

PLEASE PRINT

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

David Smyk

v.

Verizon Pennsylvania Inc.

C-20065797

DOCKETED
APR 07 2006

PREHEARING ORDER

**DOCUMENT
FOLDER**

An initial telephonic hearing in this case is scheduled for Wednesday, April 26, 2006 at 1:00 p.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of filing. If you send me any correspondence or document, you must send a copy to all other parties in the case. A copy of the current service list is attached to this Order.

2. If you or any proposed witness will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one (1) week before the hearing.

3. A request for a change of the scheduled initial telephonic hearing date must be submitted in writing no later than five (5) days prior to hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to me with copies to all parties of record. The correct address is 1302 State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. Such changes are granted only in rare situations where sufficient cause exists.

Requests for changes of subsequent hearings, if any, should also be served directly on me with copies to all parties.

4. **YOU MAY LOSE THIS CASE, IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

5. ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS STILL A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. ADMISSIONS CONTAINED IN THE PLEADINGS MAY BE OFFERED AT THE HEARING.

6. Pursuant to 52 Pa. Code §§1.21 and 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Complainant is entitled to the relief requested in the Complaint.

8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code §5.331(b) provides, in relevant part, that

"[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process. 52 Pa. Code §§5.371 & 5.372.

10. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: April 4, 2006


Herbert Smolen
Administrative Law Judge

Hawke
McKeon
Sniscak &
Kennard LLP
ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Norman James Kennard
Lillian Smith Harris
Scott T. Wyland
Todd S. Stewart
Craig R. Burgraff
Steven D. Snyder
Janet L. Miller
Steven K. Haas
William E. Lehman
Rikardo J. Hull
Katherine E. Lovette

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

April 19, 2006

RECEIVED

VIA REGULAR MAIL AND EMAIL

Honorable Herbert Smolen
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

DOCUMENT
FOLDER

APR 19 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

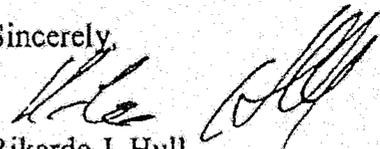
RE: David Smyk v. Verizon Pennsylvania Inc.; Docket No. C-20065797; HEARING
EXHIBIT

Dear Judge Smolen:

Pursuant to your Pre-Hearing Order in the above-captioned matter, please find three copies of Verizon Pennsylvania Inc.'s Exhibit "A."

If you have any questions, please do not hesitate to contact me at 717-236-1300.

Sincerely,


Rikardo J. Hull
Counsel for Verizon Pennsylvania Inc.

RIK/smk
Enclosure

cc: Secretary James J. McNulty (w/enclosure)
David Smyk (w/enclosure)

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

BA

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.

RECEIVED

APR 1 9 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

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)

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20065797	Prehearing Held:	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
Case Name:	David Smyk v. Verizon Pennsylvania Inc. <i>TEL</i>	Hearing Held:	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
		Testimony Taken:	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
		Transcript Due:	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
		Hearing Concluded:	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
		Estimated Add'l Days:				
Date:	April 26, 2006	RECORD CLOSED:	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
ALJ:	Herbert Smolen	DATE:				4-26-2006
		Briefs to be Filed:	<input type="checkbox"/>		<input type="checkbox"/>	
Reporting Firm:	Precision Reporting	DATE:				
		Bench Decision:	<input type="checkbox"/>		<input type="checkbox"/>	
		REMARKS:	<i>*COMPL FAILED TO APPEAR</i>			

RECEIVED

MAY 12 2006

DOCUMENT FOLDER

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>RIKARDO J. HULL, ESQ HAWKE MCKEON SNISCAL & KENNARD, LLP</i>	<i>100 N. 10TH ST P.O. BOX 1778</i>	<i>VERIZON</i>						
	<table border="1"> <tr> <td>City</td> <td>State</td> <td>Zip</td> </tr> <tr> <td><i>HARRISBURG</i></td> <td><i>PA</i></td> <td><i>17105-1778</i></td> </tr> </table>	City	State	Zip	<i>HARRISBURG</i>	<i>PA</i>	<i>17105-1778</i>	
City	State	Zip						
<i>HARRISBURG</i>	<i>PA</i>	<i>17105-1778</i>						
Telephone: <i>717-236-1300</i>	E-mail Address:	Fax Number:						
	<table border="1"> <tr> <td>City</td> <td>State</td> <td>Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				
City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						
	<table border="1"> <tr> <td>City</td> <td>State</td> <td>Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				
City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						

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

[Signature]
Reporter's Signature

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