

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lindi Turgeon	:	
	:	
v.	:	C-2021-3026390
	:	
Verizon Pennsylvania LLC	:	
Verizon North LLC	:	

ORDER
GRANTING FOURTH CONTINUANCE

On April 28, 2021, Lindi Turgeon (Ms. Turgeon or Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Verizon Pennsylvania LLC (Verizon Pennsylvania), docket number C-2021-3026390.¹ Ms. Turgeon’s Complaint includes several allegations, all relating to a utility pole, retention wires, and other equipment on her property. As relief, Ms. Turgeon requests that she be compensated, and that Verizon Pennsylvania remove all of their equipment from her property. Until she is compensated, Ms. Turgeon states there is to be no trespassing on her property by any utility company connected to Verizon Pennsylvania’s pole, except with her permission. Finally, Ms. Turgeon states that her husband, Dana Turgeon, will represent her in this matter as a land use planner and zoning official.

On June 25, 2021, Verizon North LLC (Verizon North) filed an answer to Ms. Turgeon’s Complaint. In its answer, Verizon North averred that the Commission served and docketed Ms. Turgeon’s Complaint against Verizon Pennsylvania, but that it is Verizon North that serves the area where Ms. Turgeon lives. Therefore, Verizon North requested that the caption be amended to reflect Verizon North as the respondent. Verizon North denied that Ms. Turgeon is a customer of Verizon North and denied the reasons for Ms. Turgeon’s Complaint,

¹ Commission records indicate Verizon Pennsylvania was served the complaint on June 9, 2021.

averring that it is well-established that real property issues, such as trespass, whether utility facilities are located pursuant to a valid easement, and claims for damages, are outside the jurisdiction of the Commission. Finally, Verizon North averred it has contacted Ms. Turgeon to discuss the Complaint and will investigate the easement claim, but requests that this matter be referred to mediation if the Complaint is not dismissed per its preliminary objections.

Also on June 25, 2021, Verizon North filed preliminary objections in response to Ms. Turgeon's Complaint. No response was filed to Verizon North's preliminary objections.

On July 28, 2021, a motion judgement assignment notice was issued, assigning me as the presiding officer. On August 6, 2021, I issued an order, granting in part, and denying in part, Verizon North's preliminary objections, and referring the Complaint to the Commission's mediation unit for mediation review.

On August 19, 2022, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for Tuesday, October 25, 2022, at 10:00 a.m. and assigned me as the presiding officer. In anticipation of that hearing, I issued a prehearing order on August 19, 2022, setting forth various rules that would govern that proceeding.

On October 20, 2022, Verizon North filed a letter, stating that Verizon North and Complainant jointly request that the hearing scheduled for October 25, 2022, be continued. The letter stated that the parties are working to resolve the issues raised in the Complaint. However, the steps necessary to resolve the issues are complex (e.g., moving telephone poles and lines), and, therefore, rather than file a certificate of satisfaction, the parties proposed to provide me a status report by December 20, 2022. On October 20, 2022, I informally granted the parties request by e-mail. On October 24, 2022, I issued an order formally granting the parties' request.

On December 20, 2022, I received a joint status report from the parties. The joint status report detailed what steps have been taken to move telephone poles and lines and satisfy Ms. Turgeon's Complaint. The parties letter concluded with the request that the pole

replacement job be finished before a certificate of satisfaction be filed to close the case. Accordingly, parties also requested another status report be provided by February 1, 2023. On December 21, 2022, I issued an order granting parties' request and directed parties to file a status report, either separately or jointly, by February 1, 2023, to include the parties' understanding of what issues are still in dispute and the need for further proceedings.

On February 1, 2023, I received a status report from Verizon North.² Verizon North reported that, since the last status report was filed, a new location for a replacement pole was required because a One Call ticketed showed an underground water line was interfering with the originally chosen location. Verizon North also stated that it was decided the job should not be done before the spring because of the need for an electric outage, to avoid shutting off service to neighbors in the winter. Also, the parties will need to come to a resolution of the job design because the Turgeons do not want an anchor and guy on their property. Verizon North expressed the desire parties continue to work to resolve the issues in this proceeding with the aim of filing a certificate of satisfaction to close the case. Accordingly, Verizon North proposed to provide another status report by May 1, 2023, if the case has not been closed prior to that date. On February 13, 2023, I issued an order formally granting a third continuance of evidentiary hearings in this proceeding and required that parties file a status report by May 1, 2023, regarding what issues are still in dispute and the need for further proceedings.

On April 24, 2023, I received a letter from Verizon North, stating Complainant and Verizon North jointly request the scheduling of a settlement conference. The letter stated that parties reached agreement on a new location for a replacement pole. However, work has not been able to proceed because the local electric company, Pennsylvania Electric Company (Penelec), requires an anchor and guy on the Turgeons' property to support Penelec's facilities, and the Turgeons do not want an anchor and guy on their property where it would need to be placed. The letter also requested that Penelec be invited to the settlement conference.

² Ms. Turgeon did not file the status report due February 1, 2023.

By e-mail sent April 25, 2023, I informed parties I would schedule a settlement conference, and that Penelec could attend the settlement conference. On April 26, 2023, a settlement conference notice was issued, setting a settlement conference for May 10, 2023, at 10:00 a.m.

The settlement conference was held on May 10, 2023. Both parties appeared, as well as counsel for Penelec. After an off-the-record settlement discussion occurred, parties and I agreed settlement still appeared possible. Therefore, parties agreed to engage in further settlement discussions and to file a further status report by June 21, 2023.

The purpose of this order is to formally grant a fourth continuance of evidentiary hearings in this proceeding and require that parties file a status report by June 21, 2023, regarding the need for further proceedings.³

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Furthermore, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests. 52 Pa.Code § 1.15(b). Only for good cause shown will requests for continuance be considered. *Id.*

In this case, there is good cause for a fourth continuance of evidentiary hearings to be granted. As detailed above, at the May 10, 2023, settlement conference parties and I

³ I informed parties during the May 10, 2023, settlement conference that if they request a further settlement conference, they should propose to me several dates in July 2023 for a settlement conference.

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LINDI TURGEON
10244 ROUTE 403 HIGHWAY SOUTH
SEWARD PA 15954
814.248.1218
DTURGEON1970@GMAIL.COM

SUZAN D PAIVA ESQUIRE
VERIZON
900 RACE ST 6TH FL
PHILADELPHIA PA 19107
267.768.6184
SUZAN.D.PAIVA@VERIZON.COM
Accepts EService