Enclosures

cc: James J. McNulty, Secretary (Cover letter only)
Honorable Cynthia W. Fordham (Cover letter only)

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 Overnight Mail:

Cynthia Young-Nelson
1601 Clifton Avenue
Sharon Hill, PA 19079

Katherine E. Lovette
Katherine E. Lovette

DATED: January 13, 2005

FILED
JAN 13 2005

OALJ Hearing Report

Please check Those Blocks Which Apply

Docket No:	C-20042785		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Cynthia Young-Nelson v. Verizon	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pennsylvania Inc		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	1 day	
Date	January 21, 2005			
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting Service, Inc.	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	Rescheduled to 3/17/05 R's witness unavailable, C's witnesses needed to be subpoenaed	

RECEIVED
 05 JAN 31 AM 10:50
 F.A.P.U.C.
 SECRETARY'S BUREAU

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

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