

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Thomas Gamon

v.

Verizon Pennsylvania Inc.

**DOCKETED**  
JUL 20 2007

C-20077839

PREHEARING ORDER

DOCUMENT  
FOLDER

An Initial Telephone Hearing in this case is scheduled for Monday, August 27, 2007 at 10:00 a.m. You must be available when contacted by the presiding officer or your case will be dismissed. If you will be at a telephone number that is different than the number listed on the Complaint, you must notify me of that telephone number at least five (5) business days before the hearing.

The parties are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. My correct address is:

1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215-560-2105  
Fax: 215-560-3133

Changes are granted only in rare situations where good cause exists.

**RECEIVED**

JUL 20 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

2. **Commission policy promotes settlements. 52 Pa. Code §5.231(a).** The utility will contact the customer at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

4. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedures.

5. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

6. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

7. Be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents that you file in this proceeding.

8. The Complainant is responsible for payment of current bills pending the resolution of this complaint. 52 Pa. Code § 56.181. Failure to make payments may result in the termination of utility service.

9. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

10. The complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that he/she is entitled to the relief requested in the Complaint.

Date: July 16, 2007

  
\_\_\_\_\_  
Marlane R. Chestnut  
Administrative Law Judge

**ORIGINAL**

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

July 31, 2007

**Via Hand Delivery**

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

**DOCUMENT  
FOLDER**

SECRET  
2007 JUL 31 11:16 AM

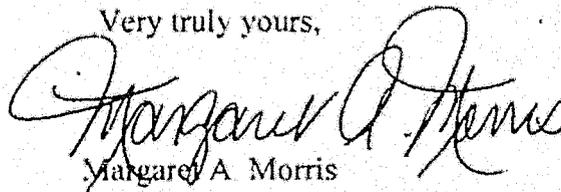
**Re: Docket No. C-20077839  
Thomas Gamon v Verizon Pennsylvania Inc.  
Motion for Protective Order of Verizon Pennsylvania Inc.**

Dear Secretary McNulty:

Enclosed for filing, please find an original and three (3) copies of the Motion for Protective Order of Verizon Pennsylvania Inc. in the above-captioned proceeding. As indicated on the certificate of service, a copy of the Motion has been provided to the Complainant in the manner indicated.

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

Very truly yours,



Margaret A. Morris

Enclosure

cc: Honorable Marlane R. Chestnut  
Thomas Gamon

**BA**

49

Re: Docket No. C-20077839  
Thomas Gamon v Verizon Pennsylvania Inc.  
Motion for Protective Order of Verizon Pennsylvania Inc.

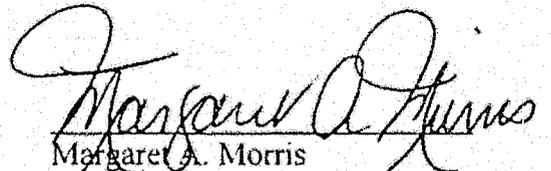
CERTIFICATE OF SERVICE

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: July 31, 2007

  
Margaret A. Morris  
Counsel for Verizon Pennsylvania Inc.

2007 JUL 31 5:11:16  
SERV

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS GAMON

v.

VERIZON PENNSYLVANIA INC.

No. C-20077839

Stamp: Served on 8/1/07 11:17 AM

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.103 and 5.362, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion for Protective Order of Verizon Pennsylvania Inc., within 20 days from service of this notice, and if you do not file a written response denying or correcting the enclosed Motion for Protective Order within 20 days from service of this notice, the facts set forth by Verizon Pennsylvania Inc. in the Motion for Protective Order may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Motion for Protective Order, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Verizon Pennsylvania Inc., Margaret A. Morris, and Administrative Law Judge, Marlane R. Chestnut, presiding over the issue.

**File with:**

Mr. James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

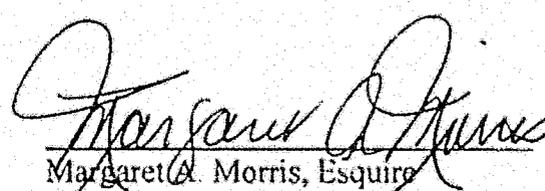
**With a copy to:**

Honorable Marlane R. Chestnut  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

**With a copy to:**

Ms. Margaret A. Morris, Esquire  
Buchanan Ingersoll & Rooney PC  
14<sup>th</sup> Floor, 1835 Market Street  
Philadelphia, PA 19103

Date: July 31, 2007



Margaret A. Morris, Esquire  
Buchanan Ingersoll & Rooney PC  
14<sup>th</sup> Floor, 1835 Market Street  
Philadelphia, PA 19103  
215-665-5330  
[margaret.morris@bipc.com](mailto:margaret.morris@bipc.com)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS GAMON

v.

VERIZON PENNSYLVANIA INC.

:  
:  
: Docket No. C-20077839  
:  
:

REC'D  
JUL 11 11:17 AM  
2007

**DOCKETED**  
AUG 7 2007

MOTION OF VERIZON PENNSYLVANIA INC.  
FOR ISSUANCE OF PROTECTIVE ORDER

DOCUMENT  
FOLDER

Verizon Pennsylvania Inc. ("Verizon"), by its attorneys in this matter, Buchanan Ingersoll & Rooney PC, hereby files this Motion for Issuance of Protective Order, pursuant to the provisions of 52 Pa. Code §§ 5.362 and 5.423 and Act 156 of 2006. Verizon requests that the Pennsylvania Public Utility Commission ("Commission") grant protective or confidential treatment to certain information to be disclosed in connection with the Complaint of Thomas Gamon ("Complainant") against Verizon. In support whereof, Verizon submits the following:

1. On June 7, 2007, Complainant filed a Formal Complaint against Verizon alleging that there are incorrect charges on his bill.
2. On June 26, 2007, Verizon filed an Answer to the Formal Complaint.
3. In addition, as has been its typical practice before this Commission in customer complaint proceedings, Verizon intends to present Company employees as witnesses during any hearing scheduled in this proceeding. These witnesses will address entries in Verizon's regularly-kept business records related to customer contacts, repairs, and customer service that are pertinent to Verizon's defense in this proceeding and are prepared to testify as to the events that occurred on the basis of those business records. In view of the Commission's May 15, 2007

Opinion and Order in *Rahman v. Verizon Pennsylvania Inc.*, Docket No. F-02009165, these business records must be made part of the evidentiary record.

4. For the reasons set forth below, Verizon submits the Company's business records, necessary for the Company to present at a hearing, are confidential and proprietary and, therefore, should be given special treatment by the parties to this proceeding and the Commission pursuant to the Commission's regulations and pursuant to Act 156 of 2006<sup>1</sup> which governs confidential information related to public utility facilities and infrastructure.

5. The Commission's Regulation at 52 Pa. Code § 5.362(a) provides that, upon motion by a party and for good cause shown, a presiding officer may issue a protective order. The Commission's Regulation at 52 Pa. code § 5.423(a) provides that a "protective order to limit the disclosure of ... confidential information on the public record" may be issued by considering factors including, *inter alia*:

- (1) The extent to which the disclosure would cause unfair economic or competitive damage.
- (2) The extent to which the information is known by others and used in similar activities.
- (3) The worth or value of the information to the party and to the party's competitors.
- (4) The degree of difficulty and cost of developing the information.
- (5) Other statutes or regulations dealing specifically with disclosure of the information.

6. Verizon considers the business records from which its witnesses will testify to be proprietary and confidential. The records contain customer specific information that may be subject to identity theft. Additionally, the records contain Company service information that is not available to the public through any means. The information contained in Verizon's business records may be valuable to its competitors if permitted to be placed in the public record. 52 Pa.

---

<sup>1</sup> Act 156 of 2006 was enacted by the Legislature on November 29, 2006 and became effective 180 days after that date (May 28, 2007).

Code § 5.423. Additionally, the business records contain information related to Verizon's facilities, infrastructure, and/or internal processes, that could compromise the Company's security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of safety, public property and/or public utility facilities. Under the recently enacted legislation, Act 156 of 2006, this Commission is required to establish procedures and practices to protect disclosure of utility infrastructure and practices. The relief requested is consistent with that new law.

7. Limiting the disclosure of the business records to allow its use only in connection with this litigation will not frustrate the prompt, orderly and fair resolution of this proceeding, nor will it infringe upon Complainant's due process rights.

8. The potential harm to the customer of disclosure of customer information, competitive harm to Verizon and the integrity of the Company's facilities for the public safety are substantial concerns and outweigh any need for public disclosure of the business records.

9. For the foregoing reasons, entry of Protective Order is necessary to protect public disclosure of the business records provided by Verizon and is consistent with the Commission's Regulations and Act 156 of 2006 which limits access to certain utility-related information to ensure public safety and the integrity of utility facilities.<sup>2</sup> Therefore, good cause exists for entry of such an Order.

10. Verizon respectfully requests that Your Honor issue an Order granting proprietary treatment to the business records described above and that the Order prohibit disclosure of the

---

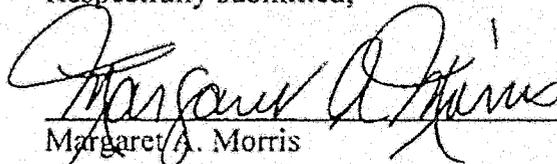
<sup>2</sup> The Commission has not yet adopted procedures to the Act; however, while the Protective Order is a mechanism the Commission may use to carry out some of the Act's purposes; further actions by the Commission in this proceeding may be required in order to fully protect information relating to facilities pursuant to the Act. Said Act imposes substantial civil and criminal sanctions upon the agency's employees individually for failing to take steps to keep such utility information protected. Verizon will assess these needs as this process continues, but urges adoption of the attached Protective Order as a preliminary matter.

business records and the information contained therein to any person except as provided by the Order.

11. Further, Verizon requests that the business records be sealed and not be made available for public inspection in the Commission's files. The Order should restrict the use of the information except in testimony, written advocacy, and initial or final decisions issued by the Commission in this particular proceeding and, when so used, should require that the document be designated as containing proprietary and confidential information, and be sealed and filed separately from the public record.

WHEREFORE, Verizon Pennsylvania Inc. respectfully requests that Your Honor enter the attached Protective Order.

Respectfully submitted,



Margaret A. Morris  
Attorney I.D. No. 75048  
Buchanan Ingersoll & Rooney PC  
1835 Market Street, 14th Floor  
Philadelphia, PA 19103-2985  
215-665-5330 (voice)  
215-665-8760 (fax)  
[margaret.morris@bipc.com](mailto:margaret.morris@bipc.com)

Date: July 31, 2007

Counsel for Verizon Pennsylvania Inc.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS GAMON

v.

VERIZON PENNSYLVANIA INC.

:  
:  
: Docket No. C-20077839  
:  
:

---

**PROTECTIVE ORDER**

---

An Order has been issued granting the Request for Protective Order,

THEREFORE, upon consideration of the Motion for Protective Order filed by Verizon Pennsylvania Inc. ("Verizon");

IT IS ORDERED:

1. That a Protective Order is granted with respect to all materials and information identified at Ordering Paragraph No. 2 below, which are filed with the Public Utility Commission ("Commission"), produced in discovery, or otherwise presented during this proceeding. All persons now and hereafter granted access to the materials and information identified in Ordering Paragraph No. 2 shall use and disclose such information only in accordance with this Protective Order.

2. a. The materials subject to this Protective Order include all correspondence, documents, data, information, studies, methodologies, and other materials, which a party or an affiliate of a party furnishes in this proceeding pursuant to the Commission rules and regulations, discovery procedures, direct testimony or cross-examination or provides as a courtesy to the active parties in this proceeding, which are claimed to be or designated as proprietary or confidential and which may be marked as "PROPRIETARY INFORMATION" or "CONFIDENTIAL AND PROPRIETARY" (hereinafter collectively

referred to as "Proprietary Information"). Proprietary Information shall include, but is not limited to, Social Security numbers, Verizon methods and procedures, Verizon customer service agent scripts and/or job aids, Verizon billing techniques, Verizon settlement discussions and procedures.

b. In addition, the parties may designate extremely sensitive Proprietary Information as "HIGHLY CONFIDENTIAL INFORMATION" or "HIGHLY CONFIDENTIAL MATTER" (hereinafter collectively referred to as "Highly Confidential Information") and thus secure the additional protections set forth in this Order pertaining to such material. Such Highly Confidential Information shall be only such Proprietary Information that constitutes or describes the producing party's or, in the event that the information involves a specific customer of Verizon, such customer's (i) names or customers' prospects' names, addresses, telephone service usage, or other customer-identifying information.

3. Proprietary Information and Highly Confidential Information produced in this proceeding shall be made available to Thomas Gamon ("Complainant") for use in this and any related proceeding. For purposes of filing, to the extent that Proprietary Information is placed in the Commission's report folders, such information shall be handled in accordance with routine Commission procedures for Proprietary Information inasmuch as the report folders are not subject to public disclosure. To the extent the Proprietary or Highly Confidential Information is placed in the Commission's testimony or document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Protective Order. Public inspection of the Proprietary and Highly Confidential Information shall be permitted only in accordance with this Protective Order.

4. Proprietary Information and Highly Confidential Information shall be made available to the parties and their counsel of record in this proceeding pursuant to the following procedures:

a. Proprietary Information: To the extent required for participation in this proceeding, the Complainant may afford access to Proprietary Information made available by Verizon ("the producing party") to the Complainant's expert(s), subject to the following restrictions,

i. Such experts may not hold any of the following positions with any competitor of the producing party: (a) an officer, board member, stockholder, partner, owner, or an employee, who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (b) an officer, board member, stockholder, partner, owner of any affiliate of a competitor of the producing party, provided, however, that any expert shall not be disqualified on account of being a stockholder, partner, or owner unless his/her interest in the business constitutes a significant potential for violation of the limitations of permissible use of the Proprietary Information.

ii. If a party's independent expert, another member of the independent expert's firm or the independent expert's firm generally also serves as an expert for, or as a consultant or advisor to, a competitor or any affiliate of a competitor of the producing party, said independent expert must: (1) advise the producing party of the competitor's or affiliate's name(s); (2) make reasonable attempts to segregate those personnel assisting in the expert's participation in this proceeding from those personnel working on behalf of a competitor or any affiliate of a competitor of the producing party; and (3) if segregation of such personnel is impractical, the independent expert shall give to the producing party written assurances that the lack of segregation will in no way jeopardize the interests of the producing party. The producing party retains the right to challenge the adequacy of the written assurances that its interests will not be jeopardized.

iii. Any information provided under this provision may be used only for and to the extent that it is necessary for participation in this proceeding, any person obtaining information disclosed through this provision may not use that information to gain any commercial advantage and any person obtaining information may not forward it to any person to gain commercial advantage.

b. Highly Confidential Information. Highly Confidential Information shall be produced for inspection by the Complainant. If the Complainant desires copies of such material, or desires to disclose its contents to persons other than counsel of record, she or he shall submit a written request to the producing party's counsel. If requesting and producing parties are unable to reach agreement with respect to such a request, they may submit the issue to the presiding Administrative Law Judge.

c. No other persons may have access to the Proprietary or Highly Confidential Information except as authorized by order of the Commission or the Presiding Administrative Law Judge. No person who may be entitled to receive or who is afforded access to any Proprietary or Highly Confidential Information shall use or disclose for the purposes of business or competition, or any purpose other than the presentation for and conduct of this proceeding or any administrative or judicial review thereof. The Proprietary Information and Highly Confidential Information may not be publicly disclosed.

5. Prior to making Proprietary or Highly Confidential Information available to any person as provided in Paragraph 4 of this Protective Order, the Complainant shall deliver a copy of this Protective Order to such person and shall receive a written acknowledgement from that person in the form attached to this Protective Order and designated as Appendix A. The Complainant shall promptly deliver to the producing party a copy of the executed acknowledgement form.

6. A producing party shall designate data or documents as constituting or containing Proprietary or Highly Confidential Information by affixing an appropriate propriety stamp or typewritten

designation on such data or documents. Where only part of the data compilations or multi-page documents constitutes or contains Proprietary or Highly Confidential Information, the producing party shall designate only the specific data or pages of documents which constitute or contain Proprietary or Highly Confidential Information.

7. Any public reference to Proprietary or Highly Confidential Information by the Commission or by counsel or persons afforded access thereto shall be to the title or exhibit reference in sufficient detail to permit persons with access to Proprietary or Highly Confidential Information to fully understand the reference and not more. Proprietary or Highly Confidential Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

8. Part of the record of this proceeding containing Proprietary or Highly Confidential Information, including but not limited to all exhibits, writings, testimony, cross examination, argument and responses to discovery, and including reference thereto as mentioned in Ordering Paragraph No. 7 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary or Highly Confidential Information is released from the restrictions of this Protective Order, either through the agreement of the parties or pursuant to an Order of the Administrative Law Judge, the Commission or appellate court. Unresolved challenges arising under Paragraph 9 shall be decided on motion or petition by the presiding officer or the Commission as provided in 52 Pa. Code § 5.423(a). All such challenges will be resolved in conformity with existing rules, regulations, orders, statutes, precedent, etc., to the extent that such guidance is available.

9. The parties affected by the terms of this Protective Order shall retain the right to question or challenge the alleged confidential or proprietary nature of Proprietary or Highly Confidential Information; to question or challenge the admissibility of Proprietary or Highly Confidential Information, to refuse or

object to the production of Proprietary or Highly Confidential Information on any proper ground, including but not limited to irrelevance, immateriality, or undue burden; to seek an order permitting disclosure of Proprietary or Highly Confidential Information beyond that allowed in this Order; and to seek additional measures of protection of Proprietary or Highly Confidential Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Proprietary Confidential, the party claiming that the information is Proprietary or Highly Confidential retains the burden of demonstrating that the designation is necessary and appropriate.

10. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, whether written or oral, which contain any Proprietary or Highly Confidential Information, shall be immediately returned upon request to the party furnishing such Proprietary or Highly Confidential Information. In the alternative, parties may provide an affidavit of counsel affirming that the materials containing or reflecting Proprietary or Highly Confidential Information have been destroyed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Marlane R. Chestnut  
Administrative Law Judge

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS GAMON

v.

VERIZON PENNSYLVANIA INC.

:  
:  
: Docket No. C-20077839  
:  
:

TO WHOM IT MAY CONCERN:

The undersigned is the Complainant (the retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner of any competitor of Verizon Pennsylvania Inc. (the "Producing Party") or, in the event that the information involves a specific customer of Verizon Pennsylvania Inc., such customer; or an employee of any competitor of the Producing Party or such customer who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the Producing Party or such customer; or (2) an officer, board member, stockholder, partner, or owner of any affiliate of a Competitor of the Producing Party or such customer.

The undersigned has read and understands the Protective Order deals with the treatment of Proprietary and Highly Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Order. In the case of an independent expert, the undersigned represents that he/she has complied with the provisions of paragraph 4(a)(ii) of the Order prior to submitting this Affidavit.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_

DATE: \_\_\_\_\_