

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

OPTATUS CHAILLA

**Complainant,**

V.

DOCKET # C-2019-3008691  
**Complainant's Motion  
for Summary Judgement**

**FOLLOW UP**

VERIZON PENNSYLVANIA LLC

**Respondent.**

---

**FOLLOW UP SUMMARY JUDGMENT MOTION**

---

June 5, 2019, Complainant filed a Motion for Summary Judgement having Confirmation #1806605, against Respondent, Verizon Pennsylvania, LLC. It was filed to response to Verizon's email of June 4, 2019. The June 5th, Verizon sent via FedEx its exhibits for pre-hearing Exhibit A - Service Log and 4/29/19 email of Mr. Tibbs, Jr. - Verizon's Exhibits 1 and 2 in preparation for pre-hearing.

June 4th, Attorney Pavia's email of June 4th, stated, :

(2) On the service issue, after our technician was unable to visit you on May 23 **we asked them to see if they could make repairs to our facilities outside without disturbing you. They tell me that both the phone and DSL are now working.** If you are still experiencing any issues, let me know and we will have a technician dispatched to your home at a convenient time.

**CONFLICTING ALLEGATIONS MAKES IT APPEAR COMPLAINANT WAS UNCOOPERATIVE AND THEREBY CAUSED 100+-DAYS DELAY**

Verizon's Exhibit 1 details its attempts to assign and to make personal visits by Tech Support personnel to repair Complainant's service problems. Its Exhibit cover years 2019, 2018, 2017, 2016 and 2015. Focusing on 2019, only, there were five PAD numbers. It covered different issues in nine (9) days that Verizon alleges it sent Tech Support personnel to repair Complainant's service problems.

First, Complainant disputes any inference of uncooperativeness,

Second, Complainant was aware and was available for two Tech Support appointments - March 26 and April 12, 2019. Any other unilaterally arrangements of Tech Support visits such as the May 23, 2019, instance, Complainant has no knowledge of any other visit from Verizon's Tech Support and

Third, it appears that Verizon's Exhibit 1 was a recent creation. It omitted material facts. Verizon failed to include an April 12, 2019, visit when Tech Support did visit. He did in fact state a need to go to the 'Trunk'. He did say that the line in the home was not working. That date, Complainant was at home.

More to the point, Ms. Pavia's admitted, "*we asked them to see if they could make repairs to our facilities outside without disturbing you*". It worked. An electrical short was the problem according to *Exhibit 1, see June 3, 2019, PAD824773 entry at 2:30 p.m.* - pg. 8. By inference, the electrical short was not inside the residence. It was outside in Verizon's equipment affixed outside of the unit.

To make matters clear with a photo for the PAPUC, ALJ and Commissioners, below is the area outside area of Complainant's residence. It

shows no fence and freely accessible box to the general public, animals and anyone walking in the grassy area to the left side of this unit.

The below photo, a closeup is the same Verizon gray box with the black and white wires strung from it, running across the eaves of the unit into the home.



Maintenance routinely passes the left side of the unit, as do grass cutter contractors. They pick up litter and mend fences. The gray box is clearly accessible to not only Verizon Tech Support personnel, but to anyone walking to the side of the unit. The point, Verizon had 24/7 access to its own ‘facilities’ to repair since day one. There was no reasonable need for Complainant to be home to allow Verizon to repair an electrical shortage in its equipment affixed to the unit on the outside.

Verizon's use of its Exhibit 1, is argued to be an attempt to make it appear Complainant was uncooperative. It makes it appear that the reasons for the more than 100-days delay was due to its inability to enter Complainant's residence. Not true.

Contrary and conflicting arguments which do not prove uncooperativeness was the cause for the delay. June 4th, admission of Ms. Pavia "we repaired it without disturbing you" then reasonably, the electrical short - disclosed by the Exhibit 1 log - was the cause of the problem. The electrical short was outside. In Attorney Pavia's email, she admitted the repair occurred without Complainant's presence since the malfunction was outside. Verizon wasted 100-days of time.

## **IN CONCLUSION**

It is hoped that the follow-up and initial filing for this Motion for Summary Judgement are read together as each are supportive of the genuine issues of material fact that cannot be disputed by Verizon and as a matter of law should result in a directed verdict for Complainant.

Respectfully submitted,

Dated: June 7, 2019

*Dr. Optatus Chailla*

*Dr. Optatus Chailla  
25 Garden Street  
P.O. Box 1111  
Stroudsburg, PA 18360  
570 424-5386*

*Florence R. Parker Chailla, J.D.*

*Florence R. Parker Chailla, J.D.  
25 Garden Street  
P.O. Box 1111  
Stroudsburg, PA 18360  
570 534-7082*

**CERTIFICATION**

We affirm that the foregoing statements made herein are true to the best of our knowledge and belief. We are aware that if any of the foregoing is willfully false, we will be punished.

Respectfully submitted,

Dated May 31, 2019

*Dr. Optatus Chaila*

*Dr. Optatus Chaila*  
25 Garden Street  
P.O. Box 1111  
Stroudsburg, PA 18360  
570 424-5386

*Florence R. Parker Chaila, J.D.*

*Florence R. Parker Chaila, J.D.*  
25 Garden Street  
P.O. Box 1111  
Stroudsburg, PA 18360  
570 534-7082

ENVELOP - FEDEX FROM VERIZON 6/5/2019



EXHIBIT 1 - VERIZON LOG OF VISITS

Suzan DeBusk Paiva  
Associate General Counsel



900 Race Street, 6<sup>th</sup> Floor  
Philadelphia, PA 19107

June 5, 2019

**Via Federal Express**

Honorable Benjamin J. Myers  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Re: Optatus Chailla v. Verizon Pennsylvania LLC  
Docket No. C-2019-3008691; ANSWER OF VERIZON PENNSYLVANIA  
LLC

Your Honor:

Enclosed please find three copies of Verizon Exhibit 1 and Exhibit 2, which Verizon plans to use at hearing next week. A copy of each Exhibit also is being provided to Mr. Chailla via Federal Express, as indicated below.

If you have any questions with regard to this, of course please feel free to contact me.

Very truly yours,

Suzan D. Paiva  
Counsel for Verizon Pennsylvania LLC

SDP/sau  
Enclosures

**Via Federal Express**  
cc: Mr. Optatus Chailla

**Via E-Filing**  
cc: PUC Secretary Chiavetta (cover letter only)

## Trouble History

**Optatus Chaila**  
**570-424-5386**  
**C-2019-3008691**

**2019****PAD824773**

6/3/19 12:00 pm Ticket generated by Local Manager to send a splicer to customer's residence to repair an issue found in the cable providing service to the address.

6/3/19 2:30 pm Repaired short.

**PAD2039F34**

5/23/19 10:53 am Ticket generated due to customer's PUC Formal Complaint. Attempted to send a technician to location to investigate customer's DSL service issue with DSL investigated.

5/23/19 11:30 am Customer cancelled ticket via SMS. "Not available today, Friday or Monday. Will call back."

**PAD2039F34**

3/22/19 9:51 pm Out of Service – can't be called, all calls, all phones - commitment given of 3/26/19 9:00 pm

3/26/19 11:05 am Technician dispatched

3/26/19 11:45 am Found ok – came clear with tech dispatch. Dial tone good to NID. Customer not home.

**PAD2039B4Y**

3/11/19 9:02 am Critical emergency – static on line / buzz. 911 was dispatched to home – commitment given of 3/11/19 7:59 pm

3/13/19 9:30 am Technician dispatched

3/13/19 10:40 am Changed defective F1 pair, changed F2 pair

**PAD203938G**

2/15/19 4:35 pm Miscellaneous troubles – commitment given of 2/16/19 4:35 pm

2/15/19 4:39 pm Referred to Business Office

**2018 – No reports**

**2017**

**PAD2032ALZ**

7/25/17 5:34 pm Customer had general questions

7/26/17 11:10 am Customer referred to business office for outgoing call issue

**2016 – No reports**

**2015**

**PACU02XYHT**

6/24/15 2:19 pm Trouble in cable – commitment given of 6/24/15 5:00 pm

6/24/17 5:00 pm Technician dispatched

6/24/15 6:00 pm Aerial trans F2 to pair 274



**PA PUC Formal Complaint v. Verizon**

1 message

From: **Tibbs Jr, A R** <randy.a.tibbs.jr@verizon.com>  
Date: Mon, Apr 29, 2019 at 4:12 PM  
Subject: PA PUC Formal Complaint v. Verizon  
To: <thebusiness2@yahoo.com>, Suzan D Paiva <suzan.d.paiva@verizon.com>

Good afternoon Mr. & Mrs. Chialla;

Please let me know a couple of dates that would fit your schedule so that I can have a technician dispatched to troubleshoot and repair your telephone and internet services. Once the repair is complete, I will have your account adjusted for the time out of service.

I am also providing the information below to explain the billing and answer the questions you raised.

The Tech-Sure protection plan you signed up for includes the inside wire maintenance plan. The inside wire maintenance plan covers existing inside wiring and jacks. The initial cost of the installation of new inside wiring and/or jacks would not be covered by the plan.

Your bill dated 4/3/19 is for a total of \$374.21. Included are past due charges of \$285.64 and current charges of \$88.56. The current charges of \$88.56 are for high speed internet service \$25, TechSure Plus \$15, Freedom Essentials telephone plan \$29.99 and tax/fees \$18.57.

Your past due charges are from charges billed on your 3/3/19 bill. This includes charges for the technician visit of \$99, jack installation work \$60, the activation fee for the internet service \$29.99 and the fee for changing the regional toll provider on the account \$5. The billing also includes the billing for high speed internet service \$25, TechSure Plus \$15, Freedom essentials telephone plan \$29.99, retroactive billing for service not previously billed for high speed internet service \$13.33, freedom essentials plan \$12 and taxes/fees \$31.85.

The last 4 payments received were \$28 4/12/19, \$29 3/13/19, \$27.54 3/8/19 and \$2.95 2/13/19. I do not see that a payment of \$75 was received on this account. A payment investigation can be conducted for the missing \$75 payment. You would need to provide proof of the payment; to include how the payment was made and the tracking/transaction number for the payment.

Currently on your account you have a bundle for freedom essentials telephone service and high speed internet service for \$54.99. You pay additionally for TechSure Plus plan of \$15. With tax and fees the monthly bill will be approximately \$89. If you elect to remove the TechSure Plus plan, your monthly billing would be approximately \$75.

Verizon does not perform surveillance on the computers of its customers. Verizon's technical support team has advised me that the shared drive is something that would have been created from your device and named "Verizon drive". If you right click on the "Verizon drive" it should tell you who created it and also give you the option to delete it.

If you have any additional questions, please do not hesitate to call or email me.

Thank You,

**verizon**  
**Randy Tibbs**

Sr-Analyst  
Executive Relations

O 267 768 6117  
900 Race Street  
5th Floor  
Philadelphia, PA 19107