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January 2, 2008

Via Hand Delivery

Ms. Reneé 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 Brian Sharp v. Verizon North Inc.; PUCO Case No. 07-1240-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: James Lynn, Attorney Examiner  
 Brian Sharp

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>Brian Sharp,</b>	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 07-1240-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 December 3, 2007 Complaint ("Complaint") of Brian Sharp ("Complainant"), served by the Commission on December 13, 2007, and raises its affirmative defenses thereto as follows:

**A. ANSWER**

**First Unnumbered Paragraph**

1. Verizon admits that Complainant contacted Verizon on October 22, 2007 regarding line static following heavy rain. Answering further, Verizon states that this was the only such inquiry from Complainant during calendar year 2007, and that Complainant made only two such inquiries in calendar year 2006 (on September 13 and October 4).
2. Verizon denies that Complainant has made "many, many" service calls to Verizon.
3. Verizon lacks knowledge or information sufficient to form a belief as to the remaining allegations of the first unnumbered paragraph of the Complaint, and therefore denies them.

**Second Unnumbered Paragraph**

4. Verizon admits that it made a service call on October 23, 2007 in response to Complainant's October 22, 2007 report of line static, which service call was closed as no trouble found.

5. Verizon lacks knowledge or information sufficient to form a belief as to the remaining allegations of the second unnumbered paragraph of the Complaint, and therefore denies them.

**Third Unnumbered Paragraph**

6. Verizon admits that on November 1, 2007, Complainant was billed \$35.75 for the October 23, 2007 service call made as a result of Complainant's October 22, 2007 report of line static.

7. On November 28, 2007, as a result of Complainant's inquiry to Verizon regarding a charge for the above-referenced October 23, 2007 service call, Verizon applied a \$25 customer relations credit to Complainant's account. This credit was reflected on Complainant's December 2007 bill.

8. On December 13, 2007, to reverse the \$35.75 charge reflected on Complainant's November 1, 2007 bill for the October 23, 2007 service call, Verizon applied an additional \$35.75 credit to Complainant's account. This additional credit will be reflected on Complainant's January 2008 bill,

9. On December 14, 2007, after multiple attempts to reach Complainant by phone, and Complainant's failure to respond to messages requesting that he contact Verizon to discuss the Complaint, Verizon sent Complainant a letter (a true and correct copy of which is attached hereto as Exhibit A) confirming the inability to reach Complainant and the issuance of said

credits. To date, Complainant has not responded to Verizon's efforts to reach him by phone and by U.S. mail.

10. Verizon lacks knowledge or information sufficient to form a belief as to the remaining allegations of the third unnumbered paragraph of the Complaint, and therefore denies them.

11. 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 the \$25 and \$35.75 credits applied to Complainant's account, as recited above in Verizon's Answer. Complainant has neither requested, nor is 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. **Complainant's Failure to Pursue Informal Relief.** Complainant failed to pursue informal relief through the Commission's call center before filing the instant formal Complaint. O.A.C. 4901-9-01(A) encourages consumers to contact the Commission's call center before pursuing formal relief, and authorizes the Commission's legal department to refer the Complaint to the Commission's call center for an opportunity for informal resolution before proceeding formally. This formal proceeding should be suspended to allow for such beneficial efforts, particularly given Verizon's difficulty in reaching Complainant. *See, e.g., In the Matter of the Complaint of David Long v. Windstream Western Reserve, Inc.*, Case No. 07-1234-TP-CSS (Entry, Dec. 19, 2007).

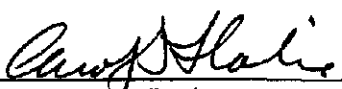
3. **No Violation of R.C. § 4905.26.** The Complaint fails to state grounds for a complaint against Verizon pursuant to R.C. § 4905.26 because Complainant has not alleged any violation of any rules, regulations or laws that would constitute a violation of R.C. § 4905.26, and is therefore not entitled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

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

Dated: January 2, 2008

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:

Brian Sharp  
109 W. Arnold St.  
Crestline, OH 44827

by U.S. mail this 2<sup>nd</sup> day of January, 2008.

  
Carolyn S. Flahive

## **EXHIBIT A**





1300 Columbus-Sandusky Rd. N.  
Marion, OH 43302

December 14, 2007

Mr. Brian Sharp  
109 W. Arnold St.  
Crestline, OH 44827

Dear Mr. Sharp:

This letter is in regard to your formal complaint filed in Case No. 07-1240-TP-CSS with the Public Utilities Commission of Ohio (PUCO).

Verizon records indicate that you were billed \$35.75 for a trip charge on your November 2007 Verizon bill. A \$25.00 customer relations credit was issued on the December 2007 bill. I have also issued a \$35.75 credit that should appear on your January 2008 bill.

Since I have been unable to reach you, please call me to discuss any remaining issues regarding your formal complaint. I can be reached at 740-383-0490 from 7-3:30pm Monday through Friday.

Sincerely,

A handwritten signature in cursive script that reads "Cassandra Cole".

Cassandra Cole  
Director  
Verizon