

1. REPORT DATE: 00/00/00 :
 2. BUREAU: ALJ :
 3. SECTION(S): : 4. PUBLIC MEETING DATE:
 5. APPROVED BY: : 00/00/00
 DIRECTOR: :
 SUPERVISOR: :
 6. PERSON IN CHARGE: : 7. DATE FILED: 10/24/01
 8. DOCKET NO: C-20016344 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: S THEODORE BLUMENFELD

RESPONDENT/APPLICANT: VERIZON PENNSYLVANIA INC

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 310200

ALLEGATION OR SUBJECT

COMPLAINANT STATES SHE WAS CHARGED \$120.00 FOR A INTERIOR LINE SERVICE. SHE STATES THERE WAS NO INTERIOR LINE INSTALLED. WHEN HAVING THE PHONE HOOKED UP SHE WAS QUOTED A PRICE OF \$75.00 WHICH WAS PAID WHEN THE SERVICE WAS CONNECTED THEY REFUSED TO GIVE HER A WRITTEN REPORT OF WHAT DID TO PROVE THE EXTRA CHARGE. SHE WOULD LIKE AN INVESTAGATION AS TO THE \$120.00 CHARGE

DOCUMENT
FOLDER

DOCKETED

OCT 31 2001

3 10200

C-20016344

C-20016344

Formal Complaint Form
Pennsylvania Public Utility Commission

Please Print: (you may also type your answers directly onto the form as it appears on your screen) 9:08

1. Your name, mailing address and telephone number:

Name S. Theodore Blumenfeld

RECEIVED
SECRETARY'S BUREAU

Street/P.O.Box 683 Meadowbrook Drive Apt # _____

City Huntingdon Valley State PA Zip 19006

County Montgomery Area Code/Home Phone 215-938-7894

Area Code/Work Phone 215-772-9400

215-665-8800

2. Name of company your complaint concerns: Verizon

3. What is your complaint? (Use additional paper if need more space). On my July 22, 2001, bill, Verizon charged me \$120 for interior line service. They drew no interior lines and installed no jacks. They did extend a line to their telephone room and tagged it, although the line from our interior closet already existed. When I gave the order to connect 215-772-9400 I was told there would be a one time charge which was \$75. That has been paid. They have refused to give me a written report of what they did to investigate my complaint.

4. What do you want the Public Utility Commission to do about your complaint? (Use additional paper if need more space). I want the company to waive the \$120 charge.

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

S. Theodore Blumenfeld
Signature

10/22/01
Date

Continued on next page

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name S. Theodore Blumenfeld
Street 683 Meadowbrook Drive
City Huntingdon Valley State PA Zip 19006
Area Code/Phone Number 215-665-8800

Mail to:
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

For more information, please contact the Secretary's Bureau at 717-772-7777.

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

DATE SERVED: OCTOBER 31, 2001

C-20016344

JULIA A CONOVER ESQUIRE
VERIZON PENNSYLVANIA INC
FLOOR 32-N 1717 ARCH ST
PHILADELPHIA PA 19103

DOCUMENT
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by S THEODORE BLUMENFELD. 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.

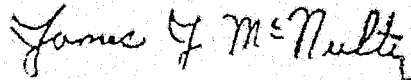
OCTOBER 31, 2001

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

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

DDI

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 31, 2001

S THEODORE BLUMENFELD

Complainant

VS.

VERIZON PENNSYLVANIA, INC.

Respondent

Complaint Docket

No: C-20016344

DOCUMENT
FOLDER

DOCKETED

OCT 31 2001

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 17120**, an answer (original and two 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).

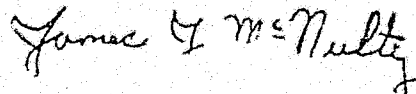
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

JOSEPH J. MALATESTA, JR.
WILLIAM T. HAWKE
KEVIN J. McKEON
LOUISE A. KNIGHT
THOMAS J. SNISCAK
NORMAN JAMES KENNAHD
LILLIAN SMITH HARRIS
SCOTT T. WYLAND
TODD S. STEWART

THE LAW FIRM OF
MALATESTA HAWKE & McKEON LLP

HARRISBURG ENERGY CENTER
100 NORTH TENTH STREET
HARRISBURG, PENNSYLVANIA 17101
(717) 236-1300
FAX (717) 236-4841

<http://www.mhm-law.com>

CRAIG R. BURGRAFF
JANET L. MILLER
SUSAN J. SMITH
WILLIAM E. LEHMAN
STEVEN K. HAAS
ANDREW S. TUBBS

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

November 20, 2001

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

RECEIVED
NOV 20 11 4:25
SECRETARY'S BUREAU

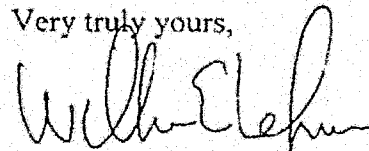
Re: S. Theodore Blumenfeld v. Verizon Pennsylvania Inc.; Docket No. C-20016344;
MOTION TO DISMISS

Dear Mr. McNulty:

Enclosed for filing with the Commission are an original and three (3) copies of Verizon Pennsylvania Inc.'s ("Verizon PA") Motion to Dismiss. A copy of this document has been served upon the Complainant in accordance with the attached Certificate of Service.

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,



William E. Lehman
Counsel for
Verizon Pennsylvania Inc.

KJR

WEL/kmg
Enclosures
cc: S. Theodore Blumenfeld

71

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

S. THEODORE BLUMENFELD,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

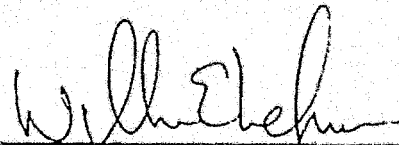
Docket No. C-20016344

NOTICE TO PLEAD

TO: S. Theodore Blumenfeld
123 South Broad Street
Suite 1230
Philadelphia, PA 19109

SECRETARY'S BUREAU
01 NOV 20 PM 4:25

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.



William E. Lehman
Malatesta Hawke & McKeon 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: November 20, 2001

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

S. THEODORE BLUMENFELD,

Complainant

DOCUMENT
FOLDER

ORIGINAL

v.

Docket No. C-20016344

VERIZON PENNSYLVANIA INC.

DOCKETED
Respondent

NOV 21 2001

SECRETARY'S BUREAU
NOV 20 PM 14:25

**MOTION OF
VERIZON PENNSYLVANIA INC.
TO DISMISS THE COMPLAINT
FILED BY S. THEODORE BLUMENFELD**

Verizon Pennsylvania Inc. ("Verizon PA"), by its counsel in this matter, Malatesta Hawke & McKeon LLP, hereby moves to dismiss the Complaint of S. Theodore Blumenfeld, ("Complainant or "Mr. Blumenfeld") preliminarily pursuant to Pennsylvania Public Utility Commission's ("Commission") regulations at 52 Pa. Code §5.101. Specifically, Verizon PA submits that the facilities and activities in question are outside the jurisdiction of the Commission. In support thereof, Verizon PA represents as follows:

1. The facts set forth in Verizon PA's New Matter at ¶1-5 are attached hereto as "Attachment A" and incorporated by reference in this document.
2. The Formal Complaint involves the Complainant's dissatisfaction with wiring work performed by Verizon PA on the customer's side of the network interface device ("NID"). Charges for inside wire service are not tariffed, and are not regulated by the Commission. *Re:*

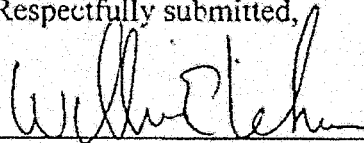
Detariffing of Inside Wire, 62 Pa. PUC 511 (1986); *Leslie D. Jacobson v. Bell Atlantic – Pennsylvania, Inc.*, Docket No. F-00594475 (Initial Decision dated June 28, 1999), Final Order entered August 23, 1999) (copies of the *Jacobson* Initial Decision and Final Order are attached as Attachment “B.” Accordingly, the Commission is without jurisdiction to hear the allegations raised by the Complainant.

3. The fact that a corporation is a public utility does not make every service performed by it a public utility service subject to Commission jurisdiction and regulation. Rather, a public utility may act in a private capacity as distinguished from a public capacity and, in doing so, is subject to the laws governing private contracts. *Levito v. National Fuel Gas Distribution Corporation*, 366 A.2d 270 (Pa. Super. 1976); *Felix v. Pennsylvania Public Utility Commission*, 146 A.2d 347 (Pa. Super. 1958). Verizon PA is acting in a private capacity with respect to inside wiring service and, as recognized by the Commission itself, is not subject to Commission jurisdiction or regulation. The Complainant may use Verizon PA, or any of a multitude of other telephone or electric contractors with whom Verizon PA competes to perform inside wire repair and maintenance services. *Zaccaria v. The Bell Telephone Company of Pennsylvania*, Docket No. C-00924204 (Final Order entered September 21, 1992).

4. Since the customer’s dispute involves inside wiring, which is not regulated by the Commission, the Commission lacks jurisdiction to review or address the disputed charges in the amount of \$120.00 that were incurred on June 1, 2001. Accordingly, the Complaint should be dismissed preliminarily.

WHEREFORE, for the reasons stated above, Verizon Pennsylvania Inc. respectfully requests that the Complaint of S. Theodore Blumenfeld be dismissed in its entirety.

Respectfully submitted,



William E. Lehman
Malatesta Hawke & McKeon LLP
100 North Tenth Street
PO Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300

Counsel for
Verizon Pennsylvania Inc.

DATED: November 20, 2001

NOV 20 2001
01 NOV 20 PM 4:25
SECRETARY BUREAU

ATTACHMENT "A"

1. Complainant is a customer of Verizon PA under account 215-772-9400. Service is currently provided to Complainant at 123 South Broad Street, Suite 1230, Philadelphia, PA 19109.

2. On or about November 1, 2001, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission ("Commission"), docketed at C-20016344. The gravamen of the Complaint is that the Complainant was charged \$120.00 for inside wiring work that was performed by Verizon PA.¹

3. This complaint involves inside wiring work that was performed by Verizon PA on June 1, 2001, at the complainant's multi-story building.

4. Verizon PA ran inside wiring (wiring on the customer's side of the network interface device ["NID"]) from the building's NID to the complainant's telephone closet, located in the complainant's building. At the same time, Verizon PA marked the line to identify it as being for the complainant's phone.

5. Verizon PA charges for maintenance visits if the facilities in questions are on the customers' side of the NID. This was explained to the complainant before Verizon PA performed the work in dispute.

¹ Verizon PA has filed a concurrent Motion to Dismiss the above-captioned complaint.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY

Leslie D. Jacobson :
 : Docket No.
 v. :
 : F-00594475
 Bell Atlantic-Pennsylvania, Inc. :

Initial Decision Granting Motion To Dismiss

Before
Wayne L. Weismandel
Administrative Law Judge

History of the Proceeding

On May 13, 1999, Leslie D. Jacobson (complainant) filed a formal Complaint (Complaint) against Bell Atlantic-Pennsylvania, Inc. (respondent) with the Pennsylvania Public Utility Commission (Commission), Docket Number F-00594475.

The Complaint alleged that respondent refused to replace substandard inside wiring located at complainant's residence without charging for the replacement, despite complainant's subscription to respondent's "Maintenance Agreement for Inside Wire" at a cost of \$1.25 per month.

On June 7, 1999, respondent filed and served its Answer (Answer) and a Motion to Dismiss (Motion), properly endorsed with a Notice to Plead.

By Notice dated June 9, 1999, an Initial Prehearing Conference was scheduled for August 26, 1999, and the case was assigned to me.

In accordance with the Commission's Rules of Administrative Practice and Procedure, complainant's answer to respondent's Motion was due not later than June 21, 1999. 52 Pa.Code §§1.12(a), 1.56(b), 5.101(d).

No answer to the Motion has been filed by the complainant. Respondent's Motion is, therefore, procedurally ready to be ruled upon.

Findings OF Fact

1. Complainant resides at 2228 Manchester Boulevard, Harrisburg, PA 17112.
2. Complainant receives residential telephone service from respondent.
3. Complainant subscribes to respondent's "Maintenance Agreement for Inside Wire" service, for which complainant pays respondent \$1.25 per month.
4. On January 25, 1999, complainant contacted respondent to report "bleeding" from one line to the other on complainant's two-line telephone system.

5. Respondent sent a technician to complainant's residence, who determined that the trouble was caused by substandard inside wiring within complainant's residence.

6. Respondent will repair inside wiring under its "Maintenance Agreement for Inside Wire", but will only replace substandard inside wiring for an additional charge.

7. Complainant declined to have respondent replace the substandard inside wiring because the cost thereof is not included in respondent's "Maintenance Agreement for Inside Wire".

Discussion

Respondent's Motion requests dismissal of the Complaint based upon the Commission's lack of subject matter jurisdiction.

I find that respondent is correct and will grant its Motion and dismiss the Complaint.

The Commission must act within, and cannot exceed, its jurisdiction. City of Pittsburgh v. PA Public Utility Comm'n, 157 Pa.Super. 595, 43 A.2d 346(1945).

Jurisdiction may not be conferred by the parties where none exists. Roberts v. Martorano, 427 Pa. 581, 235 A.2d 602(1967). Neither silence nor agreement of the parties will confer jurisdiction where it otherwise would not exist,

Commonwealth v. VanBuskirk, 303 Pa.Super. 148, 449 A.2d 621(1982), nor can jurisdiction be obtained by waiver or estoppel, In Re Borough Of Valley-Hi, 54 Pa.Comm. 53, 420 A.2d 15(1980).

Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy. Cf., Hughes v. PA State Police, 152 Pa.Comm. 409, 619 A.2d 390(1992), Alloc. Den., 637 A.2d 293(1993).

With respect to maintenance of inside wiring, all jurisdictional local exchange companies were required to detariff customer wiring services, effective January 1, 1987. Re Detariffing of Inside Wire, 62 PA PUC 511(1986), 79 PUR4th. 407(1987). Consequently, "[t]he terms and rates for this service [are] not ... regulated by this Commission." 62 PA PUC at 512.

The deregulated inside wiring services and charges of respondent are not offered under tariff, but are private and competitive in nature. Complainant may use the services of tradesmen to replace the substandard inside wiring in complainant's residence if respondent's charge is unacceptable. Further, as the terms of respondent's "Maintenance Agreement for Inside Wire" are not regulated by the Commission, whether replacement of substandard inside wiring is included for the \$1.25 per month charge is a matter of private contract interpretation. Robert A.

Zaccaria v. The Bell Telephone Company of Pennsylvania,
Docket Number C-00924204, Initial Decision of Administrative
Law Judge Herbert S. Cohen dated August 4, 1992, Final Order
entered September 21, 1992.

The mere fact that a party to an action qualifies
as a regulated public utility does not confer subject matter
jurisdiction on the Commission. Cf., DeFrancesco v. Western
Pennsylvania Water Co., 499 Pa. 374, 453 A.2d 595(1982). In
this case, respondent's inside wire service terms and
charges are offered as matters of private, unregulated
contracts. The Commission lacks subject matter jurisdiction
over this Complaint, and respondent's Motion must be
granted.

Conclusions of Law

1. The Commission has jurisdiction over the parties to the above-captioned Complaint.
2. The Commission lacks subject matter jurisdiction over the above-captioned Complaint.
3. With respect to maintenance of inside wiring, all jurisdictional local exchange companies were required to detariff customer wiring services, effective January 1, 1987.

4. The deregulated inside wiring services and charges of respondent are not offered under tariff, but are private and competitive in nature.

5. The terms of respondent's "Maintenance Agreement for Inside Wire" are not regulated by the Commission, therefore, whether replacement of substandard inside wiring is included for the \$1.25 per month charge is a matter of private contract interpretation.

6. The mere fact that a party to an action is a regulated public utility does not divest the courts of original jurisdiction.

Order

THEREFORE,

IT IS ORDERED:

1. That the Motion To Dismiss the formal Complaint filed in the above-captioned case by Bell Atlantic-Pennsylvania, Inc. is granted.

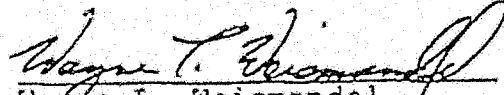
2. That the Initial Prehearing Conference scheduled for 10:00 a.m., Thursday, August 26, 1999, in the above-captioned case is canceled.

3. That the Complaint filed by Leslie D. Jacobson against Bell Atlantic-Pennsylvania, Inc., Docket

Number F-00594473, is dismissed and the record marked closed.

Date:

JUNE 28 1999


Wayne L. Weismandel
Administrative Law Judge

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Leslie D. Jacobson

F-00594475

v.

Bell Atlantic-Pennsylvania, Inc.

F I N A L O R D E R

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Wayne L. Weismandel dated June 28, 1999, has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the Motion To Dismiss the formal Complaint filed in the above-captioned case by Bell Atlantic-Pennsylvania, Inc. is granted.

2. That the Initial Prehearing Conference scheduled for 10:00 a.m., Thursday, August 26, 1999, in the above-captioned case is canceled.

3. That the Complaint filed by Leslie D. Jacobson against Bell Atlantic-Pennsylvania, Inc., Docket Number F-00594475, is dismissed and the record marked closed.

BY THE COMMISSION,

James J. McNulty

James J. McNulty
Secretary

DOCKETED

AUG 27 1999

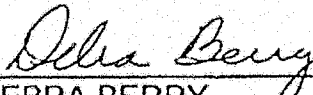
(SEAL)

ORDER ENTERED: AUG 23 1999

DOCUMENT
FOLDER

AFFIDAVIT

I, DEBRA BERRY, Director, Regulatory Planning 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.


DEBRA BERRY
Director, Regulatory Planning

SECRETARY'S BUREAU

01 NOV 20 PM 4:25

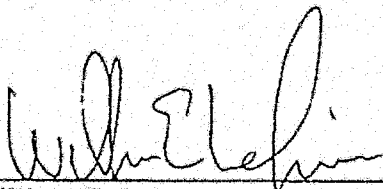
RECEIVED

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:

S. Theodore Blumenfeld
123 South Broad Street
Suite 1230
Philadelphia, PA 19109



William E. Lehman

DATE: November 20, 2001

RECEIVED
01 NOV 20 PM 4:25
SECRETARY'S BUREAU

THE LAW FIRM OF

MALATESTA HAWKE & McKEON LLP

JOSEPH J. MALATESTA JR.
WILLIAM T. HAWKE
KEVIN J. McKEON
LOUISE A. KNIGHT
THOMAS L. SNISCAK
NORMAN JAMES KENNAHD
LILLIAN SMITH HARRIS
SCOTT T. WYLAND
TODD S. STEWART

HARRISBURG ENERGY CENTER
100 NORTH TENTH STREET
HARRISBURG, PENNSYLVANIA 17101

(717) 236-1300
FAX (717) 236-4841

<http://www.mhm-law.com>

CRAIG R. BURGRAFF
JANET L. MILLER
SUSAN J. SMITH
WILLIAM E. LEHMAN
STEVEN K. HAAS
ANDREW S. TUBBS

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

ORIGINAL

November 20, 2001

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

RECEIVED
NOV 20 PM 6:24
SECTION 1'S BUREAU

RE: S. Theodore Blumenfeld v. Verizon Pennsylvania Inc.; Docket No. C-20016344;
ANSWER AND NEW MATTER

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of Verizon Pennsylvania Inc.'s ("Verizon PA") Answer and New Matter in the above-captioned proceeding. A copy of this document has been served upon the Complainant in accordance with the attached Certificate of Service.

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,

William E. Lehman
Counsel for
Verizon Pennsylvania Inc.

WEL/kmg
Enclosures

cc: S. Theodore Blumenfeld

KJR

72

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

S. THEODORE BLUMENFELD,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

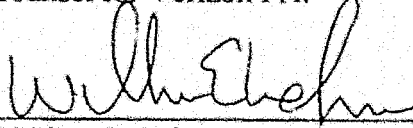
Docket No. C-20016344

NOTICE TO PLEAD

TO: S. Theodore Blumenfeld
123 South Broad Street
Suite 1230
Philadelphia, PA 19109

RECEIVED
01 NOV 20 PM 4:24
SECRETARY'S BUREAU

Pursuant to 52 Pa. Code §§5.62 and 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed New Matter of Verizon Pennsylvania Inc., within twenty (20) days from service of this notice, the facts set forth by Verizon PA in the New Matter may be deemed to be true, thereby requiring no other proof. All pleadings such as a Reply to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon PA.


William E. Lehman
Malatesta Hawke & McKeon LLP
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
717-236-1300

DATED: November 20, 2001

Counsel for
Verizon Pennsylvania Inc.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

S. THEODORE BLUMENFELD,

Complainant

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20016344

RECEIVED
01 NOV 20 PM 4:24
SECRETARY'S BUREAU

ANSWER AND NEW MATTER OF
VERIZON PENNSYLVANIA INC.
TO THE COMPLAINT OF S. THEODORE BLUMENFELD

Verizon Pennsylvania Inc. ("Verizon PA"), by its attorneys in this proceeding, Malatesta Hawke & McKeon LLP, hereby submits its Answer and New Matter to the Complaint filed by S. Theodore Blumenfeld ("Complainant" or "Mr. Blumenfeld") and raises New Matter. In support thereof, Verizon PA avers and represents as follows:

DOCKETED

NOV 21 2001

ANSWER

DOCUMENT
FOLDER

1. ADMITTED upon information and belief.
2. ADMITTED. The correct corporate name of the Respondent in this matter is "Verizon Pennsylvania Inc."

3. Verizon PA DENIES that the Complainant's July 22, 2001 telephone bill has charges in the amount of \$120.00 for interior line service. By way of further answer, Verizon PA AVERS that the Complainant's June 22, 2001 telephone bill contains charges in the amount of \$120.00 for inside wiring work performed by Verizon PA on telephone number 215-772-9400. Verizon PA DENIES that "they drew no interior lines." On June 1, 2001, Verizon PA dispatched a technician to the Complainant's premises, at which time the technician connected the Complainant's service to the network interface device ("NID"), and then extended inside wiring from the NID to the Complainant's telephone closet on the premises and tagged the line for the Complainant's vendor. For this inside wiring work, the Complainant was charged \$120.00. Verizon PA ADMITS that a line was run from the Complainant's NID to a telephone closet and that the line was tagged; however, Verizon PA DENIES that the telephone closet belongs to Verizon PA. Verizon PA is without sufficient information or knowledge at this time to respond to whether a line from the Complainant's interior closet already existed; therefore, this allegation is DENIED and strict proof thereof is demanded. Verizon PA ADMITS that the Complainant was told there would be a one-time charge of \$75.00 to connect service to the NID; however, the Complainant was also informed that to run the inside wiring from the NID to the telephone closet would be an additional \$120.00 charge. Verizon PA is without sufficient information or knowledge to respond to whether the Complainant has paid the \$75.00 charge; therefore, this statement is DENIED and strict proof of this statement is demanded. Verizon PA is without sufficient information or knowledge to respond to whether the complainant asked for or was provided with, a written investigative report about his complaint; therefore, this allegation is DENIED and strict proof of this allegation is demanded. By way of further answer, Verizon

PA AVERS that it has fully explained the nature of the charges in dispute to the complainant on numerous occasions.

4. The statements set forth in ¶4 constitute a prayer for relief to which no response is required.

NEW MATTER

Pursuant to 52 Pa. Code §5.62(b), Verizon PA avers by way of New Matter as follows:

1. Complainant is a customer of Verizon PA under account 215-772-9400. Service is currently provided to Complainant at 123 South Broad Street, Suite 1230, Philadelphia, PA 19109.

2. On or about November 1, 2001, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission ("Commission"), docketed at C-20016344. The gravamen of the Complaint is that the Complainant was charged \$120.00 for inside wiring work that was performed by Verizon PA.¹

3. This complaint involves inside wiring work that was performed by Verizon PA on June 1, 2001, at the complainant's multi-story building.

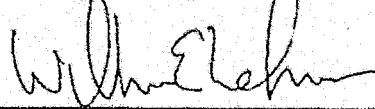
4. Verizon PA ran inside wiring (wiring on the customer's side of the network interface device ["NID"]) from the building's NID to the complainant's telephone closet, located in the complainant's building. At the same time, Verizon PA marked the line to identify it as being for the complainant's phone.

5. Verizon PA charges for maintenance visits if the facilities in questions are on the customers' side of the NID. This was explained to the complainant before Verizon PA performed the work in dispute.

¹ Verizon PA has filed a concurrent Motion to Dismiss the above-captioned complaint.

WHEREFORE, for the reasons stated above, Verizon Pennsylvania Inc. respectfully requests that the Complaint of S. Theodore Blumenfeld be dismissed preliminarily or denied in its entirety.

Respectfully submitted,



William E. Lehman
Malatesta Hawke & McKeon LLP
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300

DATED: November 20, 2001

Counsel for
Verizon Pennsylvania Inc.

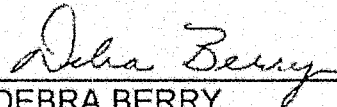
AFFIDAVIT

I, **DEBRA BERRY**, Director, Regulatory Planning of Verizon Pennsylvania am authorized to make this affidavit on its behalf, and I verify that the information provided in the foregoing Answer and New Matter 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.

RECEIVED

01 NOV 20 PM 4:25

SECRETARY'S BUREAU



DEBRA BERRY
Director, Regulatory Planning

S. THEODORE BLUMENFELD
ATTORNEY AT LAW
683 MEADOWBROOK DRIVE
HUNTINGDON VALLEY, PA 19006
215-665-8800

November 28, 2001

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street- Filing Room
P.O. Box 3265
Harrisburg, PA 171053265

ORIGINAL RECEIVED
NOV 28 2001 12:45
SECRETARY'S PUC BUREAU

Re: S. Theodore Blumenfeld v. Verizon
Pennsylvania, Inc. - Docket No. C-20016344

Dear Mr. McNulty:

I enclose for filing complainant's response to respondent's motion to dismiss in the captioned matter. A true and correct copy of this document has been served upon respondent's counsel today by U.S. Mail, postage prepaid.

A response to respondent's new matter will be filed next week with respect to the complaint in this matter.

Very Truly yours,


S. Theodore Blumenfeld

STB:mb
cc: William E. Lehman, Esquire
encl.

DOCUMENT
FOLDER

47

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

S. THEODORE BLUMENFELD,
Complainant
v.
VERIZON PENNSYLVANIA, INC.,
Respondent

Docket No. C-2001-6344

ORIGINAL
SECRETARY'S BUREAU
2001 NOV 30 PH12:45
RECEIVED

Complainant's Response to Respondent's
Motion to Dismiss Complaint

DOCKETED

DEC 04 2001

S.Theodore Blumenfeld, complainant in the above captioned matter hereby responds, pro se, to dismiss his complaint against Verizon Pennsylvania, Inc. as follows:

1. The facts alleged by respondent in paragraph 3 of its answer and new matter to the complaint are admitted in part and denied in part. Admitted that respondent's technician made connections to already existing wires and tagged it. No other wire work was performed. Denied that complainant was told that there would be a charge in addition to the \$75.00 one time charge to connect service to the network interface device. The \$75.00 one time charge has been paid. Proof that a request for a copy of the written investigativerreport was made is attached hereto as Exhibit "A". A copy of respondent's statement of the users rights and responsibilities contained in the Philadelphia white pages is enclosed as Exhibit "B". Denied that complainant has ever received a written explanation of the work performed and the charges therefor.

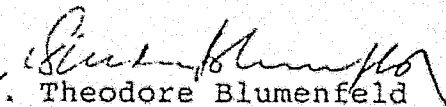
2. Denied as stated. Complainant is not dissatisfied with the work that was performed, if any, but rather with the \$120.00 charge therefor. With respect to the tariff provisions, complainant is without sufficient knowledge to respond as to the Commission's jurisdiction, and, therefore the averment is denied.

3. This is a conclusion of law to which no response is required.

DOCUMENT
FOLDER

4. This is a conclusion of law to which no response is required. Complainant is without sufficient knowledge to the respondent's averment that the Commission lacks jurisdiction to review the disputed charges and therefore denies the averment.

WHEREFORE, complainant respectfully requests that Respondent's motion to dismiss the complaint be denied.


S. Theodore Blumenfeld
Pro Se
683 Meadowbrook Drive
Huntingdon Valley, PA 19006
215-665-8800

Dated November 28, 2001

Exhibit "A"

S. THEODORE BLUMENFELD
ATTORNEY AT LAW
683 MEADOWBROOK DRIVE
HUNTINGDON VALLEY, PA 19006
215-665-8800

September 4, 2001

Ms. Joline Meyers
Verizon
404 W. 4th St.
Williamsport, PA 17701

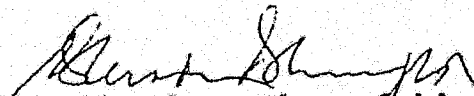
Re: 215-772-9400

Dear Ms. Meyers:

I last wrote to you about a disputed charge on the above account. I have not had a response from you other than your statement that the matter has been investigated and there will be no change. I enclose, for your information, a page from the current Verizon telephone directory for Philadelphia which I commend to your attention.

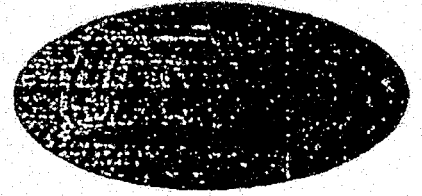
You have not complied with this procedure. I want a written report of the investigation that you claim to have conducted. I have been paying all charges other than the \$120 charge that I dispute. I suggest that you honor my request for a report before I refer this matter to the Public Utility Commission as outlined in the enclosure.

Very truly yours,


S. Theodore Blumenfeld

STB:mb
Encl.

YOUR TELEPHONE RIGHTS AND RESPONSIBILITIES



Getting Service Back On -continued

- You pay the amount that you owe for basic (local) service. The company will restore your local service, but your toll and/or non-basic services will remain suspended until you make arrangements to pay what you owe for them.

After you have done one of the above, the company will restore your service by the end of the first full working day.

If service is suspended, you will have to pay a reconnection fee. You may pay the reconnection fee as part of a payment agreement. The company may also require that you pay a security deposit. You may make payment to have service restored at an authorized payment agency. After you make the payment, you must call the company so your service can be restored.

Third Party Notification

The Third Party Notification Program protects individuals who may be away from home for long periods of time or those who may not understand the company's billing and payment practices. This program allows you to choose a person who is willing to receive a notice if your service is subject to suspension or termination. Please remember, however, that this person does not have the responsibility of paying your telephone bills.

Termination of Service

After telephone service is suspended, the company's next step is to mail you a termination notice. The termination notice will give you ten days before your service will be terminated. The notice will inform you what you can do to restore your service. You should contact the company as soon as you receive this notice.

REMEMBER — *Suspension of service* is a temporary interruption of your service. *Termination* is a more permanent end or cessation of telephone service. If your service is terminated, you must reapply for service as if you were a new applicant. It is important to know the difference because the cost of having service reconnected after "termination" is higher than the cost of restoring service after "suspension".

Contacting the Company with a Dispute

You have the right to question or dispute any telephone problem you may have. You should file a dispute before your service is suspended or terminated.

Once you register a dispute, the company must do all of the following:

- Investigate your dispute thoroughly.
- Stop suspension or termination of service because you haven't paid the disputed amounts.
- Give you information to help you make an informed judgment about your account.
- Within thirty days give you a report of the investigation including the company's final position on the matter. You have the right to ask for the report in writing.
- Inform you of your right to contact the Pennsylvania Public Utility Commission (PUC).

While your dispute is pending, you must pay all charges on your bill that you do not dispute.

Contacting the Public Utility Commission

Filing an Informal Complaint

If you are not satisfied with the company's answer to your problem, you have the right to file an **informal complaint** with the Public Utility Commission. In order to protect your rights, you should call or write the PUC within ten days of the date the company mailed its report to you.

The Bureau will need the following information:

- Your name, address and telephone number.
- The name of your telephone company.
- A description of the problem.
- What action the company took.
- What you want done.

The Bureau of Consumer Services will conduct its own investigation of your complaint and will get back to you with the results.

The Bureau of Consumer Services can be reached at the following telephone number or address:

1-800-782-1110 (toll free)
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a true and correct copy of Complainant's Response to Respondent's Motion to Dismiss to be served upon William E. Lehman, counsel for Verizon Pennsylvania, Inc. by first class U.S. Mail; postage prepaid at the following address:

William E. Lehman
Malatesta Hawke & McKeon LLP
100 North Tenth St.
Harrisburg, PA 17101

Dated November 28, 2001



S. Theodore Blumenfeld

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

November 30, 2001

In Re: C-20016344

(See attached list)

S. Theodore Blumenfeld v. Verizon Pennsylvania Inc.

Billing dispute.

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 Administrative Law Judge Herbert S. Cohen for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that you have 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:

P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

pc: Judge Cohen
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

DOCUMENT
FOLDER

DOCKETED
DEC 05 2001

S. THEODORE BLUMENFELD
ATTORNEY AT LAW
683 MEADOWBROOK DRIVE
HUNTINGDON VALLEY, PA 19006
215-665-8800

Ku.2

December 4, 2001

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North St. - Filing Room
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: S. Theodore Blumenfeld v. Verizon Pennsylvania, Inc.
Docket No. C#20016344

Dear Sir:

I enclose for filing complainant's response to respondent's new matter in the captioned case. A True and correct copy of this document has been served upon respondent's counsel today by U.S. Mail, postage prepaid.

DOCUMENT
FOLDER

Very truly yours,


S. Theodore Blumenfeld

STB:mb
cc: William E. Lehman, Esquire
encl.

2001 DEC - 6 AM 10: 28
P.A. FUC
SECRETARY'S BUREAU

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

S. THEODORE BLUMENFELD,
Complainant

v.

VERIZON PENNSYLVANIA, INC.,
Respondent

Docket No. C-2801633

COMPLAINANT'S RESPONSE TO RESPONDENT'S
NEW MATTER

S. Theodore Blumenfeld, complainant in the captioned
matter hereby responds to respondent's new matter
as follows:

DECKETED

1. Admitted

DEC 06 2001

2. Denied that the gravamen of the complaint is that
complainant was charged for inside wiring work performed by
respondent but, rather, that complainant was charged for
inside wiring work that was not performed by respondent.

3. Denied. The complaint involves a charge of \$120.00
for inside wiring work. In fact, all that respondent did was
to produce a dial tone on already existing wiring.

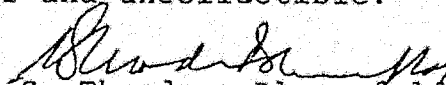
4. Denied that respondent ran inside wiring from the
building network interface device to complainant's telephone
closet.

5. Admitted that respondent tagged the line for indenti-
fication in the building's equipment room.

5. Complainant is without sufficient knowledge of re-
spondent's billing practices to frame an answer to the first
averment of this paragraph. Denied that this was explained to
complainant at any time before the alleged work was performed.
The only charge of which complainant was apprised was a one
time \$75.00 charge which has been paid.

WHEREFORE, complainant respectfully requests that this
charge of \$120.00 be declared improper and uncollectible.

Dated December 4, 2001


S. Theodore Blumenfeld
Pro Se
683 Meadowbrook Drive
Huntingdon Valley, PA 19006
215-665-8800

2001 DEC -6 AM 10:28
SECRETARY'S BUREAU
PUC

RECEIVED

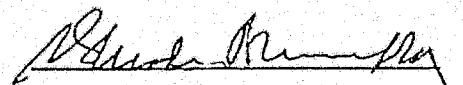
DOCUMENT
FOLDER

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a true and correct copy of Complainant's Response to Respondent's New matter to be served upon William E. Lehman, counsel for Verizon Pennsylvania, Inc. by first class U.S. Mail, postage prepaid at the following address:

William E. Lehman
Malatesta Hawke & McKeon LLP
100 North Tenth St.
Harrisburg, PA 17101

Dated December 4, 2001


S. Theodore Blumenfeld