

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY:
DIRECTOR:
SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20077839
- 4. PUBLIC MEETING DATE:
00/00/00
- 7. DATE FILED: 06/04/07
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: GAMON, THOMAS

RESPONDENT/APPLICANT: VERIZON PENNSYLVANIA INC

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 310200

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON HIS BILL.

DOCKETED
JUN 06 2007

DOCUMENT
FOLDER



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

5/9/07

IN REPLY PLEASE
REFER TO OUR FILE

APRIL 19, 2007

BCS2171883

THOMAS GAMON
119 YERGER ROAD
SCHWENKSVILLE PA 19473

DOCUMENT
FOLDER

C-20077839

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**** Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before MAY 9, 2007 to the address listed below:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.

- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.
- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

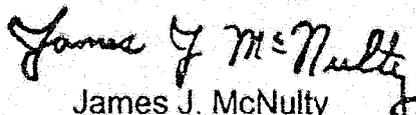
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.

YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,


James J. McNulty
Secretary

SS

cc: VERIZON PA INC

Timely

APPEAL FORM

I want to appeal this Informal Complaint Decision. Please send me formal complaint forms at the address listed below

2171883
BCS Number

March 22, 2007
Date of Mailing

Company Name:
VERIZON PA
1717 ARCH ST 17TH FLR.
PHILADELPHIA PA 19103

CUSTOMER NAME AND ADDRESS
Please correct any mistakes in your name and address.

Thomas Gamon

Customer Signature

THOMAS GAMON
119 YERGER RD
SCHWENKSVILLE PA 19473

610-287-9023
(Area code) Telephone no.

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

THIS SLIP MUST BE RETURNED WITHIN 10 DAYS OF THIS DATE:

March 22, 2007
APPEAL DATE

You Do Not Need a Lawyer to File
A Formal Complaint and Have a Hearing!

72

RECEIVED
2007 APR -6 AM 9:02
COMMUNICATIONS DIVISION

Must be returned by MAY 9, 2007

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20077839

ORIGINAL

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address.

Name Thomas Gamen

Street/P.O. Box 119 Yerger Rd Apt # _____

City Schuensville State PA Zip 19473

County Montgomery

Area Code/HOME Phone 610-287-5322

Area Code/WORK Phone 610-287-9023

Utility Account Number 610-287-5322-449-984
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Verizon

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE
(local long distance)

25

4. COMPLAINT (check one)

A. In general, what is your complaint?

I want to oppose the company's proposed rate increase.

There are incorrect charges on my bill.

There is a reliability, safety or quality problem with my utility service.

I received a notice that my utility service is being terminated

I would like a payment agreement.

Other
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

See attached statement.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

We would like to be relieved of the charges as we do not feel we owe the money.

B. Facts of the complaint

On 11/10/06 received a notice from Verizon stating that our account was overdue in the amount of \$3207.76 and that telephone service was to be turned off on 11/14/06. Please note that this was the first we were aware of any money being overdue. The last bill we received from Verizon was on 7/27/06 in the amount of \$55.47 which we paid on 8/18/06. We did not receive any other notice until the overdue notice. We were unaware of the drastic change taking place on our account, otherwise we would have taken care of the issue immediately. We have our own business, so everyday we have bills coming in and we did not notice that we had not received anything from Verizon in regards to our home service, which is not a large bill to begin with. We were not aware that the telephone line (610-287-2914) which we use for AOL was changed from local number to a toll charge during this time. We have had AOL on this line for at least a year before all this took place and never had a toll charge. When we received the overdue notice, we called Verizon on 11/13/06 and spoke with a customer service representative. We explained that we were not aware that the AOL dial up line had changed from local to toll. We also told them we never received any billings from Verizon. (They said they would mail a duplicate invoice for our records so we could see the charges that were incurred. It took a month to receive that notice.) They said we should call someone from AOL, that this is was not Verizon's doing. So we called AOL and talked with a service rep on 11/13/06. They said it was not there responsibility and to go back to Verizon. After several phone calls back and forth to Verizon and AOL, we were finally told to file a claim with the PUC. On 11/15/06 we filed a claim with the PUC. We did receive a call back from Verizon after claim was filed (I do not have the date) and we were told that a partial adjustment would be made to our bill in the amount of \$2706.57. We would still owe approx. \$2900.00 to Verizon. We do not feel we owe this as we were not aware that a number could be changed automatically from a local number which we had for a long period of time and then just like that get switched over to a toll charge number.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

N/A

YES
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Thomas Gaman, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Thomas Gaman
(Signature)

5/9/07
(Date)

9. **LEGAL REPRESENTATION (IF ANY)**

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

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. **FILING**

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
--	--

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

5/31/07

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

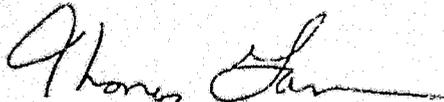
Re: BCS2171883/ Verizon PA Inc

To: James J. McNulty , Secretary

Mr. McNulty,

Enclosed please find the completed formal complaint form against Verizon. We would have submitted sooner but, we thought the money due had been credited as it was no longer due on our Verizon bill (see attached copy). However, we have now received a notice from a collection agency for the money due and we still want to file a complaint against Verizon.

Thank you,



Thomas Gamon
119 Yerger Road
Schwenksville, PA 19473



THOMAS GAMON

Account Summary

Previous Charges	\$ 2,938.20
Payment Received Apr 23. Thank You.	- 52.59
Total adjustments	- 2,867.99
Past Due Charges (please pay now)	\$ 17.62
New Charges	
Verizon (page 3)	\$ 52.88
Verizon Long Distance (page 6)	2.67
Total New Charges Due May 23	\$ 55.55
Total Due: (Past Due + New)	\$ 73.17

*Deducted
Charges*

pd 5/19

FIOS

*Experience The Power Of
Fiber-Optic Internet*

*Verizon FiOS Internet is here!
Cruise the web at speeds up to
5/2 Mbps for just \$39.99/month
with a one-year agreement.
Call 1-888-563-4911 or visit
verizon.com/pa/fios19 today*

Subject to availability.



Moving? 1-866-VZ-MOVES

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nation, one call can do it all.
Call us for internet, phone and
entertainment in your new
home.*

ONE-BILL*

Are You A ONE-BILL Customer?

*Get your Verizon and Verizon Wireless
charges on a single bill each month!
Sign-up is easy at verizon.com
Already a ONE-BILL customer?
Find out about important
changes in the "For Your
Information" part of this
bill*

Questions about your bill? Call 1 800 680-2215
See page 2 for all other Verizon contact information.

Change of billing address?
Go to verizon.com/billingaddress or see page 2.

▼ Detach & return payment slip with your check, payable to Verizon



Account: 610 287-5322 449 98Y
 New Charges Due: 05/23/07
 Total Due: \$ 73.17

210*HBRDAI
 00042027 150000013375
 33-PA P230
 6102375322 2X071405
 042707

Yes! I want to be a Literacy Champion.
Sign me up for a \$1 monthly donation
to Verizon Reads.

Amount Paid :

\$

00002027 01 FP 0371 EEP12081 0096
 THOMAS GAMON
 119 YERGER RD
 SCHWINKSVL PA 19473-1717

Verizon
 PO BOX 28000
 LEHIGH VALLEY PA 18002-8000



BILLING ADJUSTMENTS

Adjustments for 610 287-5322

1 Apr 23 Balance transferred
 Adjustment(s) applied to previous charges.

Total CR 2,867.99
 Total CR \$ 2,867.99

MONTHLY SERVICE - BASIC (Apr 27 to May 26)

Description	Qty	Unit Rate	
2 Flat Rate Unlimited Service	2	6.85	13.70
3 Dial Tone Line	2	7.37	14.74
4 Federal Subscriber Line Charge	2	6.25	12.50
5 Federal Universal Service Fee	2	73	1.46
Total			\$ 42.40

RATE ADJUSTMENTS

Description	Qty	Amount	Days	
6 Rate increase (Apr 3 to Apr 26) Federal Subscriber Line Charge	2	\$.00291	24	.14
7 Rate increase (Apr 3 to Apr 26) Federal Universal Service Fee	2	.00416	24	.20
Total				\$.34

MISCELLANEOUS CHARGES AND CREDITS

8 Late payment charge on \$17.62 at 1.25%				.22
Total				\$.22

BASIC SERVICE TAXES AND SURCHARGES

9 Federal excise tax				1.24
10 PA Relay Surcharge				.16
11 E911				2.00
Total				\$ 3.40

Verizon basic charges \$ 46.36

LOCAL TOLL CALLS

MONTHLY SERVICE (Apr 27 to May 26)

Description	Qty	Unit Rate	
12 Sensible Minute	2	1.00	2.00
Total			\$ 2.00

Sensible Minute Plan

For 610 287-5322

Direct Dialed Calls

Day	Date	Time	Place called	Number called	Min.	
13 Tue	Mar 27	8:19 pm	Reading	PA 610 587-2800	1.1	.15
14 Tue	Mar 27	8:20 pm	Conshohockn	PA 610 476-5014	1.1	.15
15 Tue	Mar 27	8:26 pm	Reading	PA 610 587-2800	1.1	.15
16 Wed	Mar 28	4:55 pm	Reading	PA 610 587-2800	1.1	.15
17 Sat	Mar 31	12:28 pm	Conshohockn	PA 610 476-5014	1.1	.15
18 Sat	Mar 31	12:28 pm	Reading	PA 610 587-2800	1.1	.15
19 Sat	Mar 31	2:00 pm	Conshohockn	PA 610 476-5014	1.1	.15
20 Sat	Mar 31	2:27 pm	Conshohockn	PA 610 476-5014	1.1	.15
21 Sat	Mar 31	4:09 pm	Conshohockn	PA 610 476-5014	3.1	.47
22 Sun	Apr 1	8:38 am	Phoenixvl	PA 610 983-1756	1.7	.26
23 Sun	Apr 1	9:31 am	Phoenixvl	PA 610 983-1756	1.0	.15
24 Sun	Apr 1	1:47 pm	Conshohockn	PA 610 476-5014	1.1	.15
25 Mon	Apr 2	8:31 am	Pennsburg	PA 215 679-6718	3.1	.47
26 Tue	Apr 3	11:58 am	Eagle	PA 610 458-9004	10.4	1.56
Subtotal						\$ 4.26

Summary of Sensible Minute Plan

27 Plan Calls					\$ 4.26
Total					\$ 4.26



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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: JUNE 7, 2007

C-20077839

LEIGH A. HYER
VERIZON PENNSYLVANIA INC
FLOOR 10W
1717 ARCH ST
PHILADELPHIA PA 19103

DOCUMENT
FOLDER

Dear Ms. Hyer:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by THOMAS GAMON. 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.

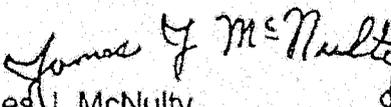
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

JUNE 7, 2007

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

jih

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JUNE 7, 2007

THOMAS GAMON
Complainant

v.

VERIZON PENNSYLVANIA, INC.
Respondent

Complaint Docket
No: C-20077839

DOCKETED
FORWARDED

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: VERIZON PENNSYLVANIA, INC.

DOCKETED
JUN 06 2007

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 17105-3265, an answer (original and three 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).

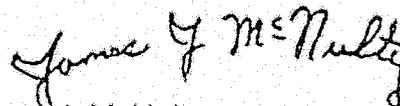
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa.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

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

1835 Market Street
14th Floor
Philadelphia, PA 19103-2985
T 215 665 8700
F 215 665 8760
www.buchananingersoll.com

Margaret A. Morris
215 665 5330
margaret.morris@bipc.com

ORIGINAL

June 26, 2007

Via UPS

Mr. James J. McNulty, Esquire
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105

RECEIVED

JUN 26 2007

ORIGINAL

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Docket No. C-20077839
Thomas Gamon v Verizon Pennsylvania Inc.
Answer of Verizon Pennsylvania Inc.

DOCKETED
JUN 28 2007

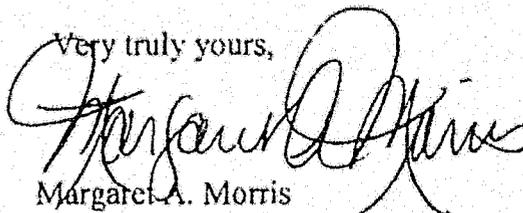
Dear Secretary McNulty:

Enclosed for filing, please find an original and four (4) copies of the Answer of Verizon Pennsylvania Inc. in the above-captioned proceeding. As indicated on the certificate of service, a copy of the Answer has been provided to the Complainant in the manner indicated.

Please hand stamp the extra copy and return to my attention using the enclosed self-addressed stamped envelope.

If there are any questions, please do not hesitate to contact me

Very truly yours,



Margaret A. Morris

Enclosure
cc: Thomas Gamon

DOCUMENT
FOLDER

2034026

39

Re: Docket No. C-20077839
Thomas Gamon v Verizon Pennsylvania Inc.
Answer of Verizon Pennsylvania Inc.

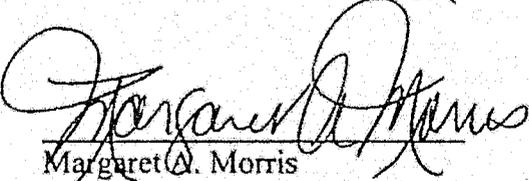
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons on the attached service list, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

Via First Class Mail

Mr. Thomas Gamon
119 Yerger Road
Schwenksville, PA 19473

Dated: June 26, 2007


Margaret A. Morris

RECEIVED

JUN 26 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JUN 26 2007

ORIGINAL PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

THOMAS GAMON

Complainant

v.

Docket No. C-20077839

VERIZON PENNSYLVANIA INC.

Respondent

DOCKETED
JUN 28 2007

ANSWER OF VERIZON PENNSYLVANIA INC.
TO THE COMPLAINT OF THOMAS GAMON

Verizon Pennsylvania Inc. ("Respondent" or "Company"), by and through its attorney, Buchanan Ingersoll & Rooney, PC, hereby submits its Answer to the Complaint filed by Thomas Gamon ("Complainant"). In support thereof, Respondent avers and represents as follows:

1. Admitted upon information supplied by Complainant.
2. Admitted that Respondent's name is Verizon Pennsylvania Inc.
3. Admitted.
4. The Respondent denies that there are incorrect charges on his bill or that it

DOCUMENT
FOLDER

provided inadequate service to the Complainant. All bills as rendered are accurate and correct.

The Complaint arises from an appeal of the Decision of the Bureau of Consumer Services, Docket No. 2171883, issued March 22, 2007 ("BCS Decision"), a copy of which is attached to the Answer as Exhibit 1. The BCS Decision concluded that "the customer is responsible for the long distance charges, as of January 27, 2007, in the amount of \$2,934.87."

The Complainant has two telephone lines which are billed under the main billing account number 610-287-5322. It is the regional toll charges for the second line, 610-287-2914, which are being disputed. The Complainant states that he dedicated the second line for his home computer. The usage pattern for the second line from bill date July 2005 through bill date August 2006 reflects minimal toll usage.

Beginning with the bill date September 27, 2006, the customer began to incur regional toll charges for direct dialed calls made from the second line to a Reading, PA telephone number 484-334-4265.¹ The first call to that number occurred on August 29, 2006 and appeared on the September 26, 2006 bill; the last call occurred on November 12, 2006 and appeared on the November 2006 bill. A review of the minutes of use ("MOU") reflects that some calls were over 1,000 minutes. This type of MOU activity is typically indicative of dial-up internet usage.

The total disputed amount for regional toll charges is \$5,413.14 which reflects three billing months as follows:

<u>BILL DATE</u>	<u>AMOUNT</u>
09-27-06	\$3,097.69
10-27-06	\$1,481.10
11-27-06	\$ 834.35
TOTAL	\$5,413.14

The Complainant subscribed to the Company's Sensible Minutes optional toll calling plan which billed intraLATA regional toll at \$0.12 cents a minute. The billing history for the Complainant's second line is attached to the Answer as Exhibit 2. Bills were sent to the Complainant's home address. Company records do not indicate that any bills were returned by the U.S. Post Office.

¹ This is not a Verizon telephone number. The 484-334 central office switch is owned by Nextel Communications.

On November 13, 2006, the Complainant contacted the Toll Billing Inquiry Center ("TBIC") to dispute the toll charges. The customer advised that his internet access number through America Online ("AOL") had been changed. He was advised to contact his service provider. On November 15, 2006, the Complainant contacted the Respondent stating that AOL's position was that it was the Respondent's error. The Company advised the Complainant that it plays no role in the number that a computer selects to access the internet².

As a good faith gesture, the Respondent issued a credit for 50% of the disputed charges. Adjustments totaling \$2,706.57 were applied to the account on November 29, 2006, and November 30, 2006. The adjustments were reviewed with the Complainant.

The collection activity on the account is as follows. A suspension notice for toll service was mailed on November 7, 2006. At that time the outstanding toll balance was \$3,118.41. A stay on the suspension was placed on the account when the Complainant filed his Informal Complaint with BCS on November 15, 2006.

The BCS Decision required that, within 10 days of the decision or April 1, 2007, the Complainant pay \$2,934.78. The stay on the suspension was lifted the day the BCS Decision was issued. When the Complainant failed to comply with the BCS Decision, Respondent suspended toll service for non-payment on April 5, 2007. A 10-day Termination Notice for toll was mailed on April 6, 2007. The toll service was terminated on April 23, 2007.

The Commission has specifically stated that the Respondent has no role in what number a customer selects, whether actively or by default, and the number the computer dials. Commission precedent supports this fact as well as the fact that Respondent provides information in its telephone directory so that customers can make an informed decision as to

² Normally a customer either programs their dial-up access number(s) in their computer or manually calls the number to make a connection to their Internet Service Provider.

what numbers are local calls and what numbers are toll calls. A customer can also contact the Company directly to inquire about a specific number. See, *Constance Clarke v Verizon*, Docket No. F-01301036, entered September 10, 2004; *Order on Reconsideration* entered November 18, 2004.

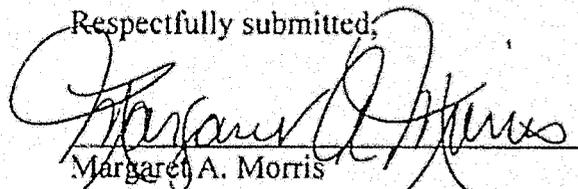
5. The Respondent denies that the Complainant is entitled to the relief requested. At all times, Respondent provided reasonable and adequate service in compliance with the Public Utility Code and the Commission's Regulations. There has been no violation of state law or regulations.

6. Unknown to the Respondent. No response is required as this is a complaint filed under Chapter 64 and not Chapter 14.

7. The Complainant has contacted the Company regarding his Complaint.

WHEREFORE, for the foregoing reasons, Verizon Pennsylvania Inc. denies that Thomas Gamon is entitled to the relief requested in accordance with the Respondent's response to Paragraphs 4 and 5. Verizon Pennsylvania Inc. respectfully requests that the Formal Complaint filed by Thomas Gamon at Docket No. F-02188184, be dismissed or denied in its entirety.

Respectfully submitted,



Margaret A. Morris
Attorney I.D. No. 75048
1835 Market Street, 14th Floor
Philadelphia, PA 19103-2985
215-665-5330 (voice)
215-665-8760 (fax)
margaret.morris@bipc.com

Date: June 26, 2007

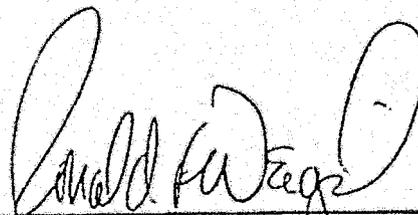
Counsel for Verizon Pennsylvania Inc.

I, RONALD F. WEIGEL, Director – Government Relations 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.

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SECRETARY'S BUREAU



RONALD F. WEIGEL
Director – Government Relations

EXHIBIT 1

THOMAS GAMON v VERIZON PENNSYLVANIA INC.
Docket No. C-20077839

BCS DECISION NO. 2171883
Dated: March 22, 2007

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Date: March 22, 2007

THOMAS GAMON
119 YERGER RD
SCHWENKSVILLE PA 19473

V.

BCS No: 2171883

VERIZON PA
1717 ARCH ST 17TH FLR
PHILADELPHIA PA 19103

Acct. No: 610-287-5322

DECISION ON INFORMAL COMPLAINT BY THE BUREAU OF CONSUMER SERVICES:

The Bureau of Consumer Services received the above-captioned informal complaint on November 15, 2006 from Thomas Gamon. In the complaint it was alleged that:

Customer's toll service is scheduled for suspension due to non-payment of \$5106 in dial-up internet charges.

INVESTIGATION BY STAFF OF THE BUREAU OF CONSUMER SERVICES REVEALED:

- 1.) That, according to company records, on November 15, 2006 the customer contacted the company questioning internet dial up charges. The customer advised that AOL sent him to the company. The company representative explained that there is no way possible for Verizon to change a dial up number.
- 2.) That, according to company records, on November 30, 2006 the company called the customer advising they had issued courtesy adjustments on September 2005 = \$1548.84, October 2006 = \$740.55 and November 2006 = \$417.27 for 50% of usage.
- 3.) That, according to the Bureau of Consumer Services (BCS) investigation on March 21, 2007 a conversation with the customer failed to bring resolution for the customer's dispute. The customer was provided with other agencies to contact.

**BASED ON THESE FINDINGS, THE BUREAU OF CONSUMER SERVICES
CONCLUDES THAT:**

- 1.) The customer is responsible for the long distance charges, as of January 27, 2007, in the amount of \$2934.87.

THEREFORE, IT IS DECIDED THAT:

- 1.) In order to avoid further collection efforts by the company, the customer, Thomas Gamon, will is ordered to pay \$2934.87 within ten (10) days of the date of this decision.

If the customer fails to keep the terms of this informal decision by either not making payments as required, failure to pay current bills or by not making a timely appeal, the company may pursue suspension or termination of service as allowed by Chapter 64 of the Public Utility Commission's rules and regulations.

The company must apply the customer's payments as PUC regulations require.

That appeal of this decision may only be taken by filing a written intention to appeal with the Commission within ten (10) days of the mailing of this decision. Any questions concerning the right of appeal of Commission procedures should be directed to me at 1-800-782-1110.

Jack Smith

Telephone Complaints Investigator
Commonwealth of Pennsylvania
Public Utility Commission
Bureau of Consumer Services

EXHIBIT 2

THOMAS GAMON v VERIZON PENNSYLVANIA INC.
Docket No. C-20077839

ACCOUNT HISTORY

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

ACCOUNT HISTORY

Customer's Name: **Thomas Gamon** Telephone No. **610-287-5322**
 Docket Number **C-20077839**

Dates	Type of Service	Past Due Balance	Current Due	Totals Due	Date Paid/ Paid Thru	Posted Pmts&Adjs	Payment Applied	Past Due Balance
BILL DATE 12/27/2006	Basic	\$44.92	\$44.28	\$89.20	1/30/2007	\$49.26	\$49.26	\$39.94
	Toll	\$2,840.69	\$4.98	\$2,845.67				\$2,845.67
	Non Basic							
Due 1/23/2007	Totals	\$2,885.61	\$49.26	\$2,934.87		\$49.26	\$49.26	\$2,885.61

BILL DATE 1/27/2007	Basic	\$39.94	\$44.40	\$84.34				\$84.34
	Toll	\$2,845.67	\$4.93	\$2,850.60				\$2,850.60
	Non Basic							
Due 2/22/2007	Totals	\$2,885.61	\$49.33	\$2,934.94				\$2,934.94

BILL DATE 2/27/2007	Basic	\$84.34	\$47.23	\$131.57	3/1/2007	\$49.33	\$113.95	\$17.62
	Toll	\$2,850.60	\$17.39	\$2,867.99	3/28/2007	\$64.62		\$2,867.99
	Non Basic							
Due 3/26/2007	Totals	\$2,934.94	\$64.62	\$2,999.56		\$113.95	\$113.95	\$2,885.61

BILL DATE 3/27/2007	Basic	\$17.62	\$45.35	\$62.97	4/23/2007	\$52.59	\$45.35	\$17.62
	Toll	\$2,867.99	\$7.24	\$2,875.23	4/23/2007	\$2,867.99	Tr	\$2,875.23
	Non Basic							
Due 4/23/2007	Totals	\$2,885.61	\$52.59	\$2,938.20		\$2,920.58	\$2,920.58	\$17.62

BILL DATE 4/27/2007	Basic	\$17.62	\$46.36	\$63.98	5/21/2007	\$73.17	\$63.98	
	Toll		\$9.19	\$9.19			\$9.19	
	Non Basic							
Due 5/23/2007	Totals	\$17.62	\$55.55	\$73.17		\$73.17	\$73.17	

BILL DATE 5/27/2007	Basic		\$45.79	\$45.79				\$45.79
	Toll		\$2.00	\$2.00				\$2.00
	Non Basic							
Due 6/25/2007	Totals		\$47.79	\$47.79				\$47.79

Transaction Code: Minus = Credit A = Adjustment D = Debit Tr = Transfer to Final RC = Returned Check

ACCOUNT HISTORY

Customer's Name: **Thomas Gamon** Telephone No. **610-287-5322**
 Docket Number **C-20077839**

Dates	Type of Service	Past Due Balance	Current Due	Totals Due	Date Paid/ Paid Thru	Posted Pmts&Adjs	Payment Applied	Past Due Balance
BILL DATE 6/27/2006	Basic	\$43.32	\$44.44	\$87.66	7/28/2006	\$99.78	\$87.66	
	Toll	\$2.24	\$9.88	\$12.21			\$12.21	
	Non Basic							
Due 7/24/2006	Totals	\$45.46	\$54.32	\$99.78		\$99.78	\$99.78	

BILL DATE 7/27/2006	Basic		\$43.67	\$43.67	8/29/2006	\$55.47	\$43.67	
	Toll		\$11.80	\$11.80			\$11.80	
	Non Basic							
Due 8/22/2006	Totals		\$55.47	\$55.47		\$55.47	\$55.47	

BILL DATE 8/27/2006	Basic		\$45.03	\$45.03				\$45.03
	Toll		\$10.79	\$10.79				\$10.79
	Non Basic							
Due 9/21/2006	Totals		\$55.82	\$55.82				\$55.82

BILL DATE 9/27/2006	Basic	\$45.03	\$44.32	\$89.35				\$89.35
	Toll	\$10.79	\$3,107.62	\$3,118.41				\$3,118.41
	Non Basic							
Due 10/23/2006	Totals	\$55.82	\$3,151.94	\$3,207.76				\$3,207.76

BILL DATE 10/27/2006	Basic	\$89.35	\$45.69	\$135.04	11/29/2006	\$83.10	\$83.10	\$51.94
	Toll	\$3,118.41	\$1,529.65	\$4,648.06				\$4,648.06
	Non Basic							
Due 11/22/2006	Totals	\$3,207.76	\$1,575.34	\$4,783.10		\$83.10	\$83.10	\$4,700.00

BILL DATE 11/27/2006	Basic	\$51.94	\$44.92	\$96.86	11/29/2006	\$1,548.85	A	\$51.94	\$44.92
	Toll	\$4,648.06	\$907.26	\$5,555.32	11/29/2006	\$740.55	A	\$2,714.63	\$2,840.69
	Non Basic				11/30/2006	\$417.17	A		
Due 12/26/2006	Totals	\$4,700.00	\$952.18	\$5,652.18	12/28/2006	\$60.00		\$2,766.57	\$2,885.61

Transaction Code: Minus = Credit A = Adjustment D = Debit Tr = Transfer to Final RC = Returned Check



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 2, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20077839

(SEE ATTACHED LIST)

Thomas Gamon v. Verizon Pennsylvania Inc.

Billing Dispute

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephonic Hearing

Date: Monday, August 27, 2007

Time: 10:00 a.m.

Presiding: Administrative Law Judge Marlane R. Chestnut
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215-560-2105
Fax: 215-560-3133

DOCUMENT
FOLDER

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

DOCKETED
JUL 9 - 2007

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Thomas Gamon
Margaret A. Morris, Esquire

610-287-5322
215-665-5330

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

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 at least (2) two business days prior to your hearing:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired:
1-800-654-5988

pc: Judge Chestnut
Stacy Nolan, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

C-20077839 THOMAS GAMON v. VERIZON PENNSYLVANIA INC.

THOMAS GAMON
119 YERGER ROAD
SCHWENKSVILLE PA 19473
610-287-5322

MARGARET A MORRIS ESQUIRE
BUCHANAN INGERSOLL & ROONEY PC
1835 MARKET STREET
14TH FLOOR
PHILADELPHIA PA 19103-2985
215-665-5330