

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Spiesberger

v.

Verizon Pennsylvania, Inc.

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:

C-20077284

ORDER VACATING
PRIOR ORDER IN PART

DOCUMENT
FOLDER

On March 14, 2007, Administrative Law Judge Angela T. Jones issued Order Sustaining Preliminary Objection and Granting Continuance (March 14, 2007 Order) in which she sustained the Preliminary Objections filed by respondent Verizon Pennsylvania, Inc. (Verizon) to the Complaint filed by John Spiesberger, gave Mr. Spiesberger an opportunity to cure the defect, and granted respondent Verizon's request that the scheduled April 5, 2007 hearing be continued.

Upon review of that March 14, 2007, it is obvious, as the result of the less than clear language in the Preliminary Objection, that ALJ Jones misunderstood who the actual customer of the complained-of service actually is. She agreed with Verizon's assertion that the complainant lacks standing, but then seemed to assume that complainant's company (Scientific Innovations) is the actual Verizon customer, and gave Mr. Spiesberger an opportunity to amend the Complaint by directing him ". . . to amend the Complaint with the company that purchases the REACT system service as the Complainant."

The pleadings are unambiguous that the company that purchases the REACT system from Verizon is neither complainant nor his company but the alarm company, Electronic Security Corp.

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MAR 28 2007

BA

Obviously, unless Mr. Spiesberger is an officer of Electronic Security, or is an attorney retained on its behalf, he cannot file a complaint in its name. Therefore, it is impossible for him to comply with ALJ Jones' directive that an amended Complaint be filed on or before March 30, 2007. That part of the March 14, 2007 Order therefore is vacated.

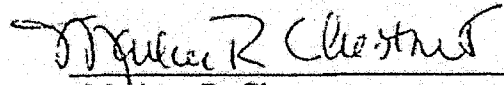
The part of the Order granting the Continuance will remain in effect, until I have had an opportunity to address the outstanding Preliminary Objections. Therefore, the telephonic hearing scheduled for June 26, 2007 by Judge Change and Hearing Cancellation/Reschedule Notice dated March 20, 2007 will be continued until further notice.

THEREFORE,

IT IS ORDERED:

1. That the March 14, 2007 issued Order Sustaining Preliminary Objection and Granting Continuance is vacated in part; and
2. That the telephonic hearing scheduled for June 26, 2007 will be continued until further notice.

Date: March 22, 2007



Maflane R. Chestnut
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 23, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20077284

(SEE LETTER OF 3-20-07)

John Spiesberger v. Verizon Pennsylvania, Inc.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial Telephonic Hearing
Date: Tuesday, June 26, 2007
Time: 10:00 a. m.
Presiding: Administrative Law Judge Marlane R. Chestnut

Please mark your records accordingly.

**DOCUMENT
FOLDER**

pc: Judge Chestnut
Ona Lester
Beth Plantz
Docket Section
Calendar File

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MAR 27 2007

C-20077284 JOHN SPIESBERGER v. VERIZON PENNSYLVANIA INC.

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