

Item 563, 9/15/11
STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
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PUBLIC SERVICE COMMISSION

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JACLYN A. BRILLING
Secretary

September 19, 2011

Ms. Gwendolyn Todd
[REDACTED]

Re: Case 10-C-0488 (923045)
Todd vs. Verizon

Dear Ms. Todd:

At its session on September 15, 2011, the Public Service Commission reviewed your appeal from the informal hearing officer's July 7, 2010 decision in the above-referenced case. Pursuant to 16 NYCRR §12.13(b), and as explained at the end of the hearing officer's decision, an appeal must be based on one or more of the following grounds:

1. The hearing officer or reviewer made a mistake in the facts in the case or in the interpretation of laws or regulations which affected his or her decision.
2. The hearing officer or reviewer did not consider evidence, presented at the hearing or review, which resulted in an unfavorable decision.
3. New facts or evidence, not available at the time of the hearing or review, have become available, which would have affected the decision on the complaint.

The Commission has reviewed your appeal and has determined that it fails to show any error by the hearing officer or failure to consider evidence presented that affected the decision, and that it does not show that any new facts or evidence have become available that could affect the decision.

The informal hearing decision denied your request for removal of the unpaid balance (\$477.89) on your account for residential telephone service and restoration of service that was turned off September 3, 2009. Your assertions on appeal are discussed below.

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Your appeal is difficult to understand, but appears to make the same arguments you made to the informal hearing officer: that after your telephone service began in March 2009, it was turned off in May 2009, but Verizon continued to bill you although you had no service; you provided two payment receipts for \$65.34 and \$108.08 which you say were for March and June 2009 respectively. (Utility records show receipt of these payments on May 27, 2009, and June 23, 2009, respectively.)

Your claim to have had no service after May 2009 ignores the hearing officer's finding that the utility's records (including copies of the bills for your account) fully supported its position that: (1) you had basic and regional calling (Category 1 service) from March 2009 until September 2009 (outgoing calls were blocked effective September 3, 2009, and incoming calls were blocked effective September 16, 2009, thus terminating service); and (2) you had the additional services you contracted for (Category 2 service) from March 2009 to September 2009 except for the period of June 3, 2009 to June 24, 2009 (when your Category 2 service was blocked because of nonpayment) and your Category 2 service was restored on June 24, 2009, because of your payment of \$108.08 received on June 23, 2009. As the hearing officer explained in his decision, the bills show itemized service was used in May, June, July and August, which contradicts your claim to have had no service after May 2009. (The itemized service included directory assistance calls on May 19, 2009, operator assisted calls in June 2009, and long distance itemized calls in June, July, and August 2009.) The bills substantiate that the only payments made were the two for which you provided receipts (\$65.34 and \$108.08), and that the unpaid balance is \$477.89.

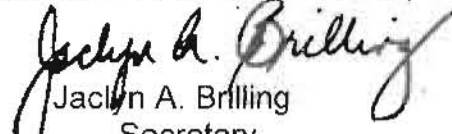
Because you have not stated grounds warranting appeal, your appeal has been denied by the Commission and the informal hearing decision upheld.

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, or may be the subject of a petition for rehearing, which must (pursuant to Section 22 of the Public Service Law and 16 NYCRR § 3.7(a)), be sent to the undersigned as Secretary to the Commission, at the above address, and must be received at the Secretary's office no later than 30 days from the date of this letter. Petitions that are untimely may be rejected. A petition for rehearing must also meet the requirements of the Commission's rule, 16 NYCRR § 3.7(b), which says that, "Rehearing may be sought only on the grounds that the Commission committed an error of law or fact or that new circumstances warrant a different determination." This rule also requires that a rehearing petition "separately identify and specifically explain and support each alleged error or new circumstance said to warrant rehearing." A rehearing petition that does not meet the requirement for separate identification of each alleged error or new circumstance, and for explanation of how each error or new circumstance warrants rehearing, may be rejected.

Judicial review may be sought without first requesting rehearing by the Commission. The time limit under state law for commencing an Article 78 proceeding to obtain judicial review of a Commission determination is four months from the date that the Commission determination becomes final and binding on the party seeking review.

Please note that a request for rehearing may not extend this four-month period to seek judicial review of the enclosed decision.

By direction of the Commission,


Jackson A. Brillling
Secretary

cc: Mr. James P. Tutt
Verizon Communications
140 West St., Room 3635
New York, NY 10007