March 3, 2015

Mr. William Engleman

Re: Case 13-C-0298 (188104)
Engleman vs. Verizon

Dear Mr. Engleman:

At its session of February 26, 2015, the Commission reviewed your request (made by electronic mail dated July 20, 2014) for rehearing of the Commission’s June 17, 2014 decision of your appeal in the above-referenced case. As stated in the June 17, 2014 letter from the Secretary notifying you of the Commission’s decision, a petition for rehearing must meet the requirements of 16 NYCRR §3.7(b), which limits the grounds for seeking a rehearing to errors of fact or law by the Commission, or new circumstances warranting a different determination. As also stated in the June 17, 2014 letter, the rule requires that a rehearing petition “separately identify and specifically explain and support each alleged error or new circumstance said to warrant rehearing.”

The Commission has reviewed your rehearing request and has determined that it fails to meet these requirements. Your current assertions, summarized below, show no error or new circumstance warranting a different determination.

You first assert that the Commission erred when accepting the informal hearing officer’s finding regarding a “courtesy” credit allegedly granted by Verizon in September 2011. You contend that the “findings by the PSC”–as they relate to a June 2011 restoral fee associated with Category 4 (long distance) service and its subsequent reversal in September 2011–are incorrect. However, the alleged “findings by the PSC” which you quote from the informal hearing decision are a summary of statements made by the utility in its response to the initial complaint and are part of the section of the informal hearing decision titled “Company’s Position.” These statements are not findings of the PSC or Department staff. In any case, this assertion fails to show any error in the Commission’s June 17, 2014 appeal decision which concluded that the termination of your parents’ telephone service in September 2011 and December 2011 and the resulting fees upon restoral of service were proper.
Second, you assert that evidence in Verizon’s possession (i.e. telephone records, including those from August 2011 and March 2012) was not made available for review and consideration by the informal hearing officer; specifically, the fact that you and/or your parents made attempts on numerous occasions to contact the utility regarding payment arrangements, and that despite a promise to pay the maximum amount your parents could afford, the utility refused to accept the payment to maintain service. A thorough review of your parents’ account shows a history of late and/or partial payments and a past due balance on the account from at least November 2010 to December 2013. Utility records show that proper pre-termination procedures, in place for elderly, blind, and disabled customers, were taken by Verizon in September 2011 and December 2011 and that the timely payment of the amount(s) necessary to maintain service was not made. Under these circumstances, the utility’s tariff allows for the termination of service and the assessment of certain fees upon restoral of service and it is solely at the discretion of the utility to waive such fees. No new evidence or circumstance has been put forth warranting a rehearing.

You have not identified any error in the Commission’s decision denying your appeal, nor have you provided any new circumstances warranting a different determination. Because your request does not state grounds warranting rehearing, it has been denied by the Commission.

The Commission’s decision, effective the date of this letter, may be challenged through judicial review pursuant to Article 78 of the Civil Practice Law and Rules. The time limit under state law for commencing an Article 78 proceeding is four months from the date that the Commission determination becomes final and binding on the party seeking review.

By direction of the Commission,

/s/

Kathleen H. Burgess
Secretary

cc: Mr. Richard Fipphen
Assistant General Counsel
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