

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

OPTATUS CHAILLA

Complainant,

V.

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

VERIZON PENNSYLVANIA LLC

Respondent.

Motion for Summary Judgment, which are requests for the PUC to make a decision without a hearing. In this motion, the Complainant party believes there are no facts that need to be decided, but that the PUC only needs to apply the facts to the law. The June 13, 2019, pre-hearing is not required as there are no genuine material facts that are disputed to warrant a hearing. New evidence provided yesterday is Verizon Pennsylvania, LLC's offer. In it, FRE 804(3) and FRCP 36(3)(4) admissions were made against its own penal, pecuniary and proprietary interest. Nothing in the rules of the PAPUC mention it cannot decide Summary Judgment motions filed by a party.

Verizon has not disputed any material facts, it has also not raised any material defenses to the contrary and it has not raised any genuine material facts that warrants a trial. Therefore, Complainant requests that this PAPUC or its ALJ

decide the matter; if the issues are in fact outside of its jurisdiction that it refer the Pennsylvania Commonwealth Court.

Complainant is aware that decisions made by the PAPUC, ALJ or the Commission are appealed to the Commonwealth Courts. Where either part or the whole of the PAPUC does not have Jurisdiction, it is requested that this entire matter be referred to the Pennsylvania Commonwealth Courts.

Complainant requested that the June 13, 2019, pre-hearing be cancelled. It is additionally requested that this matter be referred to the Pennsylvania Commonwealth Courts for its decision on the merits of issues raised and that it decide the undisputed issues raised herein under the Motion for Summary Judgment against Respondents.

IN CONCLUSION

No one should be subject to the problems, issues and conduct exhibited by Verizon Pennsylvania LLC with regard to telecommunication services; yet Complainant and his wife were, for over 100-days.

In this case Complainant hopes this case will send a signal to Verizon. It must be known that not only young adults have grown weary of these types

of problems, i.e., bill cramming; degraded service and long delays with repairs. Yet, Verizon caused seniors a great deal of cost and anxiety. Just to make issues known, it could have been avoided. Just with a little ***thinking-power, especially in this particular matter, that Verizon proves could have been easily corrected on day-one.***

It should not have taken over 100-days for Verizon to figure out that its own access box, that it installed outside of this unit was the place to conduct repairs needed — due to an electrical short not caused by Complainant and not his responsibility to identify, repair or be inconvenienced with repeated unproductive visits from Verizon Tech Support personnel. See Pavia email # 2.

At a completely different level, seniors need connectivity to ensure they are safe. Worries by my wife and I for our family and they for us occurred in a way that caused a great deal of emotional distress without telephone landline communications. Attempts to communicate using cell phones with difficult connectivity is not a viable substitution in this area. Nevertheless in the 100-days it took Verizon Pennsylvania, LLC to get its act together, that is the only way communication was achieved, somewhat.

Complainant's filed Motion on June 3, 2019, it urged Verizon to correct its bill that continued to increase despite no services were provided.

By Complainants 6/3/19 filing, it amassed almost \$600.00 between March till June 2019. Nevertheless, Verizon knew the DSL did not work from February 28 through April 22. Verizon also knew that the landline telephone did not work from approximately February 28 until June 4, 2019. Between the only two services purchased by Complainant - neither of which worked — what payment was due Verizon?

Ms. Pavia's email of June 4, 2019, clearly indicated she did know the landline telephone was not working. It is inferred she knew as did Verizon that the landline did not work since February 28, 2018, until June 4, 2019. So, what payment was due for that non-service.

February 28 through April 22, 2019, the DSL Internet service did not work. It is inferred that Ms. Pavia knew as well as Verizon's Tech Support knew the DSL did not work although within 10-days of request, by law it should have worked here in Pennsylvania. It did not.

A bill of \$523.37, is gone with the stroke of a pen — poof the crammed bill — like magic! Not only is the compounded debt of \$439.70 for presence of

equipment without service gone, but a credit of \$88.58 remains to cover a bill for June 2019.

Illustration aids in understanding the argument of what was billed:

Month/yr	Service Phone	Service DSL	Total Outage
Feb 2019	2/28/29 No phone	2/28/19 No DSL	96 - days no phone service
March 2019	3/1-31/19 No phone	3/1-31/19 No DSL	54-days no DSL service
April 2019	4/1-30/19 No Phone	4/1-22/19 DSL	
May 2019	5/1-31/19 No phone		
June 2019	6/1-4/19 No phone		

BILLING FOR SERVICES IS UNDERSTOOD; NOT FOR THE MERE PRESENT OF EQUIPMENT THAT DOES NOT WORK AS INTENDED

On what legitimate business related purpose to telecommunication services does Verizon have to bill Complainant when:


- A. Within the past seven days the landline phone worked, that is from June 4 till June 11, 2019,
- B. The preceding 96-days the landline phone did not work.
- C. The DSL worked the proceeding 43 days.
- D. The proceeding 54-days, the DSL did not work.

Billing is intended to pay for services provided, not just for the presence of Verizon's equipment in Complainant's home.

**Your bill
is ready.**

Verizon's May 7, 2019, billing sent did not take into account that no services were provided Complainant shown above on the table provided. However, Complainant was billed as shown below in an emailed bill from Verizon May 7, 2019:

Verizon Notification <verizon-notification@verizon.com>
To: dr.chailla@yahoo.com
May 7 at 5:17 PM

	Your bill is available. Click here to make a payment, or view and pay your bill on the My Fios app or at My Verizon .
	Bill summary for account ending in: 087-0001
	Past due charges: \$346.21 due now
	Current charges: \$88.58 due May 28, 2019
	Total charges: \$434.79

	*Balance doesn't include payments received after May 03, 2019.
	Like direct debit billing? Auto Pay is a fast, free and super-easy way to manage your monthly payments.
	Thanks for choosing Verizon.
	Remember to make your payment at least 3 to 4 business days before your payment is due to allow time for processing and to avoid late payment charges.
<p>© 2019 Verizon. All Rights Reserved. Ensure Verizon emails reach your inbox by adding verizon-notification@verizon.com to your "safe" email list. Your email provider can provide instructions on how it works. This email has been sent from an auto-notification system that cannot accept incoming email.</p>	
	253961

There are no genuine issues of material facts in dispute that Verizon Pennsylvania LLC can raise with evidence to the contrary that requires a hearing, particularly since it has made material admissions of fact.

More it has confirmed what Complainant has stated throughout that making deals with Verizon are not kept, i.e., its recent June 11, 2019, filing, Complainant cannot introduce evidence of settlement into negotiations.

Therefore, Complainant requests the pre-hearing be cancelled, that an ALJ hear on the papers this Summary Judgment motion by applying the law to the facts to reach an initial decision on the merits in an expedited manner. In the alternative, if the issues raised in this matter are in fact outside of the jurisdiction of the PAPUC, ALJ or the Commission, Complainant requests that this matter be referred to the Pennsylvania Commonwealth Court.

Respectfully submitted,

Dated: June 11, 2019

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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 June 11, 2019

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