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October 26, 2007

Catrice C. Williams, Secretary
Department of Telecommunications and Cable
One South Station
Boston, MA 02110

Re: D.T.C. 07-2 — Town of Hancock Petition

Dear Secretary Williams:

On behalf of Verizon New England, Inc., d/b/a Verizon Massachusetts (“Verizon MA”), enclosed please find the Comments of Verizon MA in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Robert N. Werlin

Enclosure

cc: Lindsay E. DeRoche, Hearing Officer
Service List

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

In re: Petition of Town of Hancock)
_____)

D.T.C. 07-2

COMMENTS OF VERIZON NEW ENGLAND, INC.

I. INTRODUCTION AND BACKGROUND

On May 14, 2007, the three members of the Board of Selectman of the Town of Hancock (“Hancock”) filed a complaint (the “Complaint”) with the Department of Telecommunications and Cable (the “Department”), pursuant to G.L. c. 159, § 24, alleging that Verizon New England, Inc. d/b/a Verizon Massachusetts (the “Company” or “Verizon MA”) was failing to provide adequate service in Hancock, and requesting that the Department order Verizon MA to take corrective actions. Verizon filed its answer to the Complaint on May 29, 2007 and a public hearing was convened in September 27, 2007.

The evidentiary record in this case is composed of the testimony presented at the public hearing and an exhibit submitted by Sherman Derby (Exh. DTC-1), which purports to show the results of an informal survey of customers in part of the community. According to that survey, several customers complained of periodic static on the line or intermittent lost service.¹ At the public hearing, several of the same respondents repeated their complaints (e.g., Tr. 12-14, 14-16, 24-25, 28). Also at the public hearing, a

¹ In the Company’s Answer to the Complaint, Verizon MA asserted that town officials had presented Verizon MA with the list of complaints (Answer at ¶ 5). Verizon MA’s Answer stated that it had tested and, where necessary, repaired every such line. At the hearing, many witnesses testified Verizon MA’s repair crews had responded to repair calls.

significant amount of the testimony addressed such items as the general importance of good telephone service (Tr. 6-7, 8, 12, 22, 29-30, 33), problems with Internet, computers, calling areas, lack of cellular service and inside wire (Tr. 12-13, 14-15, 18, 23, 26, 30, 32-33). Several witnesses testified that Verizon MA's service personnel had been responsive and/or that service has been repaired or improved (Tr. 6, 9, 18-19, 24, 27, 31-32, 34).

II. STANDARD OF REVIEW

The Department's authority to address complaints asserting inadequate service are governed by the provisions of G.L. c. 159, § 16. As stated by the Department in Town of Athol, D.T.E. 99-77 (2001):

The Department's standard to determine the adequacy of the Company's service to its customers is set forth in G.L. c. 159, s. 16, which states in pertinent part:

If the [D]epartment is of the opinion, after a hearing ... that the regulations, practices, equipment, appliances or service of any common carrier are unjust, unreasonable, unsafe, improper or inadequate, the [D]epartment shall determine the just, reasonable, safe, adequate, and proper regulations and practices thereafter to be in force and to be observed, and the equipment, appliances and service thereafter to be used, and shall fix and prescribe the same by order to be served upon every common carrier to be bound thereby

Before making such order, the [D]epartment shall consider the relative importance and necessity of the changes in any specific regulations, practices, equipment and appliances proposed to be included therein and of any other changes which may be brought to its attention in the course of the hearing, the financial ability of the carrier to comply with the requirements of the order, and the effect of the carrier's compliance therewith upon its financial ability to make such other changes, if any, as may be deemed by the [D]epartment of equal or greater importance and

necessity in the performance of the service which the carrier has professed to render to the public.

Thus, the Department must first determine whether the Company's practices, equipment, or service to the Towns do not meet the statutory requirement, and then consider the cost of any remedy and its impact on the Company's financial ability to provide service to the public. See New England Telephone and Telegraph Company, D.P.U. 89-300, at 289-90 (1990) ("NET"); Mission Hill, D.P.U. 96-30, at 2-3 (1997).

D.T.E. 99-77 at 6-7.

III. VERIZON MA'S COMMENTS

As Verizon MA stated in its Answer in this case, "service and repair issues do arise on its network and residents of Hancock are not immune from such issues" (Answer at ¶ 6). The anecdotal evidence submitted in this case demonstrates only that there have been occasional outages and static on lines, but that Verizon MA has been responsive to service calls and has made every reasonable effort to effectuate repairs. These types of facts are similar to those presented in D.T.E. 99-77, in which the Department determined:

The Towns' evidence to support their allegations of poor service quality in the region consisted of descriptions of certain incidents of outages or service interruptions. These incidents demonstrate that there were service quality problems and that these problems were disruptive to Verizon's customers, but the evidence indicates that the problems, while serious for the affected customers, were limited in scope and duration and do not establish that there was a generalized, continuing service quality problem.

D.T.E. 99-77 at 14. In the Hancock situation, there also were certain localized service incidents, which the Company has made every effort to correct. There is no evidence that these problems rise to the level that could meet the statutory standard and justify Department consideration of remedial action.²

² There is also no evidence on this record about what such remedial action could be, the cost of such action or whether costs would be justified.

The complaints expressed at the public hearing about such issues as the lack of high-speed Internet service and cellular service, and problems about inside wiring are, of course, beyond the scope of this case and the Department's jurisdiction. Although customers may have concerns about these issues, this isn't the proper forum to address them. As stated by the Department:

The Company's obligation to provide services does not extend to providing service features, high-speed or advanced services; or any services beyond basic telephone service as regulated under the price cap plan. We reiterate our conclusion ... that we will not make determinations regarding the prudence of Verizon's infrastructure investment decisions.

D.T.E. 99-77, at 39.

Finally, Verizon MA will continue to respond to customer-service reports and make necessary repairs, as it has done for the specific customer complaints brought to its attention in this case. The Department's continuing oversight of service-quality issues through the regular reporting mechanisms and the Department's Consumer Division (to which individual customers have recourse), will ensure that the Company maintains appropriate levels of service.

Accordingly, the Department should dismiss the Complaint and deny the relief requested.

Respectfully submitted,

VERIZON MASSACHUSETTS

By Its Attorneys,

A handwritten signature in black ink that reads "Robert N. Werlin". The signature is written in a cursive style with a large initial 'R'.

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Dated: October 26, 2007