

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sandra Gross and Peter Bressler

v.

Verizon Pennsylvania Inc.

:  
: Docket Number  
:  
: C-20030872  
:

PREHEARING ORDER

On January 21, 2005, I was assigned to preside over this case. The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a). The parties are directed to comply with the following requirements:

1. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

§1.15. Extensions of time.

....

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

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In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on April 1, 2005), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. Unless you are a corporation, it is not required that you be represented by an attorney, although you may choose to be represented by an attorney. **If you are a corporation, you must be represented by an attorney.**

3. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, canceled checks and the like), you must bring with you the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself). 52 Pa. Code §5.409.

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

5. Finally, I would also like to bring to your attention 52 Pa. Code §5.331(b) which provides, *inter alia*, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

6. The parties are encouraged to informally discuss any of the matters involved in this case prior to the scheduled hearing.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.

Date:

Jan. 31, 2005

Charles E. Rainey, Jr.

Charles E. Rainey, Jr.  
Administrative Law Judge

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

ORIGINAL

William T. Hawke  
Kevin J. McKeon  
Thomas J. Sniscak  
Norman James Kennard  
Lillian Smith Harris  
Scott T. Wyland  
Todd S. Stewart

Craig R. Burgraff  
Steven D. Snyder  
Janet L. Miller  
Steven K. Haas  
William E. Lehman  
Rikardo J. Hull  
Katherine E. Lovette

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

February 23, 2005

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SECRETARY'S BUREAU

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street - Filing Room (2 North)  
P.O. Box 3265  
Harrisburg, PA 17105-3265

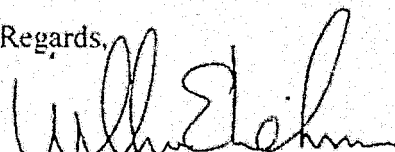
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Re: Sandra Gross and Peter Bressler v. Verizon Pennsylvania Inc.; Docket No. C-20030872; **MOTION TO DISMISS THE COMPLAINT OF SANDRA GROSS AND PETER BRESSLER AS MOOT OR IN THE ALTERNATIVE, FOR AN AMENDED PLEADING**

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.

Regards,  
  
William E. Lehman  
Counsel for Verizon Pennsylvania Inc.

WEL/kmg  
Enclosures  
cc: Honorable Charles E. Rainey, Jr.  
Sandra Gross  
Peter Bressler

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

SANDRA GROSS and PETER BRESSLER,

Complainants

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20030872

SECRETARY'S BUREAU

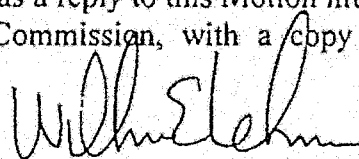
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NOTICE TO PLEAD

TO: Sandra Gross  
Peter Bressler  
816 South 10th Street  
Philadelphia, PA 19147

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  
Hawke McKeon Sniscak & Kennard 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: February 23, 2005

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

SECRETARY'S BUREAU

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SANDRA GROSS and PETER BRESSLER,

Complainants

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20030872

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APR 06 2005

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MOTION TO DISMISS THE COMPLAINT OF  
SANDRA GROSS AND PETER BRESSLER AS MOOT  
OR, IN THE ALTERNATIVE, FOR AN AMENDED PLEADING

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Verizon Pennsylvania Inc. ("Verizon PA"), by and through its counsel in this proceeding, Hawke McKeon Sniscak & Kennard LLP, pursuant to 52 Pa. Code §5.103, hereby moves to dismiss the Complaint of Sandra Gross and Peter Bressler, ("Complainants") in the above-captioned matter. In support of its Motion, Verizon PA hereby states and AVERS as follows:

**BACKGROUND**

1. On or about August 4, 2003, the Complainants filed the instant Complaint with the Pennsylvania Public Utility Commission ("Commission") at Docket No. C-20030872.
2. The Complaint alleges that Verizon PA's telephone lines are attached to their residence and requests the Commission order Verizon PA to relocate said lines and compensate the Complainants in the amount of \$8,500.

3. On September 3, 2003, Verizon PA filed its Answer, as well as a Motion to Dismiss alleging that the Complaint involved private property rights, which the Commission has no jurisdiction to adjudicate, and that the Commission has no authority to award damages.

4. The Complainants requested an extension of time to file an Answer to Verizon PA's Motion based on the fact that settlement negotiations had resumed between the parties.

5. On January 21, 2005, the Commission issued an order setting an Initial In-Person Hearing before Administrative Law Judge Charles E. Rainey, Jr. This hearing is scheduled for April 1, 2005.

6. On or about February 23, 2005, Verizon PA filed an Amended Answer and New Matter which is incorporated herein by reference.

### MOTION TO DISMISS

7. The Commission's regulation at 52 Pa. Code §5.103 permits a request by motion for relief desired. A motion shall set forth the ruling or relief sought, and state the grounds therefore and the statutory other authority upon which it relies. The motion may be made in writing at any time.

8. Verizon PA requests that the instant Complaint be dismissed by Your Honor as moot on the basis that the allegations in Paragraph 3 of the Formal Complaint have been addressed and eliminated, and the Relief requested in Paragraph 4 of the Complaint has been provided by Verizon PA. Therefore, all substantive parts of this Complaint are now moot.

9. As indicated in its Amended New Matter, the Verizon PA facilities that previously had been located on the Complainant's premises pursuant to its original right-of-way agreement have been removed and/or relocated. This work was performed pursuant to an Aerial Grant signed by both the Complainants and Verizon PA after extensive settlement negotiations.

10. In addition, the relief requested in Paragraph 4 of the Formal Complaint has been provided by Verizon PA. Verizon PA's facilities have been moved to the new mutually agreed-upon location. The Complainants seek no other relief except for a damage claim which the Commission has no authority to award.<sup>1</sup>

11. Because the original subject matter of the complaint is moot, Verizon PA requests that the complaint be dismissed.

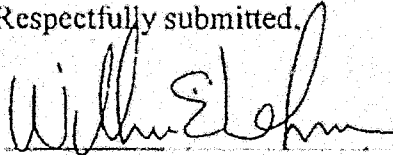
12. In the alternative, to the extent that Complainants have any other issues to bring before the Commission, Verizon PA requests that the Complainants be ordered to file an Amended Complaint stating specifically any new allegations they have involving Verizon PA. After discussions with the Complainants, it appears that the original allegations and relief requested in the Formal Complaint are no longer valid; however, the Complainants may wish to raise new allegations. However, to date, the Complainants have not formally brought forth any new allegations nor requested relief. Therefore, Verizon PA requests that the Complainants be directed either to amend their complaint, specifying any new allegations, or that the hearing presently scheduled for April 1, 2005 be converted into a prehearing conference to discuss these issues.

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<sup>1</sup> *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (Pa. 1977); *Duquesne Light Company v. Pennsylvania Public Utility Commission*, 543 A.2d 196, 201 (Pa. Cmwlth. 1988).

WHEREFORE, for the reasons set forth above, Verizon Pennsylvania Inc. respectfully requests that the Complaint of Sandra Gross and Peter Bressler at Docket No. C-20030872 be dismissed as moot or, in the alternative, the Complainants be directed to file an Amended Complaint containing specific allegations.

Respectfully submitted,



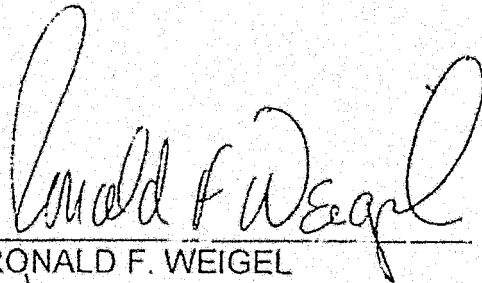
William E. Lehman  
Hawke McKeon Sniscak & Kennard LLP  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for  
Verizon Pennsylvania Inc.

DATED: February 23, 2005

AFFIDAVIT

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.



RONALD F. WEIGEL  
Director – Government Relations

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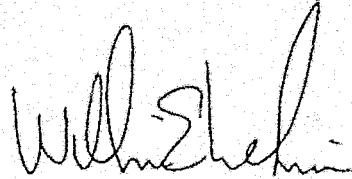
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the persons and in the manner indicated below.

Service by first class mail:

Sandra Gross  
Peter Bressler  
816 South 10th Street  
Philadelphia, PA 19147

Honorable Charles E. Rainey, Jr.  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130



William E. Lehman

DATE: February 23, 2005

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**H**awke  
 **M**cKeon  
  **S**niscak &  
   **K**ennard LLP  
ATTORNEYS AT LAW

William T. Hawke  
Kevin J. McKeon  
Thomas J. Sniscak  
Norman James Kennard  
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February 23, 2005

ORIGINAL

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – Filing Room (2<sup>nd</sup> Floor)  
P.O. Box 3265  
Harrisburg, PA 17105-3265

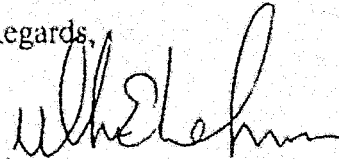
RE: Sandra Gross and Peter Bressler v. Verizon Pennsylvania Inc.; Docket  
No. C-20030872; AMENDED ANSWER AND NEW MATTER

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of Verizon Pennsylvania Inc.'s ("Verizon PA") Amended 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.

Regards,



William E. Lehman  
Counsel for Verizon Pennsylvania, Inc.

WEL/kmg  
Enclosures  
cc: Honorable Charles E. Rainey, Jr.  
Sandra Gross  
Peter Bressler

DOCUMENT  
FOLDER

SECRETARY'S BUREAU

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

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

SANDRA GROSS and PETER BRESSLER,

Complainants

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20030872

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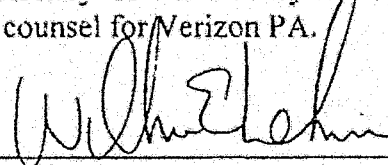
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SECRETARY'S BUREAU

NOTICE TO PLEAD

TO: Sandra Gross  
Peter Bressler  
816 South 10th Street  
Philadelphia, PA 19147

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  
Hawke McKeon Sniscak & Kennard 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: February 23 2005

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

SANDRA GROSS and PETER BRESSLER,

Complainants

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20030872

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SECRETARY'S BUREAU

AMENDED ANSWER AND NEW MATTER OF  
VERIZON PENNSYLVANIA INC.  
TO THE COMPLAINT OF  
SANDRA GROSS AND PETER BRESSLER

Verizon Pennsylvania Inc. ("Verizon PA"), by its attorneys in this proceeding, Hawke McKeon Sniscak & Kennard LLP, hereby submits its Amended Answer adding New Matter<sup>1</sup> to the Complaint filed by Sandra Gross and Peter Bressler ("Complainants"). All amendments are highlighted in bold text. In support thereof, Verizon PA avers and represents as follows:

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

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MAR 21 2005

<sup>1</sup> Concurrent with this Answer, Verizon PA has filed a Motion to Dismiss.

3. Verizon PA DENIES that its telephone lines are connected to the north side of the Complainants' house. By way of further answer, Verizon PA AVERS that its telephone lines were attached to the Complainants' residence pursuant to a valid easement agreement (Attached as Attachment A); however, the telephone lines and facilities have been removed and relocated to the south side of the Complainant's house pursuant to a mutually agreed-upon Aerial Grant signed by the Complainants and Verizon PA on April 8, 2004 (Attached as "Attachment B"). Verizon PA DENIES the Complainants' allegation that, "this jumble of wire creates an ugly, sloppy, and potentially hazardous mess of wires hanging over the back doorway of our home (frequently described as a rats nest)." By way of further Answer, Verizon PA AVERS that the wires the Complainant is referring to have been removed and relocated; therefore, this description is no longer valid. Verizon PA is without sufficient information or knowledge at this time to respond to the Complainants' allegations regarding damage to their home that they were forced to repair; therefore, these allegations are DENIED. Verizon PA is without sufficient information or knowledge at this time to respond to the Complainants' allegations regarding contact and/or conversations with Verizon PA employees and the content of those conversations; therefore, these allegations are DENIED. Verizon PA is without sufficient information or knowledge at this time to respond to the Complainants' statement regarding repair work being done to their house; therefore, these allegations are DENIED.

4. The statements set forth in ¶4 are requests for relief to which no response is required.

By way of further answer, Verizon PA AVERS that the Commission lacks jurisdiction to adjudicate private property rights<sup>2</sup> or to award damages.<sup>3</sup>

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<sup>2</sup> *Lou Amati/Amati Service Station v. West Penn Power Company and Bell Atlantic – Pennsylvania, Inc.*, Docket No. C-00945842 (Order of the Commission dated October 25, 1995); *Chris Nicolaidis v. PECO Energy Company*, Docket No. C-00003326 (Order of the Commission entered April 6, 2001).

<sup>3</sup> *Duquesne Light Company v. Pennsylvania Public Utility Commission*, 543 A.2d 196, 201 (Pa. Cmwlth. 1988); *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791, (1977)

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NEW MATTER

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

1. Subsequent to the filing of the Formal Complaint the Complainants and Verizon PA entered into settlement discussions involving the removal and relocation of the telephone lines and facilities that are the subject of this Complaint. By mutual agreement, on April 8, 2004, the Complainants, Sandra Gross and Peter Bressler entered into an Aerial Grant Easement with Verizon Pennsylvania Inc., which granted Verizon PA the right to install facilities on the south wall of the Complainants' property located at 816 South 10<sup>th</sup> Street, Philadelphia, PA. Said Aerial Grant is attached as Attachment "B."

2. This Aerial Grant was an agreement reached between the Complainants and Verizon PA as a compromise to relocate the telephone lines and facilities that were located pursuant to the right-of-way agreement as contained in Attachment "A."

3. Subsequent to the signing of the Aerial Grant, Verizon PA removed and relocated its facilities and wires from the location of the original right-of-way (Attachment "A") to the new location of the Aerial Grant Agreement. (Attachment "B").

4. All of the facilities (wires and attachments) that are described in Paragraph 3 of the Formal Complaint have been removed and relocated to the south side of the building. Therefore, the telephone wires that were the subject of the Complaint no longer are located on the north side of their building.

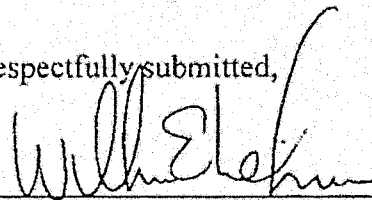
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MAR 21 2005

5. In Paragraph 4 of the Formal Complaint, the complainants request as relief that Verizon PA relocate the wires that are attached to the north side of her building. As described above, these wires, that were located in the original right-of-way agreement (Attachment "A"), have been relocated to the site of the new Aerial Grant on the south side of the building and the original right-of-way is no longer applicable.

WHEREFORE, for the reasons set forth above, Verizon Pennsylvania Inc. respectfully requests that the Formal Complaint of Sandra Gross and Peter Bressler be denied or dismissed preliminarily.

Respectfully submitted,



---

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

DATED: February 23, 2005

Counsel for  
Verizon Pennsylvania Inc.

137058

Philadelphia Pa. May 13 1960

1 Permission is hereby granted to The Bell Telephone Company of Pennsylvania, its  
 2 successors and assigns, to place and maintain its COAXIAL CABLE SYSTEMS  
 3 AND WIRELESS SYSTEMS WITH ROOF THROUGH HOLES AS SHOWN ON ATTACHED  
 4 DRAWING TO BE ATTACHED TO SOUTH WALL  
 5 on premises situate No. 816 S. 10th Street City  
 6 of Philadelphia County of Philadelphia  
 7 State of Pennsylvania, for the purpose of supplying the said premises and those adjacent thereto with  
 8 telephone and telegraph service  
 9  
 10 The said appliances shall be installed in a good and workmanlike manner by and at the expense of  
 11 the said Telephone Company, and should they interfere with repairs to or alterations on said premises, the  
 12 said Telephone Company shall, at its expense, relocate them so as to avoid such interference.  
 13 The said Telephone Company shall indemnify and save harmless the owner or tenants of said  
 14 premises from all damages caused by the negligence of its employees in the installation, maintenance or  
 15 removal of said appliances.

16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_

Witness: [Signature] [Signature]  
 (Owner) (Owner)  
 (Seal) (Seal)

APPROVED: [Signature]  
 General Manager

## AERIAL GRANT

Permission is hereby granted to Verizon Pennsylvania Inc. its successors and assigns, the right, privilege and authority to install, operate and maintain three (3), twelve (12) pair wire boxes mounted on the south wall with associated aerial service wires, along the south property line as mutually agreed upon with the property owner as specified on Exhibit "A" attached to this document, said land being located

816 South 10<sup>th</sup> St.  
Philadelphia, Pennsylvania

Borough/City/Township of: Philadelphia  
Count of: Philadelphia, Commonwealth of Pennsylvania, with the right to access over said land to install and maintain our facilities by the most reasonable means for the purpose of supplying the said premise and those adjacent thereto with telephone service. The Telephone Company is not permitted to lease and/or convey any part or all the rights hereunder to any other entity for any other purpose, except to the extent Verizon is required by law, to allow other telecommunications companies to use their facilities. Any modifications made to the plan as specified in Exhibit "A" must be made by mutual agreement with the property owner.

The said facilities shall be installed in a good and workmanlike manner by and at the expense of the said Telephone Company. Should the facilities interfere with future repairs to or alterations on said premises, the said Telephone Company shall, at its expense, relocate them so as to avoid such interference. Any future relocation or removal of said utility facilities requested by the property owners shall be done by said Telephone Company at the expense of the property owner.

The Telephone Company shall indemnify and save grantor harmless from and against any and all damages, claims, losses, expenses, costs and liabilities by reason of the negligence of the Telephone Company, its employees, agents, contractors and/or sub-contractors in connection with the construction, reconstruction, operation, maintenance and/or removal of the facilities set forth herein.

In the event of any violation of the terms of this Grant, all legal and equitable remedies, including without limitation, injunctive relief, specific performance and damages, shall be available to the parties hereto. Neither the failure on the part of the parties to enforce any term or provision hereof, or the waiver of any right hereunder, shall discharge or affect the right to enforce the same in the event of any subsequent breach or default. If any proceeding are instituted alleging a violation of this Agreement, the Owners, if successful, shall be entitled to, and reimbursed for, costs and reasonable attorneys' fees incurred in connection with such judicial or administrative action taken with respect to such violation. The remedies provided for breach of the terms and provisions of this Agreement shall be deemed cumulative and not exclusive.

ATTACHMENT "B"

See Exhibit "A" attached.

IN WITNESS WHEREOF, we have hereunto set our hands and

Seal this 8<sup>th</sup> day of APRIL A.D. 2004

at 816 South 10<sup>th</sup> St. Philadelphia, Pennsylvania

Verizon PA Inc:

John Brennan Esq.  
Mgr - Phila Design

Property Owner:

John Peter Bressler  
Spouse Sandra Gross  
Bressler

Roger Pearcey

NOTARIAL SEAL  
ROGER PEARCEY, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires May 3, 2004

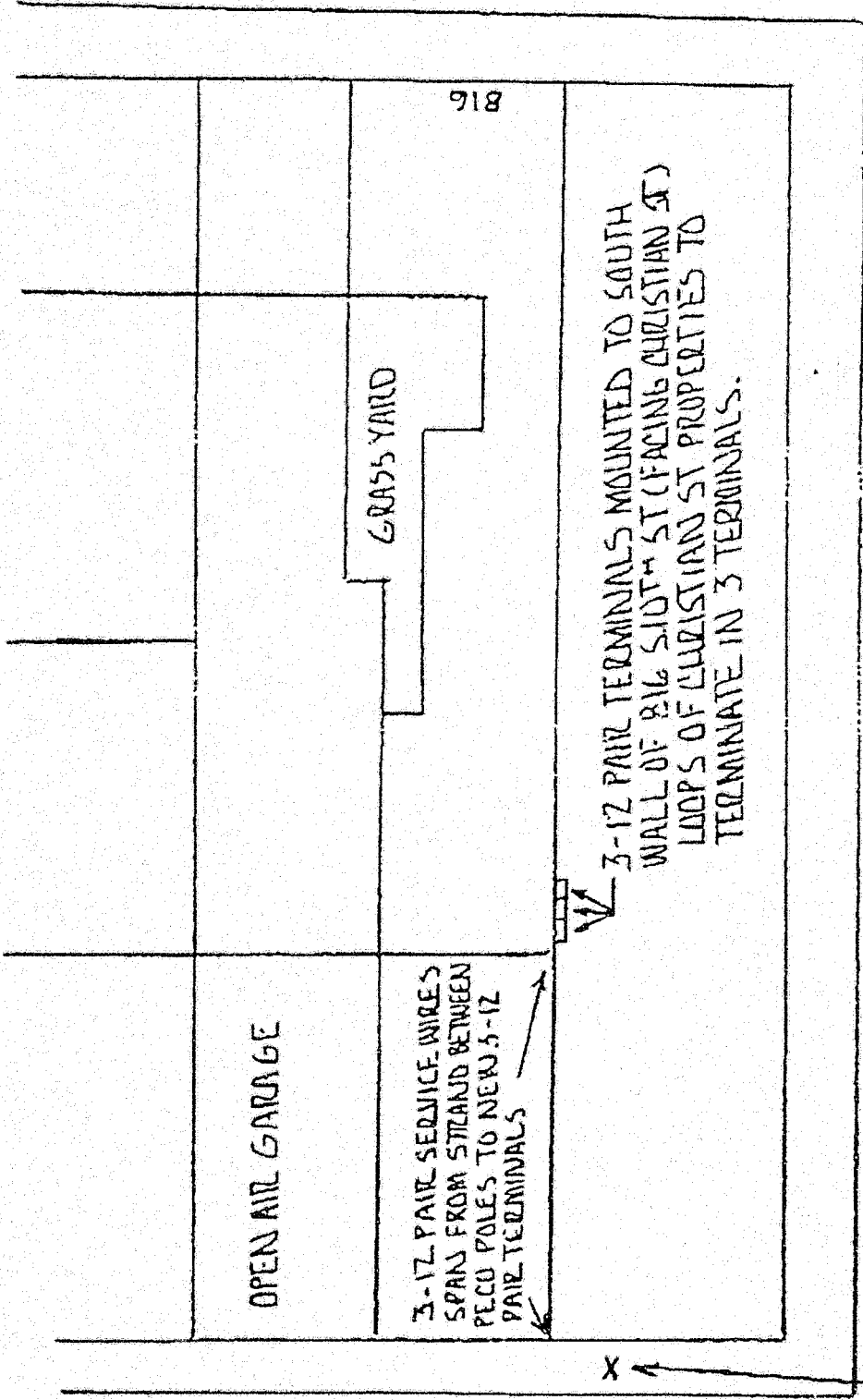
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S. WARLOCK

ST

S. 10TH



NEW TERMINAL TO BE MOUNTED ON PECO POLE

CHRISTIAN

ST

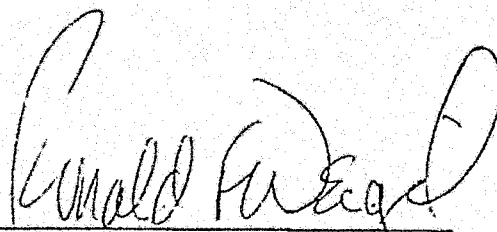
AERIAL VIEW OF  
816 S. 10TH ST

EXHIBIT "A"

EXHIBIT "A"

AFFIDAVIT

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.



RONALD F. WEIGEL  
Director – Government Relations

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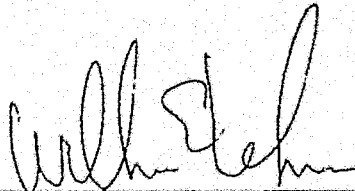
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the persons and in the manner indicated below.

Service by first class mail:

Sandra Gross  
Peter Bressler  
816 South 10th Street  
Philadelphia, PA 19147

Honorable Charles E. Rainey, Jr.  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130



William E. Lehman

DATED: February 23, 2005

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2000 MARKET STREET • TENTH FLOOR • PHILADELPHIA, PA 19103-3291  
215 299 2000 • FAX 215 299 2150 • www.foxrothschild.com

RECEIVED

MAR 14 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Barnett Satinsky  
Direct Dial (215) 299-2088  
Internet Address bsatinsky@foxrothschild.com

March 14, 2005

**VIA FEDERAL EXPRESS**

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

Re: Sandra Gross Bressler and Peter Bressler v. Verizon Pennsylvania, Inc., C-  
20030872

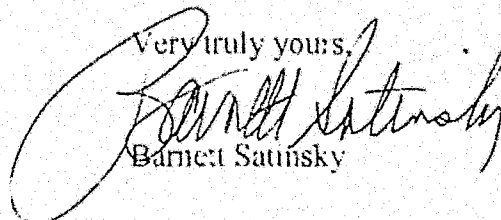
Dear Secretary McNulty:

Enclosed for filing are an original and four copies of my Notice of Appearance on behalf of Complainants in the above matter. Please date stamp and return to me in the enclosed envelope the extra copy thereof.

Given my entry of appearance at this time, I have conferred with counsel for Respondent and we have agreed that Complainants' will have a reasonable period within which to respond to Respondent's Motion to Dismiss. Mr. Lehman and I will reduce the extension agreement and any other scheduling matters to writing and file them with your office and ALJ Rainey later this week.

Please advise if you have any questions. Thank you for your cooperation.

Very truly yours,

  
Barnett Satinsky

BS mo

cc: ALJ Charles E. Rainey, Jr.  
William E. Lehman, Esq.  
Sandra Gross Bressler  
Peter Bressler

DOCUMENT  
FOLDER

194

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

MAR 14 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SANDRA GROSS BRESSLER AND PETER BRESSLER,	:
Complainants	:
v.	:
VERIZON PENNSYLVANIA, INC.	:
Respondent	:

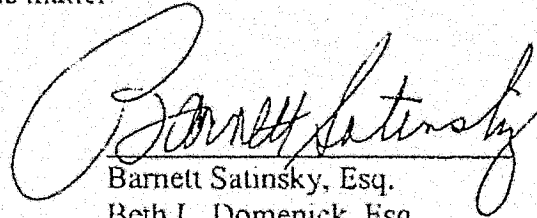
C-20030872

NOTICE OF APPEARANCE

Please enter my appearance on behalf of Complainants Sandra Gross Bressler and Peter Bressler in the above captioned matter. On the basis of this notice, I request a copy of each document hereafter issued by the Commission in this matter

DOCUMENT  
FOLDER

DOCKETED  
APR 04 2005



Barnett Satinsky, Esq.  
Beth L. Domenick, Esq.  
Fox Rothschild LLP  
2000 Market Street - 10<sup>th</sup> Floor  
Philadelphia, PA 19103-3291  
(215) 299-2088 (phone)  
(215) 299-2150 (fax)  
bsatinsky@foxrothschild.com

ORIGINAL

RECEIVED

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAR 14 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SANDRA GROSS BRESSLER AND PETER BRESSLER,	:	
Complainants	:	
v.	:	C-20030872
VERIZON PENNSYLVANIA, INC.	:	
Respondent	:	

CERTIFICATE OF SERVICE

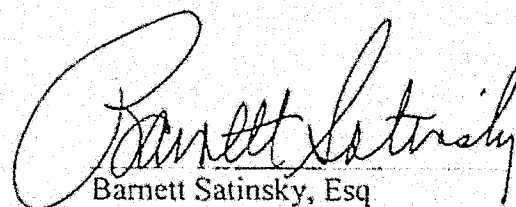
I hereby certify that I have this 14<sup>th</sup> day of March, 2005, served a true copy of the foregoing Notice of Appearance upon the participants, listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

*By Hand Delivery*

Honorable Charles E. Rainey, Jr.  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

*By Electronic Mail and First Class Mail*

William E. Lehman, Esq. ([wlehman@hmsk-law.com](mailto:wlehman@hmsk-law.com))  
Hawke McKeon Sniscak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105



Barnett Satinsky, Esq.  
Fox Rothschild LLP  
2000 Market Street - 10<sup>th</sup> Floor  
Philadelphia, PA 19103-3291  
(215) 299-2088 (phone)  
(215) 299-2150 (fax)  
[bsatinsky@foxrothschild.com](mailto:bsatinsky@foxrothschild.com)



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

IN REPLY PLEASE  
REFER TO OUR FILE

March 25, 2005

In Re: C-20030872

(SEE LETTER OF 1-21-05)

Sandra Gross and Petern Bressler  
v.  
Verizon Pennsylvania Inc.  
Property Damage Dispute.

**DOCKETED**  
MAY 07 2005

CORRECTED Hearing Notice

This is to inform you that the notice dated January 21, 2005 on the above-captioned case contained incorrect information. The purpose of this notice is to correct that information. All corrections will be double underlined.

Type: Initial In-Person Pre-Hearing Conference

Date: Friday, April 1, 2005

Time: 10:00 a. m.

Location: in an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Charles E. Rainey, Jr.  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

**DOCUMENT  
FOLDER**

BTL

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:

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

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

**OALJ Hearing Report**

Please check Those Blocks Which Apply

Docket No:	C-20030872		YES	NO
Case Name:	Sandra Gross and Peter Bressler v. Verizon Pennsylvania Inc.	Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	April 1, 2005	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Charles E. Rainey, Jr.	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Precision Reporting, Inc. <i>Jennifer Naupe</i>	Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	/	
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: *OALJ Scheduling Unit to schedule hearing no sooner than July 5, 2005.*

DOCUMENT FOLDER

**RECEIVED**

APR 13 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
<i>William E. Lehman</i>	<i>100 N. Tenth St.</i>	<i>Verizon Pennsylvania Inc.</i>
Telephone: <i>717-236-1300</i>	City: <i>Harrisburg</i> State: <i>PA</i> Zip: <i>17101</i>	E-mail Address: <i>wlehman@HMSK-LAW.com</i> Fax Number: <i>717-236-4841</i>
<i>BARNETT SATINSKY</i>	<i>2000 Market Street, 10th Flr.</i>	<i>Sandra Gross Bressler &amp; Peter Bressler</i>
Telephone: <i>215-299-2088</i>	City: <i>Philadelphia</i> State: <i>PA</i> Zip: <i>19103</i>	E-mail Address: <i>bsatinsky@foxrothschild.com</i> Fax Number: <i>215-299-2150</i>
Telephone:	City: State: Zip:	E-mail Address: Fax Number:

Check this box if additional parties or attendees appear on back of form.

*Jennifer Naupe*  
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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

IN REPLY PLEASE  
REFER TO OUR FILE

April 5, 2005

In Re: C-20030872

(SEE LETTER DATED 3/25/05)

Sandra Gross and Peter Bressler v. Verizon Pennsylvania Inc.

Property Damage Dispute

Hearing Notice

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

Type: Initial Hearing

Date: Tuesday, July 12, 2005

Time: 10:00 a.m.

Location: 11th floor hearing room  
Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania

Presiding: Administrative Law Judge Charles E. Rainey, Jr.  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 565-3550  
Fax: (412) 565-5692

*Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.*

**DOCKETED**  
JUN 14 2005

**DOCUMENT  
FOLDER**

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

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:

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

pc: Judge Rainey  
Cherie Pyle, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File



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

IN REPLY PLEASE  
REFER TO OUR FILE

April 8, 2005

In Re: C-20030872

(SEE LETTER DATED 3/25/05)

Sandra Gross & Peter Bressler v. Verizon Pennsylvania Inc.

Property damage dispute

**DOCUMENT  
FOLDER**

CORRECTED Hearing Notice

This is to inform you that the notice dated April 5, 2005 on the above-captioned case contained incorrect information. The purpose of this notice is to correct that information. All corrections will be double underlined.

Type: Initial Hearing

Date: Tuesday, July 12, 2005

Time: 10:00 a.m.

Location: In an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Charles E. Rainey, Jr.  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

**DOCKETED**  
JUN 17 2005

BTL

*Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.*

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

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:

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

pc: Judge Rainey  
Dawn Reitenbach  
Beth Plantz  
Docket Section  
Calendar File



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

IN REPLY PLEASE  
REFER TO OUR FILE

May 9, 2005

C-20030872

WILLIAM B. PETERSEN  
VERIZON PENNSYLVANIA, INC.  
1717 ARCH STREET, 32SW  
PHILADELPHIA PA 19103

Sandra Gross Bressler & Peter Bressler  
v.  
Verizon Pennsylvania, Inc.

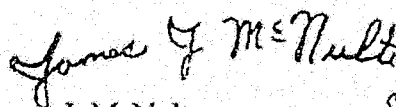
BTL

Dear Sir/Madam:

Attached is copy of an amended complaint filed on behalf of the complainant in the above titled proceeding.

Such answer as you desire to make to the amended complaint should be filed in this Office and served upon the complainant within twenty days from receipt of this letter.

Very truly yours,

  
James J. McNulty  
Secretary

cc: ALJ - w/copy of amended complaint  
OTS - w/copy of amended complaint

jih

DOCUMENT  
FOLDER

**DOCKETED**  
MAY 11 2005

FOX • ROTHSCHILD

ATTORNEYS AT LAW

2000 MARKET STREET • TENTH FLOOR • PHILADELPHIA, PA 19103-2291  
215 299 2000 • FAX 215 299 2150 • www.foxrothschild.com

ORIGINAL

RECEIVED

MAR 28 2005

PA PUBLIC UTILITY  
COMMISSION SECRETARY

Barnett Satinsky  
Direct Dial (215) 299-2088  
Internet Address bsatinsky@foxrothschild.com

March 28, 2005

VIA FEDERAL EXPRESS

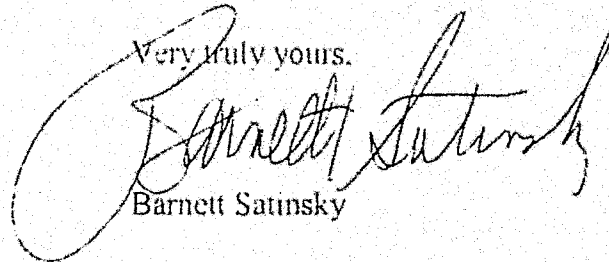
James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Sandra Gross Bressler and Peter Bressler v. Verizon Pennsylvania Inc., C-20030872

Dear Secretary McNulty:

Enclosed for filing are an original and four copies of the Amended Complaint in the above matter. Please date stamp and return to me in the enclosed self-addressed stamped envelope the extra copy thereof. Thank you for your cooperation.

Very truly yours,

  
Barnett Satinsky

BS:mo  
Enclosure

cc. Hon. Charles E. Ramey, Jr. (w/ enclosure)  
William E. Lchinan, Esq. (w/enclosure)  
Sandra Gross Bressler (w/enclosure)  
Peter Bressler (w/enclosure)

DOCUMENT  
FOLDER  
DOCKETED  
MAY 11 2005

143

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

MAR 28 2005

SANDRA GROSS BRESSLER and  
PETER BRESSLER,  
Complainants  
v.  
VERIZON PENNSYLVANIA INC.,  
Respondent

C-20030872

PA PUBLIC UTILITY  
SECRETARY'S OFFICE

AMENDED COMPLAINT

1. Sandra Gross Bressler and Peter Bressler ("Complainants"), husband and wife, own a property at 816 S. 10<sup>th</sup> Street, Philadelphia, Pennsylvania (the "premises").
2. Verizon Pennsylvania Inc. ("Verizon PA") is a local exchange carrier certificated by the Pennsylvania Public Utility Commission (the "PUC" or the "Commission") to provide local exchange telephone service in, inter alia, the City of Philadelphia, Pennsylvania.
3. Verizon PA provides local exchange service to the premises and to many of the residences and businesses proximate to the premises.
4. During major reconstruction of the premises, a portion of the telephone lines bringing service to the premises and other neighboring residences and businesses were relocated by Verizon PA.
5. The relocation of the telephone lines as aforesaid by Verizon PA was not performed properly, leaving the telephone lines in a dangerous, unsafe and hazardous condition. Attached hereto and incorporated by reference are photographs marked Exhibits "A" and "B" respectively which depict the current appearance of portions of the telephone lines left by Verizon PA after completing the relocation work at the premises on or about October 15, 2004.

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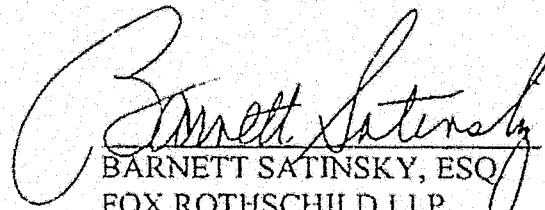
DOCKETED  
MAY 11 2005

6. Contiguous to the south wall of the premises are a business and numerous residences, the flat rooftops of which are accessible from such business and residences which are used by those property owners as patios for recreational use.

7. The relocation of the telephone lines as aforesaid by Verizon PA was not performed in conformity with the terms of an Aerial Grant agreement entered into by Complainants and Verizon PA April 8, 2004 (the "2004 Aerial Grant"), a copy of which marked as Exhibit "C" is attached hereto and incorporated herein by reference.

8. The service provided by Verizon PA and facilities maintained by Verizon PA at the premises is not adequate, safe and reasonable, all of which is in violation of the Pennsylvania Public Utility Code, and in particular 66 Pa. C.S. §§ 1501 *et seq.*

WHEREFORE, Complainants Sandra Gross Bressler and Peter Bressler request that the Commission direct Respondent Verizon Pennsylvania Inc. (1) to reinstall the telephone lines at the premises in full conformity with the proper and safe practice and the terms of the 2004 Aerial Grant, (2) to give Complainants a credit equivalent to the amount charged for service to the premises from August 1, 2003 until the reinstallation work is properly completed.

  
BARNETT SATINSKY, ESQ.  
FOX ROTHSCHILD LLP  
2000 Market Street - 10<sup>th</sup> Floor  
Philadelphia, PA 19103-3291  
(215) 2992-088 (phone)  
(215) 299-2150 (fax)  
[bsatinsky@foxrothschild.com](mailto:bsatinsky@foxrothschild.com)

RECEIVED

MAR 28 2005

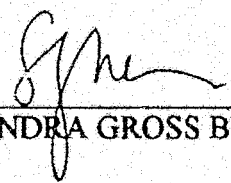
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

SANDRA GROSS BRESSLER and	:	
PETER BRESSLER,	:	
Complainants	:	
v.	:	C-20030872
VERIZON PENNSYLVANIA INC.,	:	
Respondent	:	

VERIFICATION

I, Sandra Gross Bressler, am one of the Complainants in the above referenced proceeding and I hereby state that the facts set forth in the foregoing Amended Complaint are true and correct to the best of my knowledge, information and belief and 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 falsifications to authorities).

  
 \_\_\_\_\_  
 SANDRA GROSS BRESSLER

RECORDED

MAR 29 2005

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

SANDRA GROSS BRESSLER and PETER BRESSLER. Complainants v. VERIZON PENNSYLVANIA INC., Respondent C-20030872

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of March, 2005 served a true and correct copy of the foregoing Amended Complaint upon the persons listed below and in the manner indicated, pursuant to 52 Pa. Code § 1.54:

By Hand Delivery

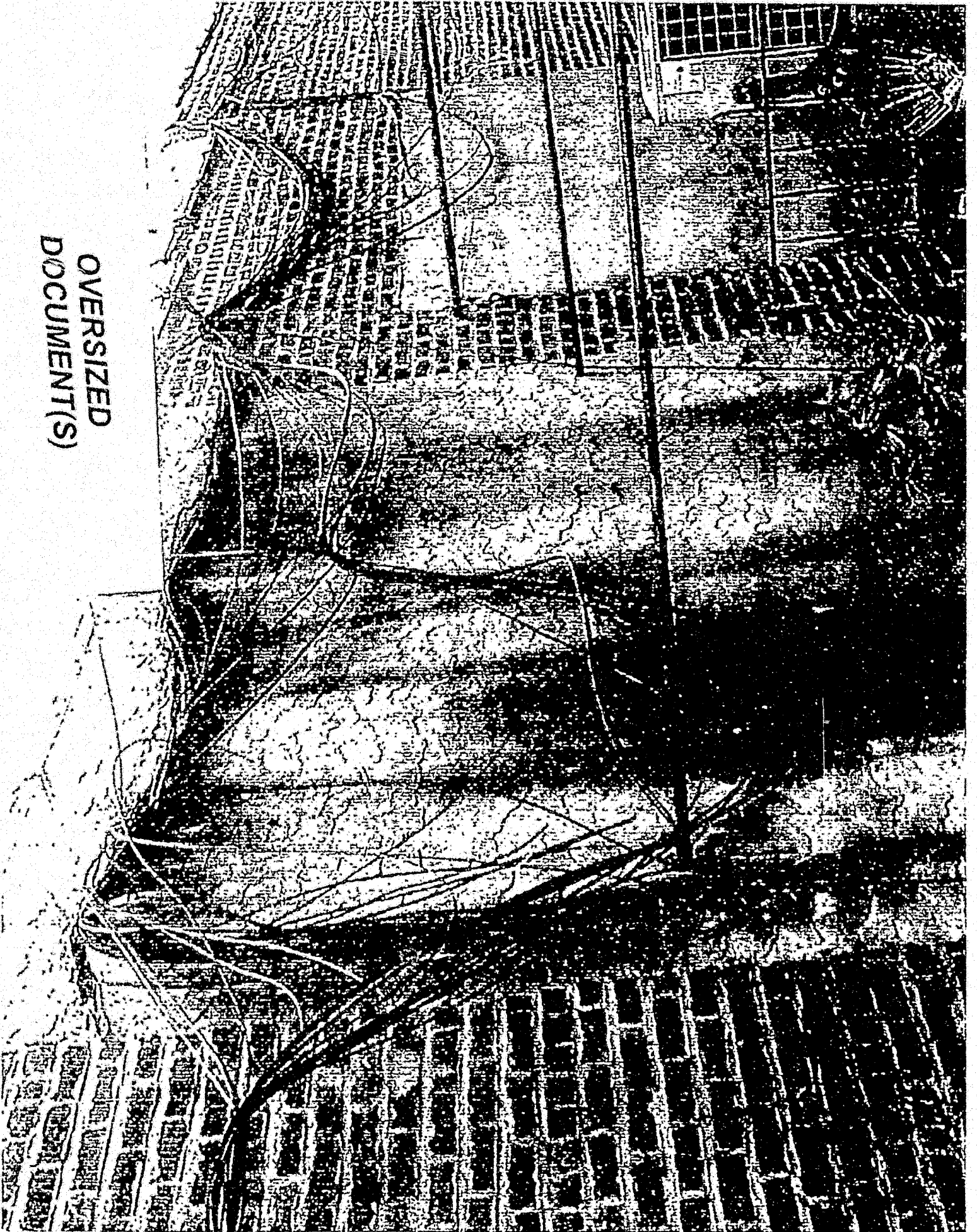
Honorable Charles E. Rainey, Jr. Administrative Law Judge Room 1302, Philadelphia State Office Building 1400 W. Spring Garden Street Philadelphia, PA 19130

By Electronic Mail and First Class Mail

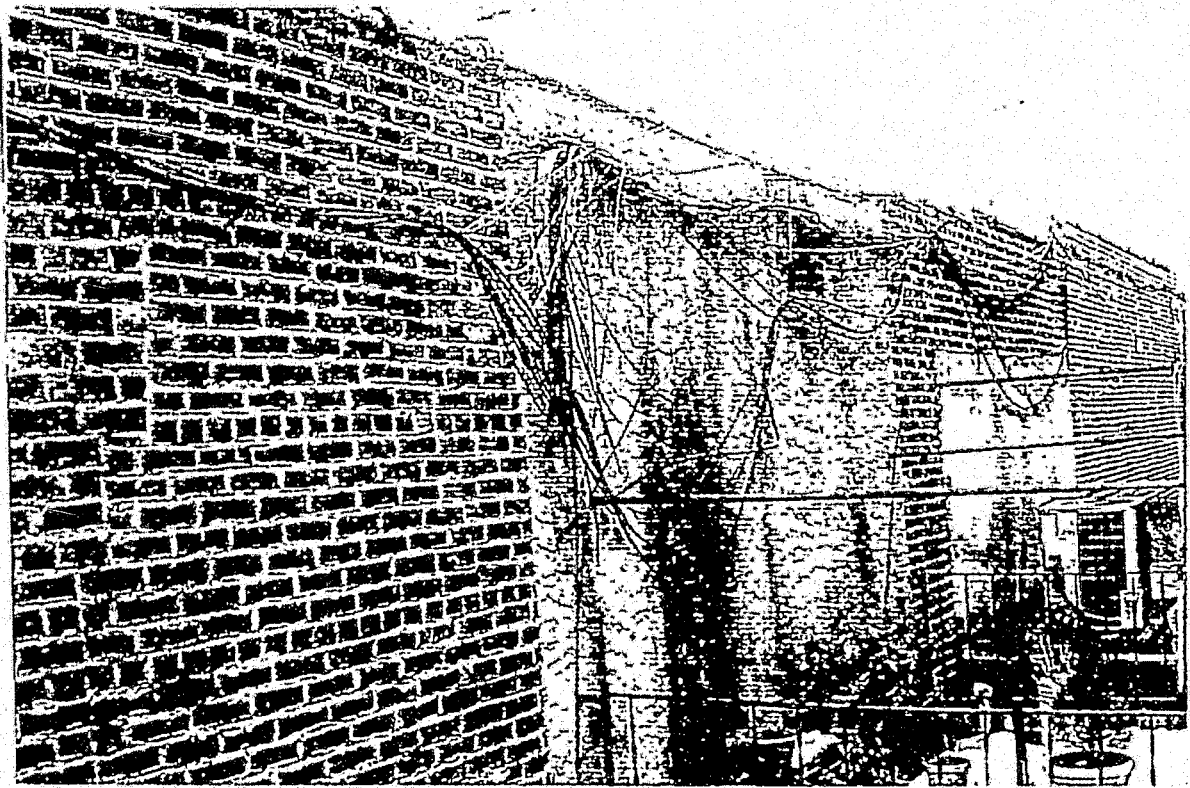
William E. Lehman, Esquire Hawke McKeon Sniscak & Kennard LLP 100 North Tenth Street P.O. Box 1778 Harrisburg, PA 17105-1778

[Handwritten signature of Barnett Satinsky] Barnett Satinsky, Esq. Fox Rothschild LLP 2000 Market Street, 10th Floor Philadelphia, PA 19103-3291

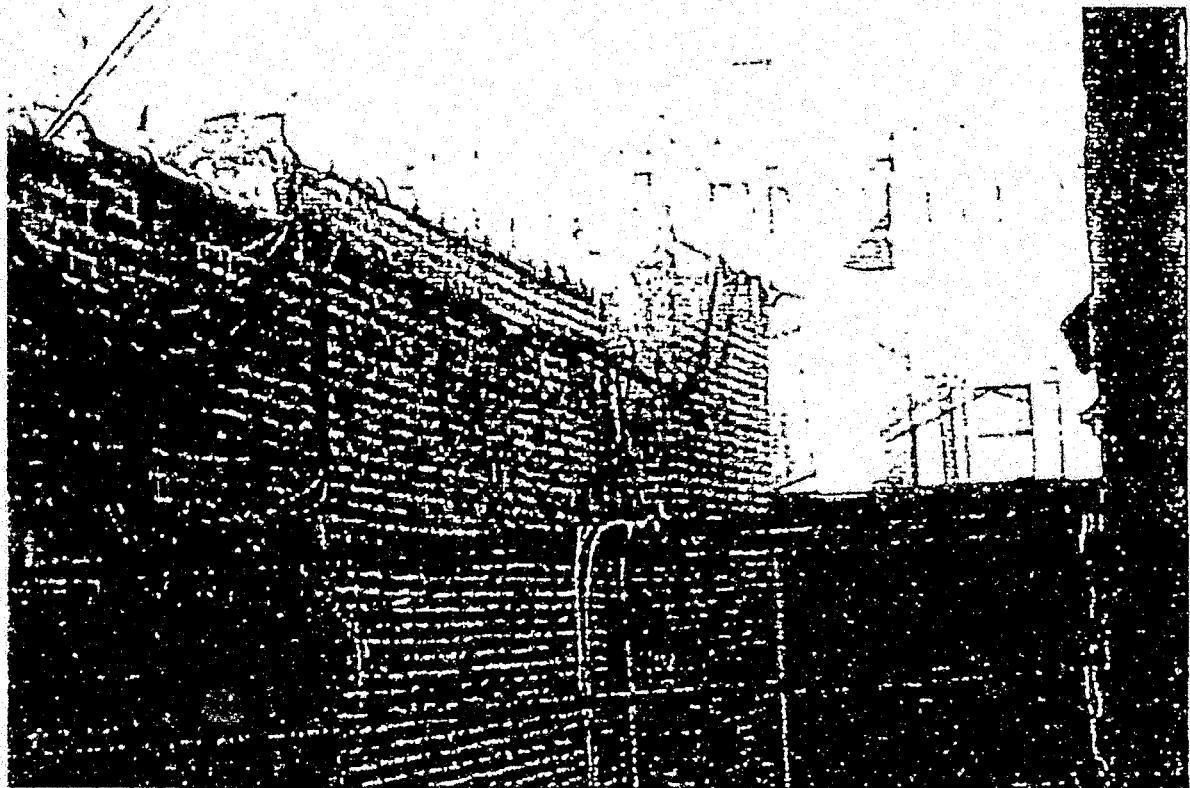
OVERSIZED  
DOCUMENT(S)



OVERSIZED  
DOCUMENT(S)



*THIS PAGE IS CLEARLY NOT COMPLETED CORRECTLY*



## AERIAL GRANT

Permission is hereby granted to Verizon Pennsylvania Inc. its successors and assigns, the right, privilege and authority to install, operate and maintain three (3), twelve (12) pair wire boxes mounted on the south wall with associated aerial service wires, along the south property line as mutually agreed upon with the property owner as specified on Exhibit "A" attached to this document, said land being located

816 South 10<sup>th</sup> St.  
Philadelphia, Pennsylvania

Borough/City/Township of: Philadelphia  
Count of: Philadelphia, Commonwealth of Pennsylvania, with the right to access over said land to install and maintain our facilities by the most reasonable means for the purpose of supplying the said premise and those adjacent thereto with telephone service. The Telephone Company is not permitted to lease and/or convey any part or all the rights hereunder to any other entity for any other purpose, except to the extent Verizon is required by law, to allow other telecommunications companies to use their facilities. Any modifications made to the plan as specified in Exhibit "A" must be made by mutual agreement with the property owner.

The said facilities shall be installed in a good and workmanlike manner by and at the expense of the said Telephone Company. Should the facilities interfere with future repairs to or alterations on said premises, the said Telephone Company shall, at its expense, relocate them so as to avoid such interference. Any future relocation or removal of said utility facilities requested by the property owners shall be done by said Telephone Company at the expense of the property owner.

The Telephone Company shall indemnify and save grantor harmless from and against any and all damages, claims, losses, expenses, costs and liabilities by reason of the negligence of the Telephone Company, its employees, agents, contractors and/or sub-contractors in connection with the construction, reconstruction, operation, maintenance and/or removal of the facilities set forth herein.

In the event of any violation of the terms of this Grant, all legal and equitable remedies, including without limitation, injunctive relief, specific performance and damages, shall be available to the parties hereto. Neither the failure on the part of the parties to enforce any term or provision hereof, or the waiver of any right hereunder, shall discharge or affect the right to enforce the same in the event of any subsequent breach or default. If any proceeding are instituted alleging a violation of this Agreement, the Owners, if successful, shall be entitled to, and reimbursed for, costs and reasonable attorneys' fees incurred in connection with such judicial or administrative action taken with respect to such violation. The remedies provided for breach of the terms and provisions of this Agreement shall be deemed cumulative and not exclusive.

See Exhibit "A" attached.

IN WITNESS WHEREOF, we have hereunto set our hands and

Seal this 8<sup>th</sup> day of APRIL A.D. 2004

at 816 South 10<sup>th</sup> St. Philadelphia, Pennsylvania

Verizon PA Inc:

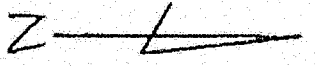
John Brennan 3/22/04  
Mgr - Phila Design

Roger Pearcey

NOTARIAL SEAL  
ROGER PEARCEY, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires May 3, 2004

Property Owner:

Peter Bressler  
Sandra Gross Bressler



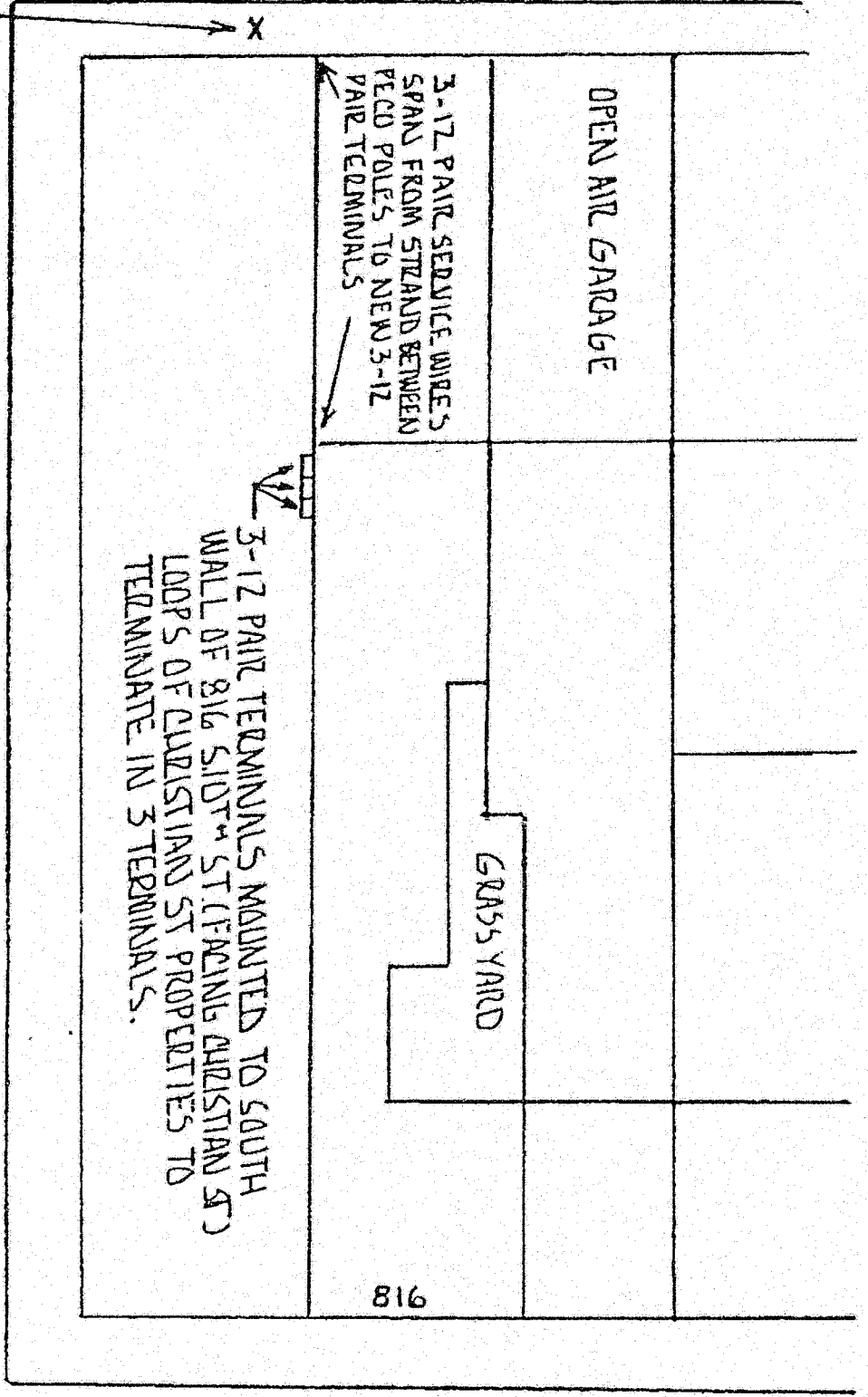
ST

S. WARNOCK

NEW TERMINAL TO BE MOUNTED AND PECD POLE

CHRISTIAN

EXHIBIT "A"



OPEN AIR GARAGE

3-12 PAIR SERVICE WIRES SPAN FROM S. WARNOCK BETWEEN PECD POLES TO NEW 3-12 PAIR TERMINALS

GRASSY YARD

3-12 PAIR TERMINALS MOUNTED TO SOUTH WALL OF 816 S. 10TH ST. (FACING CHRISTIAN ST) LOOPS OF CHRISTIAN ST PROPERTIES TO TERMINATE IN 3 TERMINALS.

816

S. 10TH

ST

ST

AERIAL VIEW OF 816 S. 10TH ST

EXHIBIT "A"

FOX • ROTHSCHILD<sub>LLP</sub>

ATTORNEYS AT LAW

2000 MARKET STREET • TENTH FLOOR • PHILADELPHIA, PA 19103-3291  
215.299.2000 • FAX 215.299.2150 • www.foxrothschild.com

Barnett Satinsky  
Direct Dial: (215) 299-2088  
Internet Address: bsatinsky@foxrothschild.com

March 18, 2005

VIA COURIER

Honorable Charles E. Rainey, Jr.  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Room 1302 Philadelphia State Office Building  
1400 W. Spring Garden Street  
Philadelphia, PA 19130

RECEIVED  
MAR 21 11:50  
SECRETARY'S OFFICE  
DOCKETED  
SEP 30 2005

Re: Sandra Gross Bressler and Peter Bressler, v. Verizon Pennsylvania, Inc., C-20030872

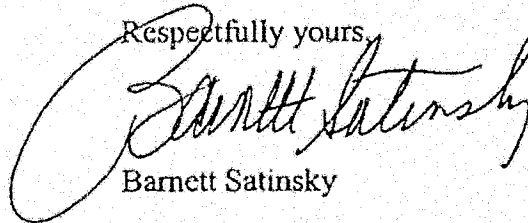
Dear Judge Rainey:

I was retained by Complainants, Sandra Gross Bressler and Peter Bressler, earlier this week to represent them in this matter. Given my recent entry into the case, my clients unavailability through March 24 due to previous travel arrangements and my intention to file an Amended Complaint prior to April 1, 2005, I respectfully request that the April 1, 2005 hearing in this matter be converted to a prehearing conference. I have conferred with Mr. Lehman, who represents Verizon, and am authorized to state that he does not oppose this request.

Thank you for your consideration.

DOCUMENT  
FOLDER

Respectfully yours,



Barnett Satinsky

BS:mo

cc: James J. McNulty, Secretary ✓  
William E. Lehman, Esq. (via email and first class mail)  
Sandra Gross Bressler  
Peter Bressler

ORIGINAL

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

William T. Hawke  
Kevin J. McKeon  
Thomas J. Sniscak  
Norman James Kennard  
Lillian Smith Harris  
Scott T. Wyland  
Todd S. Stewart

Craig R. Burgraff  
Steven D. Snyder  
Janet L. Miller  
Steven K. Haas  
William E. Lehman  
Rikardo J. Hull  
Katherine E. Lovette

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

May 23, 2005

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street - Filing Room (2 North)  
P.O. Box 3265  
Harrisburg, PA 17105-3265

BTL

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2005 MAY 23 PM 3:33  
SECRETARY'S BUREAU

RE: Sandra Gross and Peter Bressler v. Verizon Pennsylvania Inc.; Docket No. C-20030872; ANSWER AND NEW MATTER TO AMENDED COMPLAINT

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 to Amended Complaint 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.

Regards,

William E. Lehman  
Counsel for Verizon Pennsylvania Inc.

WEL/kmg  
Enclosures

cc: Honorable Charles E. Rainey, Jr.  
Barnett Satinsky, Esquire

DOCUMENT  
FOLDER

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

61

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SANDRA GROSS and PETER BRESSLER,

Complainants

v.

VERIZON PENNSYLVANIA INC.,

Respondent

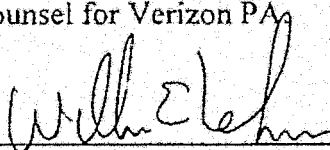
Docket No. C-20030872

NOTICE TO PLEAD

TO: Barnett Satinsky, Esquire  
Fox Rothschild O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103-3291

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2005 MAY 23 PM 3:33  
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  
Hawke McKeon Sniscak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105-1778  
717-236-1300

DATED: May 23, 2005

Counsel for  
Verizon Pennsylvania Inc.

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SANDRA GROSS and PETER BRESSLER,

Complainants

v.

VERIZON PENNSYLVANIA INC.,

Respondent

Docket No. C-20030872

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**ANSWER AND NEW MATTER OF  
VERIZON PENNSYLVANIA INC.  
TO THE AMENDED COMPLAINT OF  
SANDRA GROSS BRESSLER AND PETER BRESSLER**

---

Verizon Pennsylvania Inc. ("Verizon PA"), by its attorneys in this proceeding, Hawke McKeon Sniscak & Kennard LLP, hereby submits its Answer to the Complaint filed by Sandra Gross Bressler and Peter Bressler ("Complainants") and raises New Matter to Amended Complaint. In support thereof, Verizon PA avers and represents as follows:

**BACKGROUND**

On or about August 4, 2003, the Complainants filed their original Complaint with the Pennsylvania Public Utility Commission ("Commission") at Docket No. C-20030872. On September 3, 2003, Verizon PA filed its Answer, as well as a Motion to Dismiss. On February 23, 2005, Verizon PA filed an Amended Answer and New Matter and a Motion to Dismiss the Complaint as Moot, or in the Alternative, for an amended pleading. On or about

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MAY 26 2005

**DOCUMENT  
FOLDER**

March 28, 2005, Complainants filed an Amended Complaint. An initial prehearing conference was held before Administrative Law Judge ("ALJ") Charles E. Rainey, Jr. on April 1, 2005. At that conference, Verizon PA agreed to answer the Amended Complaint within twenty (20) days after service by the Commission. To date, the Amended Complaint has not been served on Verizon PA; however, by agreement with the Complainants, Verizon PA is submitting its Answer and New Matter to the Amended Complaint.<sup>1</sup>

ANSWER

1. ADMITTED upon information and belief.
2. ADMITTED.
3. Verizon PA ADMITS that it provides telephone service to the Complainants' premises; however, is without sufficient knowledge or information at this time to respond to whether it provides service to the neighboring properties; therefore, this allegation is DENIED.
4. DENIED. By way of further answer, Verizon PA AVERS that Verizon PA's telephone lines and terminals ("facilities") were attached to the North, West, and South walls of the Complainants' premises since 1960, pursuant to a valid right-of-way agreement. This agreement is attached to Verizon PA's Amended Answer and New Matter filed February 23, 2005 as Attachment "A" and incorporated herein by reference. Sometime during the "major reconstruction of the premises" the Complainants removed Verizon PA's facilities from the North and West walls of their property and refused to reattach said facilities after the

---

<sup>1</sup> Concurrently with its Answer, Verizon PA is submitting a Motion to Dismiss.

reconstruction was finished. As a courtesy to the Complainants, Verizon PA agreed to relocate its facilities that had been attached to the North and West walls to the south wall. This agreement was memorialized by the Aerial Grant contract attached to the Complainants' Amended Complaint as **Exhibit "C."**

5. DENIED. This paragraph of the Complaint is misleading in that it suggests that the relocation work by Verizon PA involved the facilities depicted in **Exhibits "A"** and **"B"** to the Complaint. It did not, and also Verizon PA DENIES that the relocation of its facilities was not performed properly. Verizon PA specifically DENIES that as a result the relocation of said facilities, the telephone lines were left in a dangerous, unsafe and hazardous condition. Verizon PA ADMITS that **Exhibits "A"** and **"B"** are photographs of Verizon PA's wires; however, DENIES that these wires were left as a result of the relocation of its facilities pursuant to the Aerial Grant. To the contrary of Complainants' claims, Verizon PA AVERS that attached to the Aerial Grant on page 3 is Exhibit "A" which is the specific description of the work performed by Verizon PA. Nowhere in the Aerial Grant (and specifically the detailed description of the work to be performed on page 3) is any mention of the telephone wires that are the subject of the pictures attached to the Amended Complaint. The Aerial Grant speaks for itself, the Complaint is not a true statement of the relocation and Aerial Grant.

6. Verizon PA ADMITS that contiguous to the south wall of the premises are a business and numerous residences; however, it is without sufficient information or knowledge at this time to respond to the Complainants' allegations regarding how the neighbors use their property; therefore, these allegations are DENIED. In any event, Complainants lack standing and status to represent any interests of the referenced neighbors.

7. DENIED. Verizon PA DENIES that its relocation of its facilities was not performed in conformity with the terms of the Aerial Grant. Verizon PA ADMITS that Exhibit "C" is a true and accurate copy of the Aerial Grant entered into between the Complainants and Verizon PA on April 8, 2004 for the relocation of its facilities. By way of further Answer, Verizon PA incorporates its Answer to Paragraph 5 above.

8. DENIED. Verizon PA DENIES that its services and facilities at the premises are not adequate, safe and reasonable. Verizon PA DENIES that its service and facilities are in violation of the Public Utility Code ("Code") and in particular, 66 Pa. C.S. §§1501 *et seq.* By way of further answer, Verizon PA AVERS that its wires, as portrayed in the pictures attached to the Complaint, are not unsafe nor in violation of the Code. These wires are telephone wires which have no unsafe voltage associated with them. These wires are attached to the side of the Complainants' premises in an area that is inaccessible to the Complainants. These wires can only be accessed through the neighbors' property and Verizon PA has received no complaints from the neighbors regarding the safety of these wires. At no time during the relevant time period were the Complainants out of telephone service or their service interrupted, except in the normal course of switching their service to the new facilities.

The Complainants' WHEREFORE paragraph contains requests for relief to which no response is required. To the extent that a response is deemed necessary and relevant, Verizon PA avers that it has relocated its facilities in full compliance with the Aerial Grant and no further work needs to be done. Verizon PA is not required to give the Complainants a credit for telephone service. The Commission's regulations at 52 Pa. Code §64.52 require the telephone company to refund customers for out of service conditions. At no time during the relevant time

period were the Complainants out of service. In addition, the Complainants' request for refunds is akin to a request for damages which the Commission has no authority to award.<sup>2</sup>

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<sup>2</sup> *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (Pa. 1977)

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NEW MATTER

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

1. On April 8, 2004, after lengthy discussions between the Complainants and Verizon PA, an Aerial Grant was signed by the parties in which Verizon PA agreed to relocate its facilities to a less obtrusive area of the Complainants' premises.
2. This Aerial Grant is a contract between Verizon PA and the Complainants, the terms of which are contained in the four corners of the document and fully described the work to be performed.
3. Pursuant to the terms of the Aerial Grant, Verizon PA performed its obligations in a workman like and reasonable manner.
4. By way of an affirmative defense, Verizon PA avers that the Commission has no jurisdiction to decide private contractual disputes between a citizen and a utility<sup>3</sup> or, in the alternative, that Verizon PA has fully complied with the terms of the Aerial Grant.
5. Complainants have no legal standing to represent any alleged interest of anyone other than themselves.

WHEREFORE for the reasons stated above, Verizon Pennsylvania Inc. requests that the Formal Amended Complaint of Sandra Gross Bressler and Peter Bressler be denied in its entirety.

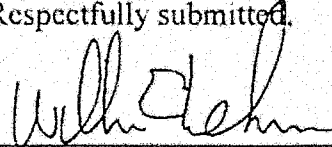
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<sup>3</sup> *Litman v. The Peoples Natural Gas Company*, 449 A.2d 720, 723 (Pa. Super. 1982); *Leveto v. National Fuel Gas Distribution Corporation*, 366 A.2d 270, 275 (Pa. Super. 1976)

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MAY 26 2005

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FOLDER**

Respectfully submitted,



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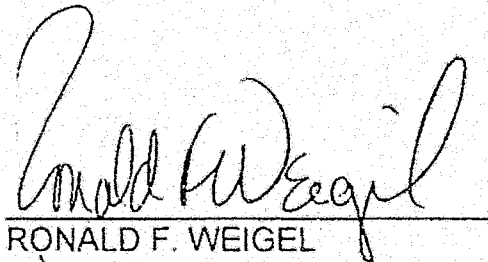
William E. Lehman  
Hawke McKeon Sniscak & Kennard LLP  
Harrisburg Energy Center  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

DATED: May 23, 2005

Counsel for  
Verizon Pennsylvania Inc.

AFFIDAVIT

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.



RONALD F. WEIGEL  
Director – Government Relations

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2005 JUL 23 PM 3:33  
SECRETARIAT'S BUREAU

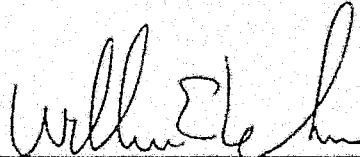
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the persons and in the manner indicated below.

Service by first class mail:

Barnett Satinsky, Esquire  
Fox Rothschild O'Brien & Frankel  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103-3291

Honorable Charles E. Rainey, Jr.  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130



\_\_\_\_\_  
William E. Lehman

DATED: May 23, 2005

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SECRETARY'S BUREAU

FOX • ROTHSCHILD, LLP

ATTORNEYS AT LAW

2000 MARKET STREET • TENTH FLOOR • PHILADELPHIA, PA 19103-3291  
215 299 2000 • FAX 215 299 2150 • www.foxrothschild.com

DOCUMENT  
FOLDER

ORIGINAL

Barnett Satinsky  
Direct Dial (215) 299 2088  
Internet Address: bsatinsky@foxrothschild.com

June 3, 2005

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JUN 3 2005

VIA FEDERAL EXPRESS  
James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

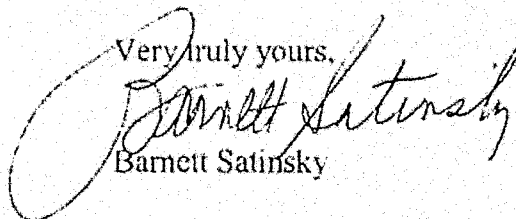
Re: Sandra Gross Bressler and Peter Bressler v. Verizon Pennsylvania Inc., C-20030872

Dear Secretary McNulty:

Enclosed for filing are an original and four copies of **Complainants' Reply to New Matter of Verizon Pennsylvania Inc. to the Amended Complaint of Sandra Gross Bressler and Peter Bressler** in the above matter. Copies are being served as set forth in the Certificate of Service attached to the Reply. Please date stamp and return to me in the enclosed envelope the extra copy thereof.

Please advise if you have any questions. Thank you for your cooperation.

Very truly yours,

  
Barnett Satinsky

BS:mo

cc: ALJ Charles E. Rainey, Jr. (w/enclosure)  
William E. Lehman, Esq. (w/enclosure)  
Sandra Gross Bressler (w/enclosure)  
Peter Bressler (w/enclosure)

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JUN 8 2005

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JUN 3 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SANDRA GROSS and PETER BRESSLER,

Complainants

v.

VERIZON PENNSYLVANIA INC.,

Respondent

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Docket No. C-20030872

---

**COMPLAINANTS' REPLY TO NEW MATTER OF VERIZON  
PENNSYLVANIA INC. TO THE AMENDED COMPLAINT  
OF SANDRA GROSS BRESSLER AND PETER BRESSLER**

---

Sandra Gross Bressler and Peter Bressler ("Complainants"), by their attorneys in this proceeding, Fox Rothschild LLP, hereby submit their Reply to the New Matter of Verizon Pennsylvania Inc. ("Verizon PA") to the Amended Complaint of Sandra Gross Bressler and Peter Bressler. In support thereof, Complainants aver and represent as follows:

**REPLY TO NEW MATTER**

1. Admitted in part, denied in part. It is admitted only that an Aerial Grant was signed by the parties, part of the purpose of which was for Verizon PA to relocate its facilities to a less obtrusive area of the Complainants' premises. New Matter paragraph 1 is an incomplete statement of what was encompassed by the Aerial Grant. In all other respects, New Matter paragraph 1 is denied.

2. Admitted in part, denied in part. It is admitted that the Aerial Grant is a contract between Verizon PA and the Complainants. It is denied that the work to be performed in order

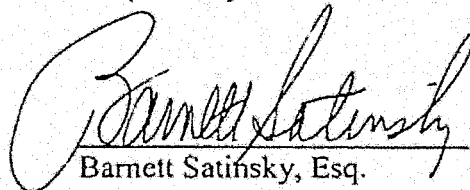
to implement the Aerial Grant is fully described therein. In all other respects, New Matter paragraph 2 is denied.

3. Denied. It is denied that Verizon PA performed its obligations under the Aerial Grant in a workman like and reasonable manner.

4. Denied. Paragraph 4 of the New Matter contains conclusions of law to which no response is required. To the extent Paragraph 4 of the New Matter is deemed to include factual assertions, the same are denied.

5. Denied. Paragraph 5 of the New Matter consists entirely of a conclusion of law to which no response is required.

Respectfully submitted,



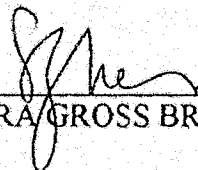
Barnett Satinsky, Esq.  
FOX ROTHSCHILD LLP  
2000 Market Street – 10<sup>th</sup> Floor  
Philadelphia, PA 19103-3291  
(215) 299-2088

Attorney for Sandra Gross Bressler  
And Peter Bressler

DATED: June 3, 2005

VERIFICATION

I, SANDRA GROSS BRESSLER, am one of the Complainants in the foregoing proceeding, and I verify that the information set forth in the Reply to New Matter to the Amended Complaint is true and correct to the best of my knowledge, information and belief and 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 falsifications to authorities.

  
\_\_\_\_\_  
SANDRA GROSS BRESSLER

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JUN 3 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SANDRA GROSS BRESSLER and  
PETER BRESSLER,  
Complainants  
v.  
VERIZON PENNSYLVANIA INC.,  
Respondent

C-20030872

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JUN 3 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

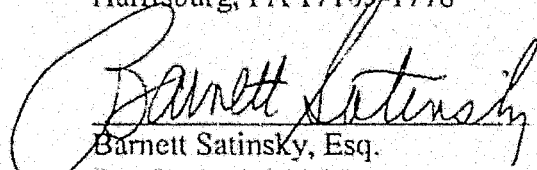
I hereby certify that I have this 3<sup>rd</sup> day of June, 2005 served a true and correct copy of the foregoing Reply to New Matter to Amended Complaint upon the persons listed below and in the manner indicated, pursuant to 52 Pa. Code § 1.54.

*By Hand Delivery*

Honorable Charles E. Rainey, Jr.  
Administrative Law Judge  
Room 1302, Philadelphia State Office  
Building  
1400 W. Spring Garden Street  
Philadelphia, PA 19130

*By Electronic Mail and First Class Mail*

William E. Lehman, Esquire  
Hawke McKeon Sniscak & Kennard LLP  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105-1778



Barnett Satinsky, Esq.  
Fox Rothschild LLP  
2000 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19103-3291

# FOX • ROTHSCHILD LLP

ATTORNEYS AT LAW

2000 MARKET STREET • TENTH FLOOR • PHILADELPHIA, PA 19103-3291  
215 299 2000 • FAX 215 299 2150 • www.foxrothschild.com

Barnett Satinsky  
Direct Dial: (215) 299-2088  
Internet Address: bsatinsky@foxrothschild.com

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FOLDER

June 30, 2005

VIA COURIER

Honorable Charles E. Rainey, Jr.,  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Room 1302  
Philadelphia State Office Building  
1400 W. Spring Garden Street  
Philadelphia, PA 19130

RECEIVED  
2005 JUL -5 AM 9:39  
PA P.U.C.  
SECRETARY'S BUREAU

Re: Sandra Gross and Peter Bressler v. Verizon Pennsylvania Inc., C-20030872

Dear Judge Rainey:

This letter confirms the voice mail Mr. Lehman and I left you at Noon today, in which we made what we believe will be our final **request for a continuance** in the above-captioned matter, which presently is scheduled for hearing July 12, 2005. Following the pre-hearing conference, the parties did meet per your direction, and have now reached a definitive Settlement Agreement, which has been duly executed by Complainants and Respondent.

Under the terms of the Settlement Agreement, certain work (which the parties very carefully and specifically have defined) has been scheduled to be performed during September, 2005, whereupon this matter is to be withdrawn. The specific language of the Settlement Agreement on this point reads as follows:

Upon execution of this Settlement Agreement, the Bresslers and Verizon PA, through their respective attorneys, shall request the PUC to continue the matter until the earlier of October 1, 2005 or the work described in Exhibit "A" has been completed. Upon completion of the work described in the attached Exhibit "A" by Verizon PA, the Bresslers shall withdraw the PUC Action and agree not to reassert the claims in the original and amended complaints before the PUC.

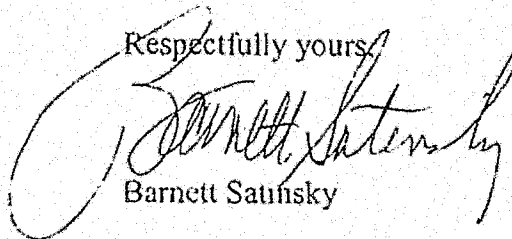
Honorable Charles E. Rainey, Jr.,  
June 30, 2005  
Page 2

The outside date of October 1 takes into consideration Verizon PA's work schedules and includes allowance for unforeseen emergency or inclement weather that sometimes affects the region in late summer.

Accordingly, the parties jointly request that this matter be continued generally or until a date after October 1, 2005, with the expectation that it will be withdrawn prior to that time. Should you have any questions, Mr. Lefman and I will be available for a conference call upon your return to the office next week, should you deem it necessary or advisable.

Thank you for your consideration.

Respectfully yours,



Barnett Sautsky

BS:mo

cc: James J. McNulty, Secretary (via first class mail)  
ALJ Scheduling Unit (via fax and first class mail)  
William E. Lehman, Esq. (via email and first class mail)  
Sandra Gross Bressler (via email)  
Peter Bressler (via email)  
James P. Conti, III (via email)



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
July 6, 2005

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20030872

(SEE LETTER OF 4-8-05)

Sandra Gross & Peter Bressler v. Verizon Pennsylvania Inc.  
Property Damage Dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial In-Person Hearing on the above-captioned case previously scheduled for Tuesday, July 12, 2005 has been canceled.

The hearing has been rescheduled as follows:

Type: Initial In-Person Hearing  
Date: Wednesday, October 5, 2005  
Time: 10:00 a. m.  
Location: In an available hearing room  
13th Floor  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania  
Presiding: Administrative Law Judge Charles E. Rainey, Jr.  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

Please mark your records accordingly.

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:

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

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

**OALJ Hearing Report**

Please check those blocks which apply

Docket No.:	C-20030872		YES	NO
Case Name	Sandra Gross & Peter Bressler v. Verizon Pennsylvania Inc.	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
Date:	July 12, 2005	Estimated Add'l Days:		
ALJ:	Charles E. Rainey, Jr.	RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting Service, Inc.	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<i>The hearing was previously continued to October 5, 2005.</i>	

**DOCUMENT FOLDER**

**RECEIVED**

JUL 19 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address			Who are you representing?
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:

Check this box if additional parties or attendees appear on back of form.

*7/18/05*

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

2000 MARKET STREET • TENTH FLOOR • PHILADELPHIA, PA 19103-3291  
215 299 2000 • FAX 215 299 2150 • www.foxrothschild.com

Barnett Satinsky  
Direct Dial (215) 299-2088  
Internet Address bsatinsky@foxrothschild.com

September 14, 2005

ORIGINAL

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SEP 14 2005

VIA FEDERAL EXPRESS

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

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Sandra Gross Bressler and Peter Bressler v. Verizon Pennsylvania Inc., C-  
20030872

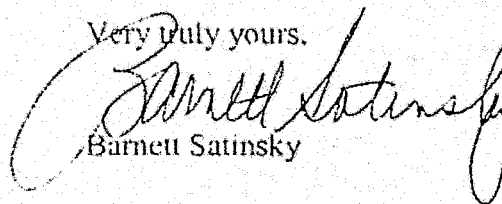
Dear Secretary McNulty:

Enclosed for filing are an original and five copies of **Complainants' Certificate of Satisfaction** in the above matter. Copies are being served as set forth in the attached Certificate of Service. Please date stamp and return to me in the enclosed envelope the two extra copies thereof.

In accord with the terms of the Certificate of Satisfaction, the Complaint in this proceeding is hereby withdrawn, and the **October 5, 2005 hearing** that had been tentatively scheduled before ALJ Ramey **can be cancelled**.

Please advise if you have any questions. Thank you for your cooperation.

Very truly yours,

  
Barnett Satinsky

BS jc

cc: ALJ Charles E. Ramey, Jr. (w/enclosure) (via hand delivery)  
ALJ Scheduling Office (w/enclosure) (via fax)  
William F. Lehman, Esq. (w/enclosure) (via e-mail and first class mail)  
Sandra Gross Bressler (w/enclosure) (via e-mail)  
Peter Bressler (w/enclosure) (via e-mail)

Enclosure

RECEIVED

SEP 14 2005

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SANDRA GROSS and PETER BRESSLER, :

Complainants :

v. :

Docket No. C-20030872

VERIZON PENNSYLVANIA INC. :

Respondent :

CERTIFICATE OF SATISFACTION

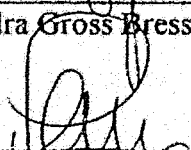
DOCUMENT  
FOLDER

We, Sandra Gross Bressler and Peter Bressler, subscribers of Verizon Pennsylvania Inc. ("Verizon PA"), hereby certify that Verizon PA has completed to our satisfaction the work described in the Settlement Agreement in this matter signed on June 29, 2005; therefore, satisfying our complaint filed with the Pennsylvania Public Utility Commission and docketed at Complaint Docket No. C-20030872. Accordingly, we hereby withdraw our Complaint in this proceeding.

This Certificate is being provided in accordance with 52 Pa. Code §5.24(a).

Dated this 12th day of September, 2005.

  
\_\_\_\_\_  
Sandra Gross Bressler

  
\_\_\_\_\_  
Peter Bressler  
816 South 10th Street  
Philadelphia, PA 19147

**DOCKETED**  
SEP 16 2005

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

SANDRA GROSS and  
PETER BRESSLER,  
Complainants  
v.  
VERIZON PENNSYLVANIA INC.,  
Respondent

C-20030872

RECEIVED

SEP 14 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

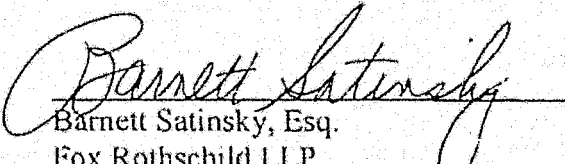
I hereby certify that I have this 14th day of September, 2005 served a true and correct copy of the foregoing Certificate of Satisfaction upon the persons listed below and in the manner indicated, pursuant to 52 Pa. Code § 1.54.

*By Hand Delivery*

Honorable Charles E. Rainey, Jr.  
Administrative Law Judge  
Room 1302, Philadelphia State Office  
Building  
1400 W. Spring Garden Street  
Philadelphia, PA 19130

*By Electronic Mail and First Class Mail*

William E. Lehman, Esquire  
Hawke McKeon Sniscak & Kennard LLP  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105-1778

  
Barnett Satinsky, Esq.  
Fox Rothschild LLP  
2000 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19103-3291



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
September 14, 2005

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20030872

(SEE LETTER DATED 7/6/05)

Sandra Gross Bressler & Peter Bressler v. Verizon Pennsylvania  
Inc.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial In-Person Hearing  
Date: Wednesday, October 5, 2005  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Charles E. Rainey, Jr.

Please mark your records accordingly.

pc: Judge Rainey  
Cherie Pyle, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

**DOCKETED**  
SEP 19 2005

DOCUMENT  
FOLDER

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: September 14, 2005

SUBJECT: C-20030872  
Snadra Gross Bressler & Peter Bressler v. Verizon Pennsylvania Inc.

TO: Wanda Zeiders  
Docket Management

FROM: Cherie Pyle, Support Staff  
Office of Administrative Law Judge

DOCUMENT  
FOLDER

On September 14, 2005, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Charles E. Rainey, Jr.  
Beth Plantz  
Case File

**DOCKETED**  
SEP 19 2005



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 12, 2005

C-20030872

SANDRA GROSS & PETER BRESSLER  
816 SOUTH 10TH STREET  
PHILADELPHIA, PA 19147

DOCUMENT  
FOLDER

SANDRA GROSS & PETER BRESSLER  
v.  
VERIZON PENNSYLVANIA INC.

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty  
Secretary

ane  
cc: All parties of Record  
Office of ALJ

**DOCKETED**  
OCT 13 2005