

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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February 18, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Joint Petition of Verizon Pennsylvania LLC
and Verizon North LLC for Competitive
Classification of All Retail Services in Certain
Geographic Areas and for a Waiver of
Regulations for Competitive Services
Docket Nos. P-2014-2446303
P-2014-2446304
Rulemaking to Comply with the Competitive
Classification of Telecommunication Retail
Services Under 66 Pa. C.S. § 3016 (a);
General Review of Regulations 52 Pa. Code,
Chapter 63 and Chapter 64
Docket No. L-2018-3001391

Dear Secretary Chiavetta:

Attached for electronic filing are the Comments of the Office of Consumer Advocate in the above-referenced proceedings. The undersigned certifies that this filing contains no averments or denials of fact subject to verification and penalties under 52 Pa. Code § 1.36.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Barrett C. Sheridan
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Enclosures:

cc: Office of Administrative Law Judge (OALJ)
Certificate of Service

*283927

CERTIFICATE OF SERVICE

Re: Joint Petition of Verizon Pennsylvania LLC and :
Verizon North LLC for Competitive Classification :
of All Retail Services in Certain Geographic Areas : Docket Nos. P-2014-2446303
and for a Waiver of Regulations for Competitive : P-2014-2446304
Services :
:
:
Rulemaking to Comply with the Competitive :
Classification of Telecommunication Retail : Docket No. L-2018-3001391
Services Under 66 Pa. C.S. § 3016 (a); General :
Review of Regulations 52 Pa. Code: Chapter 63 :
and Chapter 64 :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Comments, upon parties of record in these proceedings in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 18th day of February 2020.

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Dated: February 18, 2020
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Verizon Pennsylvania LLC and	:	
Verizon North LLC for Competitive Classification	:	Docket Nos. P-2014-2446303,
of all Retail Services in Certain Geographic Areas,	:	P-2014-2446304
and for Waiver of Regulations for Competitive	:	
Services	:	

Rulemaking to Comply with the Competitive	:	
Classification of Telecommunication Retail	:	
Services Under 66 Pa. C.S. § 3016(a);	:	Docket No. L-2018-3001391
General Review of Regulations 52 Pa. Code	:	
Chapter 63 and Chapter 64	:	

THE OFFICE OF CONSUMER ADVOCATE'S
COMMENTS TO THE TENTATIVE ORDER

The Office of Consumer Advocate (OCA) submits these Comments in response to the Public Utility Commission's (PUC's or Commission's) February 6, 2020 *Tentative Order* in the above proceedings. The Commission's *Tentative Order* proposes to: 1) extend the conditional waiver to Verizon Pennsylvania LLC and Verizon North LLC (collectively Verizon) of certain Chapter 63 and 64 regulations in those wire centers for which the Commission has granted competitive classification; 2) provide interested parties with access to certain proprietary Verizon reports; and 3) provide an opportunity for interested parties to file supplemental comments and reply comments in the related Commission's Advanced Notice of Proposed Rulemaking (ANOPR) proceeding. The OCA does not agree with the extension of the waiver for all of the

identified Chapter 63 and 64 regulations for an additional period of time through December 31, 2022.

I. COMMENTS

The OCA does not support the Commission's proposed extension of the conditional waiver of the regulations granted to Verizon in the 2014 Joint Petition for Competitive Classification (Reclassification) proceeding.¹ In the Reclassification proceeding, the Commission granted Verizon a conditional waiver of certain Chapter 63 and 64 regulations limited to those 153 wire centers granted competitive classification in the *Reclassification Order*. The Commission extended that waiver to those competitive local exchange carriers which provide service in those competitively classified Verizon wire centers. As a condition of the grant of waiver, the Commission required Verizon PA and Verizon North to report certain information, split on a company basis between non-competitive and competitive wire centers, for the 2015 and 2016 calendar years.

The OCA notes that Verizon has not petitioned for extension of the limited, conditional waivers granted in the *Reclassification Order* specific to the competitively classified wire centers. Instead, the *Tentative Order* proposes to extend the waivers through December 31, 2022 at the latest, without any further conditions or consideration of information which might militate against blanket continuation of the granted waivers.

The OCA filed Comments in October 2018 and Reply Comments in November 2018 in the *ANOPR* proceeding which address the broad scope of the Commission's review of the Chapters 63 and 64 regulations. The OCA Comments recommended that the Commission

¹ In the pending Tentative Order, the Commission refers to the March 4, 2015 *Reclassification Order* and the September 11, 2015 *Reporting Order* in the consolidated proceedings at Docket Nos. P-2014-2446303, P-2014-2446304. The OCA follows the Commission's naming convention in these Comments.

rescind or end certain waivers granted to Verizon in the *Reclassification Order*. For example, the OCA emphasized that Chapter 64, Subchapters E and F regulations provide residential consumers with important notice and other protections in the event of suspension or termination of service. See, OCA Comments at 7-8; 38-47; 47-48. Section 3011(8) clearly states the Commonwealth policy goal to encourage the provision of competitive services “*without jeopardizing the provision of universal telecommunications service at affordable rates.*”² The OCA noted that Verizon residential consumers in competitive wire centers need these Chapter 64 protections specifically because of Verizon’s activity to transition customers from a copper to fiber based connection. See, e.g. OCA Comments at 7-8; 39-41; 43-45; 52. The transition of network connections from copper to fiber must be accomplished in a manner that does not confuse the consumer or result in the avoidable suspension of vital residential local service. *Id.* at 41; *see also* Neil and Gilda Altman v. Verizon Pennsylvania LLC, Docket No. C-2015-2515583, Opinion and Order at 4 (Oct. 27, 2016).

In the OCA Comments, the OCA also recommended that the Commission rescind or end the waiver of certain Chapter 63 provisions as to Verizon’s competitively classified wire centers. See, e.g. OCA Comments at 11-12. The Commission’s Chapter 63 regulations governing service quality in general, and calling quality in particular, affect both the Verizon customer (residential or business) and the party on the other end of the call. *Id.* at 11. For example, the Commission’s grant of a waiver of Section 63.12 (Minimizing interference and inductive effects)³ to Verizon in competitive wire centers may impact the quality of calling service for customers on the other end of the connection in non-competitive wire centers. *Id.*

² 66 Pa.C.S. § 3011(b); OCA Comments re *ANOPR* at 8.

³ 52 Pa. Code § 63.12.

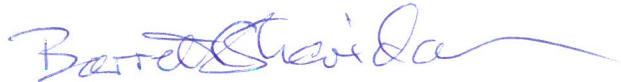
The Tentative Order fails to consider the substantive arguments presented in the OCA Comments and Reply Comments in the *ANOPR* in favor of ending the grant to Verizon of certain Chapter 63 and 64 regulations, to advance the Commonwealth's goal of preservation of universal service and to assure that residential and business customers on either end of a call receive a high quality connection, which is continuously available without unreasonable interruption.

The OCA opposes the *Tentative Order's* proposed extension of the waiver of certain Chapter 63 and 64 provisions as to Verizon's competitively classified wire centers. The Commission's proposed extension is not based upon an affirmative request by Verizon. Further, the Commission's proposed extension does not consider the substantive comments filed by the OCA in the pending Chapter 63 and 64 *ANOPR* which address why certain conditional waivers granted to Verizon should end, to advance universal service and calling quality for residential and business local calling customers on either end of the call.

II. CONCLUSION

The OCA respectfully requests that Commission's Tentative Order proposal to extend the conditional waiver of certain Chapter 63 and 64 regulations as to Verizon's competitively classified wire centers not be adopted as a Final Order.

Respectfully Submitted,



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DATE: February 18, 2020
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