

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**Petition to Intervene and Answer  
of the Coalition for Affordable Utility Services  
and Energy Efficiency in Pennsylvania**

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Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene and Answer to the Petition filed by Verizon Pennsylvania LLC and Verizon North LLC (herein collectively referred to as “Verizon”) for competitive classification of all retail services in certain geographic areas, and for a waiver of regulations for competitive service, and in support states as follows:

1. On October 6, 2014, Verizon Pennsylvania LLC and Verizon North LLC filed the instant Petition.
2. On that same day, subsequent to receipt of the Petition, the Commission’s Secretary’s Bureau issued a Secretarial Letter which directed Verizon to publish a prescribed Notice in the Pennsylvania Bulletin on Saturday, October 11, 2014, and in other general circulation newspapers in the geographic areas affected by the Petition on or before that same date. The

Secretarial Letter and the published Notice directed that formal protests, petitions to intervene, and/or answers to Verizon's Petition be filed on or before Tuesday, October 21, 2014.

3. CAUSE-PA is filing this Petition to Intervene and Answer consistent with the Commission's Secretarial Letter and the Notice published in the Pennsylvania Bulletin.

### **Petition to Intervene**

4. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which provides in relevant part that “[a] petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).

5. Section 5.72 further provides that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code. § 5.72(a)(2).

6. Even though Section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members . . . as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing.” *Energy Cons. Council of Pa. v. Pa. P.U. C.*, 995 A.2d 465, 476 (Pa. Commw. 2010) (alteration in original) (*citing Tripps Park v. Pa. P.U. C.*, 415 A.2d 967 (Pa. Commw. 1980); *Parents United for Better Schools v. School District of Philadelphia*, 646 A.2d 689 (Pa. Commw. 1994)).

7. CAUSE-PA is an unincorporated association of low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services.

8. CAUSE-PA membership is open to moderate and low- income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence.

9. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.

10. CAUSE-PA has a significant interest in the impact that Verizon's proposed reclassifications and regulatory waivers will have on moderate and low income residential customers. These interests are not adequately represented by other participants.

11. Several members of CAUSE-PA are located within one of the geographic locations that Verizon seeks to reclassify as competitive and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will affect the price that CAUSE-PA members pay for telephone service, the reliability and quality of that service, and the ability to access relief from the Commission should disputes arise.<sup>1</sup>

12. CAUSE-PA has standing to intervene because several of its members have or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

13. CAUSE-PA is represented in this proceeding by:

Elizabeth R. Marx, Esquire  
Harry S. Geller, Esquire

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<sup>1</sup> Justine Boatwright resides in York, Pennsylvania; Lorrie Koons resides in Harrisburg, Pennsylvania; Brian Cabaday, Patricia Mickel, and Gloria Coleman reside in Erie, Pennsylvania; and Carol Collington resides in Homestead, Pennsylvania. Each of these CAUSE-PA members reside in a geographical area identified by Verizon in Exhibit A of its Petition seeking reclassification to competitive.

**Pennsylvania Utility Law Project**

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14. Counsel for CAUSE-PA consents to the service of documents by electronic mail to [pulp@palegalaid.net](mailto:pulp@palegalaid.net), as provided in 52 Pa. Code § 1.54(b)(3).

**Answer**

15. CAUSE-PA has reviewed Verizon's Petition and believes that Verizon's requests are likely to have a negative impact on many of its members.

16. Verizon's basic, stand-alone calling service is of significant importance to the safety, welfare, and economic stability of all Pennsylvanians – particularly those with limited financial means and those in more rural parts of the affected exchanges. Basic, stand-alone calling service, enables an individual to contact emergency services, seek employment, call their workplace, school, or childcare center, reach out to supportive government and social service agencies, friends and/or family, or attend to other pressing matters. However, the requests contained in Verizon's Petition appear to jeopardize the continued ability for economically vulnerable and/or rural Pennsylvanians to access affordable and reliable telephone service.

17. It is critical for CAUSE-PA to intervene in the proceeding to ensure that the interests of its members are represented and preserved.

18. Primarily CAUSE-PA seeks to intervene to address the following issues with Verizon's Petition:

- a. Basic, stand-alone local telephone service must remain affordable, accessible, and reliable in the geographical areas Verizon seeks to reclassify as competitive. (Verizon Pet. ¶¶ 4-13). The availability and price of basic

calling service is crucial for those who cannot access or are unable to afford alternative, unregulated service. Without assured quality and pricing at an affordable rate, many of the most vulnerable Pennsylvanians, including elderly, disabled, low income individuals, and victims of domestic violence may be forced to go without service.

- b. The Commission must retain its authority to resolve customer disputes related to the provision of affordable and reliable stand-alone basic calling service. Verizon's Petition seeks waiver of its duties to comply with certain sections of regulation in Chapter 63 and to waive the entirety of Chapter 64 regulations. These regulations pertain (in relevant part) to services and facilities, accounts and records, quality of service, and extended area service, (Verizon Pet. ¶¶ 14-18), and directly relate to public safety and emergency preparedness, service continuity and quality, service restoration, billing practices, and annual reporting requirements. The broad waiver of such protections will directly impact the ability for economically vulnerable individuals to access and maintain affordable and reliable calling service and will foreclose individuals from seeking the Commission's assistance in resolving disputes when a conflict or other problems arise.
- c. The Lifeline program must continue to provide the same level of assistance to its participants as is currently provided under the existing regulatory structure. A price increase for basic calling service may result in higher costs to Verizon Lifeline customers, and may ultimately price those customers out of the market, even with the federal Lifeline subsidy. Such a

result would be devastating to the thousands of Pennsylvanians who rely on the Lifeline program for basic calling service, and may put those customers at risk of significant physical and/or financial harm.

19. CAUSE-PA asserts that these matters as presented within the Petition, and any future modifications presented by intervening parties, must be thoroughly reviewed to ensure that all customers – regardless of wealth and/or geographical area – are able to access basic, stand-alone calling service.

WHEREFORE, CAUSE-PA respectfully requests that the Commission enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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Date: October 20, 2014

**Verification**

I, **Linda Bergman**, a member of the Executive Committee of the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), on behalf of CAUSE-PA, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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 10 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
**Linda Bergman**

On behalf of the Executive Committee of the Coalition for  
Affordable Utility Services and Energy Efficiency in  
Pennsylvania (CAUSE-PA)

Date: October 20, 2014

**Certificate of Service**

I hereby certify that I, Elizabeth R. Marx, have this day served copies of the **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

**VIA FIRST CLASS MAIL**

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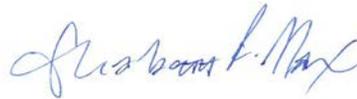
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Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
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October 20, 2014