**PENNSYLVANIA**

**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17120**

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|  |  Public Meeting held July 15, 2021 |
| Commissioners Present:Gladys Brown Dutrieuille, ChairmanDavid W. Sweet, Vice ChairmanJohn F. Coleman, Jr. Ralph V. Yanora |  |
| Pennsylvania Public Utility Commission,Bureau of Investigation and Enforcement | M-2020-3003591 |
| v. |  |
| Verizon Pennsylvania LLC |  |

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Joint Petition for Approval of Settlement (Settlement), filed on October 2, 2020, by the Commission’s Bureau of Investigation and Enforcement (I&E) and Verizon Pennsylvania LLC (Verizon PA or Company). Both I&E and Verizon PA filed a Statement in Support of the Settlement (Statement in Support). Further, both I&E and Verizon PA submit that the proposed Settlement is in the public interest and is consistent with the Commission’s Policy Statement at [52 Pa. Code § 69.1201](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS69.1201&originatingDoc=I216e77ef0bde11e4a795ac035416da91&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.History*oc.Search)), *Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy* (Policy Statement). *See* Settlement at ¶¶ 11, 40, *infra*. For the reasons set forth herein, we shall approve the proposed Settlement, consistent with this Opinion and Order.

**History of the Proceeding**

I&E, by a letter dated October 8, 2019 (*October 2019 Letter*), informed Verizon PA that it had initiated an investigation regarding Verizon PA’s possible violations of its duty to maintain its landline telephone service facilities in the area served by Verizon PA’s Washington, Pennsylvania wire center. The *October 2019 Letter* elaborated that I&E had reason to believe that customers of Verizon PA’s Washington wire center had not received adequate, reliable, efficient, and safe service, in violation of Section 1501 of the Public Utility Code (Code), 66 Pa. C.S. § 1501, and Section 63.1 of the Commission’s Regulations, 52 Pa. Code § 63.1. The *October 2019 Letter* continued that the purpose of the instant letterwas to request records and information from Verizon PA pertaining to the allegations, in accordance with Sections 331(a) and 506 of the Code, 66 Pa. C.S. §§ 331(a) and 506, and Section 3.113 of the Commission’s Regulations, 52 Pa. Code § 3.113. *October 2019 Letter* at 1.

The *October 2019 Letter* also summarized I&E’s understanding of the pertinent facts. I&E’s summary is reprinted below:

In or around August 2017, the Commission’s Bureau of Consumer Services (BCS) received several complaints of loss of service, intermittent service, or noise interference during service from Verizon PA’s wire center customers. In response to these complaints, Verizon PA advised BCS that there was a known issue with water entering a buried landline service cable. On January 12, 2018, the buried cable, which runs near Gorby Road in Washington, PA, failed, leaving approximately ninety-six (96) Verizon PA customers without service. Verizon PA did not restore service to these customers until approximately February 1, 2018, more than twenty (20) days later. Despite Verizon PA restoring service, BCS continued to receive significant numbers of customer complaints regarding quality and reliability of service. Further, one customer indicated that one of the customers’ neighbors, who was also a Verizon PA customer, passed away during the landline service outage and may have lacked means to call for emergency services.

*October 2019 Letter* at 1-2.

The *October 2019 Letter* also acknowledged unsuccessful attempts by the Commission’s BCS to contact Verizon PA or receive requested information from the Company regarding the repeat customer complaints received by the BCS. The *October 2019 Letter* further noted that the BCS continued to receive customer complaints pertaining to “loss of service, intermittent service, and/or noise interference” and that most of the customers indicated, among other items, several years of service issues and dissatisfaction in the timeliness of Verizon PA’s response to their complaints. *October 2019 Letter* at 2.

The *October 2019 Letter* advised Verizon PA that I&E was initiating its investigation under the authority delegated in Section 308.2(a)(11) of the Code, 66 Pa. C.S. § 308.2(a)(11), and pursuant to I&E’s responsibility to enforce compliance with the Code, the Commission’s Regulations, and the applicable Commission Orders. Further, the *October 2019 Letter* advised that, pursuant to 52 Pa. Code § 3.113(a), and in order to obtain data or substantiate allegations of potential violations to the Code and other applicable regulations and statutes, I&E’s prosecutory staff was proceeding pursuant to its authority to conduct investigations regarding the management and condition of a public utility or other entity that is subject to the Commission’s jurisdiction. Moreover, the *October 2019 Letter* stated that, in accordance with 52 Pa. Code § 3.113(b)(2), I&E may initiate a docketed on-the-record proceeding to resolve issues should I&E determine that violations, or potential violations, have occurred. *Id.*

Finally, the *October 2019 Letter* listed fourteen inquiries and document requests made by I&E to Verizon PA regarding the matter. *Id.* at 3-5.

As previously noted, on October 2, 2020, I&E and Verizon PA filed the instant Settlement. Also noted earlier, the Parties to the Settlement in this instance have each filed a Statement in Support. *See* Appendix A and B to Settlement, which are Statements of Support filed by I&E and Verizon PA, respectively.

**Background**

Verizon PA serves an area of Washington County, Pennsylvania, designated by the Company as the “Washington Wire Center.” On January 12, 2018, Cable No. 13 near Gorby Road in the Washington Wire Center (Gorby Road) failed, resulting in approximately one hundred (100) Verizon customers losing their service. Service was restored to the last affected Verizon customer by February 1, 2018. The Commission’s BCS received approximately thirty-five (35) complaints from customers served in the Washington Wire Center, including at least ten (10) complaints that alleged a service outage due to the Cable No. 13 failure in January 2018. On or about July 20, 2018, the Commission’s BCS referred the January 2018 service outage to I&E based upon the information averred in the informal complaints. Settlement at ¶¶ 14-18.

As discussed, *supra*, the *October 2019 Letter* informed Verizon PA of the scope of I&E’s investigation and requested responses to fourteen (14) data requests. Settlement at ¶ 19.

On November 8, 2019, Verizon PA provided a response to the *October 2019 Letter*, averring that the failure of Cable No. 13 near Gorby Road, which resulted in the January 12, 2018, service outage, was due to flooding from rising groundwater after a period of heavy snow and rain. Settlement at ¶ 20. Verizon PA determined that the best course of action was to bypass the failed section of cable and place service on other existing cables, which “required splicing the facilities to reroute the service and placing new pair gain systems to accommodate the additional customers on the existing cables.”[[1]](#footnote-1) Settlement at ¶ 21. According to Verizon PA, service was restored to customers on a rolling basis, as the splicing was completed, and the last customer’s service was restored by February 1, 2018. The portion of the cable that had flooded and failed was bypassed and removed from service to prevent future service outages or issues. All of the customers served on the relevant portion of Cable No. 13 were moved to other service cables. *Id.*

In response to I&E’s data request, Verizon PA stated that it received approximately forty-one (41) service-related complaints in the Washington Wire Center between January 1, 2017, and October 8, 2019. The Washington Wire Center serves approximately 4,000 Verizon telephone customers and the Gorby Road Cable failure affected approximately 100 of those customers. Of the 41 service complaints Verizon PA received between January 1, 2017 and October 8, 2019, approximately ten (10) complaints involved customers affected by the Gorby Road Cable failure in January 2018. Settlement at ¶ 22.

On November 15, 2019, Verizon PA provided an updated response to the *October 2019 Letter*, informing I&E that Cable No. 13 had suffered different failures in two different cable sections that resulted from flooding. On July 29, 2017, the first Cable No. 13 failure occurred in a section of Old National Pike east of Route 40. Verizon PA restored service in this instance by cutting out and replacing the damaged section of Cable No. 13 with new cable. The second Cable No. 13 failure was the January 12, 2018 Gorby Road failure. Verizon PA averred that the two cable failures occurred six months and 2.2 miles apart and were not related. Verizon PA further explained that it has a monitoring system that will trigger analysis and action when three (3) or more trouble reports are received on the same cable. Settlement at ¶¶ 23-26.

The basis for the instant Settlement Agreement resulted from I&E’s investigation, which included a review of the customer complaints, Verizon PA’s responses to the data requests, and additional information provided by the Company. Settlement at ¶ 27.

If this matter had been fully litigated, I&E was prepared to present evidence and legal arguments to demonstrate that Verizon PA committed the following alleged violations, specifically that it: (1) did not repair the out-of-service trouble in a timely manner, resulting in customers not having service for up to twenty (20) days, an alleged violation of 52 Pa. Code § 63.57 (multiple counts); (2) failed to provide continuous service and to restore an interruption of service with minimum delay, an alleged violation of 52 Pa. Code § 63.24 (multiple counts); and (3) failed to furnish and maintain “adequate, efficient, safe, and reasonable service,” an alleged violation of 66 Pa. C.S. § 1501. Settlement at ¶ 28.

If this matter had been fully litigated, Verizon PA intended to deny each of the alleged violations of the Code, the Commission’s Regulations and Orders, as well as raise defenses to each allegation and defend against the same at hearing. Verizon PA notes that it would have argued that the outage was caused by flooding due to a severe weather event and an “unusual repair” was required, pursuant to 52 Pa. Code § 63.57(b). Settlement at ¶ 29.

By Order entered May 20, 2021, (*May 2021 Order*), the Commission provided interested parties with the opportunity to file comments. In order to be considered timely, comments were due within twenty (20) days of the date of entry of the *May* *2021 Order*. No comments were filed.

**Terms of the Settlement Agreement**

The Parties state that the purpose of the Settlement is intended to terminate I&E’s informal investigation and settle this matter completely without litigation. The Parties further note that they recognize that this is a disputed matter and that resolving the disputed issues can be beneficial, given the inherent unpredictability of the outcome of a contested proceeding. Moreover, the Parties acknowledge that approval of this Settlement is in the public interest and is consistent with the Commission’s Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, pursuant to 52 Pa. Code § 69.1201. Settlement at ¶¶ 30, 40-41.

The conditions of the Settlement are reprinted below:

31. Verizon PA shall pay a civil penalty amount of seven thousand five-hundred dollars ($7,500.00) for the alleged violations related to the January 2018 Gorby Road cable failure.

32. The civil penalty shall not be tax deductible or passed through as an additional charge to Verizon PA’s customers in Pennsylvania.

33. Verizon PA shall provide a fifty-dollar ($50) bill credit to each customer account affected by the January 2018 Gorby Road failure, to the extent that the account is still active and that the affected person/household is still a customer of Verizon PA.

34. Within sixteen (16) weeks of a Final Order approving settlement, Verizon PA shall perform a 100% inspection of the copper facilities that now serve the customers in the Gorby Road area that were impacted by the Cable No. 13 failure in January 2018. Verizon PA will budget $8,000.00 to implement improvements, replace sections of aerial cable that have multiple splices, or remedy other potential failure points to ensure continued optimal operation of the copper facilities until they are replaced with fiber. While Verizon PA may budget $8,000.00 to complete any work or improvements which are deemed necessary to ensure safe, reliable, and continuous service, the budget is merely an estimate and Verizon PA is not excused from completing any essential service-affecting work identified in the inspection that may exceed the $8,000.00 budget. Verizon PA will file a letter with the Commission from Verizon PA’s attorney stating its compliance with this settlement within thirty (30) days of completion. Verizon PA will continue to maintain its copper facilities in this location to ensure safe, reliable, and continuous service until the copper facilities are replaced with fiber optic facilities as discussed in paragraph 35 below.

35. In accordance with its September 16, 2019 filing with the Federal Communications Commission and as part of this settlement, Verizon PA will commit to completing the deployment of fiber to the portion of the wire center that was affected by the January 2018 cable failure within twenty-four (24) months of a Final Order approving settlement. Verizon PA will file a letter with the Commission from Verizon PA’s attorney stating compliance within thirty (30) days of completion.[[2]](#footnote-2)

*See* Settlement at ¶¶ 31-35.

The Parties request that the Commission issue a Secretarial Letter or Order approving the Settlement without modification but note that if the terms of the Settlement are “substantively” modified by a Commission Secretarial Letter or Order, the Parties agree that any Party may petition the Commission for rehearing or take other recourse, as permitted under the Commission’s rules. Settlement at ¶¶ 38-39. The consequence of any Party withdrawing from the Settlement is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated by the Parties, and all obligations of the Parties to each other will cease. Further, if a Party withdraws from the Settlement, the Parties jointly agree that nothing in the Settlement shall be construed as an admission against, or as prejudice to, any position which any Party might adopt during litigation. Settlement at ¶ 39.

The Parties acknowledge that the Settlement represents a settlement of I&E’s investigation of Verizon PA’s alleged violations related to “the Gorby Road copper cable failure in the Washington Wire Center in January 2018.” Settlement at ¶ 43. The Settlement represents a compromise of positions and does not constitute as a finding or as an admission concerning the alleged violations of the Code and the Commission’s Regulations. None of the provisions in the Settlement, with the exception of the approval of the Settlement without modification, shall be considered or constitute an admission, a finding of fact, or finding of responsibility on the part of Verizon PA in this or any other proceeding. Settlement at ¶¶ 43-44.

**Discussion**

Initially, we note that any issue or argument that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider expressly or at length each contention or argument raised by the Parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *also see, generally*, *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a “burden of proof” standard, as is utilized for contested matters. *Pa. PUC, et al. v. City of Lancaster - Bureau of Water*, Docket Nos. R-2010-2179103, *et al.* (Order entered July 14, 2011). Rather, the benchmark for determining the acceptability of the proposed Settlement is whether the proposed terms and conditions are in the public interest. *Id.* (citing *Warner v. GTE North, Inc.*, Docket No. C-00902815 (Order entered April 1, 1996); [*Pa. PUC v. C.S. Water and Sewer Associates*, 74 Pa. P.U.C. 767 (1991)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1991212349&pubNum=0000930&originatingDoc=I12347a98817611e38914df21cb42a557&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))).

Pursuant to our Regulations at [52 Pa. Code § 5.231](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS5.231&originatingDoc=Ic3124394af4811e8ab20b3103407982a&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), it is the Commission’s policy to promote settlements. The Commission must review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004). Based on our review of the Settlement terms and conditions, we find that the Settlement is in the public interest.

Consistent with the Commission’s policy to promote settlements, we have promulgated a Policy Statement at [52 Pa. Code § 69.1201](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS69.1201&originatingDoc=Ic3124394af4811e8ab20b3103407982a&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)) that sets forth ten factors that we may consider in evaluating whether a civil penalty for violating a Commission Order, Regulation, or statute is appropriate, as well as if a proposed settlement for a violation is reasonable and approval of a proposed settlement agreement is in the public interest. The Policy Statement sets forth the guidelines we use when determining whether, and to what extent, a civil penalty is warranted. In this case, application of these guidelines supports approval of the Settlement.

The first factor we may consider is whether the conduct at issue is of a serious nature. 52 Pa. Code § 69.1201(c)(1). “When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.” *Id*.

The alleged violations against Verizon PA relate to the failure of a cable that resulted in a service outage for approximately 100 Verizon PA customers. Settlement at ¶ 15. I&E acknowledged that the conduct did not involve willful fraud or misrepresentation, nor was it the result of a technical or administrative error. I&E Statement in Support at 8. Further, Verizon PA asserted that there was no willful or egregious conduct, noting that the service outage was caused by an act of nature (*i.e.*, rising groundwater after a period of heavy rain and snow). Verizon PA Statement in Support at 4, 7. Moreover, I&E provided that, Verizon PA’s claim that the conduct appeared to be the result of flooding was considered in determining the amount of the civil penalty. I&E Statement in Support at 8. We agree that the conduct involved – the cable failure due to flooding after a period of heavy precipitation that resulted in a service outage affecting approximately 100 customers for up to 20 days – was the result of neither a willful fraud or misrepresentation nor of a mere technical or administrative error by the Company. Accordingly, we find the proposed penalty to be fair and reasonable given the circumstances.

The second factor is whether the resulting consequences of the conduct are of a serious nature. 52 Pa. Code § 69.1201(c)(2). “When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.” *Id.* Here, Verizon PA averred that there was no personal injury or property damage, and I&E noted that it has no knowledge of whether the alleged conduct resulted in a personal injury or property damage.[[3]](#footnote-3) Verizon PA Statement in Support at 8; I&E Statement in Support at 8. Accordingly, this factor does not warrant a higher penalty.

The third factor is “[w]hether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.” 52 Pa. Code § 69.1201(c)(3). The third factor pertains to litigated cases only. *Id.* Because this proceeding was settled prior to the filing of a complaint by I&E, this factor is not applicable to this Settlement.

The fourth factor is whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered. 52 Pa. Code § 69.1201(c)(4). In this case, I&E noted that Verizon PA, through its response to the cable failure and the terms of the Settlement, has and will make efforts to ensure that this issue does not reoccur in the future. I&E provided that Verizon PA bypassed the failed cable section and placed the service on other available cables, in order to prevent future service outages or issues. Further, I&E stated that Verizon PA has a monitoring system that will trigger analysis and action after three or more trouble reports are received on the same cable. I&E Statement in Support at 9. Verizon PA noted that this triggering event occurred with the January 12, 2018 service outage and it was able to respond to the outage quickly as a result. Verizon PA Statement in Support at 8-9. Moreover, I&E pointed out that Verizon PA has agreed to a complete inspection of the copper facilities and to make repairs necessary to ensure continued and optimal operation of the facilities. Additionally, I&E noted that Verizon PA has agreed to replace the copper facilities with fiber optic facilities within twenty-four (24) months of a Final Order. I&E Statement in Support at 9. Therefore, we conclude that Verizon PA’s corrective measures support a lower civil penalty.

The fifth factor is the number of customers affected and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). In calculating the civil penalty, I&E noted that it considered Verizon PA’s acknowledgment that approximately 100 customers were affected by the Gorby Road cable failure and were without telephone service for up to twenty days. I&E Statement in Support at 9. Verizon PA noted that service was restored on a rolling basis, with the last restoration taking place on or about February 1, 2018, and the duration of the service outage was a result of the complexity to restore the service. Verizon PA Statement in Support at 9. Given these considerations, we find that this factor is supportive of a lower civil penalty.

We may also consider the compliance history of the regulated entity. 52 Pa. Code § 69.1201(c)(6). “An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.” *Id.*  Here, although I&E asserted that it is not aware of any formal complaint being filed against Verizon PA regarding this matter, I&E opined that the informal complaints received by BCS may suggest a systemic problem leading up to the service outage in January 2018, which Verizon PA denied. I&E Statement in Support at 10. We appreciate I&E’s concern about potential system problems, but we note that it is speculative at this time and disputed by Verizon PA. Accordingly, we find that the penalty does not warrant further consideration regarding this factor.

Another factor we may consider is whether the regulated entity cooperated with the Commission’s investigation. 52 Pa. Code § 69.1201(c)(7). According to I&E, Verizon PA fully cooperated during the investigation, including in the informal discovery process and settlement process. I&E Statement in Support at 10. Therefore, we find this factor leans toward a lower penalty.

In addition, we may consider the amount of the civil penalty or fine necessary to deter future violations, as well as past Commission decisions in similar situations. 52 Pa. Code §§ 69.1201(c)(8) and (c)(9). I&E submitted that the Settlement terms are substantial and sufficient to deter Verizon PA from committing future violations related to service outages. I&E Statement in Support at 10. Verizon PA also acknowledged the terms of the Settlement, adding that it wanted terms that offer value directly to the affected customers and not solely a civil penalty. Further, Verizon PA noted the steps it has taken to reduce the likelihood of a similar service outage at the same location in the future. Verizon PA Statement in Support at 10. Regarding past Commission decisions, I&E submitted that the Settlement is consistent with prior Commission decisions in similar situations.[[4]](#footnote-4) I&E Statement in Support at 10. Considering the terms of the Settlement and that Verizon PA has undertaken additional corrective actions to prevent a similar future reoccurrence, we agree and find that the proposed civil penalty will help deter future violations and presents a fair and reasonable outcome.

The tenth factor to consider is other “relevant factors.” 52 Pa. Code § 69.1201(c)(10). We believe that it is in the public interest to settle this matter, so as to avoid the expense of litigation.

For the reasons set forth above, after reviewing the terms of the Settlement, we find that approval of the Settlement is in the public interest and is consistent with the terms of our Policy Statement and our past decisions.

**Conclusion**

It is the Commission’s policy to promote settlements. 52 Pa. Code § 5.231. The Parties herein have provided the Commission with sufficient information upon which to thoroughly consider the terms of the proposed Settlement. Based on our review of the record in this case, the Commission’s Regulations and policy statements, as well as the foregoing discussion, we find that the proposed Settlement between the Commission’s Bureau of Investigation and Enforcement and Verizon Pennsylvania LLC is in the public interest and merits approval. Accordingly, we will approve the Settlement, consistent with this Opinion and Order; **THEREFORE,**

**IT IS ORDERED:**

1. That the Joint Settlement Petition filed on October 2, 2020 between the Commission’s Bureau of Investigation and Enforcement and Verizon Pennsylvania LLC (hereinafter referred to as “Verizon PA”), at Docket No. M‑2020‑3003591, is approved entirely without modification.
2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa. C.S. § 3301, within thirty (30) days of the date this Opinion and Order becomes final, Verizon PA shall remit a civil penalty of Seven Thousand Five Hundred Dollars ($7,500), payable by certified check or money order to “Commonwealth of Pennsylvania” and sent to:

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

Commonwealth Keystone Building

400 North Street

Harrisburg, PA 17120

1. That within thirty (30) days of the date this Opinion and Order becomes final, Verizon PA shall provide a fifty-dollar ($50) bill credit to each customer affected by the January 2018 Gorby Road in the Washington Wire Center (Gorby Road) failure, to the extent that the affected customer account is still active and that the affected person or household is still a customer of Verizon PA.
2. That within sixteen (16) weeks of the date this Opinion and Order becomes final, Verizon PA shall perform a full inspection of the copper facilities that currently serves the customers in the Gorby Road area that were impacted by the Cable No. 13 failure in January 2018 and, within thirty (30) days of completion, Verizon PA will file a letter with the Commission stating its compliance.
3. That within twenty-four (24) months of the date this Opinion and Order becomes final, Verizon PA shall complete the deployment of fiber to the portion of the wire center that was affected by the Cable No. 13 failure in January 2018 and, within thirty (30) days of completion, Verizon PA will file a letter with the Commission stating its compliance.
4. That a copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Bureau of Administration.
5. That the above-captioned matter shall be marked closed upon Verizon PA’s compliance with the directives in this Opinion and Order, including the receipt of the civil penalty and verification indicating that all customer refunds have been disbursed at Docket No. M-2020-3003591.

**BY THE COMMISSION,**

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Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: July 15, 2021

ORDER ENTERED: July 15, 2021

1. We note that according to Verizon PA, a “new pair gain system” refers to the placement of new electronics. Verizon PA Statement in Support at 3. [↑](#footnote-ref-1)
2. Attached to the Settlement and labeled as “Exhibit 1” is a map of the area subject to the fiber deployment commitments described in paragraph 35. *See* Exhibit 1 to Settlement. [↑](#footnote-ref-2)
3. I&E acknowledged that, although some of the informal complaints alleged that the customer, or someone in the customer’s residence, used a lifeline necklace or life alert or were elderly with medical conditions, and that the customer’s neighbor’s husband passed away as a result of a telephone service outage, I&E did not have knowledge of whether the alleged conduct actually resulted in personal injury due to hearsay issues and an inability to confirm such allegations. I&E Statement in Support at 8. [↑](#footnote-ref-3)
4. *Ken Eernisse v. Verizon Pennsylvania LLC,* Docket No.C-2012-2287023 (Order entered January 15, 2014), in which the Commission assessed a civil penalty of $20,050 for failure to provide reasonable and adequate service to one customer for an extended period of time, resulting in multiple violations and service outages; *Curt Eckroth v. Verizon Pennsylvania Inc.*,Docket No. C-2011-2279168 (Order entered May 17, 2013), in which the Commission assessed a civil penalty of $1,000 for various service outages; *Larry L. Wolfe v. Verizon North, LLP*,Docket No. C-2011-2266224 (Order entered December 20, 2012), in which the Commission assessed a civil penalty of $1,250 for various violations involving service interruptions of one customer. I&E Statement in Support at 10-11. [↑](#footnote-ref-4)