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December 7, 2007

Via Hand Delivery

Ms. Renee J. Jenkins  
Director of Administration  
Secretary of the Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

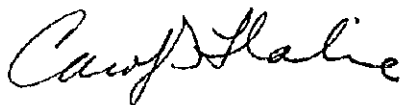
RE: In the Matter of the Complaint of Robin Kinney v. Verizon North Inc.; PUCO Case No. 07-1178-TP-CSS

Dear Ms. Jenkins:

Enclosed are an original and ten (10) copies of an Answer and Affirmative Defenses, to be filed in connection with the above-referenced matter on behalf of Verizon North Inc.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Very truly yours,



Carolyn S. Flahive

Enclosures

cc: Dan Fullin, Attorney Examiner

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>Robin Kinney,</b>	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 07-1178-TP-CSS</b>
	)	
<b>Verizon North, Inc.</b>	)	
<b>Respondent.</b>	)	

**ANSWER AND AFFIRMATIVE DEFENSES OF  
VERIZON NORTH INC.**

Verizon North Inc. ("Verizon") hereby answers the November 9, 2007 Complaint ("Complaint") of Robin Kinney ("Complainant") and raises its affirmative defenses thereto as follows:

**A. ANSWER**

First Unnumbered Paragraph

1. On information and belief, Verizon admits the information contained in table format at the beginning of the Complaint.
2. Verizon admits that Complainant has been a customer of Verizon in Ohio for local service since 2001.
3. Verizon admits that Complainant requested service calls on various occasions, either by direct request or through the Public Utilities Commission of Ohio's ("Commission") informal complaint process, but denies Complainant's allegations regarding systematic noise on his line since the inception of his service.
4. Verizon admits that Complainant previously submitted an informal complaint to the Commission that was designated as informal complaint number RKIN02230734.

5. Verizon denies all remaining allegations of the first unnumbered paragraph of the Complaint.

Second Unnumbered Paragraph

6. Verizon admits that it made several service calls regarding Complainant's service, and determined that Complainant's line is in proper working order. Answering further, Verizon states that on November 16, 2007 and November 27, 2007, in response to inquiries from Verizon, Complainant advised Verizon personnel that Complainant was satisfied with the sound quality on his line.

7. Verizon denies all remaining allegations of the second unnumbered paragraph of the Complaint.

Third Unnumbered Paragraph

8. Verizon denies that it provided Complainant with inadequate service.

9. Verizon admits that Complainant stated a desire to test his line personally, but denies that Complainant is entitled to access Verizon's proprietary network and Verizon's proprietary line testing processes. Verizon further denies that Ohio law provides for customer-established line testing and/or line quality metrics.

10. Verizon denies all remaining allegations of the third unnumbered paragraph of the Complaint.

Fourth Unnumbered Paragraph

11. Verizon admits that it has not authorized Complainant to access its proprietary network, and admits that its line testing processes are proprietary.

12. Verizon denies that terminating the loop must be performed from the customer end by dialing a special phone number.

13. Verizon admits that it provided Complainant with the sound quality measurement results for his line.

14. Verizon denies all remaining allegations of the fourth unnumbered paragraph of the Complaint.

Fifth Unnumbered Paragraph

15. Verizon lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the fifth unnumbered paragraph of the Complaint and therefore denies them.

16. Verizon lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding the numbered list of questions following the fifth unnumbered paragraph of the Complaint and therefore denies them.

Sixth Unnumbered Paragraph

17. Verizon admits that it provided the a Commission staff member with information regarding the model of testing equipment used to test Complainant's line, as well as a summary description of test performed.

18. Verizon admits that it did not have a testing equipment manual to provide to Commission staff, and further admits that it confirmed that Verizon's testing equipment is properly calibrated.

19. Verizon denies that it refused to provide Commission staff with information regarding whether its service technician was trained to use the testing equipment and perform testing using that equipment.

20. Verizon denies all remaining allegations of the sixth unnumbered paragraph of the Complaint.

Seventh Unnumbered Paragraph

21. Verizon admits that Complainant alleges that the seventh unnumbered paragraph of the Complaint is a summary of the Complaint, but denies the substance of the summary allegations set forth therein.

22. Verizon admits that that it has not authorized Complainant to access its proprietary network, and admits that its line testing processes are proprietary.

23. Verizon denies all remaining allegations of the seventh unnumbered paragraph of the Complaint.

Eighth Unnumbered Paragraph

24. Verizon admits that Complainant requests various relief in the eighth unnumbered paragraph of the Complaint, but denies that Complainant is entitled to any of the relief requested.

25. Verizon denies all remaining allegations of the eighth unnumbered paragraph of the Complaint.

26. Verizon denies all remaining allegations of the Complaint not explicitly admitted herein.

**B. AFFIRMATIVE DEFENSES**

1. **Satisfaction Pursuant to O.A.C. 4901-9-01.** The Complaint has been satisfied by work performed by Verizon as recited above in Paragraph 6 of the Answer. Complainant twice affirmed his satisfaction with the sound quality on his line and is not entitled to any further relief. Pursuant to O.A.C. 4901-9-01(F), the Commission should give Complainant twenty (20) days to file a written response agreeing or disagreeing with the satisfaction of the Complaint. If

no response is filed, the Commission may presume that the Complaint has been satisfied and dismiss it.

2. **No Violation of R.C. § 4905.26.** The Complaint fails to state grounds for a complaint against Verizon pursuant to R.C. § 4905.26 because Complainant has not alleged any violation of any rules, regulations or laws that would constitute a violation of R.C. § 4905.26, and is therefore not entitled to relief thereunder. Complainant has not demonstrated that Verizon's actions were unlawful. The Complaint should be dismissed.

3. **Inappropriate Process for Rulemaking.** The Complaint effectively seeks initiation of a rulemaking to establish minimum telephone service standards for sound quality on a telephone line. While O.R.C. § 4905.231 authorizes the Commission to "prescribe reasonable standards of telephone service," the appropriate process for doing so is a rulemaking, not an individual complaint case against a single utility. The Complaint should be dismissed.

4. **Failure to Pursue Relief Under O.R.C. § 4905.29.** O.R.C. § 4905.29 allows any consumer to have any appliance used for the measurement of any product or service of a public utility tested upon payment of fees fixed by the Commission. Such fees are required to be paid by the consumer at the time of the request, but shall be paid by the public utility and repaid to the consumer if the appliance is found commercially defective or incorrect, to the disadvantage of the consumer. O.R.C. § 4905.29 does not provide for the consumer to conduct his own tests, or to access the public utility's network. To the extent Complainant seeks to pursue confirmation of Verizon's line test results, his appropriate course of relief is pursuant to O.R.C. § 4905.29, not through a Complaint seeking to have the Commission allow Complainant to determine appropriate testing procedures and service quality metrics. The Complaint should be dismissed.

5. **Incorrect Respondent.** The Complaint alleges that the alleged “systematic noise” on Complainant’s line is caused by a power line, not by any flaw in Verizon’s network. See Complaint at p. 1. Thus, the allegations of the Complaint itself state that the alleged service interference is caused by a company other than Verizon, namely, Complainant’s electricity provider. Verizon is therefore the incorrect respondent in this proceeding. The Complaint should be dismissed.

**WHEREFORE**, for the reasons stated above, Verizon requests the Commission dismiss the Complaint with prejudice.

Dated: December 7, 2007

Respectfully submitted,

**Verizon North Inc.**

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Its Attorneys

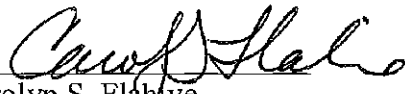


## CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing *Answer and Affirmative Defenses of Verizon North Inc.* to:

Robin Kinney  
51795 Eaton Road  
Portland, OH 45770

by U.S. mail this 7<sup>th</sup> day of December, 2007.

  
Carolyn S. Flahive