

DOCKET NO.: C-20016648  
RESPONDENT OR APPLICANT: VERIZON PENNSYLVANIA INC  
PARTY OR COMPLAINANT: JONES KIM L

ENTRY	TYPE	DATE	BUREAU	PERSONNEL
1	N	12/12/01	SEC	IMES
FORMAL COMPLAINT OF KIM L JONES V. VERIZON PA INC				
2	N	01/08/02	SEC	IMES
NOTICE OF COMPLAINT SERVED ON RESPONDENT TO ANSWER IN 20 DAYS				
3	N	01/28/02	SEC	BENJAMIN
RESPONDENT FILED ANSWER & NEW MATTER TO COMPLAINT W/CERTIFICATE OF SERVICE				
4	N	02/05/02	SEC	BENJAMIN
ALJ CHRISTIANSON INTERIM ORDER SETTING CONFERENCE BETWEEN PARTIES ISSUED				
5	N	02/22/02	SEC	STRAWSER
RESPONDENT FILED CERTIFICATE OF SATISFACTION OF COMPLAINT W/CERT OF SERVICE				
6	N	03/18/02	SEC	FRISCIA
OALJ MEMO ACKNOWLEDGING WITHDRAWAL & CLOSING 10 DAYS				
7	N	03/26/02	SEC	FRISCIA
SEC LETTER ADVISING COMMISSION HAS MARKED THE PROCEEDING CLOSED				

1. REPORT DATE: 00/00/00 :  
2. BUREAU: ALJ :  
3. SECTION(S): : 4. PUBLIC MEETING DATE:  
5. APPROVED BY: : 00/00/00  
DIRECTOR: :  
SUPERVISOR: :  
6. PERSON IN CHARGE: : 7. DATE FILED: 12/12/01  
8. DOCKET NO: C-20016648 : 9. EFFECTIVE DATE: 00/00/00

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PARTY/COMPLAINANT: JONES KIM L

RESPONDENT/APPLICANT: VERIZON PENNSYLVANIA INC

COMP/APP COUNTY: NORTHAMPTON

UTILITY CODE: 310200

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ALLEGATION OR SUBJECT

COMPLAINANT STATES APPROXIMATELY TWO YEARS AGO, HURRICAN FLOYD SNAPPED THE BOTTOM OF TWO TELEPHONE POLES. ONE IS ACROSS THE STREET FROM THEIR HOUSE. WHILE THE OTHER IS LEANING RIGHT OVER THE FRONT OF THEIR HOUSE. SOMEONE TOOK THE TAGS OFF THE POLES AND EACH UTILITY COMPANY DENIES OWNERSHIP PLACING THE BLAME ON EACH OTHER. COMPLAINANT WANTS THE PUC TO KEEP THE CASE OPEN UNTIL THE POLE LEANING OVER THEIR HOUSE AND THE ONE ACROSS THE STREET ARE TAKEN OUT AND HAVE THE WIRES REPLACED.

DOCUMENT  
FOLDER

**DOCKETED**  
JAN 08 2002

RECEIVED  
2001 DEC 12 AM 9:14  
PENNSYLVANIA  
SECRETARY'S BUREAU

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

1. Your name, mailing address and telephone number:  
Name Mr. Kim L. Jones  
Street/P.O.Box 848 West Grant st Apt # \_\_\_\_\_  
City Easton State PA Zip 18042  
County Northampton Area Code/Home Phone 610-559-9467  
Area Code/Work Phone \_\_\_\_\_

2. Name of company your complaint concerns: Verizon, Bell, Med Ed, Gas Co

3. What is your complaint? (Use additional paper if need more space).  
Approximately 2yrs ago, Hurricane Floyd snapped the bottom of 2 telephone poles. One is across the street from my home. While the other is leaning right over the front of my house. Someone took the tags off of the pole and each utility Co denies ownership placing the blame on each other. I filed a verbal and later a written complaint with you which resulted in Med Ed cutting 1/3 of the top of the pole off and putting a new pole next to it switching some of the wires off telling me

4. What do you want the Public Utility Commission to do about your complaint? (Use additional paper if need more space).  
Keep the case open until the pole leaning over my house and the one across the street are taken out, and have the wires replaced. Recently for the second time, I've had the fire dept here because the wires fell, hot and shooting sparks {due to being stretched} while the remaining wires are stretched and frayed. The reason that I filed complaints with you previously is because you're in charge of all the utility companies. So

5. You must sign and date your complaint below.

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

Kim Jones Kevin Jones 11/3/01

3

Mr. Kim L. Jones  
848 West Grant st  
Address Line 2  
Easton, PA, 18042  
Home Phone 610-559-9467

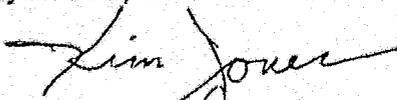
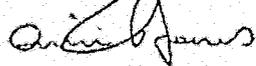
December 03, 2001

To The PA Public Utility Commission,

#3 cont-putting a new pole next to it{switching some of the wires} telling me that the remaining wires belonged to other utility companies and I would have to have them remove thier wires before they could remove the pole. I notified each utility co, which came out and denied ownership of the wires. I then recieved a call from you stating that you were closing the case{that I would have to start another one and it would take 6 months for you to respond}, even though I explained all that had happened and that the problem hadn't been fixed. Recently, for the second time. The fire dept has been here because the wires have fell{due to being stretched} being live and sparks shooting. On this second incident I saw the wires sparking and notified the fire dept. When they came I explained to them that this was an area that the children in this nieborhood often played at. They blocked off the street with the fire truck, the sidewalk with cones, and steered everyone away. Sure enough, after a few minutes the wires fell{ there were children whom had come up to play that the fire men had to detour away just previuos to the wires falling}, What if I had'nt been home that day? The remaining wires are stretched and frayed and appear to be ready to fall. Please call Easton Fire Dept and verify this. Does someone have to die before this will be attended to.

#4 cont- you previously is because the utility co. just give me the run around, placing the blame on one another, to duck the responsability of fixing this problem. Your in charge of all the utility co., So you have the ability to find out which utility co. is responsible for what and make them fix it.

Sincerely,

11/3/01

~~Yours truly,~~

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

DATE SERVED: JANUARY 8, 2002

C-20016648

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

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by MR. KIM L. JONES. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

DOCUMENT  
FOLDER

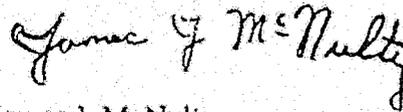
JANUARY 8, 2002

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

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name and title.

James J. McNulty  
Secretary

JH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JANUARY 8, 2002

MR. KIM L. JONES  
Complainant

VS.

VERIZON PENNSYLVANIA, INC.  
Respondent

Complaint Docket  
No: C-20016648

DOCUMENT  
FOLDER  
**DOCKETED**  
JAN 08 2002

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: VERIZON PENNSYLVANIA, INC.

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

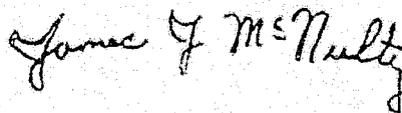
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes

a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

THE LAW FIRM OF

MALATESTA HAWKE & McKEON LLP

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

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

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

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

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

ORIGINAL

January 28, 2002

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Filing Room - B20  
Post Office Box 3265  
Harrisburg, PA 17105-3265

RE: Mr. Kim L. Jones v. Verizon Pennsylvania Inc.; Docket No. C-20016648;  
ANSWER AND NEW MATTER OF VERIZON PENNSYLVANIA INC.

Dear Mr. McNulty:

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

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,

Todd S. Stewart  
Counsel for Verizon Pennsylvania Inc.

TSS:tap  
Enclosures  
cc: Per Certificate of Service

DOCUMENT  
FOLDER

SECRETARY'S BUREAU

02 JAN 29 PM 4:19

001

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

MR. KIM L. JONES

Complainant

v

VERIZON PENNSYLVANIA INC.

Respondent

Docket No. C-20016648

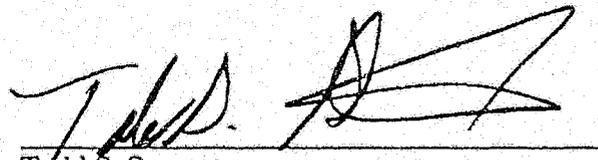
NOTICE TO PLEAD

TO: Mr. Kim L. Jones  
848 West Grant Street  
Easton, PA 18042

SECRETARY'S BUREAU

02 JAN 28 PM 4:13

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 Answer of Verizon Pennsylvania Inc. within twenty (20) days from service of this notice, the facts set forth by Verizon Pennsylvania Inc. in the Answer may be deemed to be true, thereby requiring no other proof. All pleadings such as a Reply to the Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon Pennsylvania Inc.



Todd S. Stewart  
MALATESTA HAWKE & MCKEON LLP  
Harrisburg Energy Center  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
717-236-1300  
Counsel for Verizon Pennsylvania Inc.

DATED: January 28, 2002

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL  
SECRETARY'S BUREAU  
02 JAN 28 2 13

MR. KIM L. JONES

Complainant

Docket No. C-20016648

v.

VERIZON PENNSYLVANIA INC.

Respondent

---

ANSWER AND NEW MATTER OF  
VERIZON PENNSYLVANIA INC.  
TO COMPLAINT

---

**DOCKETED**  
JAN 30 2002

Verizon Pennsylvania Inc. ("Verizon PA") by and through its counsel in the above-captioned matter, Malatesta Hawke & McKeon LLP, hereby answers the Complaint of Mr. Kim L. Jones, ("Complainant") filed with the Pennsylvania Public Utility Commission ("Commission") on or about December 12, 2001 and served upon Verizon PA on or about January 8, 2002.

1. ADMITTED, upon information and belief.
2. ADMITTED in part DENIED in part. Verizon PA ADMITS that a Complaint has been filed against it with regard to certain utility poles and facilities near the Complainant's property. However, Verizon PA DENIES that the Complaint is properly filed against it, since it has no facilities attached to the pole(s) in question and does not own the pole(s).
3. Verizon PA is without knowledge or information sufficient to form a belief as to the Complainant's statements in paragraph 3 regarding: damage to the pole(s) located across the

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street from Complainant's house; the removal of tag(s) from the pole(s); what Metropolitan Edison Company ("MetEd") may have done in response to contact from the Complainant; what MetEd may have told the Complainant with regard to the removal of its facilities and the facilities of other entities from the pole; whether the fire department ever has been dispatched to the Complainant's residence with regard to the pole(s) in question; whether the Complainant contacted the Commission in regard to the status of his Complaint or what the response of the Commission may have been; whether the Complainant saw sparks shooting from the pole or wires; whether there are children in the neighborhood that play in the "area"; what the fire company's response may have been; whether the wires in question actually did fall; whether any additional wires remain on the poles; and, the conditions of those wires. Therefore, to the extent these statements are relevant and material, they are DENIED and strict proof thereof is demanded. Verizon PA ADMITS that the Complainant did file an Informal Complaint against Verizon PA docketed at number BCS No. 0779535 in May of 2000. Verizon PA ADMITS that at the time of the Informal Complaint, Verizon PA's local manager contacted Mr. Jones and indicated that Verizon PA had no facilities on the poles in question. That fact remains true to this day--Verizon PA has no facilities attached to the poles in question and does not own the poles in question. The Informal Complaint was closed without requiring Verizon PA to perform any action.

4. DENIED. Verizon PA DENIES the factual arguments in paragraph 4 as they possibly relate to Verizon PA. The remainder of the statements in the paragraph constitute a request for relief to which no responsive pleading is required. To the extent an Answer is

required, Verizon PA avers that it has no facilities attached to the poles in question and does not own the poles.

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NEW MATTER

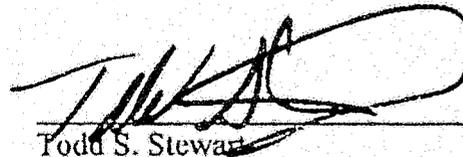
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By way of New Matter pursuant to 52 Pa. Code §5.62, Verizon PA avers and states as follows:

5. In response to an Informal Complaint filed by the Complainant in May of 2000, Verizon PA dispatched the local manager to the premises. The local manager inspected the facilities in question and made a determination that Verizon PA did not have facilities attached to the poles in question and nor does Verizon PA own the poles. Therefore, Verizon PA does not believe that it has any responsibility with regard to the poles in question.

WHEREFORE, Verizon Pennsylvania Inc. respectfully requests that the Complaint of Mr Kim L. Jones be dismissed or denied in its entirety.

Respectfully submitted,



Todd S. Stewart  
Malatesta Hawke & McKeon LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Counsel for Verizon Pennsylvania Inc.

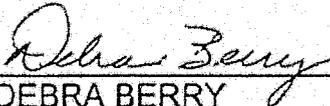
Dated: January 28, 2002

AFFIDAVIT

I, DEBRA BERRY, Director, Regulatory Planning of Verizon Pennsylvania am authorized to make this affidavit on its behalf, and I verify that the information provided in the foregoing Answer and New Matter is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

SECRETARY'S BUREAU

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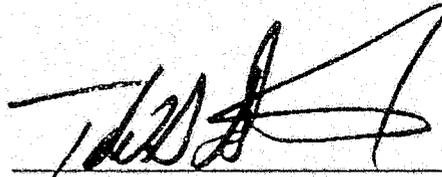
  
DEBRA BERRY  
Director, Regulatory Planning

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the person(s) and in the manner indicated below

Service by First Class U.S. Mail:

Mr. Kim L. Jones  
848 West Grant Street  
Easton, PA 18042



Todd S. Stewart

Dated: January 28, 2002

SECRETARY'S BUREAU

02 JAN 28 PM 4:19