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August 24, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – Filing Room (2 North)
P.O. Box 3265
Harrisburg, PA 17105 3265

Re: Ronnie Cropper v. Verizon Pennsylvania LLC;
Docket No. C-2021-3026601; **REPLY TO COMPLAINANT'S ANSWER**

Dear Secretary Chiavetta:

Enclosed please find Verizon Pennsylvania LLC's Reply to Complainant's Answer to the Motion for Judgment on the Pleadings filed on July 7, 2021, in connection with the above-referenced case.

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,

Suzan D. Paiva
Counsel for Verizon Pennsylvania LLC

SDP/sau
Enclosures

Via Email & U.S First Class Mail

cc: Honorable F. Joseph Brady
Ronnie Cropper

CERTIFICATE OF SERVICE

I, Suzan D. Paiva, hereby certify that I have this day served a copy of the Reply to Complainant's Answer, upon the participants listed below.

Dated at Philadelphia, Pennsylvania, this 24th day of August, 2021.

VIA EMAIL & USPS FIRST CLASS MAIL

Honorable F. Joseph Brady
PA Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

Ronnie Cropper
5615 W. Diamond Street
Philadelphia, PA 19131



Suzan D. Paiva
Verizon Pennsylvania LLC
900 Race Street, 6th Floor
Philadelphia, PA 19107

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RONNIE CROPPER,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3026601
	:	
VERIZON PENNSYLVANIA LLC	:	
	:	
Respondent	:	

**REPLY TO COMPLAINANT’S ANSWER TO
MOTION FOR JUDGMENT ON THE PLEADINGS**

Verizon Pennsylvania LLC (“Verizon PA”) respectfully requests leave to file this short Reply to the Complainant’s Answer to Verizon PA’s Motion for Judgment on the Pleadings, to clarify an issue of law raised for the first time in the Answer.¹

Mr. Cropper’s Answer states several times that Verizon PA “did not comply with FCC 47 CFR 63.71.” (Answer, ¶s 13, 22, 27, 31, 32). The FCC’s regulation at 47 C.F.R. § 63.71 implements the FCC’s statutory authority under Section 214(a) of the Telecommunications Act relating to discontinuance of service. 47 U.S.C. § 214.² The rule at 47 C.F.R. § 63.71 does not apply to copper retirement because the FCC has held that retiring copper and migrating customers to fiber does not require FCC approval under 47 U.S.C. § 214(a), but rather is subject to the notice process for network change disclosures.³ The applicable FCC regulations for

¹ The Answer is stamped “received” by the Commission on July 20 but it does not appear to have been posted on the Commission’s website until August 17. There is no indication the document was served on Verizon PA. In any event, Verizon PA did not receive it.

² See [*In re Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, 2020 FCC LEXIS 4060 \(F.C.C. October 20, 2020\)](#) ¶ 5 and fn 8 (noting that 47 CFR § 63.71 is one of the FCC’s “rules implementing section 214(a)”).

³ *In re Deployment*, 32 FCC Rcd 11128, 11144, 2017 FCC LEXIS 3763 (rel. November 29, 2017) (*Technology Transitions Order II*) ¶ 24 (“[i]t is important to distinguish between copper retirement and discontinuance of service. . . . The Commission’s decision in the *Triennial Review Order* to include the copper retirement

copper retirement are at 47 C.F.R. § 51.325, *et seq.* and Verizon PA’s compliance with those rules is described in the Motion for Judgment on the Pleadings. The FCC in 2017 “eliminate[d] the requirement of direct notice to retail customers” because “we conclude that the potential benefits of direct notice of copper retirements . . . have not come to pass. Instead, there is evidence that notice of planned copper retirements, pursuant to section 51.332, has caused confusion and delay.”⁴ To the extent Mr. Cropper contends that the FCC rules required direct notice to him when Verizon PA filed for copper retirement, that assertion is incorrect as a matter of law. The process for notifying residential retail customers was described in the *Fox* case as discussed in Verizon PA’s motion.

Respectfully submitted,



Date: August 24, 2021

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provisions in the network change notice rules rather than in the rules governing the discontinuance process underscores this distinction.”)

⁴ *Technology Transitions Order II* ¶ 45.

VERIFICATION

I, Douglas R. Smith, Director – External Affairs of Verizon, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, (relating to unsworn falsifications to authorities).



DOUGLAS R. SMITH
Director – External Affairs