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COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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:   
Linda Lesko v. Verizon North, Incorporated: Docket No.  
Extended Area Service complaint. : C-00014886  
:   
Further Prehearing Telephone Conference. :  
:   
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Pages 21 through 43 State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

Monday, July 23, 2001

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

JOHN H. CORBETT, JR., Administrative Law Judge

APPEARANCES:

LINDA LESKO  
460 Leidy Lane  
Johnstown, Pennsylvania 15909  
(Pro se)

JANET C. MILLER, Esquire  
Malatesta, Hawke & McKeon, LLP  
100 North Tenth Street  
Harrisburg, Pennsylvania 17101  
(For the Respondent)

ALSO PRESENT:

JOEL CHESKIS, Esquire  
Office of Consumer Advocate

*J.M.*  
SECRETARY'S BUREAU  
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WITNESS INDEX

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FORM 2

EXHIBIT INDEX

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FORM 2

P R O C E E D I N G S

10:00 a.m.

1  
2  
3 ADMINISTRATIVE LAW JUDGE JOHN H. CORBETT, JR.: We  
4 will go on the record. This is the time and place  
5 scheduled for a further telephonic conference on the  
6 complaint of Linda Lesko versus Verizon North,  
7 Incorporated. This complaint was docketed with the  
8 Pennsylvania Public Utility Commission at C-00014886.

9 I am Administrative Law Judge John Corbett and I have  
10 been assigned to hear this case and to render an initial  
11 decision. We have on the telephone this morning, Linda  
12 Lesko representing herself, Janet Miller representing  
13 Verizon North, and we have an observer on the line from the  
14 Office of Consumer Advocate, Joel Cheskis.

15 I would note for the benefit of the parties and for  
16 the record that I am sitting in a hearing room in  
17 Pittsburgh with a court reporter. The court reporter is  
18 running some tape recording equipment, so I would alert the  
19 parties to the fact that everything that we say while we  
20 are on the record is being tape recorded.

21 I would also ask that the parties, before they speak,  
22 identify themselves so that we get a clear record of what  
23 transpires here this morning.

24 As I indicated, we had a previous prehearing  
25 telephonic conference on this case on May 18th of this

1 year. At that conference, we discussed several matters and  
2 we gave Ms. Lesko some information and gave Ms. Lesko the  
3 opportunity to consider that information and to see if she  
4 wanted to pursue this complaint that is now pending with  
5 the Commission.

6 She was going to, I believe, review with her  
7 neighbors and other people in the community where she lives  
8 whether she wanted to pursue this complaint for extended  
9 area service from, I believe it is, the Johnstown exchange  
10 to the Ebensburg exchange.

11 Some of the information that we wanted to provide to  
12 Ms. Lesko included an optional calling plan, and Ms. Miller  
13 wrote a letter to me, with a copy to Ms. Lesko, on June 5  
14 indicating that from Verizon North's Johnstown exchange to  
15 the Ebensburg exchange, Verizon North offers two optional  
16 calling plans.

17 The first is called the Verizon Easy Savings Plan for  
18 Residents, and as I understand, this plan provides a ten to  
19 25 percent discount off the basic toll rate on direct  
20 dialed intralatta calls. A ten percent discount applies if  
21 the monthly usage is between \$10 and \$24.00. A 25 percent  
22 discount applies if the monthly usage is more than \$25.  
23 Under this plan, there is no recurring charge or monthly  
24 fee associated with this optional calling plan.

25 The second plan is called Verizon One Easy Price.

1 This plan provides a ten cent per minute flat rate on all  
2 direct dialed intralatta, intrastate calls. Under this  
3 plan there is no recurring charge or monthly fee associated  
4 with this optional calling plan.

5 At this point, Ms. Lesko, I will turn to you. Have  
6 you reviewed this matter and have you made any  
7 determination as to what you would like to do as far as  
8 pursuing this complaint with the Commission?

9 MS. LESKO: I think I have, Your Honor. I still  
10 would like to go back to my original statement where I  
11 would like to be able to -- the 322 area to be able to call  
12 472 and also it includes 471 toll free.

13 JUDGE CORBETT: Okay. Do you know if you will have  
14 other witnesses testifying with you as a part of this  
15 complaint?

16 MS. LESKO: Well, Your Honor, I didn't know to ask  
17 them if they would do that, but everyone that I have spoken  
18 to was very, very much in favor of it. About ten people --  
19 I was very limited in what I did because I didn't want to  
20 involve too many people in case this is going to be cut off  
21 today, but each person I did ask, about ten people, took a  
22 petition with -- got 15 names on. Two of them got 30 names  
23 on them.

24 I went to the township meeting at the end of June and  
25 have their support. They will help in any way they can,

1 they said. I have permission from them to go to businesses  
2 in the area and place petitions there.

3 I have been considering inviting local media, local  
4 TV stations, local radio stations, as far as advertising  
5 and letting people know that this is happening and they can  
6 contact the PJC Consumer Advocate, Senator Wozniak and  
7 Representative Busic, who are willing to help us. Other  
8 than that, I don't know what else to do.

9 JUDGE CORBETT: It sounds to me like, with the  
10 possibility of a number of witnesses, that it would be best  
11 if we had a hearing in person on this complaint. That  
12 would involve a trip to Pittsburgh. Do you think any of  
13 those people would be able to come to Pittsburgh for a  
14 hearing?

15 MS. LESKO: May I ask if there is any way that we  
16 could do it at the county to accomplish this?

17 JUDGE CORBETT: In certain instances there are local  
18 input hearings where we do set up hearings for that  
19 purpose. You have to give me some indication, though, as  
20 to how many people you believe might be interested in such  
21 a hearing because, as you can imagine, there is an expense  
22 involved and some time and scheduling and difficulties that  
23 we have to go through to set up a hearing like that.

24 Do you have any idea that you can share with us as to  
25 how many people might be interested in something like this?

1 MS. LESKO: Are you asking about a hearing in  
2 Pittsburgh or at a local town meeting?

3 JUDGE CORBETT: We would have the local hearing  
4 somewhere in the Johnstown or the Vinco area depending on  
5 what facilities might be available in that vicinity.

6 MS. LESKO: Okay, Your Honor, I think I understand  
7 what you are asking now. I have gone to the fire company  
8 and an iron works company and they are willing to have -- I  
9 think, through them I would be able to advertise so that a  
10 number of people would come.

11 I see everyone that I have talked to or people  
12 getting back to me about the people they have talked to who  
13 are really willing to do things, but I don't know how to  
14 give you an exact number. I would hope that there would be  
15 several hundred people there. I think you need at least  
16 that many to actually show that you have support.

17 JUDGE CORBETT: All right. Ms. Miller, any comments  
18 that you would like to place on the record at this point?

19 MS. MILLER: I would note for the record that  
20 although the efforts Ms. Lesko is going to to put petitions  
21 out into the community shows people may be interested, the  
22 fact that people have signed a complaint doesn't carry  
23 evidentiary weight unless those people show up for the  
24 hearing and actually give testimony. They are not  
25 available for cross examination simply by having their name

1 and telephone number on a petition.

2 JUDGE CORBETT: Right, that's a point well taken.  
3 Ms. Lesko, so that you understand, in some instances  
4 petitions, circulated petitions and so forth, might be  
5 helpful, but those are usually in the areas of, perhaps,  
6 legislation.

7 This is a legal proceeding. All parties that  
8 participate in a case are entitled to cross examine  
9 witnesses who present evidence against them. So, for that  
10 reason, I should let you know now that I really cannot  
11 consider any petitions. People who are interested in this  
12 and who would be willing to sign a petition should appear  
13 at a hearing where they can present their statements as to  
14 how this matter effects them and then be subject to any  
15 questioning by Verizon North.

16 So that everyone is aware of the ground rules at this  
17 point, I should alert you to that fact.

18 MS. LESKO: Your Honor, would it be possible that I  
19 could arrange to possibly advertise specifically that  
20 people would come to a meeting? I think they would be more  
21 apt to come to something a little bit closer than  
22 Pittsburgh at this point. I'm sure they have questions as  
23 to how this would happen, how this effects them.

24 I know people seem very willing to assume that there  
25 will be some charge for this. Possibly those who have

1 accurate information could speak to this, then possible  
2 they could ask their questions and have a more intelligent  
3 accurate answer.

4 JUDGE CORBETT: I'm not sure what you are asking.  
5 It sounds to me that you are -- I think there are a number  
6 of things that you brought up there. Perhaps I can help  
7 this process by just outlining for you what I envision as  
8 to how this process will occur.

9 If we set up a process for a local input hearing, our  
10 schedulers in Harrisburg would find a site in the Johnstown  
11 area that would accommodate a group of people of the size  
12 you are talking about. Then you would have the opportunity  
13 to advise your political leaders and advertise, whatever  
14 you want to do, concerning the nature of this hearing and  
15 that anyone who is interested in it should come out to the  
16 hearing in order to testify on this matter.

17 This hearing is not a matter where it is a matter of  
18 give and take between the people in the audience and anyone  
19 who is there, either myself or anyone from the utility. It  
20 would be conducted just like a regular court hearing where  
21 I would preside at the presiding officer.

22 Witnesses would sign a sign-in sheet and then they  
23 would be called and testify as to how this current  
24 situation affects them and what relief they are asking for  
25 from the Commission that relates to your complaint. Then

1 they would be subject to cross examination by Verizon  
2 North.

3 After that hearing is over, then we would have a  
4 hearing here in Pittsburgh where you will testify and  
5 Verizon will testify in support of its side of the case.  
6 Following that hearing, I would then take the matter under  
7 advisement and issue a ruling some time after that. I  
8 would issue a written decision some time after that.

9 That's how, at this point, I envision this case would  
10 go.

11 MS. LESKO: I think I know the steps now. They seem  
12 very logical and I agree with them. I think if we could  
13 possibly have this town meeting type thing, then people --  
14 I think that maybe they would be willing to come to  
15 Pittsburgh once they see what the -- the actual procedure.  
16 It's hard for me to explain when me people ask me questions  
17 because they are so many things that I don't know.

18 I haven't gone to the local person who have gotten  
19 this because I feel that each situation is different  
20 because of locality and so forth. I think our biggest  
21 advantage here is that most of us work in Ebensburg, our  
22 children go to school in Ebensburg and I think it's a big  
23 press for people wanting that.

24 Several people have shown me their phone bills from  
25 Ebensburg, and even though they have devised methods of not

1 paying for the toll calls to Ebensburg, signal, call once  
2 and hang up, phone cards and so forth, with children,  
3 particularly in high school, the phone calls are a lot to  
4 Ebensburg. Parents call in for absences for students,  
5 homework for students, questions about open house and so  
6 forth, these are all toll calls.

7 JUDGE CORBETT: What you are telling me now are  
8 certainly matters that you can testify to of your own  
9 knowledge and the parents of these children that you say  
10 are affected, they can appear and they can testify as to  
11 how the current situation affects them. Those are all  
12 matters that the Commission would be interested in.

13 That would be some of the matters that we would want  
14 to hear in a public input hearing, and also those are the  
15 matters that Ms. Miller, representing Verizon North, would  
16 want to talk to the people about and see what their  
17 interests are in this.

18 Also, if you are looking for legal advice, and this  
19 is something that I should have pointed out to you at the  
20 first prehearing conference, and that is that you can also  
21 contact the Office of Consumer Advocate and see if they can  
22 give you some advice or some help on this case.

23 We have Joel Cheskis on the phone this morning. He's  
24 an attorney with the Office of Consumer Advocate. That's  
25 with the Attorney General's office in Harrisburg. There

1 are times when they can help in cases like this, so perhaps  
2 you might be able to get some advice or some thoughts on  
3 how to present your case from either Mr. Cheskis or someone  
4 in the Office of Consumer Advocate.

5 MS. LESKO: I am very pleased that you do approve of  
6 involving the Office of Consumer Advocate because I have  
7 called them and talked to them and they have been very  
8 gracious about it. That makes me feel like I have someone  
9 to go to for direction.

10 JUDGE CORBETT: All right. Let's go back to a few  
11 minutes ago when I outlined in general terms what the  
12 procedure would be for this. First would be a local input  
13 hearing in the Johnstown area, followed at some point after  
14 that by a hearing here in Pittsburgh with Verizon North  
15 presenting its case, and then following that, any rebuttal  
16 and then winding up the case and my taking it under  
17 advisement.

18 That general outline, does that meet with the  
19 approval of you, Ms. Lesko?

20 MS. LESKO: Oh, yes, very much so.

21 JUDGE CORBETT: Ms. Miller, do you have any  
22 comments?

23 MS. MILLER: Two, Your Honor, yes. As you indicated  
24 earlier, the setting up and the holding of a customer input  
25 hearing in the local service area involves a fair amount or

1 a good of time and expense and coordination. Ms. Lesko has  
2 indicated that she thinks several hundred people may show  
3 up for this hearing.

4 Before we get that far, I would ask respectfully that  
5 she give us some idea of how many people, after talking to  
6 additional people or the Office of Consumer Advocate or  
7 whoever she feels is appropriate, actually commit  
8 themselves to appear so that we can determine whether or  
9 not a customer hearing is actually necessary and warranted  
10 in this particular case.

11 JUDGE CORBETT: All right. I think that is fair.

12 Do you understand what -- Ms. Lesko, do you  
13 understand what Ms. Miller is requesting?

14 MS. LESKO: Yes, I do, Your Honor. Would I be  
15 allowed to ask the Consumer Advocate attorney to give me a  
16 little bit of -- if I could have a time limit to get at  
17 least a ball park figure of people who would come to a  
18 meeting and then I could call either yourself or the  
19 Consumer Advocate and give that figure?

20 JUDGE CORBETT: I'm thinking a matter of at least  
21 several weeks or perhaps a month or so to allow you to do  
22 that. This is your complaint and I am fairly lenient on  
23 allowing these things to let me rephrase that.

24 I believe it is better to allow the parties to -- to  
25 give them some time at the beginning of a hearing to get

1 their case together and then have the hearings. That way,  
2 we get a better record so that I can make a decision in the  
3 case rather than pushing the case forward unnecessarily and  
4 not having a full and complete record.

5 My thought is we will give you some time now at the  
6 beginning of the case to try to pull your case together  
7 without letting this thing go too far into the future. How  
8 about if we give you a month?

9 MS. LESKO: Your Honor, that's fine.

10 JUDGE CORBETT: Write me a letter with a copy of the  
11 letter to Ms. Miller. I think you probably have her  
12 address and so forth on correspondence that she has written  
13 to you.

14 MS. LESKO: Yes, I do.

15 JUDGE CORBETT: Write me a letter telling me how  
16 many people you believe are interested in a local input  
17 hearing in the Johnstown area on this extended area service  
18 matter, and then I will perhaps schedule a further  
19 conference, or if a conference is not necessary, then we  
20 will schedule a local input hearing in the area with a  
21 hearing here in Pittsburgh after that.

22 MS. LESKO: Your Honor, may I say that if possible,  
23 if there is a public hearing scheduled, could it possibly  
24 be as close to Vinco as possible because actually Johnstown  
25 is not affiliated with us at all. For people to go -- they

1 just we don't go there any more. There's nothing there.

2 I think if we could get something as close to Vinco  
3 as would be agreeable with yourself and Ms. Miller and  
4 whoever else is going to be here, it would be so much more  
5 convenient and people would want to come because they would  
6 feel this is asking for their area in our area.

7 Johnstown is just removed from Vinco. I think the  
8 only reason we have a Johnstown address is because our  
9 mail, for whatever reason, comes out of the Johnstown post  
10 office.

11 JUDGE CORBETT: We have several concerns, one of  
12 which is a facility that is big enough to handle a crowd of  
13 people, a facility that has speakers and microphones.  
14 Vinco itself, does it have a municipal building, does it  
15 have any type of facilities in the area like a school  
16 building, school auditorium that might be available?

17 MS. LESKO: Yes, Your Honor. Our school is located  
18 in Ebensburg, a lovely school about 20-some years old, and  
19 Ebensburg is about eight miles. Directly in Vinco, I would  
20 say possibly the fire hall, the senior citizen building.  
21 Saint Paul's Lutheran Church is very large and I know they  
22 have a microphone system. I really would have to check  
23 around.

24 JUDGE CORBETT: That may be one of the things you  
25 may want to look into, Ms. Lesko, suggest possible sites

1 for us for a public input hearing. Let me just ask you,  
2 how far is Vinco from Johnstown?

3 MS. LESKO: Downtown Johnstown is approximately 15  
4 miles from Vinco.

5 JUDGE CORBETT: You are saying that Vinco is about  
6 eight miles from Ebensburg?

7 MS. LESKO: Yes, it is.

8 JUDGE CORBETT: If you can find us some possible  
9 sites - just off the top of my head, these would have to  
10 be sites where there is plenty of parking, where they are  
11 not going to charge us a fee for having a hearing there or  
12 using the facilities, they will have to have a microphone  
13 and speaker -- public address system of some kind and the  
14 facility would have to be handicap accessible.

15 MS. LESKO: Okay.

16 JUDGE CORBETT: Those are just the matters that  
17 would come to mind off the top of my head. If you have  
18 difficulty in coming up with facilities or with what we  
19 actually need, why don't you give me a call at some point  
20 and I can put you in touch with one of our schedulers in  
21 Harrisburg who has more information about what type of  
22 facilities we are looking for.

23 MS. LESKO: That's very kind of you, thank you.

24 JUDGE CORBETT: Before we leave the public input  
25 matter, are there any comments or questions that the

1 parties would like to ask or discuss concerning the local  
2 input hearing?

3 (No response.)

4 Okay. Following the local input hearing, we will  
5 have a hearing in Pittsburgh on your testimony, Ms. Lesko,  
6 and also the testimony of Verizon North.

7 Ms. Miller, my inclination in cases like this is to  
8 have the utility present written direct testimony and then  
9 follow that up with any testimony that might be responsive  
10 to testimony that might develop as a result of the local  
11 input hearing or the testimony that is brought out during  
12 the hearing itself. What are your feeling about direct  
13 written testimony of Verizon North.

14 MS. MILLER: Your Honor, the company has no problem  
15 filing written direct testimony. I would, however, ask  
16 that Ms. Lesko give her testimony during the customer  
17 session and then the company could be in a position to  
18 respond in its testimony, to hers as well as the other  
19 customers' input.

20 JUDGE CORBETT: Okay. Ms. Lesko, do you have any  
21 problem with that?

22 MS. LESKO: No, no problem.

23 JUDGE CORBETT: Okay. We will do that. We will  
24 take the testimony of Ms. Lesko at the local input hearing  
25 together with the witnesses who may appear at that hearing.

1 When we have the hearing here in Pittsburgh, if there are  
2 any additional witnesses that may wish to appear at that  
3 time, I will solicit their testimony first and then we will  
4 turn to Verizon North and they can present their testimony  
5 at that point.

6 MS. MILLER: Your Honor, to the extent additional  
7 customer witnesses are going to testify at the hearing that  
8 is going to be held in Pittsburgh, the company would like  
9 advance notice so that we can review records that may be  
10 necessary to respond to their testimony.

11 JUDGE CORBETT: I think we will try to accommodate  
12 you to the extent that we can. Sometimes I'm not sure if  
13 the complainant has that much control over witnesses who  
14 may appear.

15 Yes, if -- Ms. Lesko, let me put it this way. If you  
16 anticipate that there will be witnesses who appear at the  
17 hearing in Pittsburgh, then I will ask that you let me and  
18 Verizon know at least a week ahead of time by sending us a  
19 letter that arrives -- that we receive the letter a week  
20 before the hearing, which will give the name, address and  
21 telephone number of the witnesses that you anticipate  
22 appearing. All right.

23 MS. LESKO: Yes, thank you.

24 JUDGE CORBETT: Any other comments or suggestions  
25 with regard to the procedure from this point?

1 MS. MILLER: I have nothing further. Thank you,  
2 Your Honor.

3 JUDGE CORBETT: At this point, Ms. Lesko, I will  
4 wait one month from today to received instructions from you  
5 as to the extent of the interest in your area for a local  
6 input hearing on this matter. Based upon that, together  
7 with the information you provide concerning possible sites  
8 for a local input hearing, I will take that information and  
9 share that with the scheduler in Harrisburg to set up a  
10 hearing.

11 That hearing probably will not occur -- let me  
12 rephrase it. It usually take the schedulers a minimum of  
13 six weeks to set up a local input hearing. By the time I  
14 get the information and they check out the information that  
15 you provide, that may be a matter of six weeks to two  
16 months or so before we have the local input hearing.

17 Then at some time after that, we will have the  
18 hearing here in Pittsburgh within a matter of a couple of  
19 weeks, I would imagine. Okay?

20 MS. LESKO: Okay.

21 MS. MILLER: Your Honor, I would request at least  
22 two weeks after the transcript comes out to prepare the  
23 company's written testimony so that we have an opportunity  
24 to review the testimony from the customer hearing and then  
25 prepare our rebuttal.

1 JUDGE CORBETT: Ms. Lesko, do you understand what  
2 Ms. Miller requested?

3 MS. LESKO: Judge Corbett, to make sure I  
4 understand, would I still be able to keep in contact with  
5 the Consumer Advocate? Also the local solicitor said he  
6 would help me any way he can. Can I still involve those  
7 two?

8 JUDGE CORBETT: You can obtain your legal advice  
9 from anyone who wishes to provide it to you.

10 MS. LESKO: Okay, thank you.

11 JUDGE CORBETT: That's not something that I have  
12 anything to say about. That's certainly up to you.

13 MS. LESKO: I understand. Thank you, Judge Corbett.

14 JUDGE CORBETT: Ms. Miller, I think that that  
15 procedure you outlined is perhaps a good one and we will  
16 adopt it.

17 MS. MILLER: Thank you, Your Honor.

18 JUDGE CORBETT: I don't want this case to go too far  
19 into the winter months where people have to travel in bad  
20 weather, so we will do what we can with the scheduling.

21 Are there any other questions or comments the parties  
22 would like to make this morning? Does everyone understand  
23 the procedure from this point?

24 MS. MILLER: Yes, thank you, Your Honor.

25 MS. LESKO: I do have a lot of notes here. I

1 probably will call the Consumer Advocate to make sure I  
2 meet the time limits that you request.

3 JUDGE CORBETT: The first time limit that I would  
4 ask you to abide by would be getting back to me so that I  
5 receive your letter within one month from today.

6 MS. LESKO: Yes, I have that in my notes.

7 JUDGE CORBETT: And a copy of that letter to Janet  
8 Miller.

9 MS. LESKO: Yes, I have that. Thank you very, very  
10 much.

11 MR. CHESKIS: Your Honor, this is Joel Cheskis.

12 JUDGE CORBETT: Yes, Mr. Cheskis.

13 MR. CHESKIS: I wanted to let Ms. Lesko know that I  
14 have her phone number here from her complaint and I will  
15 probably give her a call some time later this morning or  
16 later on today.

17 JUDGE CORBETT: Okay, very good, and you can share  
18 with her your phone number and if she has any questions,  
19 you could perhaps talk with her.

20 I believe that's all we have to cover this morning.  
21 I thank the parties for their participation and  
22 cooperation.

23 Following receipt of your letter, Ms. Lesko, you  
24 should receive a notice as to setting up these hearings.

25 MS. LESKO: Thank you, Judge Corbett. You are a

1 nice help, you are a very good help.

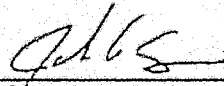
2 JUDGE CORBETT: Thank you. That's what I am here  
3 for. That's all we have for this morning. The conference  
4 is now adjourned.

5 (Whereupon, at 10:38 a.m., the prehearing conference  
6 was adjourned.)

7  
8  
9 C E R T I F I C A T E

10 I hereby certify, as the stenographic  
11 reporter, that the foregoing proceedings were reported by  
12 me and thereafter reduced to typewriting by me or under my  
13 direction; and that this transcript is a true and accurate  
14 record to the best of my ability.

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