

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Karen Gauden

v.

Comcast Phone of Pennsylvania, LLC.

DOCUMENT

C-20030938

SECRETARY'S BUREAU

04 JAN -5 AM 11:54

Donald A. Barnot

v.

Comcast Phone of Pennsylvania, LLC.

DOCKETED
FEB 25 2004

C-20030986

Kevin Povich

v.

Comcast Phone of Pennsylvania, LLC.

C-20031022

INTERIM ORDER THREE—
CONSOLIDATING COMPLAINTS FOR HEARING AND DECISION¹

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.

¹ 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.²

THEREFORE,

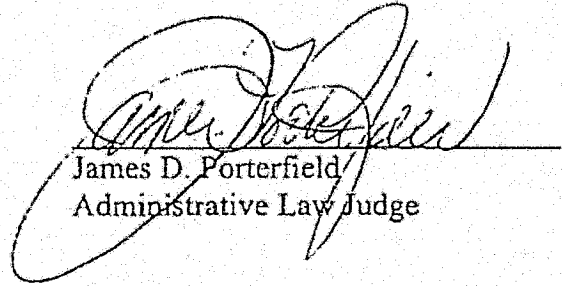
IT IS ORDERED:

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

² 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-20030986

(See letter dated 12/15/2003)

Donald A. Barnot v. Comcast Phone of Pennsylvania LLC

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
FOLDER

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

Donald A. Barnot (724) 565-1473
Alan Kohler, Esquire (717) 237-7160

Please change your records accordingly.

DOCKETED
MAR 09 2004

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