

August 28, 2008

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 Robin Kinney v. Verizon North Inc.*
PUCO Case No. 07-1178-TP-CSS**

Dear Ms. Jenkins:

Verizon North Inc. ("Verizon") recently received a copy of Complainant Robin Kinney's August 14, 2008 letter to Attorney Examiner Fullin in the above-referenced proceeding. While the bulk of the letter poses questions to the PUCO, Verizon finds it necessary to address a few aspects of that correspondence.

First, Mr. Kinney's letter violates the confidentiality of the discussions that occurred at the February 6, 2008 settlement conference in this case. Attorney Examiner Stoneking advised the parties that those settlement discussions were not to be disclosed. Yet Mr. Kinney's letter has not only disclosed the content of those discussions to the attorney examiner assigned to hear this case, but also to the general public as a result of it having been docketed.

Second, Mr. Kinney's letter incorrectly asserts that "Verizon North proposed that a PUCO representative perform my customer loop measurements." Mr. Kinney appears to have confused Verizon's counsel's discussion of O.R.C. § 4905.29, involving consumer requests (at consumer expense) for the "testing of any devices or appliances of such public utility used for testing for accuracy any appliance used for the measurement of any product or service of such public utility," with the agreed-upon course of action, which was that Verizon would re-test Mr. Kinney's line quality – which he conceded was presently satisfactory – in August 2008 because of his lingering concern that his line quality might decline in warmer weather. It was further agreed that PUCO field inspectors would attend to observe the testing (not conduct it).

Finally, Mr. Kinney's letter insinuates that a Verizon representative had improper discussions with representatives of the PUCO. This is also incorrect. Verizon's Manager of Regulatory and Government Affairs, Cassandra Cole, spoke with assigned staff from the Facility and Operation Field Division of the PUCO's Service Monitoring and Enforcement Department for the administrative purposes of advising them why they were being asked to observe the testing, to provide them the applicable case number so they could review the complaint, and to confirm their scheduled attendance on August 7, 2008. Moreover, the PUCO's *ex parte* rule applies only to communications with commissioners and attorney examiners on the merits of the case, not to scheduling discussions with PUCO staff. See O.A.C. § 4901-1-09.

Verizon appreciates the PUCO's consideration of these matters.

Very truly yours,

/s/ Carolyn S. Flahive

cc: Mr. Robin Kinney

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Summary: Correspondence Correspondence from Verizon North Inc. electronically filed by Carolyn S Flahive on behalf of Verizon North Inc.