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REDACTED

080701-TP

December 9, 2008

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
08 DEC -9 PM 4: 51
COMMISSION
CLERK

Re: Emergency Complaint and Petition Requesting Initiation of Show Cause Proceedings Against Verizon Florida, LLC for Willful Violation of Rules 25-4.036 and 25-4.038, Florida Administrative Code by Bright House Networks Information Services (Florida) LLC and Bright House Networks, LLC

COM 5
ECR
GCL 3
OPC 1
RCP
SSC 1
SGA
ADM
CLK

Dear Ms. Cole:

Enclosed for filing, please find an original and 15 copies of an Emergency Complaint and Petition Requesting Initiation of Show Cause Proceedings Against Verizon Florida, LLC for Willful Violation of Rules 25-4.036 and 25-4.038, Florida Administrative Code, submitted on behalf of Bright House Networks Information Services (Florida) LLC and Bright House Networks, LLC. Certain information set forth in two of the Exhibits to this Emergency Complaint contain confidential and are, therefore, being submitted under separate cover with a "claim" for confidential treatment.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any questions whatsoever.

Ms. Ann Cole
December 9, 2008
Page 2

Sincerely,



Beth Keating
AKERMAN SENTERFITT
106 East College Avenue, Suite 1200
Tallahassee, FL 32302-1877
Phone: (850) 224-9634
Fax: (850) 222-0103

Enclosures

cc: J.R. Kelly (Public Counsel)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency Complaint and Petition
Requesting Initiation of Show Cause Proceedings
Against Verizon Florida, LLC for Willful
Violation of Rules 25-4.036 and 25-4.038, Florida
Administrative Code by Bright House Networks
Information Services (Florida) LLC and Bright
House Networks, LLC

Docket No. _____

Filed: December 9, 2008

**EMERGENCY COMPLAINT AND PETITION
REQUESTING INITIATION OF SHOW CAUSE
PROCEEDINGS FOR WILLFUL VIOLATION OF RULES
25-4.036 AND 25-4.038, FLORIDA ADMINISTRATIVE CODE**

In accordance with Rules 25-22.036 and 28-106.201, Florida Administrative Code, Bright House Networks Information Services (Florida), LLC, and Bright House Networks, LLC, ("Bright House") through its attorneys, brings the following complaint and petition requesting that the Florida Public Service Commission ("Commission") order Verizon Florida, LLC ("Verizon") to: (1) cease and desist certain improper installation practices, which have been the direct cause of ungrounded wiring; and (2) correct all existing situations where improper grounding has occurred as a result of Verizon's installation practices. In addition, Bright House requests that the Commission initiate show cause proceedings against Verizon for willful violation of Rules 25-4.036 and 25-4.038, Florida Administrative Code.

Bright House has discovered numerous, documented instances where Verizon's service installation practices are in direct violation of Sections 770.24, 800.3(c), 800.24, 800.100, 820.3(A), 820.44(F)(2), 820.100 of the National Electrical Code (2005 Edition). The 2005 National Electrical Code (NEC) is specifically incorporated by reference in Rule 25-4.036, Florida Administrative Code. Verizon's failure to comply with the safety code requirements recognized by these rules has put numerous customers in single families homes throughout

Hillsborough, Manatee, Pinellas, Polk, and Pasco counties at risk of electrocution and house fire, and has also put Bright House field service technicians at risk.

Moreover, in spite of being notified by Bright House of the grounding problems and acknowledging culpability in the matter, Verizon has not affirmatively indicated whether (not to mention when and how) it will remedy the existing situations. Rather, Verizon personnel have indicated only that they will initiate efforts to reinforce safety compliance with Verizon service installation personnel, as well as Verizon's service installation contractors. In spite of these assurances, Bright House continues to find newly created instances of these hazardous conditions. Thus, this very dangerous situation continues to exist at customers' homes throughout Verizon's territory and will continue to do so until Verizon is specifically directed to correct the existing safety violations that its own service installation technicians and contractors created. It is clear, therefore, that short of regulatory intervention by the PSC, Verizon is unwillingly to rectify this public safety hazard. Bright House therefore requests that the Commission order Verizon to cease and desist any further disconnections of Bright House's service drops until Verizon has investigated and corrected all outstanding instances where this grounding problem exists and has provided proof to the Commission of having conducted remedial safety training for Verizon service installation technicians and service installation contractors regarding proper grounding practice.

In addition, Bright House respectfully requests that the Commission initiate show cause proceedings against Verizon for its apparent willful violation of the referenced safety standards and assess an appropriate penalty in accordance with Section 364.285, Florida Statutes.

In support of this Complaint and Petition, Bright House states the following:

PARTIES AND INTRODUCTION

1. Bright House Networks Information Services (Florida), LLC is a competitive local exchange carrier ("CLEC") in Florida that, in conjunction with services provided by its affiliate, Bright House Networks, LLC, provides local voice service to hundreds of thousands of residential customers in Florida under the brand name "Bright House Networks Digital Phone" or "Digital Phone." Bright House Networks, LLC also provides video and high-speed Internet services throughout the Tampa Bay area. Bright House Networks Information Services (Florida), LLC and Bright House Networks, LLC are both Delaware limited liability companies. Bright House Networks Information Services (Florida), LLC, through a predecessor company, was granted CLEC authority in 2003. Bright House launched its voice service in the summer of 2004. It currently provides service throughout the Tampa and Central Florida areas. Bright House's registered address with the Commission is 12985 North Telecom Parkway, Temple Terrace, FL 33637-0907. Bright House's representatives for this matter are:

Beth Keating, Esq.
Akerman Senterfitt
106 East College Ave., Suite 1200
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Fax (212) 381-7218
twilson@sbandg.com

2. On information and belief, Verizon is a Delaware limited liability company. Verizon is the ILEC, as that term is defined in 47 U.S.C. § 251(h) for various areas in Florida, including most of the areas where Bright House offers its service, as well as a local exchange telecommunications company as that term is defined in Section 364.02(8), Florida Statutes, as well as a providing its FiOS service. On information and belief, Verizon serves large numbers of

both residential and business customers in Florida. Verizon's registered address with the Commission is 106 East College Avenue, Suite 710, Tallahassee, FL 32301-7721.

3. Verizon and Bright House each provide their services and compete in the same general service area, which is located in the Tampa Bay area and surrounding counties. In numerous instances over the past few years, the companies have competed, and successfully won, customers previously served by the other. When Verizon wins a customer from a competitor company, Verizon is responsible for connecting the customer premises wiring to Verizon's service via their Optical Network Unit (ONU). The Verizon field technician should connect the customer premises wiring to Verizon's wall box in order to connect its service. In doing so, Verizon is required to comply with pertinent safety provisions of the National Electric Safety Code (2007) and the National Electric Code (2005), as reflected in Commission Rules 25-4.036 and 25-4.038, Florida Administrative Code.

4. In September 2008, Bright House service installation technicians who had been deployed to re-install service to customers that had been lost to Verizon, and subsequently won back by Bright House, discovered instances in which the Bright House service drop had been disconnected improperly at the connection to the customer premises wire and left hanging, ungrounded, inside the Bright House-installed wall box. The technicians also discovered similar situations in which the Bright House service drop had simply been cut in order for Verizon to install its service with the cut Bright House drop dangling ungrounded. Pictures taken of these hazardous installations and disconnections were then provided to Verizon, along with the corresponding address information.¹

5. A Verizon service manager in FiOS support responded on October 2, 2008, that he would have Verizon's ". . . Quality Trainers recover demarcation policies with all technicians

¹ (Composite Exhibit 1 - Confidential – Email Correspondence and Photographs).

over the next weeks." To date, Bright House has not received a response to its follow up inquiry regarding whether Verizon intended to check previous installations for this problem.²

6. In order to gauge the scope of this public safety problem, Bright House conducted an audit of a random sample of 1,963 customers that had disconnected from Bright House since July 2007. The audit inspections revealed that Verizon installation technicians have apparently employed various short cuts and shoddy installation techniques to install service to customers won from Bright House.

7. Bright House is concerned that urgent action must be taken to remedy the outstanding public safety violations, in order to protect both the public and Bright House field service technicians from any harm that may result from the existing unsafe conditions caused by Verizon. It is likewise critical that immediate remedial training of all Verizon installation technicians be conducted to prevent any future, unsafe Verizon installations.

JURISDICTION AND STANDING

8. The Florida Commission has jurisdiction pursuant to Sections 364.01(4)(c) and 364.15, Florida Statutes. Pursuant to Section 364.01(4)(c), Florida Statutes, the Legislature has charged the Commission with, "Protect[ing] the public health, safety, and welfare by ensuring that monopoly services provided by telecommunications companies continue to be subject to effective price, rate, and service regulation." Likewise, in accordance with Section 364.15, Florida Statutes, the Commission may direct a local exchange company to make repairs, improvements, changes, additions or extensions that the Commission may deem necessary in order to promote the security of the public or employees and to ensure the continued provision of adequate service.

² (Exhibit 2 – October 2, 2008 Correspondence Between Mr. Feathers and Mr. Reelfs).

9. These statutory mandates are further codified in Rule 25-4.036, Florida Administrative Code, and Rule 25-4.038, Florida Administrative Code. Specifically, these rules provide, as follows:

25-4.036 – Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the 2007 Edition of the National Electrical Safety Code (IEEE C2-2007) and the National Electrical Code (NFPA 70-2005), pertaining to the construction of telecommunications facilities.

(2) Compliance with these codes and accepted good practice is necessary to insure as far as reasonably possible continuity of service, uniformity in the quality of service furnished and the safety of persons and property.

....

25-4.038 – Safety.

Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities. All subscriber loops shall be properly installed to prevent harm to the public as referenced in Article 800.30 and 800.31³ of the National Electric[al] Code (NEC), incorporated herein by reference.

³ PSC Rules specifically incorporate by reference the 2005 Edition of the NEC. However, Rule 25-4.038 references two provisions, 800.30 and 800.31, which do not appear in the 2005 Edition. These two provisions last appear in the 2002 Edition of the NEC.

10. The factual allegations set forth herein specifically go to the question of whether Verizon has complied with Rules 25-4.036 and 25-4.038, Florida Administrative Code, and the National Electrical Code (2005) (herein "NEC") as incorporated by reference in these rules, as well as "good practice" when installing Verizon service to customers won from Bright House. These allegations also call into question whether Verizon's installation practices have created hazardous conditions that currently exist at single family customer premises in Florida and that encroach upon the safety of persons and property, including both the public and Bright House service technicians in the field. While the installation concerns at issue specifically reference Verizon FiOS installations, it is important to note that upon installation of FiOS, any voice telecommunications service provided to the customer is migrated to the FiOS equipment.⁴

11. Bright House's substantial interests are directly affected by Verizon's improper installation practices. It is the Bright House-installed service drop line that is being disconnected or cut and left ungrounded when Verizon installs service. In many instances, it is a Bright House-installed wall box and ground block that Verizon is co-opting for its own use when Verizon installs service. Even more troubling, Bright House service installation technicians in the field are placed at risk of serious injury should they be deployed to install service at one of the effected premises and come into contact with the ungrounded, electrified wiring.

12. In addition, the practice impairs Bright House service and facilities due to feedback caused by the ungrounded line. Specifically, when Verizon disconnects the Bright-House installed service drop line, that line remains connected to Bright House facilities at the tap in the pedestal. Typically, the Bright House service drop line is not disconnected at the tap for anywhere from one to five days following Verizon's installation of its service. During that time

⁴ See Exhibit 3 – About Installation - <http://www22.verizon.com/content/consumerfios/about+installation/about+installation.htm>.

frame, the un-terminated service drop line is susceptible to ingress and egress of extraneous radio frequency (RF) signs, which impairs Bright House's service to other customers in the area.

13. Rules 25-4.036 and 25-4.038, Florida Administrative Code, both clearly require that Verizon's plant design, construction, installation, and maintenance shall be done in a such a way as to promote safety for a broad spectrum of individuals and property, not just that of the incumbent local exchange company and its customer. The rules clearly state that the facilities shall be designed and constructed in order to promote the safety of "persons and property" (without limitation as to which persons and property), and to reduce "hazards to which employees, customers, and the public may be subjected. . . ." See Rules 25-4.036(2) and 25-4.038, Florida Administrative Code. The implications of Verizon's installation practices on both Bright House equipment and employees easily falls within the scope of protection contemplated by these rules. Thus, Bright House meets both prongs of the test for standing set forth in the seminal case in Florida on standing in the administrative arena, Agrico Chem. Co. v. Dept. of Environmental Reg., 406 So. 2d 478 (Fla. 2nd DCA 1981).

SPECIFIC FACTUAL ALLEGATIONS

14. Bright House conducted a random audit of 1,963 customers, which revealed that 19% of those customer's won by Verizon from Bright House were left ungrounded by Verizon. The problem is not limited to any one area and exists throughout the Tampa Bay area and surrounding counties. The results of the audit indicate that this problem has occurred in numerous instances each month since July 2007, which suggests that the practice began well before July 2007 and exacerbates the extent of this safety issue. This serious public safety

hazard has been found in Hillsborough, Manatee, Pinellas, Polk, and Pasco counties, and the audited sample of 1,963 customers alone yielded 368 violations.⁵

15. Bright House's investigation of the installation problem has shown that Verizon installers have regularly elected to take a "short cut" approach of either cutting the Bright House service drop or disconnecting the Bright House drop from the CPE output wire in Bright House's wall box or at the ground block, rather than disconnecting Bright House's service at the output wire to the customer premises equipment (CPE) device. The Verizon installation technician then leaves the Bright House drop ungrounded and unterminated, either hanging on the outside wall of the house or curled inside the wall box. The Verizon installer then runs the Verizon service drop through the Bright House ground block, and in some instances, uses the Bright House-installed wall box to house the connection of Verizon's coaxial cable to the CPE. Through the audit, Bright House found additional examples of grounding problems resulting from Verizon's shoddy installation practices which violate Sections 770.24, 800.100, and 820.100 of the NEC. For example, some Bright House-installed wall boxes were actually removed, the Bright House-installed service drop was disconnected, and the disconnected Bright House service drop was left ungrounded, dangling from the side of the house.

16. The net effect is to create a serious fire and electrocution hazard at potentially thousands of customers' premises throughout the Tampa Bay area. This serious public safety hazard could have catastrophic consequences for the home owner or any family member residing at premises where this situation exists, as well as any service technicians (including Bright House's) that might come into contact, or close proximity with the ungrounded wire should it become electrified.

⁵ (Exhibit 4 – Confidential – Bright House Informal Audit).

17. In spite of notification from Bright House that this public safety hazard has been found at numerous premises, Verizon has not indicated that it will correct the existing problems. Rather, Verizon personnel have indicated only that they will make efforts to reinforce safety compliance with Verizon service installation personnel, as well as Verizon's service installation contractors. See Exhibit 2. Thus, this very dangerous situation will continue to exist at customers' homes throughout Verizon's territory until Verizon is compelled to correct these safety violations by the PSC. Urgent action is needed.

18. Moreover, although Verizon personnel made assurances to Bright House on October 2, 2008, that Verizon would review safety compliance with all of its installation technicians, Bright House's disconnect contractor continues to find new instances where this public safety problem has been created, some as recent as this week. Since the audit, another 13 instances of improper grounding have been discovered.⁶

19. In addition, by engaging in this practice, Verizon is putting Bright House equipment and facilities out of compliance with the NEC and putting Bright House equipment and facilities at risk. Verizon's actions have not only created a serious public safety hazard, but have also created service issues for Bright House as a result of feedback on the ungrounded Bright House service drop line, in direct violation on Section 820.44(F)(2) of the NEC. In certain instances, Verizon is altering or damaging Bright House-installed equipment and wiring in the process of installing Verizon's service to the customer.

20. Verizon's installation practices clearly violate Commission rules and NEC requirements. Specifically, Verizon service installation technicians and Verizon contractors are engaging in installation practices that result in Bright House service drops being disconnected or

⁶ (Exhibit 4 – Confidential – Bright House Informal Audit).

cut, and left ungrounded. This practice is directly contrary to Section 820.3(A) of the NEC, which states that, "The accessible portion of abandoned coaxial cables shall be removed."

21. Likewise, Verizon is installing its own facilities in an unsafe and shoddy manner by using the Bright House wall box and ground block for purposes of connecting to the CPE, rather than disconnecting the CPE wire from the Bright House ground block, and moving it to the ground block in a Verizon-installed wall box, where Verizon would then connect its coaxial cable to the CPE output wire. As such, the practice violates Section 800.24 of the NEC, which provides that installation of communications cables shall be done in a "neat and workmanlike manner." Likewise, Section 770.24 of the NEC provides that optical fiber cables shall be installed in the same "neat and workmanlike manner."

22. Verizon's installation practices are patently unsafe, creating the possibility of electrocution or a fire in the customer's home should the wire become electrified by stray current or by lightning. Lightning is a distinct risk in the Tampa to Orlando corridor, which is recognized by NOAA as having the highest percentage of lightning strikes per year in the nation.⁷ Likewise, among myriad possible scenarios, a low hanging electric service drop could cross the line in gusty winds and thereby electrify the Bright House drop line. The underlying regulations exist to prevent such catastrophic occurrences from happening.

23. When Verizon disconnects the Bright House drop line and leaves it ungrounded, the unterminated line serves as a source of ingress into the Bright House distribution plant until the disconnect at the tap is completed,⁸ which can be anywhere from one to five days. This is directly contrary to Section 820.44(F)(2) of the NEC, which provides that, "Coaxial cable shall

⁷ See NOAA National Severe Storms Laboratory, "Lightning Climatology," website address: http://www.nssl.noaa.gov/primer/lightning/ltg_climatology.html.

⁸ Once the drop line is disconnected at the tap, the line is then ungrounded at either end, and said to be "electrically floating."

be installed so that there will be no unnecessary interference in the maintenance of the separate systems." Clearly, Verizon's installation practice interferes with the maintenance of Bright House systems by providing a source of feedback that cannot be easily traced or remedied.

24. Verizon's installation practices are not consistent with "good practice" as contemplated by Rule 25-4.036, Florida Administrative Code, in that they are not consistent with the NEC, they produce a very real public safety hazard, and they are consistent with poor workmanship. Likewise, Rule 25-4.038 contemplates that subscriber loops will be installed in a manner that will "prevent harm to the public," which is not the case with the Verizon installation practice in question.

25. The apparent extent of the grounding problems caused by Verizon certainly indicates that this practice constitutes a "willful violation" of a Commission rule or order by Verizon, as contemplated by Section 364.285, Florida Statutes. A "willful violation" need not entail a specific intent to violate a rule, statute, or order; rather, "willful violation" includes the intentional commission of the act, or the omission of action, which results in the violation of a valid statute, rule or order. Metropolitan Dade County V. state Department of Environmental Protection, 714 So.2d 512 (Fla. 1st DCA 1998). Thus, whether or not Verizon's installers knowingly or willfully violate the NEC, and thus Commission rules, when they render Bright House's wiring an ungrounded hazard, the intentional commission of these safety violations is, unquestionably, a sufficient basis for enforcement action and the assessment of penalties by this Commission.⁹

⁹ Similarly, in the civil law context, Florida courts have recognized that when the conduct of a person or entity creates a "foreseeable zone of risk," a duty is placed upon that person or entity to take steps to lessen that risk or to take precautions to protect others from the risk posed. McCain v. Florida Power Corp., 593 So. 2d 500, 503 (Fla. 1992); citing Kaisner v. Kolb, 543 So. 2d 732 (Fla. 1989) The Commission should take action to ensure that Verizon takes all actions necessary to reduce or eliminate the risk posed by Verizon's actions.

26. Notably, this problem is similar to the problems the New York Public Service Commission (NYPSC) has encountered with Verizon FiOS ONT installations in New York. Routine inspections conducted in 2006 revealed that Verizon installations of FiOS fiber were improperly grounded, creating a safety hazard.¹⁰ In a more recent 2008 NYPSC staff audit of this issue, the staff identified precisely the same concern in New York that Bright House identifies here – Verizon installers had improperly connected Verizon FiOS ground conductors with the facilities of a competitive cable company.¹¹ The NYPSC has instituted a plan to address these grounding problems, which includes, among other things: (1) credits to customers effected by the grounding issue; (2) third party verification of proper installs, as well as remediation measures to be carried out by Verizon; (3) third party verification of Verizon's reporting of its inspections and remediation efforts; (4) third party verification of the training of Verizon inspection personnel; and (5) third party review of the maintenance of Verizon's inspection database. The NYPSC required that Verizon inspect 45% of its embedded base of customers for these problems within 5 months, and to complete inspection and remediation of 100% of its embedded base within 10 months. Homes where the grounding issue is discovered must be remediated within 10 days. Furthermore, failure to meet the thresholds will result in the issuance of additional credits to customers and the possible assessment of a separate penalty by the NYPSC for failure to comply with a PSC Order. See Exhibit 7 - November 3, 2008 Order Approving FIOS Remediation Plan With Modifications.¹²

¹⁰ (Exhibit 5 – DPS Preliminary Review (2006) – http://www.dps.state.ny.us/FIOS_Safety_Issues_2006.pdf)

¹¹ (Exhibit 6 – NY DPS Installation Review: FiOS Related Customer Premises/Installation Audits/April 2008 at p. 2 – http://www.dps.state.ny.us/FIOS_Related_Customer_Premises_April_2008.pdf)

¹² Docket No. 08-V-0835 – In the Matter of Verizon New York, Inc.'s Network Review Plan. <http://www.dps.state.ny.us/08V0835.htm>

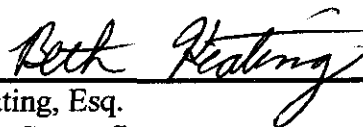
RELIEF REQUESTED

Based on the foregoing, Bright House respectfully requests that the Commission:

- a. Require Verizon to cease and desist new installations of FiOS for customers won from Bright House until a full investigation of the scope of the grounding problems described herein can be determined and fully remediated;
- b. Require Verizon to provide public reports to the Commission on the status of its investigation and remediation efforts, as well as its safety training program;
- c. Require Verizon to establish a training program for all of its installation and repair technicians regarding NEC requirements and the proper grounding of equipment, including competitors' equipment;
- d. Require Verizon to show cause in writing why it should not be fined \$25,000 per day per violation of Rules 25-4.036 and 25-4.038, Florida Administrative Code;
- e. Require Verizon to pay costs associated with the audit conducted by Bright House, as well as attorneys' fees associated with bringing this matter to the Commission's attention; and
- f. Provide any other such additional relief as the Commission considers just and

reasonable in these circumstances.

Respectfully submitted this 9th day of December, 2008,

By: 

Thomas M. Wilson, Esq.
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(212) 381-7110
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106 East College Avenue, Suite 1200
Tallahassee, FL 32301
(850) 224-9634
beth.keating@akerman.com

Attorneys for Bright House Networks Information Services (Florida), LLC and Bright House Networks, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via US Mail and Electronic Mail* to the persons listed below this 9th day of December, 2008:

Dulaney L. O'Roark, III, VP/General Counsel* Verizon Florida, LLC P.O. Box 110, MC FLTC 0007 Tampa, FL 33601 de.oroark@verizon.com	David Christian* Verizon Florida, Inc. 106 East College Ave. Tallahassee, FL 32301-7748 David.christian@verizon.com
Adam Teitzman, Supervising Attorney* Florida Public Service Commission, Office of the General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 ateitzma@psc.state.fl.us	Beth Salak, Director/Regulatory Compliance * 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 bsalak@psc.state.fl.us

By: Beth Keating

Beth Keating, Esq.
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(850) 521-8002
Fax: (850) 222-0103
beth.keating@akerman.com

* - Only the copy supplied to the Commission's Clerk includes Confidential Information.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Emergency Complaint, or In the
Alternative, Petition Requesting Initiation of
Show Cause Proceedings Against Verizon
Florida, LLC for Willful Violation of Rules 25-
4.036 and 25-4.038, Florida Administrative
Code by Bright House Networks Information
Services (Florida) LLC.**

Docket No. _____

Filed: December 9, 2008

AFFIDAVIT OF SABRINA R. CALHOUN
ON BEHALF OF
BRIGHT HOUSE NETWORKS INFORMATION SERVICES, LLC

STATE OF FLORIDA)
)
COUNTY OF PINELLAS)

I hereby certify that on this 9th day of December, 2008, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Sabrina R. Calhoun, who is personally known to me, and who acknowledged before me that the statements set forth in this Affidavit of Sabrina R. Calhoun are true and correct to the best of her personal knowledge, and on oath deposes that:

1. My name is Sabrina R. Calhoun. I am over the age of 18 years old and I have been authorized in the above-styled proceeding on behalf of Bright House Information Services, LLC and Bright House Networks, LLC (Bright House) to give this affidavit. The facts attested to in my affidavit are based upon my personal knowledge and upon information related to me by personnel within Bright House over whom I hold supervisory authority.

2. I am currently employed by Bright House in the capacity of Vice-President/Engineering, and I have been in this position since June 2, 2008. The scope of my responsibilities includes, installation and service of all Bright House products, plant maintenance, engineering design and construction, and technical headend design and maintenance.

Affidavit

3. The factual allegations set forth in the Complaint filed by Bright House in the above-styled matter and submitted in conjunction with this affidavit are accurate and reflect factual information of which I have personal knowledge, as well as factual information brought to my attention by Bright House field service managers.

4. The facts set forth in the attendant Complaint in the above-styled proceeding have been verified through additional investigations conducted by Bright House personnel, including an audit of a random sample of 1,963 customers who had elected to disconnect service from Bright House to obtain service from Verizon. The sample of customers included customers that had switched service back to Verizon between July 2007 and mid-October 2008.

5. Upon information and belief, the hazardous conditions discovered during the Bright House audit were created by Verizon personnel when disconnecting Bright House service in order to install Verizon's service. This belief is supported by email documentation from Verizon personnel, which is also included as an Exhibit to the Complaint.

6. The examples of hazardous wiring conditions discovered in the audit and related in the Complaint are documented by photographs, which are included as Exhibits to the Complaint. I confirm and attest that the photographs provided as Exhibits are true and accurate representations of actual conditions in existence at residences in Florida, and that these conditions were not created by Bright House personnel.

7. The conditions represented in the photographs were not manipulated in any way, with the limited exception that in certain instances involving wall boxes, the wall box cover was removed to display the unterminated Bright House service drop wire coiled within the wall box.

8. Furthermore, I confirm that Bright House personnel brought these safety issues to the attention of Verizon personnel.

Affidavit

9. This completes my affidavit with regard to this matter.

Further affiant sayeth not.

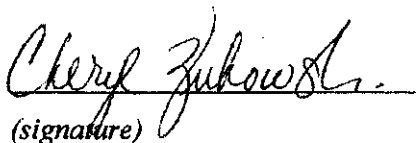
Dated the 9th day of December, 2008.



Sabrina R. Calhoun
Vice-President/Engineering
Bright House Networks, LLC
700 Carillon Parkway
St. Petersburg, FL 33716

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 9th day of December, 2008, by Sabrina R. Calhoun. She is personally known to me, or has produced her _____ driver's license, or her _____ as identification.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the State and County set forth above as of this 9th day of December, 2008.


(signature)

CHERYL ZUKOWSKI
(printed name)

Notary Public
State of FLORIDA

My Commission Expires: _____



(Serial Number, if any)

COMPOSITE EXHIBIT 1

(REDACTED)

"EMAIL CORRESPONDENCE AND PHOTOGRAPHS"

From: Feathers, Chris [Chris.Feathers@mybriighthouse.com]
Sent: Monday, September 29, 2008 11:12 AM
To: bret.reelfs@verizon.com
Subject: Wiring Takeover Problem - Grounding
Importance: High
Attachments: verizon grounding 002.jpg; verizon grounding 003.jpg; verizon grounding 001.jpg

Bret,

We are noticing this in all of our locations and wanted to bring this to your attention. When a Verizon installer is using our homerun wire instead of disconnecting the output wire to the CPE device the drop input wire is being disconnected, not being terminated and your drop is going through our ground block. This leaves our outside drop not grounded and puts liability on us if something happens to the customer. It also provides a very unsafe condition to our drop if it were to become energized by the power company. Please discuss the importance of this with your Managers / Supervisors so it can be corrected.

Thank you,

Chris

From: Feathers, Chris [Chris.Feathers@mybriighthouse.com]
Sent: Thursday, October 02, 2008 8:11 AM
To: bret.reelfs@verizon.com
Subject: FW: 2 examples of Verizon improperly transitioning into our installation.
Importance: High
Attachments: [REDACTED]

Bret,

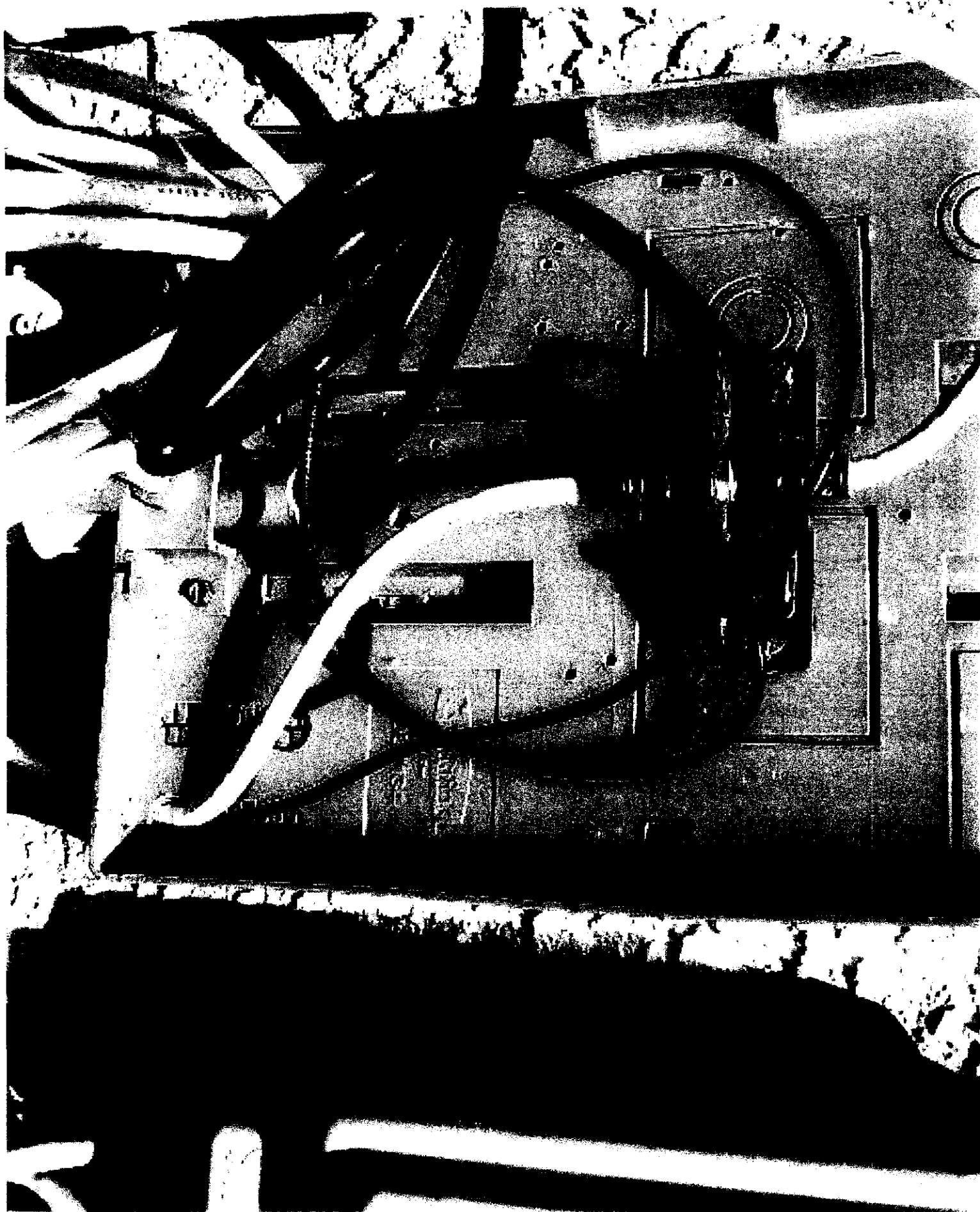
Here are two more examples of connection through our grounding device. This is troubling to me as the ones that we are finding are on take backs from Verizon to Bright House. I have to wonder how many more are this way serving your customers. Do you have a new contracting company doing installs? I can't believe this is recommended practice in connecting service as it is leaving our service drop ungrounded -

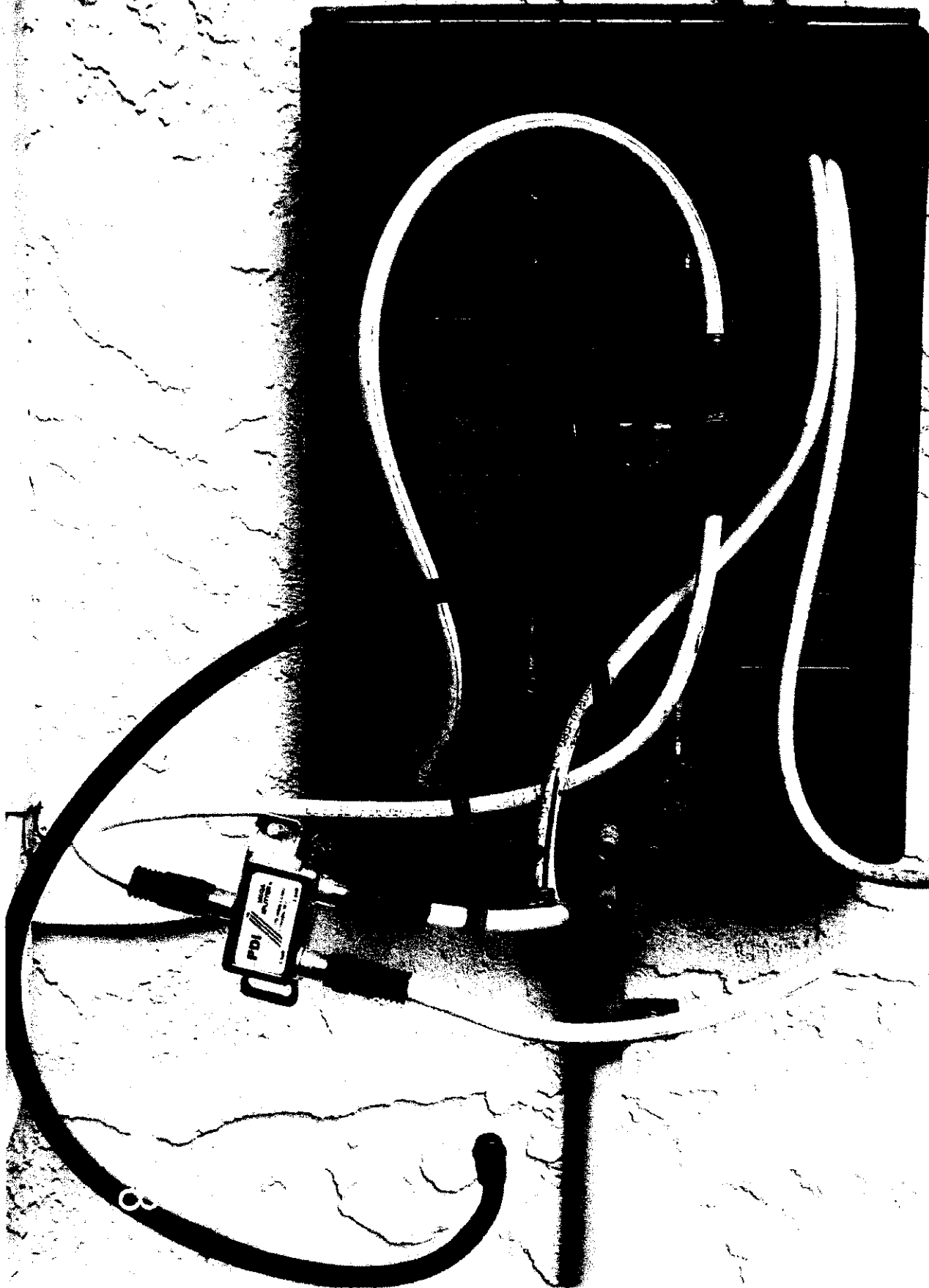
Because of the recent events we will be performing an audit to see exactly how widespread this problem is - I will be forwarding addresses of these as they are discovered.

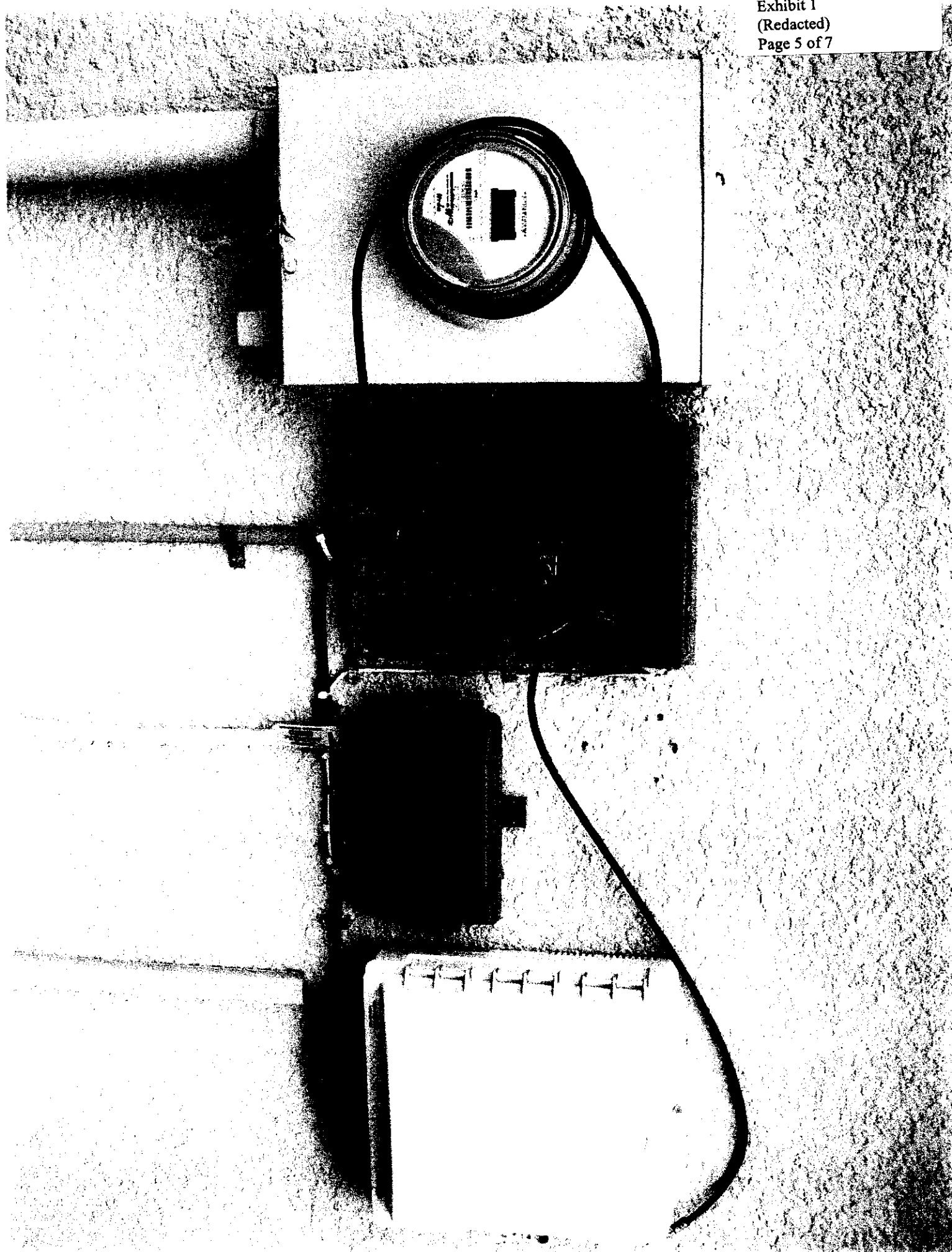
Chris

1st pix address is: [REDACTED]

2nd pix address is: [REDACTED]









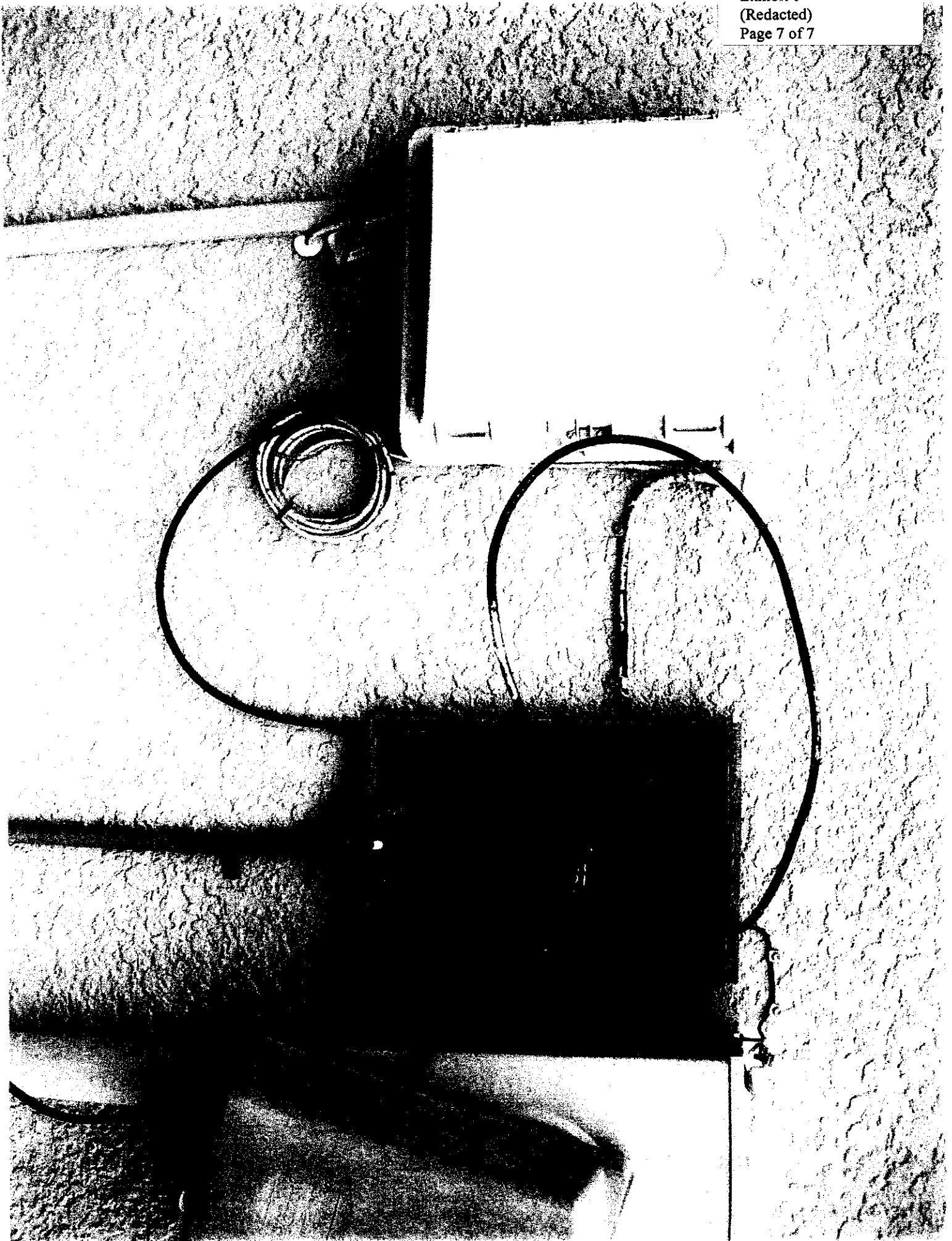


EXHIBIT 2

"OCTOBER 2, 2008

CORRESPONDENCE BETWEEN MR. FEATHERS AND MR. REELFS"

From: Feathers, Chris [Chris.Feathers@mybrighthouse.com]
Sent: Thursday, October 02, 2008 6:03 PM
To: Calhoun, Sabrina R.
Subject: Fw: FW: 2 examples of Verizon improperly transitioning into our installation.

Never got an answer to the last question.

----- Original Message -----

From: Feathers, Chris
To: 'bret.reelfs@verizon.com' <bret.reelfs@verizon.com>
Sent: Thu Oct 02 11:13:39 2008
Subject: Re: FW: 2 examples of Verizon improperly transitioning into our installation.

Any plans of checking previously completed installs for this same problem? If so how many?

Chris

----- Original Message -----

From: bret.reelfs@verizon.com <bret.reelfs@verizon.com>
To: Feathers, Chris
Sent: Thu Oct 02 11:08:55 2008
Subject: Re: FW: 2 examples of Verizon improperly transitioning into our installation.

Chris,

One of the installs was performed by a contractor that we have released.
One of the installs was performed by a employee and he is being coached.

Because of these recent examples I will be having my Quality Trainers recover the demarcation policies with all technicians over the next two weeks.

Thanks,
Bret Reelfs
SE ROS Manager - FiOS Support
813-989-7614 office
813-321-9279 cell

"Feathers, Chris" <Chris.Feathers@mybrighthouse.com>

EXHIBIT 3

"ABOUT INSTALLATION"
VERIZON WEBSITE

[HTTP://WWW22.VERIZON.COM/CONTENT/CONSUMERFIOS/
ABOUT+INSTALLATION/ABOUT+INSTALLATION.HTM](http://www22.verizon.com/content/consumerfios/about+installation/about+installation.htm)

[Enter Your Location](#)[Search](#)[Internet](#)[TV](#)[Phone](#)[Bundles](#)[Wireless](#)[Support](#)

FiOS Internet

[Plans & Pricing](#)[Premium Services](#)[Features](#)[Speed & Cable
Comparison](#)[How to Get FiOS](#)[About Installation](#)[System Requirements](#)[FAQs](#)[Check Availability](#)

Can I Get FiOS?

Please enter your home
phone number below.

[GO!](#)

Don't have a Verizon
phone number?
[Qualify your address](#)

First to be FTTH Council
certified!



About Installation

[Professional Installation](#)[Connecting Multiple Computers](#)

What's included in a professional installation?

When you order Verizon FiOS, a Verizon professional will install your service. Installation is free on the primary computer if you sign up for a one-year agreement. If you select a Month-to-Month plan, installation fee is \$79.99. You will also be given the option of setting up additional computers at an initial installation for \$89.99 each.

On the date of your [installation](#), a Verizon professional will come to your home and install Verizon Internet Service. They will need access to your home computer and will perform the following:

- Install special data wiring to your computer. If necessary, they will install any required wall jacks.

- Install the Verizon home networking router and software.

- Get you connected to the Internet.

- Migrate any voice services on the current billing account to the Verizon FiOS network. There is an additional cost for this, and it will not affect your current monthly charges.

- Provide a Verizon FiOS Welcome Kit with information about your FiOS connection, Verizon services, and online services.



Installation & Set Up
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EXHIBIT 4

(REDACTED)

"BRIGHT HOUSE INFORMAL AUDIT"

Competitor Using our Ground Block

GRAND TOTAL OF ALL QC DATABASE	368
GRAND TOTAL OF ALL QC AND BBI	373

	A	B	C	D	E	F	G
1							
2			HILLSBOROUGH COUNTY				
3			Competitor Using our Ground Block				
4							
5							
6	Disco Date	Job Number	Customer's Name	Street Address	City	Zip Code	
7							
8	10/6/2008	10003174769910200000		TEMPLE TERRACE	33617-3857	1	
9	10/3/2008	10003162933610200000		VALRICO	33594-4513	1	
10	10/1/2008	10003159320610200000		TAMPA	33637-7309	1	
11	9/30/2008	10003163400010200000		TAMPA	33616-1139	1	
12	9/24/2008	10003144991410200000		TAMPA	33624-2126	1	
13	9/23/2008	10003123683810200000		TAMPA	33634-7400	1	
14	9/19/2008	10003124922510200000		TAMPA	33634-7315	1	
15	9/6/2008	10003085941610200000		VALRICO	33596-6349	1	
16	9/5/2008	10003084110210200000		TAMPA	33625-2430	1	
17	9/4/2008	10003067657510200000		VALRICO	33596-9222	1	
18	9/2/2008	10003057728910200000		TAMPA	33634-7493	1	
19	9/2/2008	10003054206710200000		TAMPA	33615-1442	1	
20	8/26/2008	10003046199810200000		TAMPA	33634-7405	1	
21	8/26/2008	10003048564410200000		TAMPA	33634-7343	1	
22	8/12/2008	10002984797010200000		BRANDON	33511-1700	1	
23	8/12/2008	10003006491310200000		VALRICO	33596-6457	1	
24	8/11/2008	10002996463010200000		TAMPA	33615-2027	1	
25	7/28/2008	10002939851810200000		TAMPA	33616-1201	1	
26	7/9/2008	10002867947210200000		TAMPA	33615-5034	1	
27	7/8/2008	10002879508510200000		PLANT CITY	33566-9574	1	
28	7/8/2008	10002875480110200000		TAMPA	33609-2811	1	
29	6/23/2008	10002826745310200000		TAMPA	33634-7420	1	
30	6/16/2008	10002791678710200000		PLANT CITY	33566-0727	1	
31	6/16/2008	10002790926210200000		VALRICO	33596-7830	1	
32	5/27/2008	10002720935410200000		TAMPA	33616-1147	1	
33	5/14/2008	10002685918510200000		BRANDON	33510-3747	1	
34	5/14/2008	10002686845610200000		TAMPA	33606-2544	1	
35	4/9/2008	10002563134210200000		VALRICO	33596-7179	1	
36	4/8/2008	10002558915910200000		VALRICO	33596-7146	1	
37	4/8/2008	10002560788110200000		TAMPA	33607-1513	1	
38	4/8/2008	10002559401510200000		TAMPA	33619-2433	1	
39	4/8/2008	10002539605910200000		APOLLO BEACH	33572-2448	1	
40	4/7/2008	10002555174410200000		TAMPA	33624-5206	1	
41	4/7/2008	10002559835710200000		APOLLO BEACH	33572-2770	1	
42	4/2/2008	10002543056310200000		TEMPLE TERRACE	33617-7601	1	
43	3/4/2008	10002443186010200000		TAMPA	33626-1834	1	
44	3/4/2008	10002444372510200000		RIVERVIEW	33569-8712	1	
45	3/4/2008	10002456993610200000		TAMPA	33626-2300	1	

	A	B	C	D	E	F	G
46	3/4/2008	10002444464810200000			LITHIA	33547-5887	1
47	3/4/2008	10002443322510200000			TAMPA	33624-1113	1
48	3/4/2008	10002457460110200000			TAMPA	33647-2416	1
49	2/18/2008	10002407501310200000			LITHIA	33547-3913	1
50	2/6/2008	10002363253910200000			LITHIA	33547-4101	1
51	1/7/2008	10002244313910200000			TAMPA	33625-4064	1
52	1/7/2008	10002244674310200000			SEFFNER	33584-5314	1
53	1/7/2008	10002243975810200000			VALRICO	33596-7242	1
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56	1/4/2008	10002237850610200000			VALRICO	33596-7877	1
57	1/3/2008	10002231381810200000			VALRICO	33596-8104	1
58	12/28/2007	10002229105210200000			BRANDON	33510-2093	1
59	12/24/2007	10002216330010200000			BRANDON	33510-2087	1
60	12/20/2007	10002210573210200000			LITHIA	33547-4823	1
61	12/17/2007	10002187057810200000			VALRICO	33596-6335	1
62	12/17/2007	10002170253710200000			TAMPA	33624-2137	1
63	12/14/2007	10002163720910200000			TAMPA	33616-1207	1
64	12/14/2007	10002168838510200000			LITHIA	33547-3907	1
65	12/3/2007	10002114189410200000			LITHIA	33547-3897	1
66	11/21/2007	10002109615810200000			TAMPA	33637-7353	1
67	11/20/2007	10002085093710200000			ODESSA	33556-2837	1
68	11/12/2007	10002070189310200000			VALRICO	33596-7004	1
69	11/12/2007	10002058653010200000			ODESSA	33556-1716	1
70	11/12/2007	10002075321610200000			TAMPA	33610-9105	1
71	11/9/2007	10002050871110200000			TAMPA	33603-5513	1
72	10/25/2007	10002016201710200000			TAMPA	33637-5057	1
73	10/10/2007	10001946710710200000			TAMPA	33602-1716	1
74	10/10/2007	10001968842510200000			TAMPA	33619-4124	1
75	10/9/2007	10001967943810200000			BRANDON	33511-2250	1
76	10/4/2007	10001946458510200000			TAMPA	33616-1221	1
77	10/3/2007	10001909701010200000			ODESSA	33556-1402	1
78	10/2/2007	10001937028010200000			VALRICO	33596-6091	1
79	10/2/2007	10001918674510200000			VALRICO	33594-6761	1
80	9/26/2007	10001912498710200000			ODESSA	33556-1403	1
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	A	B	C	D	E	F	G
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93	8/29/2007	10001813705710200000			TAMPA	33647-1327	1
94	8/29/2007	10001815155410200000			TAMPA	33647-1833	1
95	8/29/2007	10001817191010200000			VALRICO	33596-5657	1
96	8/29/2007	10001816720510200000			TAMPA	33629-6025	1
97	8/23/2007	10001798790410200000			TEMPLE TERRACE	33637-3008	1
98	8/13/2007	10001749289010200000			TAMPA	33634-7491	1
99	8/10/2007	10001756451010200000			TAMPA	33637-4304	1
100	8/10/2007	10001737308310200000			BRANDON	33510-2089	1
101	8/9/2007	10001752761710200000			ODESSA	33556-1814	1
102	8/8/2007	10001749546210200000			LITHIA	33547-3898	1
103	7/31/2007	10001706612110200000			SEFFNER	33584-2416	1
104	7/31/2007	10001709854610200000			VALRICO	33594-4790	1
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108	7/30/2007	10001720246410200000			VALRICO	33596-7952	1
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110	7/23/2007	10001697701910200000			TAMPA	33616-1205	1
111							
112							
113							
						TOTAL	103

	A	B	C	D	E	F	G
1							
2			PINELLAS COUNTY				
3			Competitor Using our Ground Block				
4							
5							
6	Disco Date	Job Number	Customer's Name	Street Address	City	Zip Code	
7							
8	10/3/2008	10003165051110200000			SAINT PETERSBURG	33702-2644	1
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10	10/2/2008	10003146316610200000			PALM HARBOR	34683-1041	1
11	10/1/2008	10003143383410200000			PALM HARBOR	34685-2601	1
12	9/25/2008	10003139405010200000			SAINT PETERSBURG	33703-2030	1
13	9/22/2008	10003120126410200000			SAINT PETERSBURG	33708-3324	1
14	9/19/2008	10003109821110200000			CLEARWATER	33755-2824	1
15	9/18/2008	10003099161810200000			SAINT PETERSBURG	33708-3036	1
16	9/17/2008	10003094610010200000			CLEARWATER	33755-3524	1
17	9/11/2008	10003103738910200000			CLEARWATER	33755-3525	1
18	9/10/2008	10003091845410200000			PALM HARBOR	34683-1102	1
19	8/8/2008	10002967195910200000			SEMINOLE	33772-7415	1
20	8/5/2008	10002953479610200000			SAINT PETERSBURG	33708-3302	1
21	7/30/2008	10002949189510200000			SAINT PETERSBURG	33708-3008	1
22	7/29/2008	10002930379110200000			SAINT PETERSBURG	33708-4025	1
23	7/9/2008	10002866180410200000			TARPON SPRINGS	34689-2027	1
24	6/17/2008	10002803890310200000			TARPON SPRINGS	34689-2924	1
25	5/10/2008	10002649295810200000			TARPON SPRINGS	34689-4407	1
26	5/10/2008	10002673439610200000			PALM HARBOR	34683-5856	1
27	5/7/2008	10002641324310200000			PALM HARBOR	34684-1848	1
28	4/11/2008	10002569238410200000			PALM HARBOR	34685-1153	1
29	4/10/2008	10002554372910200000			PALM HARBOR	34683-2143	1
30	4/8/2008	10002542277110200000			PALM HARBOR	34684-1210	1
31	4/5/2008	10002543985610200000			PALM HARBOR	34685-1175	1
32	3/10/2008	10002469747010200000			TARPON SPRINGS	34689-5602	1
33	3/10/2008	10002468570810200000			PALM HARBOR	34685-1413	1
34	3/8/2008	10002467991710200000			PALM HARBOR	34684-1842	1
35	3/3/2008	10002441003410200000			PALM HARBOR	34685-1150	1
36	2/22/2008	10002429179910200000			PALM HARBOR	34685-1131	1
37	2/11/2008	10002388420810200000			OLDSMAR	34677-4811	1
38	2/9/2008	10002385393210200000			PALM HARBOR	34684-4631	1
39	2/9/2008	10002386229010200000			CLEARWATER	33761-1807	1
40	2/8/2008	10002376657310200000			TARPON SPRINGS	34689-7500	1
41	2/8/2008	10002375961910200000			PALM HARBOR	34684-3501	1
42	2/8/2008	10002375761310200000			PALM HARBOR	34684-4454	1
43	1/31/2008	10002355242410200000			PALM HARBOR	34684-3515	1
44	1/30/2008	10002354750610200000			PALM HARBOR	34684-3501	1
45	1/30/2008	10002353924710200000			PALM HARBOR	34685-1180	1

	A	B	C	D	E	F	G
46	1/29/2008	10002347358010200000			PALM HARBOR	34684-3502	1
47	1/23/2008	10002330451410200000			PALM HARBOR	34684-3501	1
48	1/17/2008	10002290452910200000			PALM HARBOR	34683-5030	1
49	1/17/2008	10002286975310200000			PALM HARBOR	34683-5808	1
50	1/15/2008	10002272350410200000			PALM HARBOR	34683-5046	1
51	1/7/2008	10002247534110200000			OLDSMAR	34677-5036	1
52	1/5/2008	10002244672710200000			PALM HARBOR	34684-2356	1
53	1/3/2008	10002239573010200000			PALM HARBOR	34684-3068	1
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55	12/24/2007	10002218714710200000			PALM HARBOR	34684-3505	1
56	12/17/2007	10002185568010200000			CLEARWATER	33761-1938	1
57	12/15/2007	10002179797710200000			TARPON SPRINGS	34689-7114	1
58	12/15/2007	10002174819010200000			PALM HARBOR	34684-1855	1
59	12/14/2007	10002176478310200000			PALM HARBOR	34685-1136	1
60	12/13/2007	10002170460310200000			PALM HARBOR	34683-4815	1
61	11/23/2007	10002115309710200000			PALM HARBOR	34685-1155	1
62	11/14/2007	10002080148610200000			TARPON SPRINGS	34689-7127	1
63	11/14/2007	10002073168810200000			PALM HARBOR	34684-1769	1
64	10/25/2007	10002014000210200000			PALM HARBOR	34685-1159	1
65	10/24/2007	10002011935610200000			PALM HARBOR	34685-1153	1
66	10/13/2007	10001976757010200000			PALM HARBOR	34685-1405	1
67	10/11/2007	10001974848010200000			PALM HARBOR	34685-2508	1
68	9/19/2007	10001880377110200000			TARPON SPRINGS	34689-6235	1
69	9/18/2007	10001867864610200000			PALM HARBOR	34684-2317	1
70	9/18/2007	10001871288610200000			PALM HARBOR	34684-3225	1
71	9/18/2007	10001866384810200000			PALM HARBOR	34685-3131	1
72	9/5/2007	10001810364610200000			TARPON SPRINGS	34689-5756	1
73	8/22/2007	10001783417410200000			PALM HARBOR	34684-1805	1
74	8/17/2007	10001767762410200000			CLEARWATER	33756-6168	1
75	8/17/2007	10001773118210200000			PALM HARBOR	34685-2128	1
76	8/11/2007	10001763379210200000			TARPON SPRINGS	34689-6238	1
77							
78							
79						TOTAL	69

	A	B	C	D	E	F	G
1							
2				MANATEE COUNTY			
3				Competitor Using our Ground Block			
4							
5							
6	Disco Date	Job Number	Customer's Name	Street Address	City	Zip Code	
7							
8	10/6/2008	10003178201710200000			BRADENTON	34202-8228	1
9	10/6/2008	10003180393710200000			BRADENTON	34202-2928	1
10	10/3/2008	10003173871410200000			BRADENTON	34212-2648	1
11	10/1/2008	10003163939610200000			BRADENTON	34203-7003	1
12	9/18/2008	10003110993710200000			PARRISH	34219-5408	1
13	9/6/2008	10003085866810200000			BRADENTON	34202-2937	1
14	9/6/2008	10003083826510200000			BRADENTON	34202-2232	1
15	9/4/2008	10003069095710200000			BRADENTON	34203-7613	1
16	9/4/2008	10003078609810200000			BRADENTON	34202-8283	1
17	9/3/2008	10003072339010200000			BRADENTON	34212-2629	1
18	8/14/2008	10003012324510200000			BRADENTON	34202-5005	1
19	8/14/2008	10003013301410200000			BRADENTON	34205-3005	1
20	8/14/2008	10002993068610200000			BRADENTON	34202-6346	1
21	8/13/2008	10002989320110200000			BRADENTON	34202-6343	1
22	8/13/2008	10002986965910200000			BRADENTON	34202-4203	1
23	8/13/2008	10002986404810200000			BRADENTON	34202-4077	1
24	8/11/2008	10002998584010200000			BRADENTON	34205-7650	1
25	8/5/2008	10002954216110200000			SARASOTA	34243-1432	1
26	7/15/2008	10002903388810200000			SARASOTA	34243-1311	1
27	7/7/2008	10002869448410200000			BRADENTON	34208-3130	1
28	6/18/2008	10002816983110200000			ELLENTON	34222-5207	1
29	6/17/2008	10002815590110200000			BRADENTON	34207-4746	1
30	6/13/2008	10002803289910200000			BRADENTON	34202-9370	1
31	6/12/2008	10002797666010200000			BRADENTON	34205-3064	1
32	5/13/2008	10002686145710200000			BRADENTON	34202-2852	1
33	5/7/2008	10002659653510200000			BRADENTON	34208-5461	1
34	5/6/2008	10002655692910200000			BRADENTON	34207-6051	1
35	5/5/2008	10002648683110200000			PALMETTO	34221-2903	1
36	5/5/2008	10002648708010200000			BRADENTON	34212-2984	1
37	4/12/2008	10002574847410200000			BRADENTON	34209-5216	1
38	4/12/2008	10002575430010200000			BRADENTON	34205-3116	1
39	3/29/2008	10002534758110200000			SARASOTA	34243-1030	1
40	3/25/2008	10002519133710200000			ELLENTON	34222-7285	1
41	3/11/2008	10002481205810200000			BRADENTON	34210-3737	1
42	3/10/2008	10002477363010200000			BRADENTON	34208-5814	1
43	3/10/2008	10002476181310200000			BRADENTON	34203-3142	1
44	3/4/2008	10002391445410200000			BRADENTON	34212-9494	1
45	3/3/2008	10002457172010200000			BRADENTON	34202-5820	1
46	3/3/2008	10002455861210200000			SARASOTA	34243-1030	1

	A	B	C	D	E	F	G
47	2/23/2008	10002432132310200000			ELLENTON	34222-7224	1
48	2/14/2008	10002399552310200000			BRADENTON	34209-1353	1
49	2/12/2008	10002396413510200000			BRADENTON	34202-2283	1
50	2/12/2008	10002399141210200000			SARASOTA	34243-1305	1
51	2/11/2008	10002394799310200000			BRADENTON	34202-1898	1
52	2/11/2008	10002384505210200000			BRADENTON	34208-6836	1
53	2/9/2008	10002389073310200000			BRADENTON	34208-1521	1
54	2/9/2008	10002393379110200000			PALMETTO	34221-6118	1
55	2/9/2008	10002354440510200000			BRADENTON	34205-2128	1
56	2/9/2008	10002389619510200000			BRADENTON	34208-8019	1
57	2/5/2008	10002374322210200000			SARASOTA	34243-4434	1
58	1/31/2008	10002310997210200000			ELLENTON	34222-6201	1
59	1/23/2008	10002331645810200000			BRADENTON	34205-1443	1
60	1/17/2008	10002312377710200000			BRADENTON	34202-2000	1
61	1/16/2008	10002304363010200000			BRADENTON	34212-2909	1
62	1/16/2008	10002304456810200000			BRADENTON	34203-9736	1
63	1/15/2008	10002297292810200000			PALMETTO	34221-1211	1
64	1/14/2008	10002282759210200000			BRADENTON	34205-1544	1
65	1/10/2008	10002271700510200000			BRADENTON	34203-3131	1
66	1/9/2008	10002256973910200000			BRADENTON	34208-5871	1
67	1/9/2008	10002263641610200000			PALMETTO	34221-1238	1
68	1/9/2008	10002265402810200000			BRADENTON	34208-8011	1
69	1/9/2008	10002265427610200000			PALMETTO	34221-1510	1
70	1/9/2008	10002263990010200000			SARASOTA	34243-1025	1
71	12/22/2007	10002217117010200000			BRADENTON	34209-1428	1
72	12/15/2007	10002187796610200000			BRADENTON	34202-2853	1
73	12/13/2007	10002179278110200000			BRADENTON	34202-2848	1
74	12/12/2007	10002170375410200000			BRADENTON	34212-9222	1
75	12/7/2007	10002156850510200000			BRADENTON	34212-2959	1
76	12/7/2007	10002159506310200000			BRADENTON	34212-3902	1
77	12/7/2007	10002157272510200000			BRADENTON	34209-2516	1
78	12/6/2007	10002155464610200000			BRADENTON	34202-8283	1
79	12/6/2007	10002153616510200000			BRADENTON	34209-4446	1
80	12/5/2007	10002152523210200000			BRADENTON	34208-2907	1
81	12/5/2007	10002152757610200000			BRADENTON	34209-4434	1
82	12/4/2007	10002143164610200000			BRADENTON	34202-5822	1
83	12/3/2007	10002144180210200000			BRADENTON	34202-2861	1
84	11/30/2007	10002133173910200000			BRADENTON	34205-1437	1
85	11/15/2007	10002085452410200000			BRADENTON	34202-5639	1
86	11/13/2007	10002078602410200000			BRADENTON	34202-2851	1
87	11/13/2007	10002078943910200000			ELLENTON	34222-5213	1
88	11/10/2007	10002070193010200000			BRADENTON	34212-2640	1
89	11/10/2007	10002070091210200000			BRADENTON	34209-1710	1
90	11/10/2007	10002072719010200000			BRADENTON	34202-8246	1
91	11/8/2007	10002025566010200000			BRADENTON	34212-2986	1
92	11/8/2007	10002034127210200000			BRADENTON	34203-8042	1

	A	B	C	D	E	F	G
93	11/5/2007	10002049320010200000			BRADENTON	34209-1446	1
94	11/5/2007	10002050128910200000			BRADENTON	34202-2852	1
95	11/3/2007	10002038076710200000			BRADENTON	34202-5832	1
96	11/2/2007	10002042040710200000			BRADENTON	34202-2869	1
97	11/1/2007	10002037815610200000			BRADENTON	34202-5819	1
98	10/30/2007	10002031200410200000			BRADENTON	34202-2851	1
99	10/24/2007	10002013496810200000			BRADENTON	34209-1506	1
100	10/15/2007	10001985286310200000			PALMETTO	34221-1308	1
101	10/13/2007	10001980063010200000			BRADENTON	34208-6934	1
102	10/11/2007	10001958053610200000			BRADENTON	34209-2039	1
103	10/11/2007	10001976093610200000			BRADENTON	34209-1711	1
104	10/10/2007	10001970035210200000			BRADENTON	34205-1239	1
105	10/1/2007	10001937603610200000			BRADENTON	34205-1410	1
106	9/21/2007	10001899886910200000			PALMETTO	34221-1308	1
107	9/19/2007	10001892083910200000			ELLENTON	34222-5213	1
108	9/15/2007	10001882993510200000			ELLENTON	34221-1307	1
109	9/11/2007	10001862997410200000			ELLENTON	34222-7236	1
110	9/11/2007	10001863339910200000			ELLENTON	34222-7282	1
111	9/11/2007	10001863954810200000			BRADENTON	34207-1458	1
112	9/11/2007	10001862113310200000			PALMETTO	34221-7359	1
113	9/10/2007	10001857877210200000			PALMETTO	34221-6628	1
114	9/10/2007	10001858055510200000			SARASOTA	34243-1336	1
115	9/8/2007	10001856432510200000			ELLENTON	34222-5214	1
116	9/8/2007	10001856151810200000			PALMETTO	34221-1309	1
117	9/7/2007	10001851884210200000			PALMETTO	34221-1520	1
118	8/29/2007	10001820578010200000			PALMETTO	34221-1502	1
119	8/29/2007	10001820541310200000			ELLENTON	34222-5202	1
120	8/8/2007	10001750141310200000			BRADENTON	34208-1632	1
121	8/7/2007	10001745776610200000			BRADENTON	34202-2664	1
122	8/4/2007	10001741755810200000			BRADENTON	34205-2638	1
123	7/25/2007	10001708343210200000			BRADENTON	34209-2800	1
124							
125							
126					TOTAL		116

	A	B	C	D	E	F	G
1							
2				PASCO COUNTY			
3				Competitor Using our Ground Block			
4							
5							
6	Disco Date	Job Number	Customer's Name	Street Address	City	Zip Code	
7							
8	9/30/2008	10003134771810200000			LAND O LAKES	34639-9570	1
9	9/30/2008	10003136446910200000			LAND O LAKES	34638-8054	1
10	9/30/2008	10003156615310200000			NEW PORT RICHEY	34655-1123	1
11	9/9/2008	10003089848510200000			NEW PORT RICHEY	34654-3454	1
12	8/15/2008	10002997435310200000			NEW PORT RICHEY	34654-5860	1
13	7/9/2008	10002885001810200000			NEW PORT RICHEY	34652-3108	1
14	7/8/2008	10002876922810200000			NEW PORT RICHEY	34654-5915	1
15	6/10/2008	10002773695410200000			LAND O LAKES	34639-6704	1
16	4/9/2008	10002535827810200000			PORT RICHEY	34668-1533	1
17	4/8/2008	10002545420910200000			LUTZ	33558-5111	1
18	3/5/2008	10002448668610200000			NEW PORT RICHEY	34652-3029	1
19	2/1/2008	10002347076810200000			PORT RICHEY	34668-3015	1
20	1/31/2008	10002349748710200000			NEW PORT RICHEY	34652-4416	1
21	1/31/2008	10002358499010200000			NEW PORT RICHEY	34655-1524	1
22	1/24/2008	10002312432010200000			ZEPHYRHILLS	33544-1566	1
23	1/4/2008	10002239138610200000			NEW PORT RICHEY	34653-6043	1
24	12/6/2007	10002152578610200000			HOLIDAY	34691-9716	1
25	12/6/2007	10002155542010200000			PORT RICHEY	34668-2455	1
26	12/5/2007	10002133413510200000			PORT RICHEY	34668-7408	1
27	12/5/2007	10002148730410200000			LAND O LAKES	34638-6035	1
28	11/8/2007	10002061847910200000			LAND O LAKES	34639-6744	1
29	11/8/2007	10002038067110200000			NEW PORT RICHEY	34652-1313	1
30	11/8/2007	10002044894210200000			HOLIDAY	34690-2523	1
31	11/8/2007	10002038602110200000			PORT RICHEY	34668-3642	1
32	10/5/2007	10001936624410200000			LUTZ	33559-7329	1
33	10/5/2007	10001953963310200000			ZEPHYRHILLS	33544-7745	1
34	10/5/2007	10001942469410200000			ZEPHYRHILLS	33544-5454	1
35	10/4/2007	10001949930610200000			ZEPHYRHILLS	33541-2785	1
36	9/4/2007	10001811336210200000			HOLIDAY	34691-4232	1
37	9/4/2007	10001828675510200000			ZEPHYRHILLS	33541-2614	1
38	9/4/2007	10001826992510200000			HOLIDAY	34690-6238	1
39	9/4/2007	10001828056110200000			NEW PORT RICHEY	34653-5003	1
40	8/7/2007	10001730153710200000			LUTZ	33559-8649	1
41	8/7/2007	10001745241810200000			HOLIDAY	34691-3210	1
42	7/30/2007	10001703983310200000			LUTZ	33559-7918	1
43	7/30/2007	10001704063010200000			NEW PORT RICHEY	34655-5181	1
44							
45							
46					TOTAL		36

	A	B	C	D	E	F	G
1							
2			POLK COUNTY				
3							
4			Competitor Using our Ground Block				
5							
6							
7	Disco Date	Job Number	Customer's Name	Street Address	City	Zip Code	
8							
9	9/30/2008	10003117662510200000			WINTER HAVEN	33884-2537	1
10	9/30/2008	10003142658610200000			LAKELAND	33810-0333	1
11	9/23/2008	10003142496510200000			MULBERRY	33860-6671	1
12	9/19/2008	10003131608110200000			LAKELAND	33810-1320	1
13	9/10/2008	10003101432510200000			LAKELAND	33809-7814	1
14	8/14/2008	10003014824610200000				33809-2304	1
15	8/13/2008	10002986743310200000			LAKELAND	33813-3678	1
16	8/11/2008	10002997886010200000			LAKELAND	33809-2334	1
17	8/11/2008	10002992250510200000			LAKELAND	33801-5258	1
18	8/4/2008	10002934114210200000			LAKELAND	33813-3701	1
19	6/26/2008	10002820483010200000			LAKELAND	33809-4616	1
20	6/11/2008	10002793555410200000			WINTER HAVEN	33881-2950	1
21	6/11/2008	10002796905810200000			LAKELAND	33809-7816	1
22	6/11/2008	10002763318610200000			WINTER HAVEN	33884-4120	1
23	6/10/2008	10002765885610200000			WINTER HAVEN	33880-2509	1
24	6/2/2008	10002762875710200000				33809-0893	1
25	5/27/2008	10002713790210200000				33809-2336	1
26	4/30/2008	10002635825910200000				33809-2328	1
27	4/28/2008	10002619705710200000			WINTER HAVEN	33884-4212	1
28	4/23/2008	10002593705910200000			WINTER HAVEN	33884-4219	1
29	4/18/2008	10002554821810200000			LAKELAND	33810-0566	1
30	4/18/2008	10002592610110200000				33809-2345	1
31	4/17/2008	10002585285510200000				33809-2321	1
32	4/9/2008	10002545476110200000			WINTER HAVEN	33884-4218	1
33	4/9/2008	10002549412210200000			DAVENPORT	33897-5838	1
34	4/9/2008	10002564306010200000			LAKELAND	33809-6670	1
35	3/28/2008	10002529288510200000				33809-2344	1
36	3/21/2008	10002511063810200000				33809-0840	1
37	3/21/2008	10002510475410200000				33809-0526	1
38	3/6/2008	10002457707510200000				33809-0818	1
39	3/5/2008	10002447820710200000			LAKELAND	33809-1432	1
40	2/29/2008	10002435500910200000			LAKELAND	33809-3137	1
41	2/13/2008	10002384974310200000			WINTER HAVEN	33881-4340	1
42	1/23/2008	10002323470010200000			WINTER HAVEN	33884-1046	1
43	1/18/2008	10002287080010200000			WINTER HAVEN	33884-1047	1
44	1/15/2008	10002290642310200000			WINTER HAVEN	33881-1753	1
45	1/15/2008	10002268377010200000			WINTER HAVEN	33881-5712	1

	A	B	C	D	E	F	G
46	1/15/2008	10002292559510200000			LAKELAND	33809-4004	1
47	1/15/2008	10002282681210200000			LAKELAND	33809-4044	1
48	1/4/2008	10002237364610200000			WINTER HAVEN	33884-1038	1
49	12/20/2007	10002210162210200000			WINTER HAVEN	33884-1044	1
50	12/19/2007	10002208167910200000			WINTER HAVEN	33881-4312	1
51	12/4/2007	10002130627810200000			MULBERRY	33860-8560	1
52	10/8/2007	10001959497310200000			LAKELAND	33815-1439	1
53							
54							
55							
56						TOTAL	44

	A	B	C	D	E	F	G	H	I	J	K
1											
2											
3	Competitor Using our Ground Block										
4	HILLSBOROUGH REGION-BBI										
5	Account Number	Customer's Name	Street Address	City	Zip Code						
6											
7	8223130050425900			Plant City	33566	1					
8	8223130041736320			Valrico	33594	1					
9	8223130041596290			Seffner	33584	1					
10	8223130045616380			Plant City	33563	1					
11											
12											
13											
14					TOTAL	4					
15											
16											
17	PINELLAS REGION-BBI										
18	Account Number	Customer Name	Street Address	City	Zip Code						
19	8223170040321882			Pinellas Park	33782	1		Cut out ground block and left ungrounded.			
20											
21											
22					TOTAL	1					
23											
24											
25											
26											
27											
28	TAKE BACKS FOUND DURING AUDITS										
29											
30	Manatee Region										
31	Account Number	Customer's Name	Street Address	City	Zip Code						
32											
33	8223140013937830			Bradenton	34209	1					
34	8223140080064230			Palmetto	34221	1					
35	8223140013938800			Bradenton	34205	1					
36	8223140012891810			Bradenton	34202	1					
37	8223140013891500			Bradenton	34212	1					
38	8223140012968030			Bradenton	34202	1					
39	8223140013711030			Bradenton	34212	1					
40	8223140013934270			Palmetto	34221	1					
41											
42											
43					TOTAL	8	NOT INCLUDED IN GRAND TOTAL				

EXHIBIT 5

"DPS PRELIMINARY REVIEW"
(2006)

DPS Preliminary Review:
Verizon FIOS Customer Premises Installation NEC Compliance
Issues

OVERVIEW

A key aspect of providing telecommunications services is the provision of those services in a safe and reliable manner. In the last several months there has been concern regarding Verizon's FiOS outside plant installations. Outside plant concerns have been expressed by competitors, municipal governments, among others. To evaluate those concerns Department of Public Service (DPS) field staff conducted several independent investigations. DPS technical staff recently undertook an inspection of a modest sample of Verizon FiOS customer premises installations with regard to appropriate construction practice and compliance with the National Electrical Code. Code compliance is essential to providing safe and reliable service to customer premises.

After review of the applicable codes and field staff findings, DPS Staff feel additional discussion with Verizon New York is required to ensure FiOS-related installations are indeed safe.

IMPORTANCE OF GROUNDING AND BONDING

Historically, the safety of installations involving connections to electrical appliances within premises is of great concern. The risks of fire or electrocution on a customer premise are well known and compliance with the National Electrical Code (NEC) has been a long accepted, often mandated, requirement throughout most of the last century. In the case of telecommunications circuits the risks are unique, equipment failures or lightning strikes can pose a life threatening risk or fire risk unless protective measures are taken. To that end specific portions of the NEC have been created that are appropriate for the various types of telecommunications facilities and other installations.

The recent New York State Public Service Commission (NYPSC) directive regarding protection of the public from stray voltage conditions on telephone and telecommunications services reinforces the need for companies to make their facilities and service comply with the NEC. The NYPSC has expressed its concern that this

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August 31, 2006

plant be NEC and NESC compliant to protect the public from "stray voltage" and the potential of electrocution. In addition, the compliance of premises wiring with NEC is also referenced within the NY State and local building and fire code requirements as well. It is thus certain that NEC applies to any telecommunications carrier or cable television company in this State which provides a physical service interconnection to a customer premises.

VERIZON FIOS: Conductivity and Network Interface Unit

Verizon's FIOS product is technically a form of fiber to the premises or "FTTP"). We tentatively conclude that FiOS may form an electrically conductive path both to the "outside world" as well as other electrically powered devices inside the building. The use of an electrically powered "network interface unit" at the terminal end of the fiber is also subject to electrical damage or failure. That device is powered by the AC power line from the building and typically has a safety ground terminal installed for the purpose of attaching the safety ground. Such network interface equipment is directly connected to a host of equipment in the building, including signal carrying conductors such as twisted pair copper, LAN computer cables and CATV type coaxial cables to appliances, computers and TV sets throughout the customer premise. It is important to note that should any of these devices fail they are capable of creating an electrical hazard condition not unlike a conventional CATV coaxial cable installation. It is reasonable to assume that any FTTP installation lacking a service entrance or "network interface unit" ground is a potential safety risk to the premises and its occupants.

ELECTRICAL CODE REQUIREMENTS

The NEC's articles and associated requirements take into consideration the different physical characteristics of electrical facilities. Two key sections that appear most applicable to FiOS are Article 800 for Communications Circuits and Article 820 CATV systems. Article 820 specifically addresses cable television networks because of their unique application of coaxial cables which incorporate an outer conductive shield. Article 800 was devised to address the unique physical characteristics of communications circuits and contains specific requirements for their safe and reliable

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installation and maintenance. Both contain well established practices regarding grounding and bonding.

Article 770 pertains to Optical Fiber Cables and may provide some guidance for certain kinds of conductive and nonconductor optical fiber cables. Article 770 of the code specifically deals with Optical Fiber Cables but does not deal with the other aspects of premises equipment, notably an AC powered "network interface unit" germane to Verizon's FIOS.¹

Article 830, for Network-Powered Broadband Communication Systems, is similar to Article 820 and considers the employment of unique powering arrangement. However, since FIOS, as we currently understand its physical implementation, is not "network powered" as defined in that section, but rather powered from the premises AC power wiring, it does not clearly fall within its criteria. An Article 830 type service does however use a "network interface unit" similar to if not identical in form and function to premises hardware used in FiOS installations. Article 830 also requires an incoming service entrance or "network interface unit" grounded and bonded.

Although there are some technical differences as to how these different services are technically provisioned, the code consistently imposes similar requirements regarding grounding and bonding of service entrances and installation of protective devices, as well as requirements for workmanship, routing of cables, and proximity to energized power conductors. Regardless of the type of services offered, the physical characteristics of the facilities require compliance with applicable NEC requirements.

¹ It is important to note that Article 770 does place restrictions on use and location of "conducting" type fiber optic cables (and we conclude this also applies to fiber optic cables with conductive metallic messengers). Absent any strict requirements for the use of purely nonconductor optical fiber cables in all of the FiOS type distribution plant, it is reasonable to assume a conductive type fiber optic cable could be used to provide service in some cases. This potentially "conductive" fiber optic cable would provide an electrical path from the outside plant into the customer premise and incident with it, a potential lightning or electrical fault shocking potential.

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Along with NEC Articles 770, 800, 820, and 830 there are also other portions of the code that are referenced within and which would also apply. One of the key requirements referenced is Article 250 which pertains to acceptable electrical grounds, bonding methods, as well as prohibited practices.

FIELD INSPECTION OF FiOS INSTALLATIONS

Review of the DPS field staff report data collected at several locations this past spring included some Verizon FiOS customer installations. That data reveals a number of issues. A high proportion of the customer installations inspected were not compliant with the National Electrical Code as defined above, particularly its requirements for bonding and grounding.² Examples of the installation practices that were identified as problematic included but were not limited to; trying to electrically ground FiOS equipment to a premise's heating fuel vent pipe, ground wire connected to a plastic pipe elbow, and several that had no ground present at all. We tentatively conclude these conditions are unacceptable under the code and to constitute a potential safety hazard. While these inspections constitute a modest sample of relatively recent installations of a new service offering, the high degree of non-compliance raises a concern that should be addressed in the early stages of the FiOS/FTTP deployment.³

The fact that a relatively high percentage appears noncompliant with electrical safety code requirements indicates there may be some general issues related to Verizon's staff and/or contractor training and company oversight of installation quality. While an occasional problem might be encountered regarding NEC code compliance in any review, it is not normal to encounter a significant rate of problems in a sample of installations. The cause of such problems might be improper employee training, contractor performance problems, or the lack of an effective installation quality oversight

² While a hard count is not possible due to the manner in which the customer drop data was collected, individual inspectors consistently relate that roughly one-half of the customer installations they were able to fully inspect failed to comply with the NEC.

³ The "non-compliant" FiOS installations were recently transmitted to Verizon for follow-up (August 16, 2006 e-mail from Ruvain Kudan to Julie LaCava).

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program. Given the gravity of the potential safety problems involving noncompliance with NEC code requirements and the rapid roll out of Verizon FIOS premises installations more generally, there is a need to bring this issue to Verizon's attention immediately. It also seems wise to use this discussion to consider other questions raised by the DPS field review regarding abandoned "twisted pair" and existing cable connections where FIOS has been installed.

NEXT STEPS

A meeting between Verizon technical staff responsible for FiOS field installation supervision and DPS OT technical staff should be conducted to outline the nature of the perceived problem and the essential nature of full NEC compliance. At this meeting, Verizon should address the concerns raised and provide answers to the following questions:

- A.) What are Verizon's standard installation practices regarding FiOS and compliance with the current (2005) National Electrical Code grounding and bonding safety requirements in Article 820 and other applicable sections of the code?
- B.) Should unused twisted pair copper installations which are not compliant with current NEC codes be removed or brought into full compliance with the current (2005) NEC requirements?
- C.) Are FiOS installers removing or causing improper ground connections to competitor (CATV installed) safety grounds with consequent safety consequences for the premises occupants and CATV staff?

SUMMARY

It is critical that customers be afforded the degree of protection that proper NEC code compliance can afford. While few things can ensure absolute safety under all conditions, FiOS installations that are NEC code compliant provide an important measure of protection for customers as well as improve the reliability of service. After a review of the NEC code, staff has tentatively concluded that Articles 250, 770, 800, 820,

Verizon FIOS Customer Premises NEC Compliance Issues

August 31, 2006

and 830 of the NEC code are most relevant. Staff having reviewed a sample of FiOS customer installations has found a surprisingly high degree of non-compliance with the standards we believe applicable.

The next step is to invite Verizon to meet with us to gain the perspective of its views of the Staff analysis and to address the specific questions outline above.

EXHIBIT 6

"NY DPS INSTALLATION REVIEW: FiOS RELATED CUSTOMER PREMISES
INSTALLATION AUDITS"
(APRIL 2008)

[HTTP://WWW.DPS.STATE.NY.US/FIOS_RELATED_CUSTOMER_PREMISES_APRIL_2008.PDF](http://www.dps.state.ny.us/fios_related_customer_premises_april_2008.pdf)

CONTAINS REDACTED MATERIAL

DPS Installation Review: FiOS Related Customer Premises Installation Audits

April 2008

SUMMARY

The April 2008 inspections targeted random FiOS installations in communities where Verizon acquired video franchises in the counties of Nassau, Orange, Rockland, and Westchester. The results indicate Verizon FiOS "drops" (or customer installations) continue to remain non-compliant with applicable codes at the same frequency, i.e., greater than 50%, as in previous inspections.

Prior Audit Results and Discussions with Verizon

In the spring of 2006, staff conducted field audits at several locations that included Verizon FiOS customer installations in response to concerns expressed by consumers, municipalities, and competitors. The audits revealed a high proportion, roughly 50% of FiOS customer installations inspected, were not compliant with the NEC requirements for bonding and grounding. Staff subsequently shared its findings¹ with Verizon and then met with Verizon on October 4, 2006 to discuss the concerns. Verizon presented a plan to improve its compliance with applicable safety codes (Verizon's Method and Procedure bulletin, Doc. No.: 2006-00837-MDP, FiOS Single Family Unit (SFU) ONT Grounding Practices). The bulletin was distributed nationally to all FiOS installation and maintenance personnel with an immediate effective date.

In October 2007 staff concluded a follow-up series of audits to review customer-premise installation and safety matters. One objective was to confirm Verizon had implemented appropriate corrective measures in response to the 2006 findings. The 2007 findings were consistent with those in 2006: a high percentage of FiOS customer installations, again over 50%, were not compliant with NEC requirements for bonding and grounding. The 2007 findings² were provided to Verizon and staff met with the company again on December 11, 2007 and January 8, 2008. Verizon indicated it

¹ DPS Preliminary Review: Verizon FiOS Customer Premises Installation NEC Compliance Issues, August 31, 2006

² DPS Installation Review: FiOS Related Customer Premises Installation Audits, October 2007

Verizon FIOS Customer Premises

April 2008 Audits

had instituted additional hands-on training which would be completed by February 2008. To address staff's concern that the stock of existing non-compliant installations was likely growing, Verizon indicated it would correct installations with deficient grounding and bonding during routine service calls.

Staff's April 2008 Audit

Staff's latest audit targeted the counties of Nassau, Orange, Rockland, and Westchester. FiOS-served communities within those counties were visited and FiOS customer installation sites randomly selected for review.³ Staff conducted random inspections of 303 homes in 24 different municipalities. Staff's focus was the installation practices of Verizon FiOS particularly with regard to proper grounding and bonding.

Similar to the previous audit, the 2008 review found a high degree of grounding and bonding non-compliance (177 of 303, or 58%). Some deficiencies were significant, including the complete lack of grounding and bonding, or facilities grounded to an independent ground rod with no bonding to the building electrode system. The audit also found instances of lesser concern such as using inappropriate connection points and multiple ground wires under one attachment device. The audit also looked at those situations where the new Verizon customer was formerly a customer of the competitive cable company. This revealed instances (32) where the Verizon FiOS ground conductor was incorrectly connected to a competitor's ground facilities placing both in violation of the applicable codes.

The following tables generally summarize the 2008 audit findings.

³ Communities visited include: Bellerose, Saddle Rock, Great Neck, Thomaston, Plandome, Plandome Heights, Munsey Park, Centre Island, Bayville, Oyster Bay, Newburgh, Ramapo, Haverstraw, West Haverstraw, Sleepy Hollow, Briarcliff, Ossining (Town & Village), Larchmont, Mamaroneck (Town & Village), Rye, Rye Brook, and Mount Kisco.

Verizon FIOS Customer Premises

April 2008 Audits

Verizon FiOS Installation Summary

	Orange/Rockland 78 FIOS drops checked	Westchester 133 FIOS drops checked	Nassau 92 FIOS drops checked
No Ground	6	26	34
Ground rod no bond	0	9	3
Loose ground wire connection	0	3	0
Multiple ground wires on single clamp	6	24	19
Spliced ground wire	3	12	4
Improper grounding point	7	17	4
Total	22	91	64

Issues	Audit results all areas checked	% Sample Failed
Verizon FIOS service code compliance issues	177 of 303	58 %

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

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RESULTS OF OUTSIDE PLANT INSPECTION
OF VERIZON FiOS

In The
County of Westchester

By:
The New York State Department of Public Service
Telecommunications Division
Albany, NY 12223
(518) 474-2213

Report No. T020-08-4205
Test Date: 04/07-11/2008

Report Written By:

Michael Fiorillo
Utility Specialist 1

Report # T020-08-4205

SUMMARY OF INSPECTION OF VERIZON FiOS FACILITIES IN WESTCHESTER COUNTY FOR UNSAFE AND NONSTANDARD SUBSCRIBER INSTALLATION PRACTICES.

On April 7-11, 2008, Department of Public Service (DPS) Utility Specialists Michael Fiorillo and Michael McTague conducted an inspection of the Verizon FiOS subscriber installations in Westchester County, New York. A total of 167 sites were reviewed within Westchester County. Overall, the subscriber installations in those areas inspected were found to be in poor condition.

Of the 167 FiOS installations inspected, 69 were nonstandard conditions related to grounding, 25 were related to adversely affecting CATV, 34 had no access to the FiOS Network Terminal ground, and 39 with no trouble found. These are listed separately.

FiOS NONSTANDARD CONDITIONS - GROUNDING

Sleepy Hollow – Westchester County

1. Pole (no #), [REDACTED] Independence Street
FiOS not grounded. (Photo 1)
2. Pole W2, [REDACTED] Independence Street
FiOS ground conductor on same clamp as power ground conductor
3. Pole W3, [REDACTED] Independence Street
FiOS not grounded. (Photo 2)
4. Pole (no #), [REDACTED] Broadway
FiOS not grounded.
5. Pole (no #), [REDACTED] Windle Park
FiOS not grounded – attached to ONT power supply lug only.
6. Pole W7, [REDACTED] Windle Park
FiOS not grounded.

7. Pole W3, [REDACTED] Church Street
**FiOS ground attached to screw on meter pan weather head.
(Photo 4)**
8. Pole 8, [REDACTED] Church Street
FiOS not grounded.

Briarcliff - Westchester County

9. Pole 2, [REDACTED] Willow Drive
FiOS not grounded.
10. Pole 11, [REDACTED] Hickory Road
FiOS ground conductor attached to unbonded driven electrode.
11. Pole 5, [REDACTED] Willow Drive
**FiOS ground conductor attached to screw on Romex connector on
meter pan. (Photo 5)**
12. Pole 17, [REDACTED] Locust Drive
**FiOS and copper telephone ground conductor attached to same
single conductor clamp. (Photo 6)**
13. Pole P3, [REDACTED] Hemlock Road
**FiOS and copper telephone using same ground lug on screw on
weather head. (Photo 8)**
14. Pole P1, [REDACTED] Hemlock Road
FiOS not grounded.
15. Pole P9, [REDACTED] Hemlock Road
FiOS ground conductor attached to unbonded driven electrode.

Town of Ossining - Westchester County

16. Pole W2, [REDACTED] Tuttle Drive
**FiOS and copper telephone ground conductors attached to same
single conductor clamp on unbonded driven electrode. (Photo 10)**
17. Pole 5, [REDACTED] Tuttle Drive
FiOS not grounded.

18. Pole W1, [REDACTED] Donald Lane
**FiOS ground conductor spliced at copper telephone terminal.
(Photo 11)**
19. Pole T12, [REDACTED] Donald Lane
**FiOS ground conductor attached to screw on meter pan weather
head. (Photo 12)**
20. Pole T14, [REDACTED] Donald Lane
**FiOS ground conductor attached to screw on electrical box.
(Photo 13)**
21. Pole W21, [REDACTED] Donald Lane
FiOS ground conductor spliced at copper telephone terminal.
22. Pole 3, [REDACTED] Sleator Street
**FiOS ground conductor spliced at copper telephone terminal to
ground lug on nut of weather head.**
23. Pole 4867 in front of Blue House on Ganung Drive
FiOS not grounded.

Village of Ossining - Westchester County

24. Pole W13, [REDACTED] Butler Place
**FiOS and copper telephone ground conductors attached to same
single conductor clamp on unbonded driven electrode. (Photo 14)**
25. Pole (no #), [REDACTED] Butler Place
FiOS not grounded.
26. Pole W4, [REDACTED] Sutton Place
FiOS not grounded.
27. Pole 7, [REDACTED] Eldridge Avenue
FiOS not grounded.
28. Pole 7, [REDACTED] Eldridge Avenue
**FiOS ground conductor attached to ground lug on screw on
weather head.**

Larchmont - Westchester County

- 29. Pole W7, [REDACTED] Bonnett Avenue
**FiOS ground conductor spliced at copper telephone terminal.
(Photo 16)**
- 30. Pole W7, [REDACTED] Bonnett Avenue
FiOS not grounded.
- 31. Pole W7, [REDACTED] Forest Park Avenue
FiOS ground conductor attached to loose clamp on meter pan.
- 32. Pole 5, [REDACTED] Nassau Road
FiOS not grounded.
- 33. Pole W4, [REDACTED] Hall Avenue
FiOS not grounded.
- 34. Pole W5, [REDACTED] Hall Avenue
FiOS ground conductor attached to screw on meter pan. (Photo 17)
- 35. Pole 2, [REDACTED] Virginia Place
FiOS ground conductor spliced at copper telephone terminal.
- 36. Pole W3, [REDACTED] Harmony Drive
FiOS not grounded.

Village of Mamaroneck - Westchester County

- 37. Pole 10, [REDACTED] Union Avenue
FiOS not grounded.
- 38. Pole 7, [REDACTED] Union Avenue
FiOS not grounded.
- 39. Pole 4, [REDACTED] Union Avenue
**FiOS ground conductor attached to screw on Romex connector on
meter pan. (Photo 18)**
- 40. Pole 4, [REDACTED] Union Avenue
**FiOS and copper telephone ground conductors attached to same
single conductor clamp on electric conduit.**

- 41. Pole 3, [REDACTED] Hinman Place
FiOS not grounded.
- 42. Pole 7, [REDACTED] Melbourne Avenue
FiOS ground conductor attached to unbonded driven electrode.

Town of Mamaroneck - Westchester County

- 43. Pole (no #), [REDACTED] Prospect Avenue, top ONT
FiOS ground conductor attached to ground lug on screw on Romex connector on meter pan.
- 44. Pole (no #), [REDACTED] Prospect Avenue, bottom ONT
FiOS ground conductor attached to ground lug on screw on Romex connector on meter pan.
- 45. Pole 8, [REDACTED] Country Road
FiOS and copper telephone ground conductors attached to same screw on meter pan.
- 46. Pole 8, [REDACTED] Country Road
FiOS ground conductor attached to clamp not designed for this purpose. (Photo 20)

Rye - Westchester County

- 47. Pole (no #), [REDACTED] Grapal Street
FiOS not grounded.
- 48. Pole 50, [REDACTED] Midland Avenue
FiOS ground conductor attached to copper telephone terminal lug. (Photo 23)
- 49. Pole W11, [REDACTED] Palisade Road
FiOS ground conductor attached to unbonded driven electrode.
- 50. Pole 7, [REDACTED] Palisade Road
FiOS ground conductor spliced at copper telephone terminal.
- 51. Pole 2, [REDACTED] Richard Place
FiOS ONT and FiOS ground block ground conductors attached to same ground lug on screw of Romex connector. (Photo 24)

- 52. Pole 5, [REDACTED] Sanford Street
FiOS and copper telephone ground conductors attached to same single conductor clamp on power rod.
- 53. Pole 6, [REDACTED] Sanford Street
FiOS ground conductor spliced at terminal lug to meter pan.
- 54. Pole W3, [REDACTED] Sanford Street
FiOS ground conductor attached to screw on weather head.

Rye Brook - Westchester County

- 55. Pole 5, [REDACTED] Westview Avenue
FiOS ground conductor attached to unbonded driven electrode.
- 56. Pole (no #), [REDACTED] Roanoke Avenue
FiOS ground conductor spliced at copper telephone terminals.
- 57. Pole 13, [REDACTED] Valley Terrace
FiOS ground conductor spliced at copper telephone terminal.
- 58. Pole 18, [REDACTED] Valley Terrace
FiOS ground conductor attached to screw on Romex connector on meter pan.
- 59. Pole 17, [REDACTED] Tamerac Street
FiOS not grounded.

Mt. Kisco - Westchester County

- 60. Pole W9, [REDACTED] Beverly Road
FiOS and copper telephone ground conductors both attached to loose single conductor strap on power conduit.
- 61. Pole W15, [REDACTED] Beverly Road
FiOS not grounded.
- 62. Pole W1, [REDACTED] Forest Drive
FiOS and copper telephone ground conductors attached to same single conductor strap.

- 63. Pole 2, [REDACTED] Forest Drive
FiOS ground conductor attached to screw on Romex connector on meter pan.
- 64. Pole W32, [REDACTED] Marion Avenue
FiOS not grounded.
- 65. Pole W9, [REDACTED] Manchester Drive
FiOS not grounded.
- 66. Pole W3, [REDACTED] Manchester Drive
FiOS ground conductor attached to screw on Romex connector on meter pan. (Photo 26)
- 67. Pole 2, [REDACTED] Willetts Road
FiOS not grounded.
- 68. Pole W2, [REDACTED] Brookside Avenue
FiOS ground conductor attached to unbonded driven electrode.
- 69. Pole W6, [REDACTED] Brookside Avenue
FiOS and copper telephone ground conductors attached to same single conductor clamp.

FiOS INSTALLATIONS ADVERSELY AFFECTING CATV

Sleepy Hollow – Westchester County

- 70. Pole 9, [REDACTED] Church Street in Sleepy Hollow
**Broken CATV box with coax cable removed for use with FiOS.
(Photo 27)**
- 71. Pole W2, [REDACTED] Church Street
**FiOS ground conductor tapped to CATV ground conductor.
(Photo 3)**

Briarcliff - Westchester County

- 72. Pole P5, [REDACTED] Hemlock Road
FiOS and CATV ground conductors attached to same loose, single conductor pipe strap. (Photo 7)

73. Pole P9, [REDACTED] Hemlock Road
FiOS and CATV ground conductors attached to same single conductor clamp on power rod. (Photo 9)

Town of Ossining - Westchester County

74. Pole T18, [REDACTED] Donald Lane
FiOS and CATV ground conductors attached to same clamp.
75. Pole T19, [REDACTED] Donald
FiOS and CATV ground conductors attached to same single conductor strap on power conduit.

Village of Ossining - Westchester County

76. Pole (no #), [REDACTED] Butler Place
FiOS and CATV ground conductors attached to same single conductor strap

Larchmont - Westchester County

77. Pole 3, [REDACTED] Bonnett Avenue in Larchmont
CATV input to ground block disconnected. (Photo 28)
78. Pole W3, [REDACTED] Harmony Drive in Larchmont
CATV drop cut before ground block. (Photo 29)
79. Pole W2, [REDACTED] Lions Place
FiOS and CATV ground conductors attached to same single conductor clamp.

Town of Mamaroneck - Westchester County

80. Pole 12, [REDACTED] Mohegan Road
FiOS, CATV and copper telephone ground conductors attached to same single conductor clamp on electrical conduit. (Photo 19)
81. Pole 17, [REDACTED] Country Road
FiOS and CATV ground conductors attached to same single conductor strap on power conduit.

82. Pole 3, [REDACTED] Leatherstocking Road
FiOS ground conductor spliced at CATV ground block. (Photo 21)

Rye - Westchester County

83. Pole 4, [REDACTED] Grapal Street
FiOS and CATV ground conductors attached to same single conductor clamp on power rod. (Photo 22)
84. Pole W55, [REDACTED] Midland Avenue
FiOS and CATV ground conductors attached to same single conductor clamp on electric conduit.
85. Pole 51, [REDACTED] Midland Avenue
FiOS and 2 CATV ground conductors attached to same single conductor strap on power conduit.
86. Pole W11, [REDACTED] Palisade Road
FiOS and CATV ground conductors attached to same single conductor strap on power conduit.
87. Pole 3, [REDACTED] Grapal Street
FiOS and CATV ground conductors attached to same single conductor clamp.
88. Pole 3, [REDACTED] Sanford Street
FiOS ground conductor spliced to CATV ground block.
89. Pole (no #), [REDACTED] Sanford Street
FiOS and CATV ground conductors attached to same single conductor clamp on power conduit.

Rye Brook - Westchester County

90. Pole 7, [REDACTED] Westview Avenue
FiOS and CATV ground conductors both attached to loose single conductor strap.
91. Pole 7, [REDACTED] Westview Avenue
FiOS and CATV ground conductors attached to same single conductor strap on power conduit.

92. Pole W3, [REDACTED] Highview Avenue
FiOS, CATV and copper telephone ground conductors attached to same single conductor clamp on unbonded driven electrode.

Mt. Kisco - Westchester County

93. Pole W16, [REDACTED] Beverly Road
FiOS and CATV ground conductors attached to same single conductor strap.
94. Pole W3003, [REDACTED] Lafayette Drive
FiOS and CATV ground conductors attached to same single conductor strap.

The following sites were inspected with no trouble found.

Sleepy Hollow – Westchester County

- Pole 1, [REDACTED] Park Avenue and South Broadway
Pole 3, [REDACTED] Park Avenue
Pole 4, [REDACTED] Park Avenue
Pole W3, [REDACTED] Miller Avenue
Pole (no #), [REDACTED] Independence Street
Pole W3, [REDACTED] Church Street
Pole 5, [REDACTED] Church Street
Pole 9 [REDACTED] Church Street

Briarcliff - Westchester County

- Pole 7, [REDACTED] Hickory Road
Pole 17, [REDACTED] Central Drive

Town of Ossining – Westchester County

- Pole W4, [REDACTED] Tuttle Drive
Pole W3, [REDACTED] Tuttle Drive
Pole T18, [REDACTED] Donald Lane

Village of Ossining – Westchester County

- Pole 11, [REDACTED] Watson Avenue
Pole W1, [REDACTED] Underhill Road

Larchmont – Westchester County

Pole 3, [REDACTED] Bonnett Avenue
Pole 1, [REDACTED] Nassau Road
Pole 4, [REDACTED] Nassau Road
Pole 5, [REDACTED] Nassau Road
Pole W2, [REDACTED] Kenmare Road
Pole W4, [REDACTED] Harmony Drive

Town of Mamaroneck – Westchester County

Pole 9, [REDACTED] Avon Road
Pole 8, [REDACTED] Avon Road
Pole 3, [REDACTED] Leatherstocking Road

Rye – Westchester County

Pole 4, [REDACTED] Grapal Street
Pole 51, [REDACTED] Midland Avenue
Pole 46, [REDACTED] Midland Avenue
Pole 44, [REDACTED] Midland Avenue

Rye Brook – Westchester County

Pole W3, [REDACTED] Westview Avenue
Pole 27, [REDACTED] Highview Avenue
Pole W24, [REDACTED] Boston Post Road
Pole 13, [REDACTED] Valley Terrace
Pole 19, [REDACTED] Valley Terrace
Pole 19, [REDACTED] Tamerac Street
Pole 17, [REDACTED] Tamerac Street

Mt. Kisco – Westchester County

Pole 3, [REDACTED] Beverly Road
Pole W5, [REDACTED] Marion Avenue
Pole (no #), [REDACTED] Brookside Avenue
Pole W3, [REDACTED] Brookside Avenue

The following locations could not be verified because the FiOS ground attachment was installed inside the building.

Sleepy Hollow – Westchester County

Pole (no #), [REDACTED] Independence Street
Pole W3, [REDACTED] Independence Street
Pole 4, [REDACTED] Church Street

Briarcliff – Westchester County

Pole 11, [REDACTED] Hickory Road
Pole 7, [REDACTED] Willow Road

Town of Ossining – Westchester County

Pole W4, [REDACTED] Tuttle Drive
Pole T11, [REDACTED] Donald Lane

Village of Ossining – Westchester County

Pole (no #), [REDACTED] Sutton Place
Pole 11, [REDACTED] Watson Avenue
Pole W6, [REDACTED] Eldridge Avenue
Pole (no #), [REDACTED] Eldridge Avenue

Larchmont – Westchester County

Pole 3, [REDACTED] Bonnett Avenue
Pole 5, [REDACTED] Forest Park Avenue
Pole 6, [REDACTED] Nassau Road
Pole W3, Virginia Place
Pole W3, [REDACTED] Harmony Drive

Village of Mamaroneck – Westchester County

Pole 6, [REDACTED] Union Avenue
Pole 3, [REDACTED] Hinman Place
Pole 11, [REDACTED] Melbourne Avenue
Pole (no #), [REDACTED] Melbourne Avenue

Rye – Westchester County

Pole 78, [REDACTED] Grace Church Street
Pole 52, [REDACTED] Grace Church Street
Pole (no #), [REDACTED] Midland Avenue
Pole 44, [REDACTED] Midland Avenue, 1st ONT
Pole 44, [REDACTED] Midland Avenue, 2nd ONT
Pole 6, [REDACTED] Sanford Street

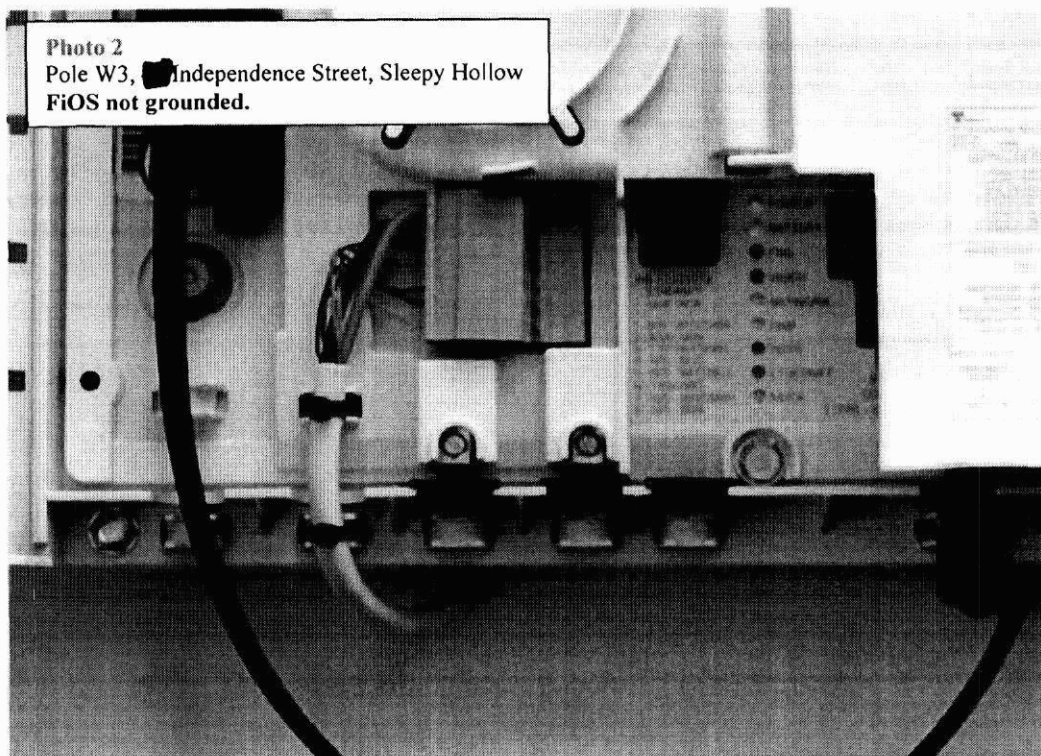
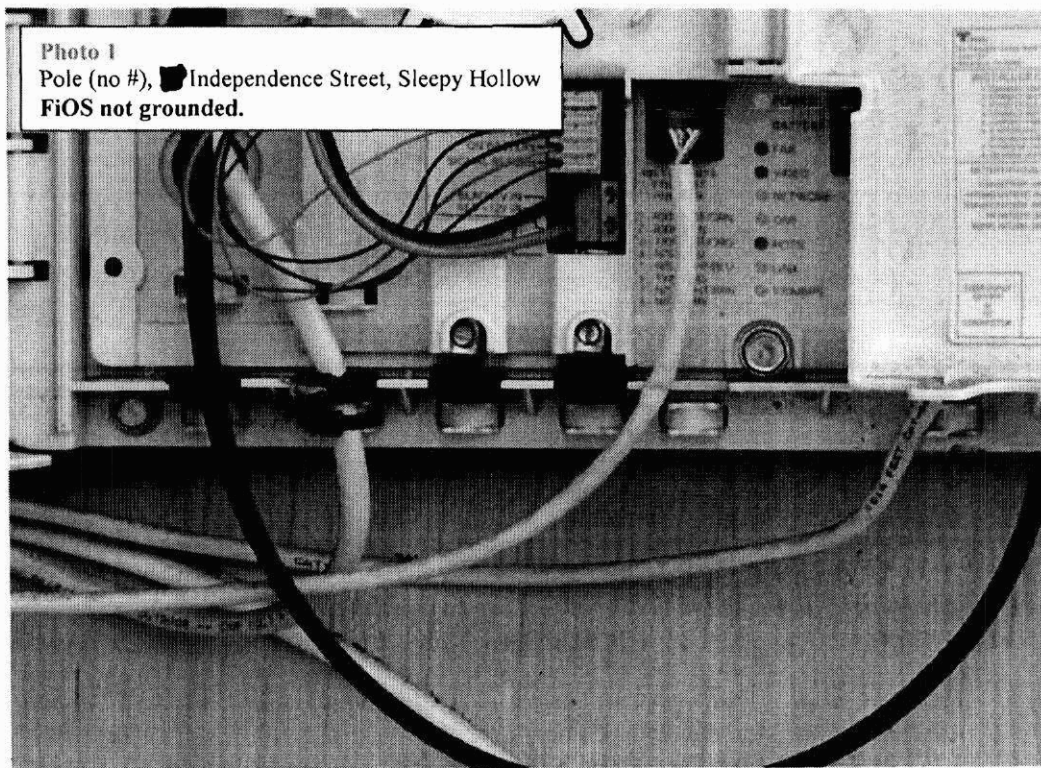
Rye Brook – Westchester County

Pole W3, [REDACTED] Highview Avenue
Pole 15, [REDACTED] Valley Terrace
Pole W22730, [REDACTED] Tamerac Street
Pole W22729, [REDACTED] Ridge Boulevard

Mt. Kisco – Westchester County

Pole 2, [REDACTED] Beverly Road
Pole 2, [REDACTED] Forest Drive
Pole W2, [REDACTED] Marion Avenue
Pole W7, [REDACTED] Brookside Avenue

Photos attached:



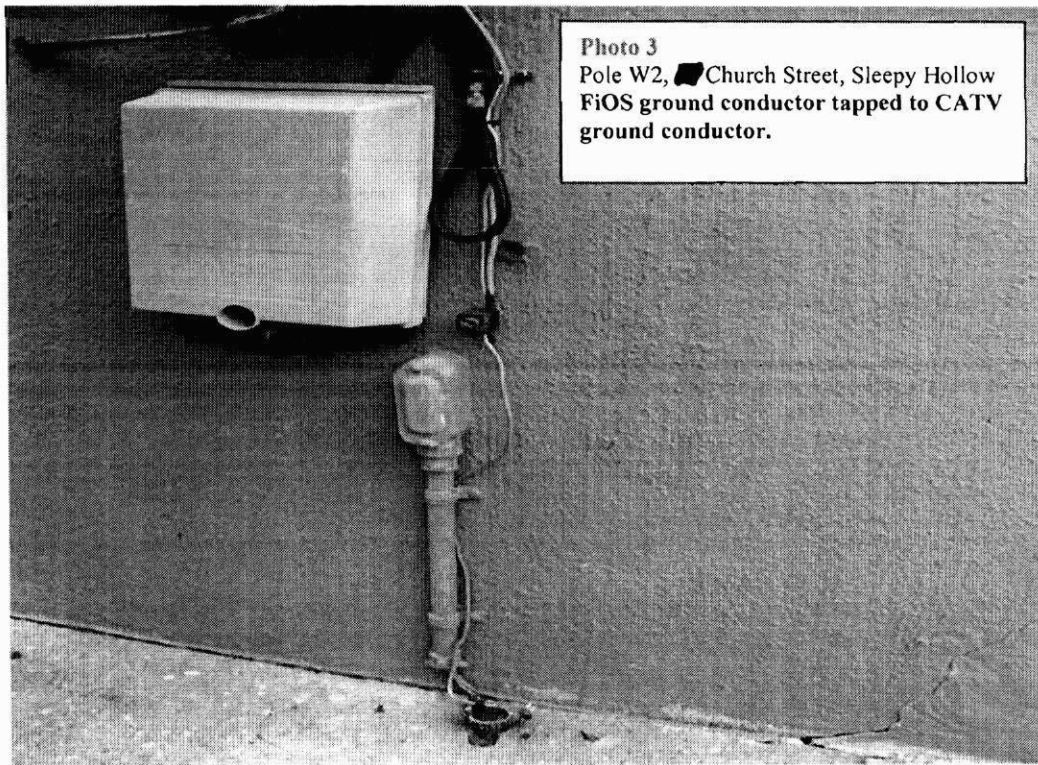


Photo 3
Pole W2, Church Street, Sleepy Hollow
FiOS ground conductor tapped to CATV
ground conductor.

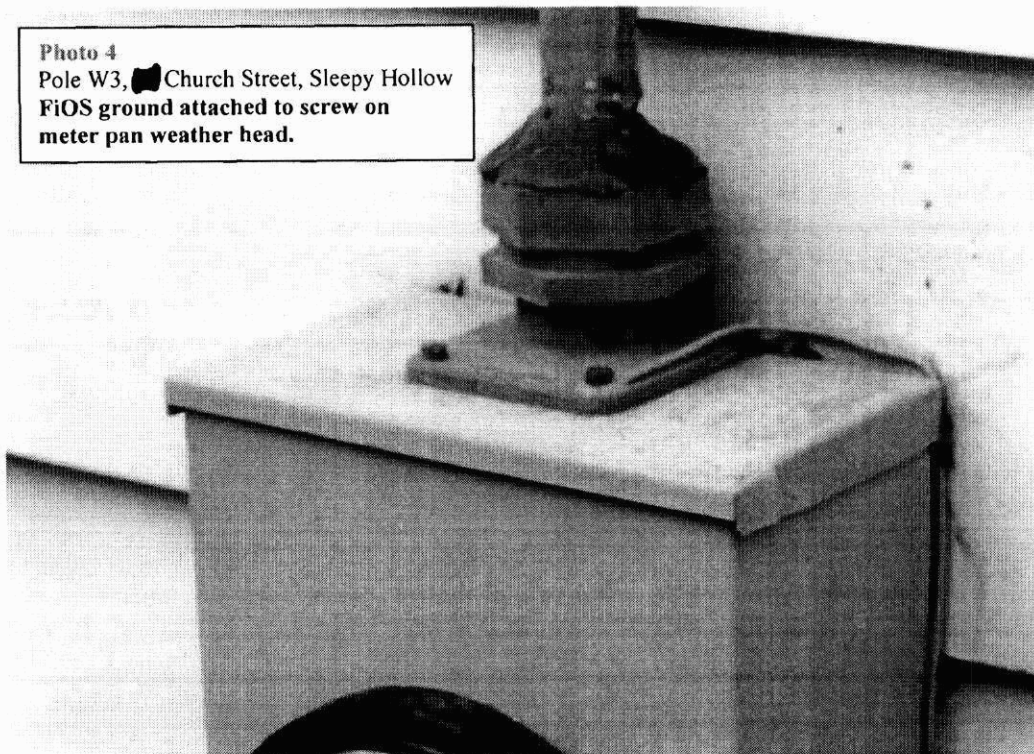


Photo 4
Pole W3, Church Street, Sleepy Hollow
FiOS ground attached to screw on
meter pan weather head.

Photo 5
Pole 5, [REDACTED] Willow Drive, Briarcliff
FiOS ground conductor attached
to screw on Romex connector on
meter pan.

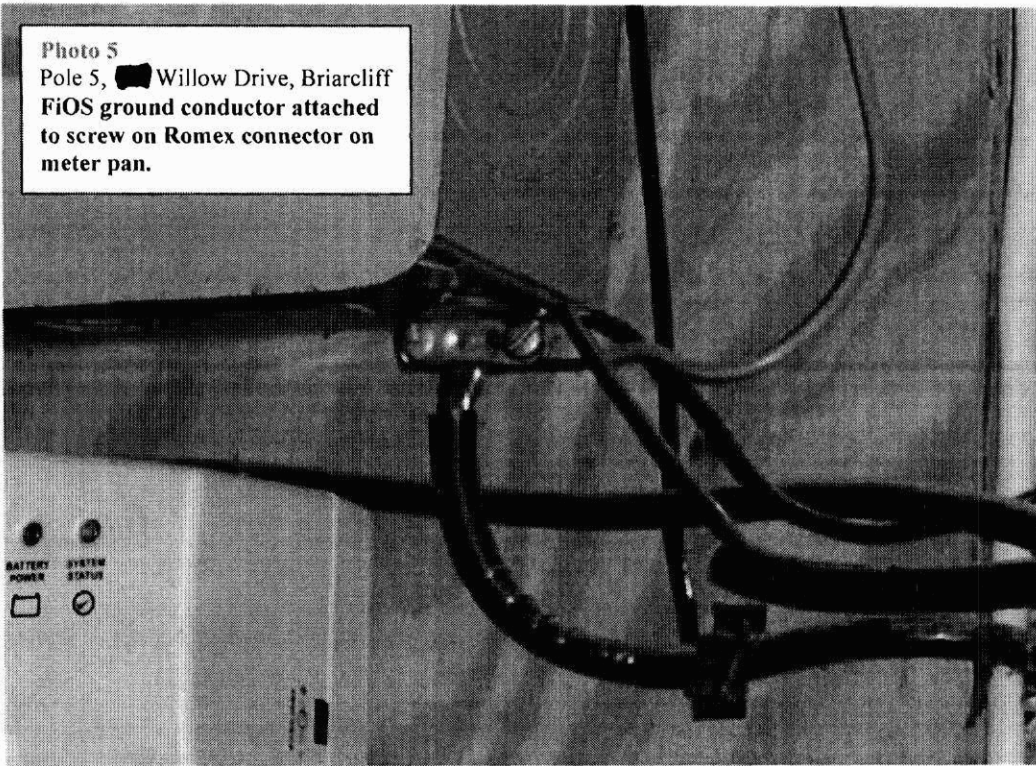


Photo 6
Pole 17, [REDACTED] Locust Drive, Briarcliff
FiOS and copper telephone ground
conductor attached to same single
conductor clamp.

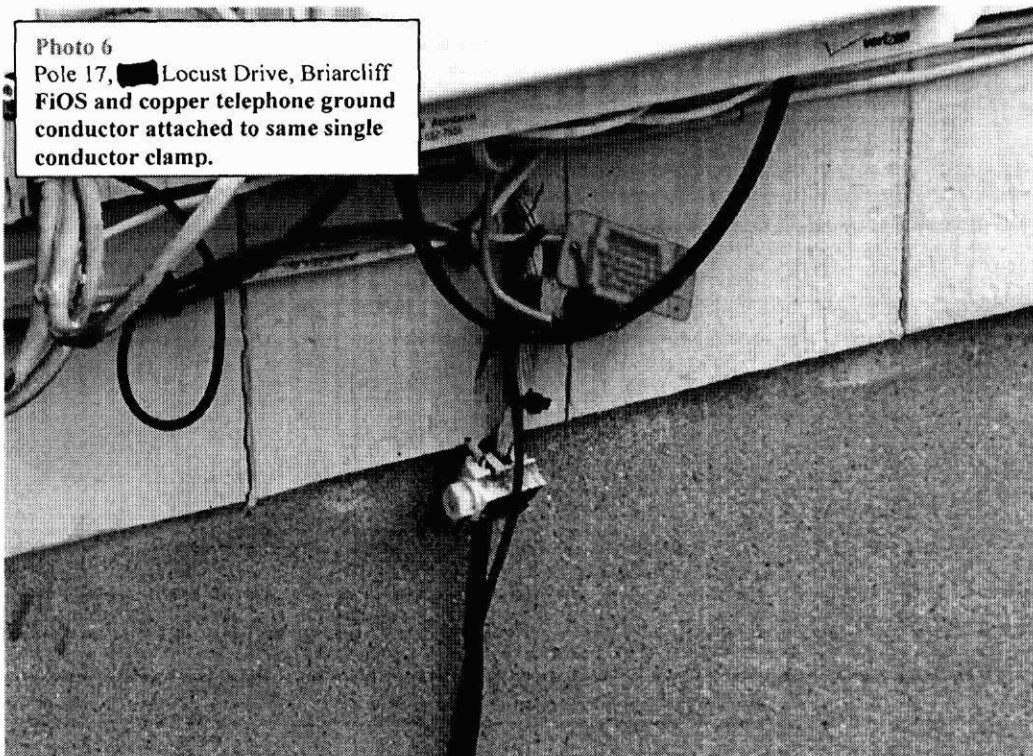


Photo 7
Pole P5, Hemlock Road, Briarcliff
FiOS and CATV ground conductors
attached to same loose, single
conductor pipe strap.

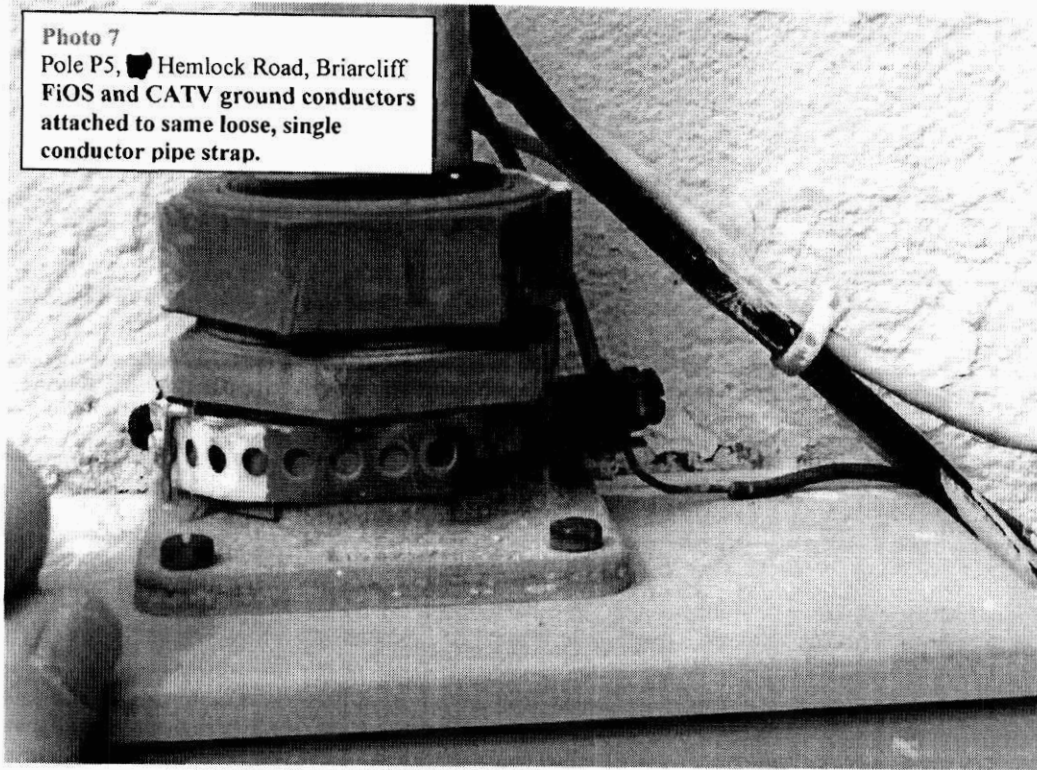


Photo 8
Pole P3, Hemlock Road, Briarcliff
FiOS and copper telephone using same
ground lug on screw on weather head.

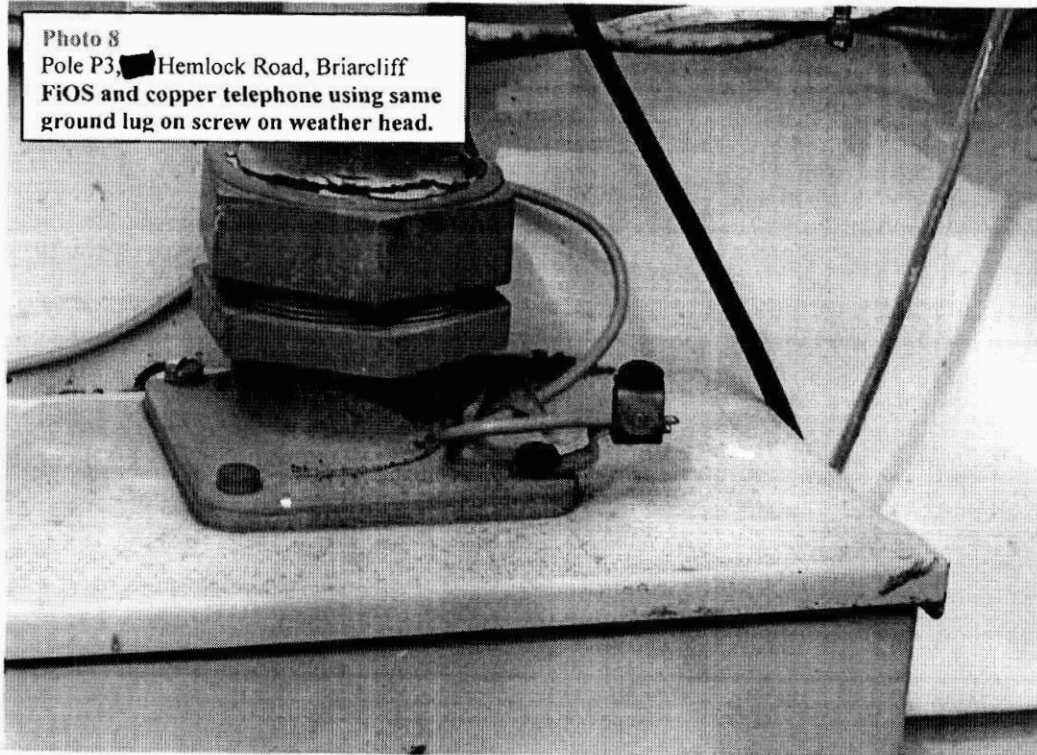


Photo 9
Pole P9, Hemlock Road, Briarcliff
FiOS and CATV ground
conductors attached to same single
conductor clamp on power rod.

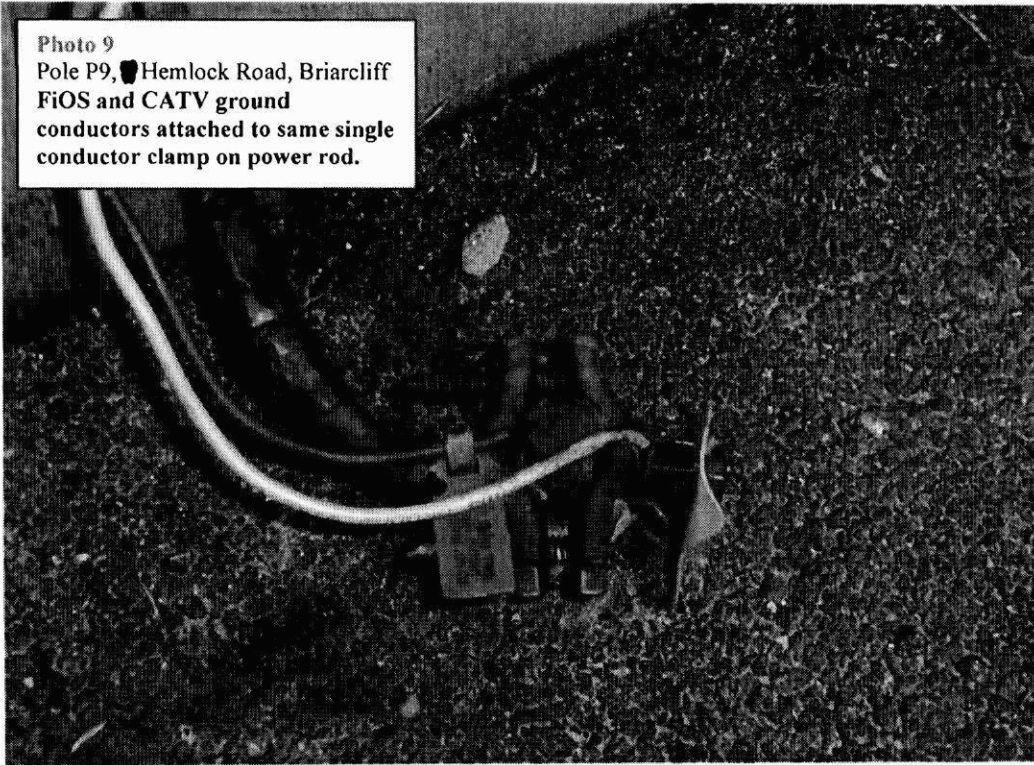


Photo 10
Pole W2, Tuttle Drive, Town of Ossining
FiOS and copper telephone ground
conductors attached to same single
conductor clamp on unbonded driven
electrode.

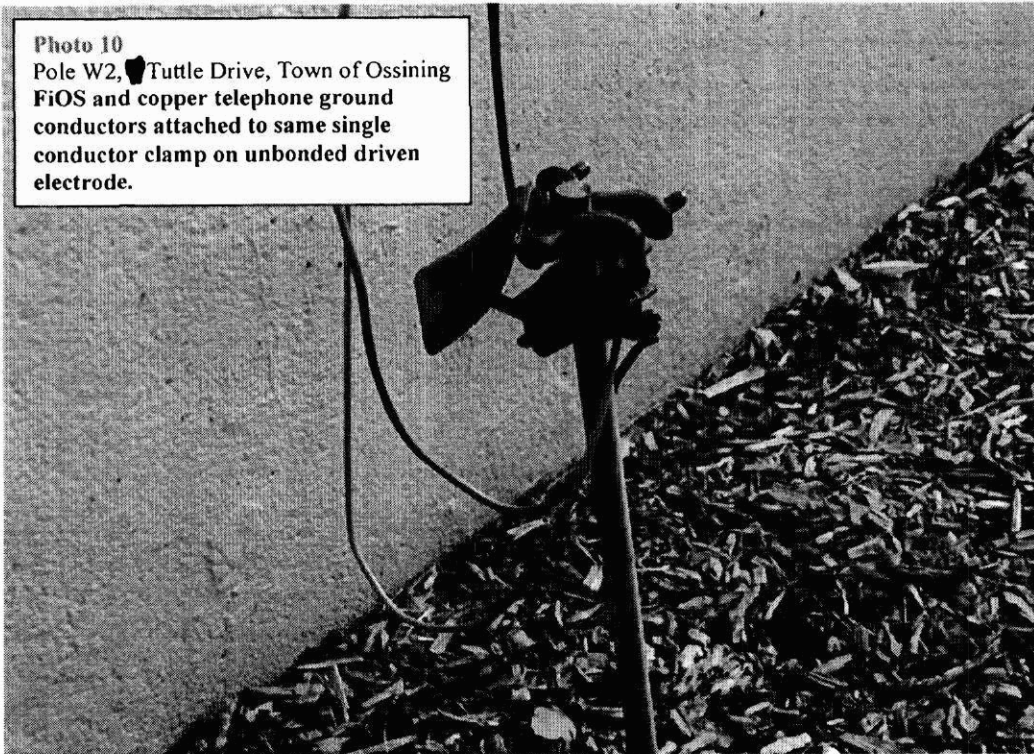


Photo 11
Pole W1, [REDACTED] Donald Lane, Town of Ossining
FiOS ground conductor spliced at copper
telephone terminal.

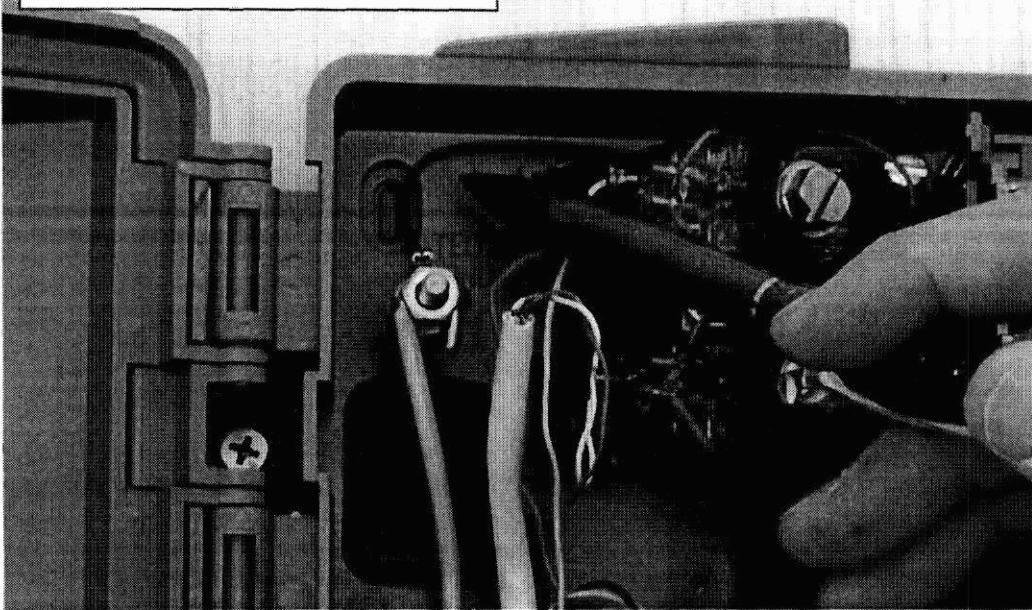


Photo 12
Pole T12, [REDACTED] Donald Lane, Town of Ossining
FiOS ground conductor attached to screw
on meter pan weather head.

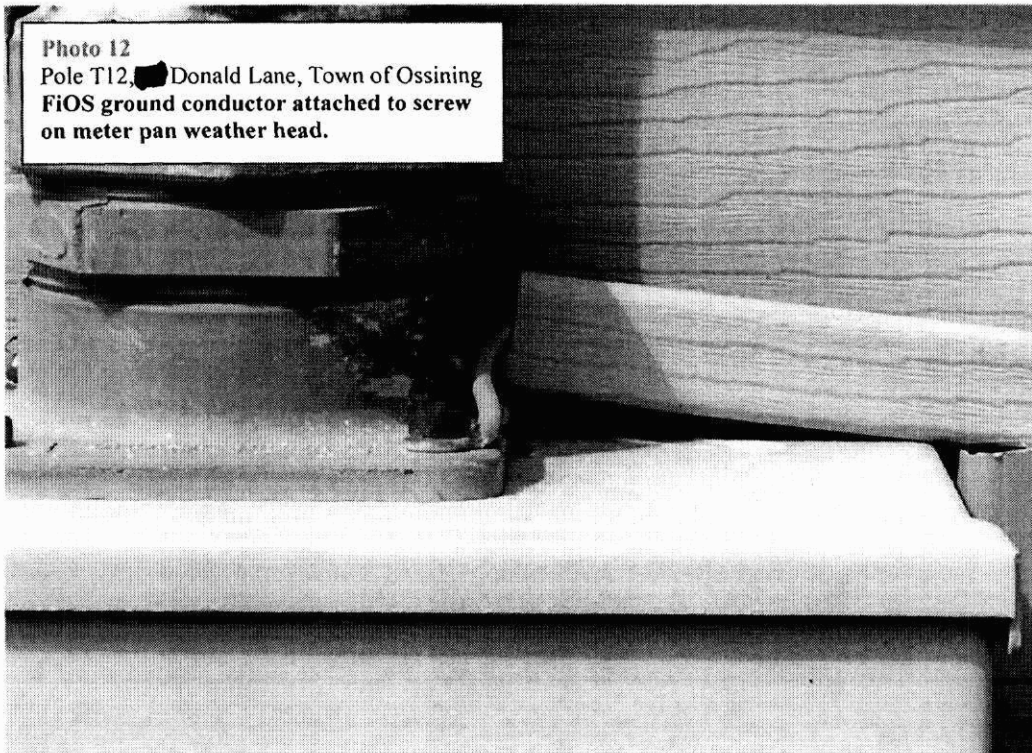


Photo 13
Pole T14, [REDACTED] Donald Lane, Town of Ossining
FiOS ground conductor attached to screw
on electrical box.

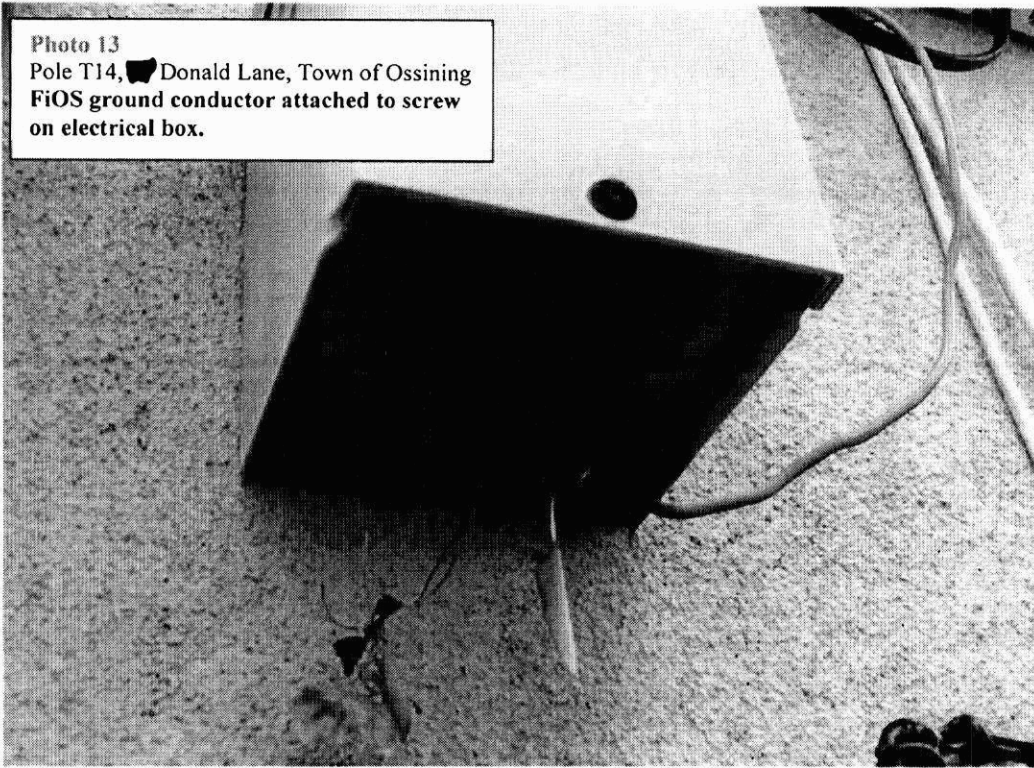


Photo 14
Pole W13, [REDACTED] Butler Place, Village of Ossining
FiOS and copper telephone ground
conductors attached to same single conductor
clamp on unbonded driven electrode.

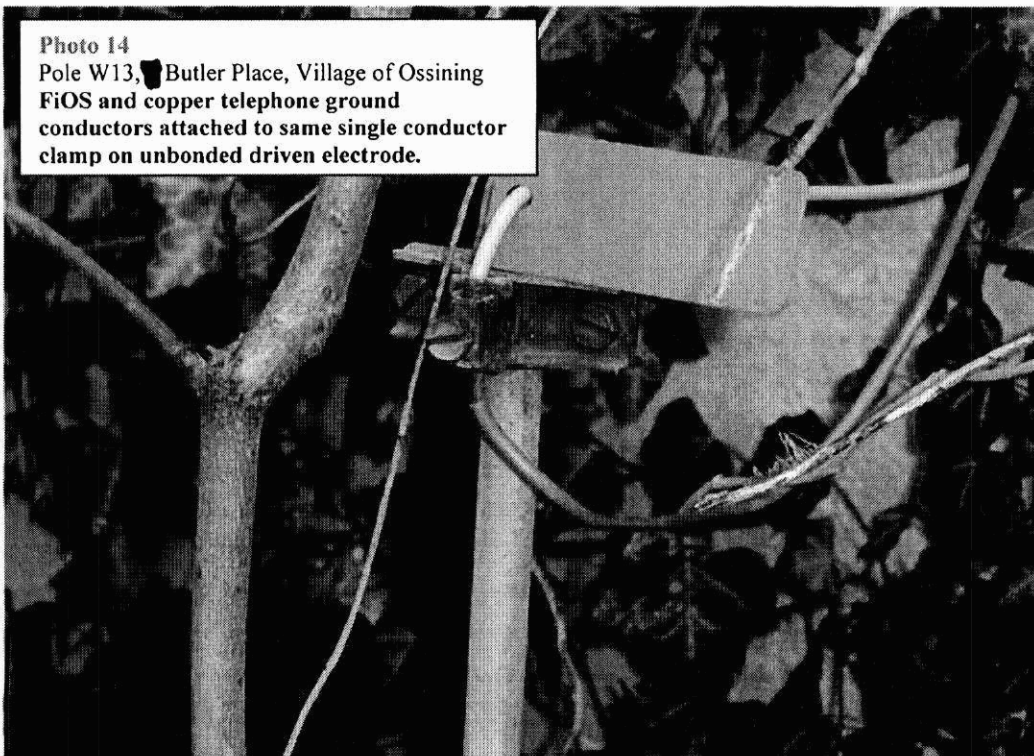


Photo 16
Pole W7, ■ Bonnett Avenue, Larchmont
FiOS ground conductor spliced at
copper telephone terminal.

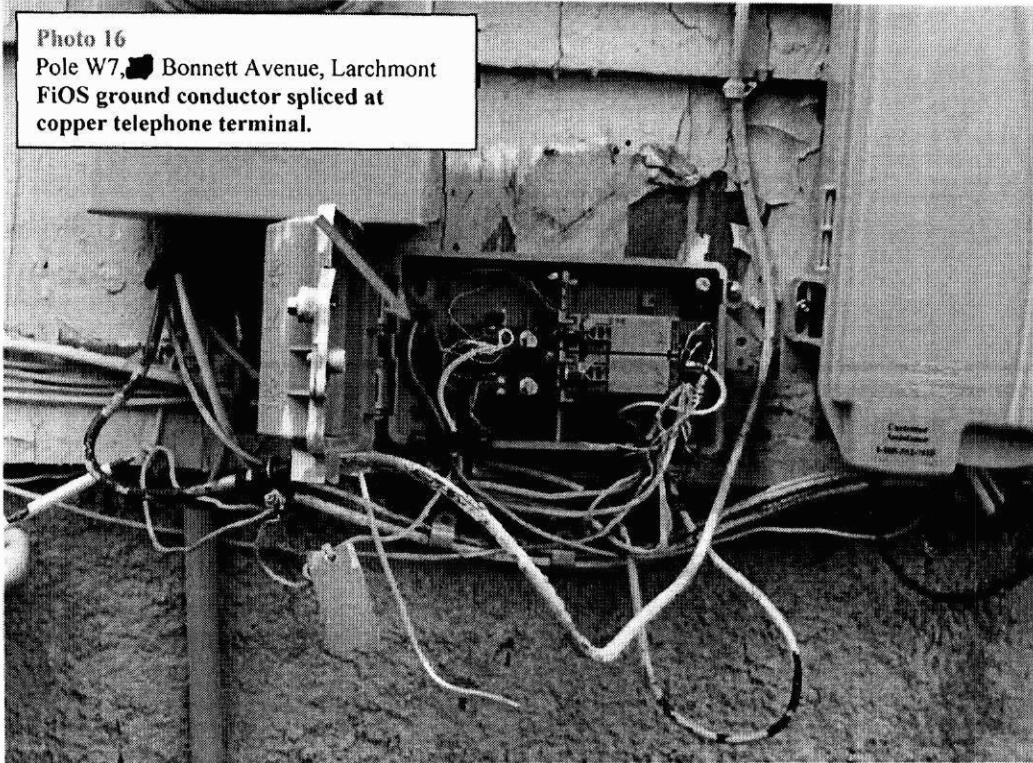


Photo 17
Pole W5, ■ Hall Avenue, Larchmont
FiOS ground conductor attached to
screw on meter pan.

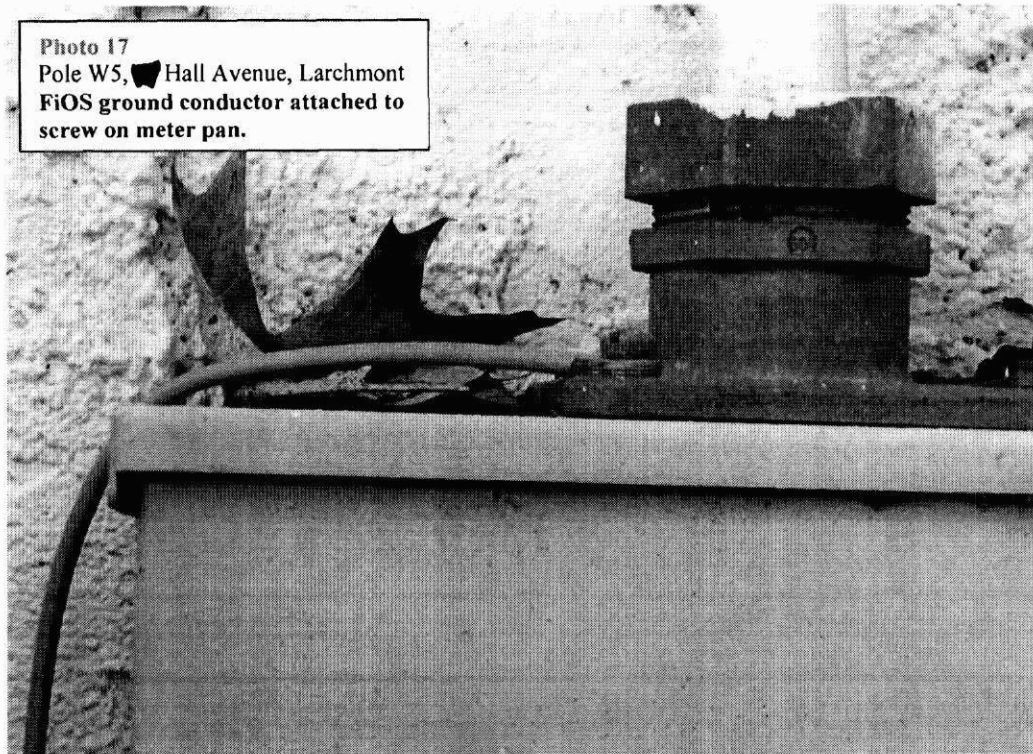


Photo 18
Pole 4, [REDACTED] Union Avenue, Village of Mamaroneck
FiOS ground conductor attached to screw on
Romex connector on meter pan.

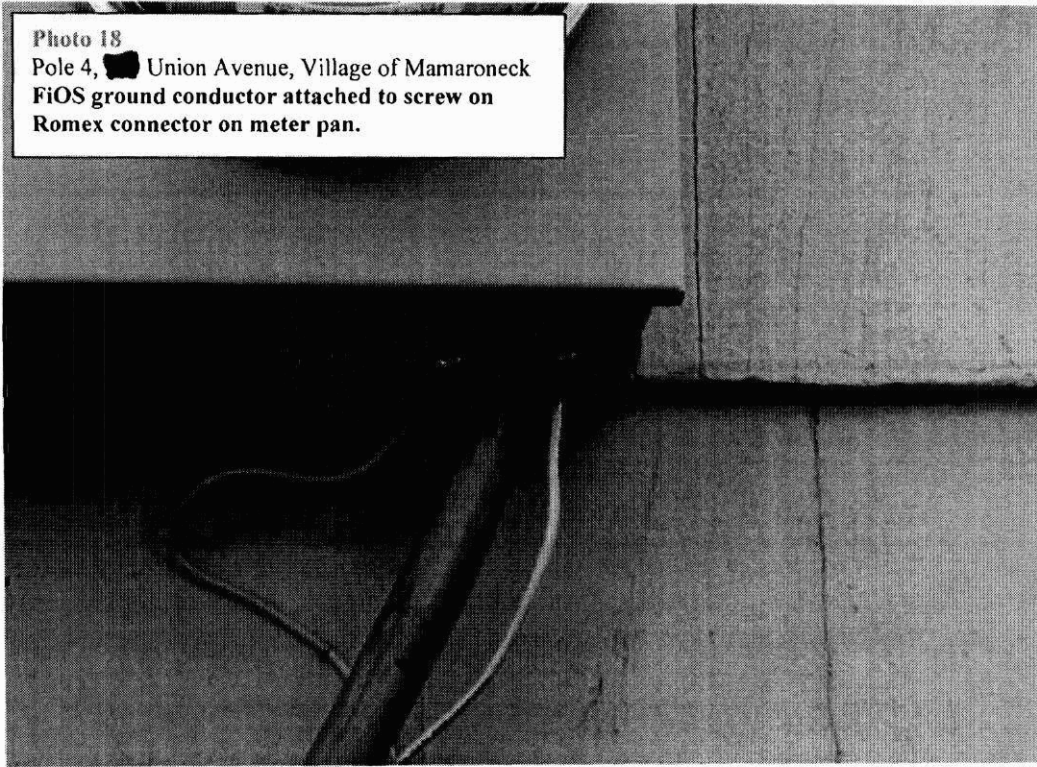


Photo 19
Pole 12, [REDACTED] Mohegan Road, Town of Mamaroneck
FiOS, CATV and copper telephone ground
conductors attached to same single conductor
clamp on electrical conduit.

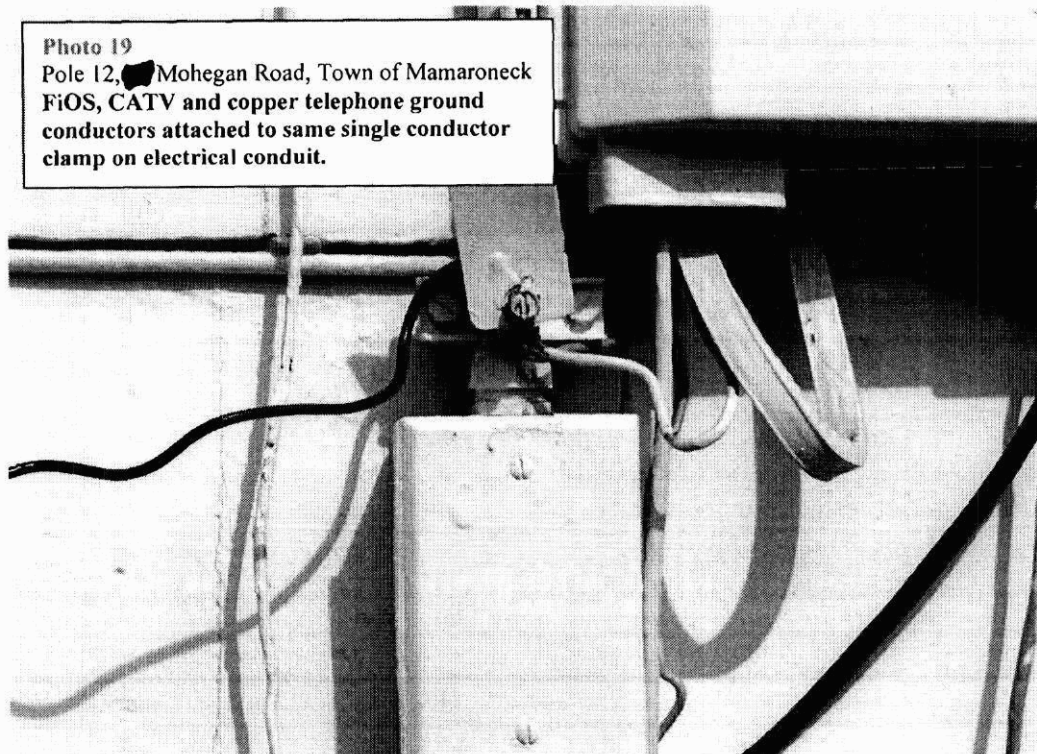


Photo 20
Pole 8, Country Road, Town of Mamaroneck
FiOS ground conductor attached to clamp not
designed for this purpose.

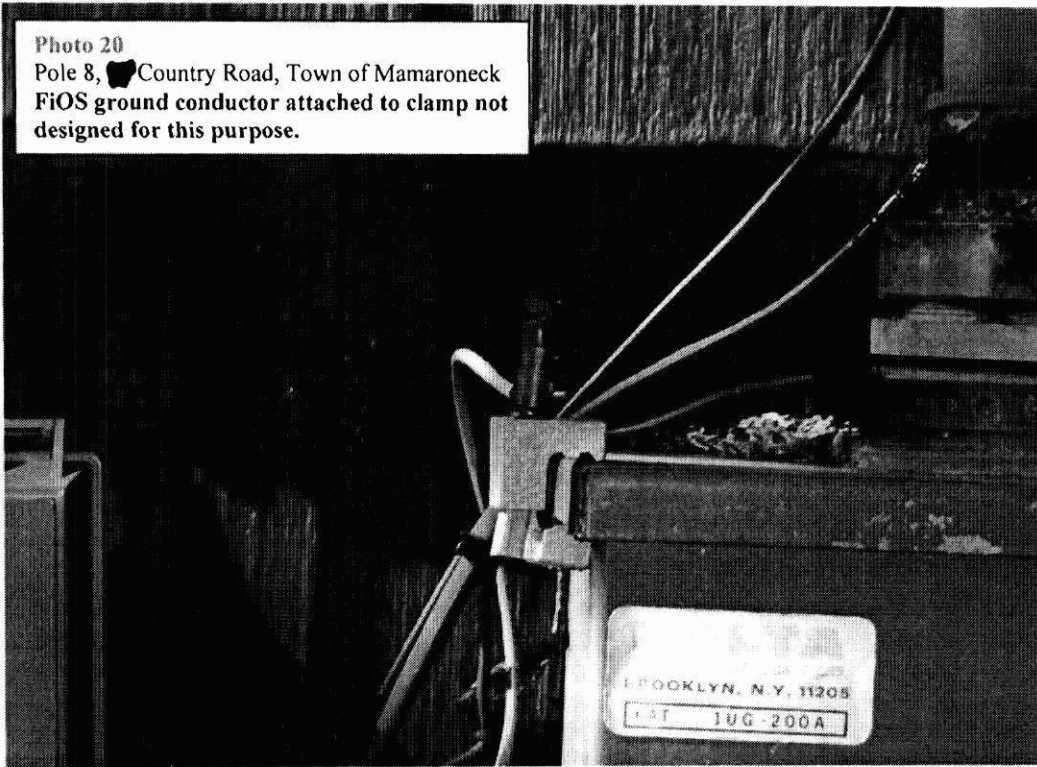


Photo 21
Pole 3, Leatherstocking Road, Town of Mamaroneck
FiOS ground conductor spliced at CATV ground block.

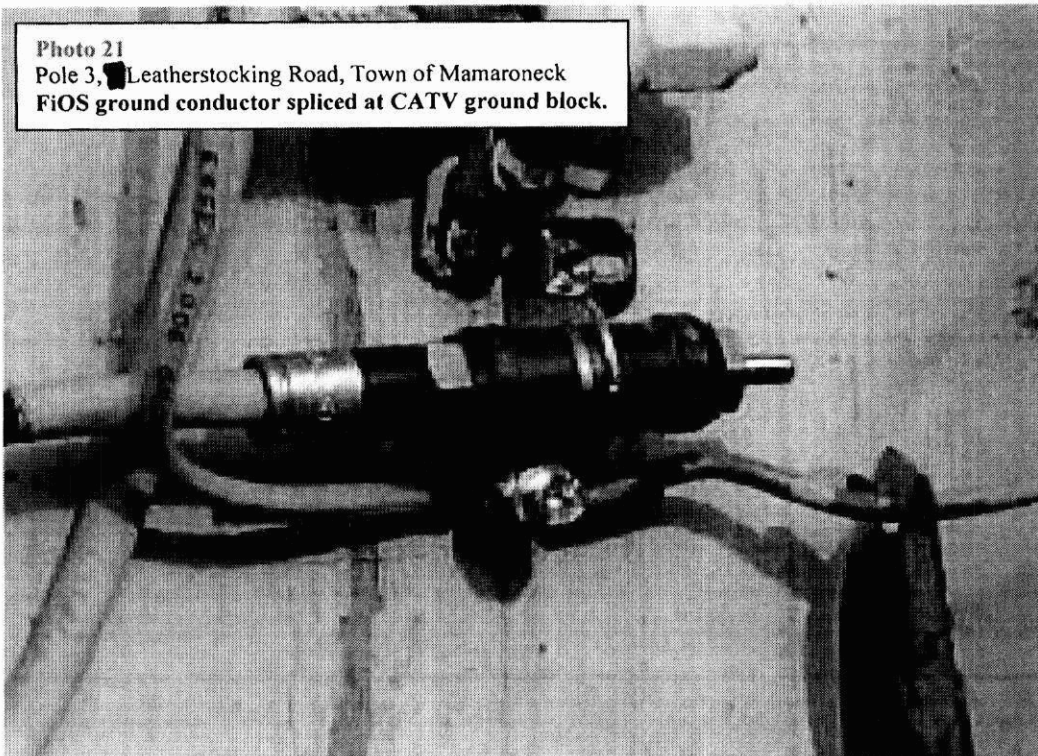
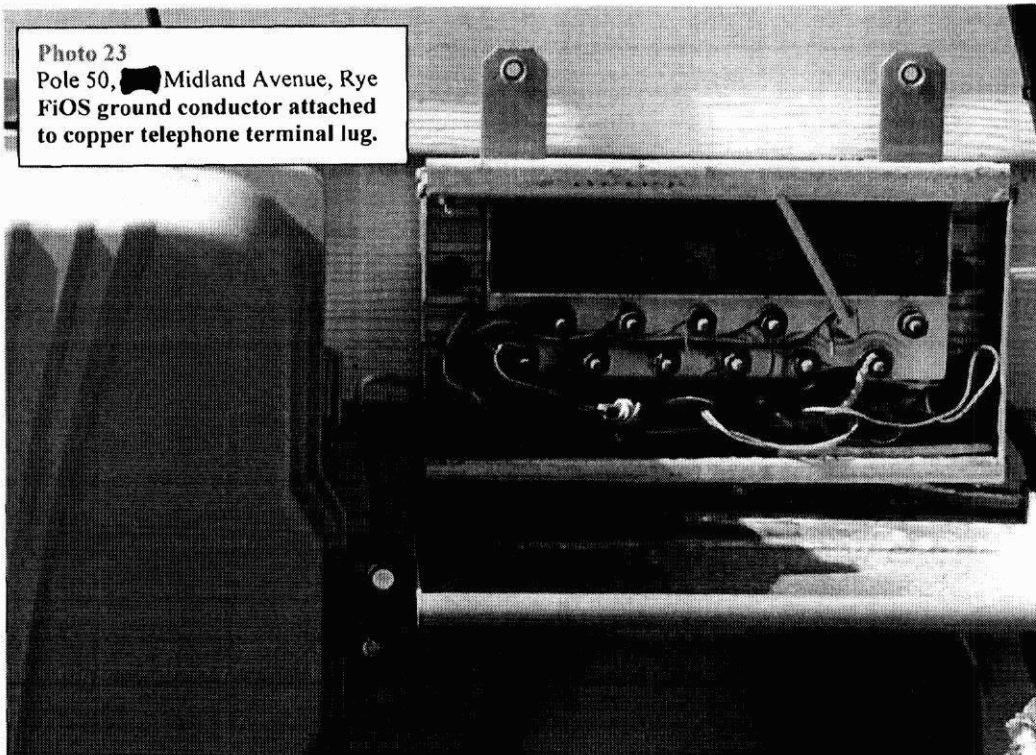


Photo 22
Pole 4, [REDACTED] Grapal Street, Rye
FiOS and CATV ground
conductors attached to same single
conductor clamp on power rod.



Photo 23
Pole 50, [REDACTED] Midland Avenue, Rye
FiOS ground conductor attached
to copper telephone terminal lug.



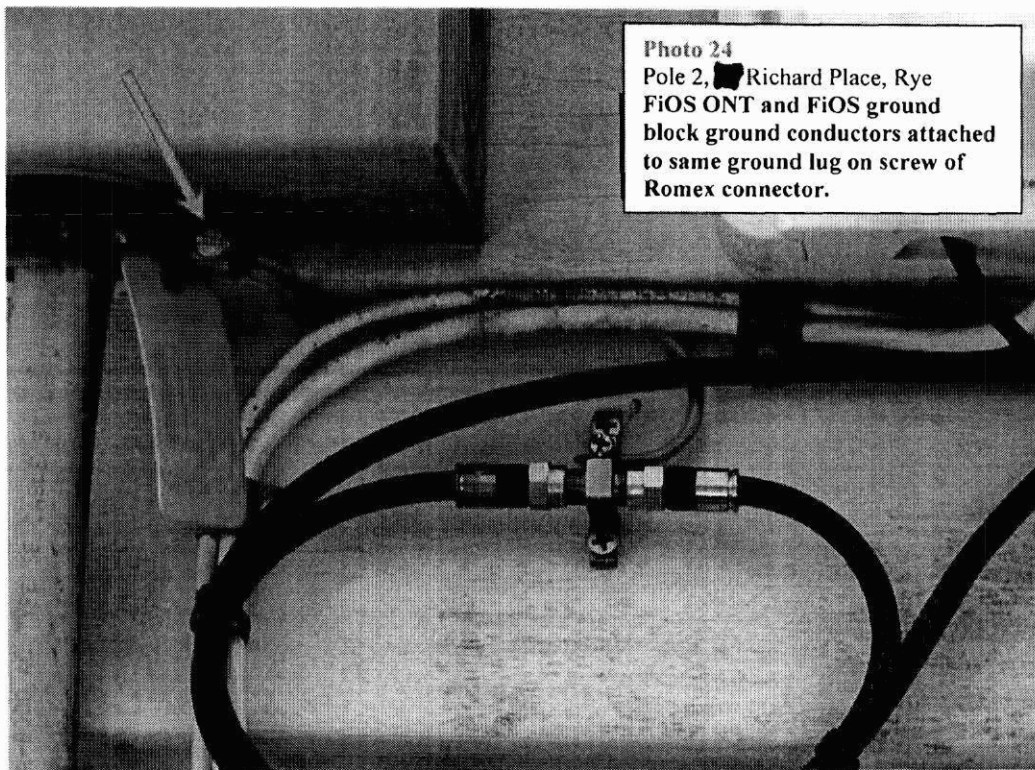


Photo 24
Pole 2, ■ Richard Place, Rye
FiOS ONT and FiOS ground
block ground conductors attached
to same ground lug on screw of
Romex connector.

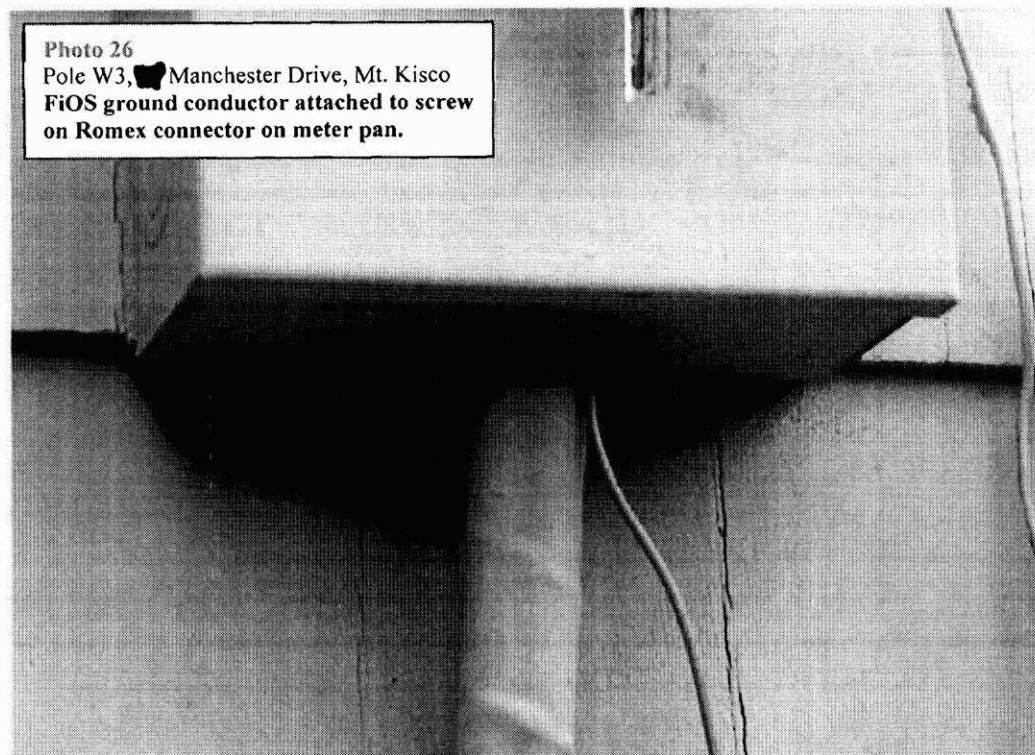
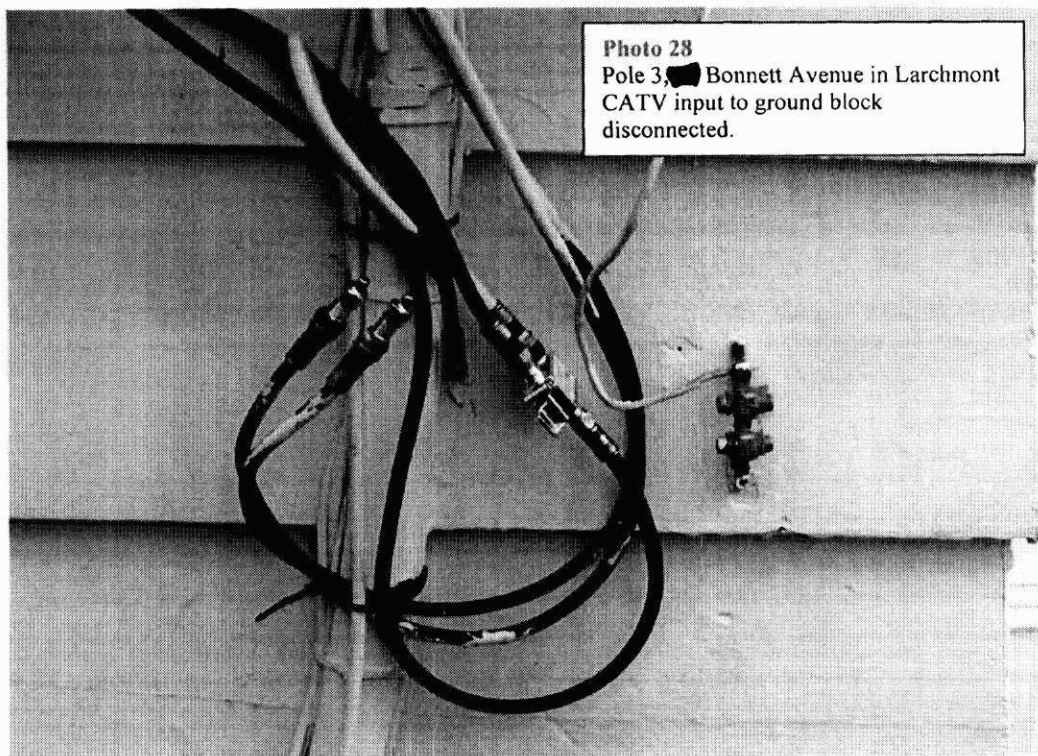
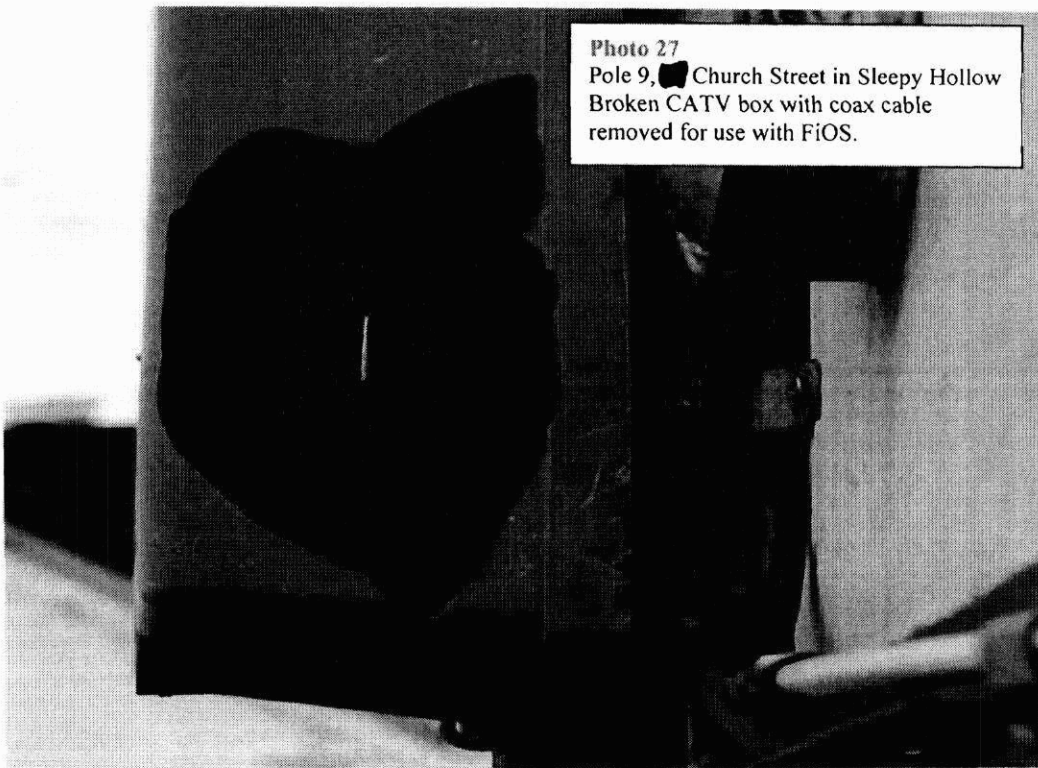
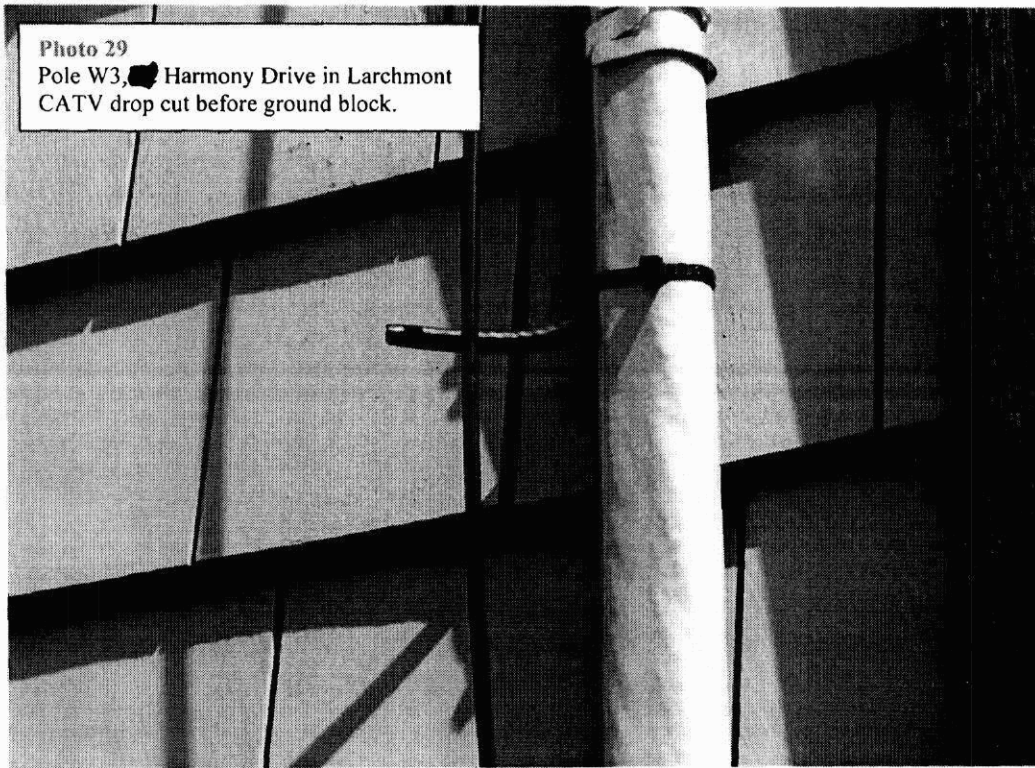


Photo 26
Pole W3, ■ Manchester Drive, Mt. Kisco
FiOS ground conductor attached to screw
on Romex connector on meter pan.





**STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350**

Internet Address: <http://www.dps.state.ny.us>

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**RESULTS OF OUTSIDE PLANT INSPECTION
OF VERIZON FiOS**

**In The
County of Nassau**

By:
The New York State Department of Public Service
Telecommunications Division
Albany, NY 12223
(518) 474-2213

Report No. T019-08-4204
Test Date: 4/7-11/2008

Report Written By:

Tighe G. Massey
Utility Specialist 2

Report # T019-08-4204

**SUMMARY OF INSPECTION OF VERIZON FiOS FACILITIES IN
THE COUNTY OF NASSAU FOR UNSAFE AND NONSTANDARD
SUBSCRIBER INSTALLATION PRACTICES.**

On April 4 – 11, 2008 Department of Public Service (DPS) Utility Specialists Gary Simcox and Tighe G. Massey conducted an inspection of the Verizon FiOS subscriber installations in Nassau, New York. A total of 108 sites were reviewed within Nassau County. Overall, the subscriber installations in those areas inspected was found to be in poor condition.

Of the 108 FiOS installations inspected, 52 nonstandard conditions were related to grounding, 3 were related to drops, 12 were related to adversely affecting CATV and 13 with no access to the FiOS Network Terminal ground, which are listed separately. Of the 108 inspected installations, 27 were found to have no trouble.

VERIZON FiOS NONSTANDARD CONDITIONS/GROUNDING

Bellerose

1) Pole 62/986: [REDACTED], 241 Street.
FiOS not grounded.

2) Pole 62/986: [REDACTED] 241 Street.
FiOS ground spliced.

3) Pole 355: [REDACTED] 241 Street.
FiOS not grounded.

4) Pole 62/991: [REDACTED] 241 Street
FiOS not grounded.

Saddle Rock

5) Pole 16: [REDACTED] Grist Mill Rd.
FiOS and copper telephone on same ground lug. (Photo 2)

Saddle Rock (continued)

6) Pole unknown: [REDACTED] Greenleaf Hill.
FiOS not grounded. (Photo 3)

7) Pole unknown: [REDACTED] Longfellow Rd.
FiOS not grounded.

8) Pole 3: [REDACTED] Stevenson Dr.
FiOS not grounded.

9) Pole unknown: [REDACTED] Stevenson Dr.
FiOS not grounded.

10) Pole 3: [REDACTED] Stevenson Dr.
FiOS not grounded.

Great Neck

11) Pole 6: [REDACTED] Bentley Rd.
FiOS grounded to gas service. (Photo 4)

12) Pole 5: [REDACTED] Woodbourne Rd.
FiOS grounded to unbonded driven electrode.

13) Pole 19: [REDACTED] Croyden Ave.
FiOS not grounded. (Photo 5)

14) Pole 19: [REDACTED] Croyden Ave.
FiOS grounded to unbonded driven electrode.

15) Pole 8: [REDACTED] Warwick Rd.
FiOS not grounded.

Thomaston

16) Pole unknown: [REDACTED] Colonial Rd.
FiOS not grounded.

17) Pole unknown: [REDACTED] Windsor Rd.
FiOS ground wrapped around ground strap. (Photo 7)

Thomaston continued

18) Pole 7: ■ St. George Rd.
FiOS not grounded.

19) Pole 7: ■ St. George Rd.
FiOS ground wire spliced.

20) Pole unknown: ■ Shoreward Dr.
FiOS not grounded.

21) Pole 5: ■ Linden St.
FiOS not grounded.

22) Pole 7: ■ Spruce St.
FiOS not grounded.

23) Pole 7: ■ Spruce St.
FiOS grounded to unbonded driven electrode.

Plandome

24) Pole 24: ■ Brookside Dr.
FiOS and copper telephone on same ground lug.

25) Pole 2: ■ Rockwood Rd.
FiOS not grounded.

26) Pole 101: ■ Woodedge Rd.
FiOS not grounded.

Plandome Heights

27) Pole 5: ■ Bournedale Rd.
FiOS not grounded.

28) Pole 5: ■ Bournedale Rd.
FiOS and copper telephone on same ground lug.

Munsey Park

29) Pole unknown: [REDACTED] Ryder Ave.
FiOS ground wire spliced. (Photo 9)

30) Pole 36: [REDACTED] Manhasset Wood Rd.
FiOS not grounded.

31) Pole 8: [REDACTED] Revere Rd.
FiOS and copper telephone on same ground lug.

32) Pole unknown: [REDACTED] Abbey Rd.
FiOS and copper telephone on same ground lug.

33) Pole 5: [REDACTED] Strickland Pl.
FiOS not grounded.

34) Pole unknown: [REDACTED] Park Ave.
FiOS not grounded.

35) Pole 3: [REDACTED] Kensett Rd.
FiOS not grounded.

Centre Island

36) Pole unknown: [REDACTED] Harbour Dr.
FiOS not grounded.

37) Pole unknown: [REDACTED] Harbour Dr.
FiOS not grounded.

38) Pole 137: [REDACTED] Centre Island Rd.
FiOS and copper telephone on same ground lug.

Bayville

39) Pole 1: [REDACTED] Mountain Ave.
FiOS and copper telephone grounded to same lug.

40) Pole 5: [REDACTED] Mountain Ave.
FiOS not grounded.

Bayville continued

41) Pole 13: [REDACTED] Mountain Ave.
FiOS not grounded.

42) Pole 28: [REDACTED] Godfrey St.
FiOS grounded to power strap (not grounding device).

43) Pole unknown: [REDACTED] Godfrey St.
FiOS grounded to power strap (not grounding device), ground spliced.

44) Pole 39: [REDACTED] Godfrey St.
FiOS not grounded.

Oyster Bay

45) Pole unknown: [REDACTED] Spring St.
FiOS not grounded.

46) Pole 4: [REDACTED] Orchard St.
FiOS not grounded.

47) Pole 4: adjacent to [REDACTED] Orchard St.
FiOS not grounded.

48) Pole unknown: [REDACTED] Orchard St.
FiOS not grounded.

49) Pole unknown: [REDACTED] Anstice St.
FiOS not grounded.

50) Pole 28: [REDACTED] Anstice St.
FiOS not grounded.

51) Pole 30: [REDACTED] Anstice St.
Two FiOS grounds on same lug.

52) Pole 30: [REDACTED] Anstice St.
Two FiOS grounds on same lug.

VERIZON FiOS OTHER NONSTANDARD CONDITIONS

Bayville

53) Pole 65: [REDACTED] Bayville Ave.
Copper drops cut at house.

54) Pole 29: [REDACTED] Godfrey St.
Copper drops cut at house.

55) Pole unknown: [REDACTED] Godfrey St.
Copper drops cut at house.

VERIZON FiOS AFFECTING CATV

Bellerose

56) Pole 352: [REDACTED] 241 Street.
FiOS ground connected to CATV ground lug. (Photo 1)

Thomaston

57) Pole 5: [REDACTED] Linden St.
FiOS and CATV grounded on CATV ground strap. (Photo 8)

58) Pole unknown: [REDACTED] Windsor Rd.
FiOS used CATV coaxial, CATV not properly terminated.

Great Neck

59) Pole 6: [REDACTED] Wimbledon La.
FiOS grounded to disconnected CATV splitter. (Photo 6)

Bayville

60) Pole 3: [REDACTED] Wansor St.
FiOS and CATV on same ground lug.

61) Pole unknown: [REDACTED] Godfrey St.
FiOS and CATV on same ground lug.

62) Pole 13: [REDACTED] Mountain Ave.
FiOS and CATV on same ground lug.

63) Pole 36: [REDACTED] Godfrey St.
FiOS used CATV coaxial, CATV not properly terminated.

Oyster Bay

64) Pole 6: [REDACTED] Orchard St.
FiOS used CATV coaxial, CATV not properly terminated.

65) Pole 8: [REDACTED] Orchard St.
FiOS used CATV coaxial, CATV not properly terminated.

66) Pole 27: [REDACTED] Anstice St.
FiOS used CATV coaxial, CATV not properly terminated.

67) Pole 30: [REDACTED] Anstice St.
FiOS used CATV coaxial, CATV not properly terminated.

The following sites were inspected with no trouble found:

Bellerose

Pole 61484: [REDACTED] 242nd St.

Saddle Rock, Nassau County

Pole 16: [REDACTED] Grist Mill Rd.
Pole unknown: [REDACTED] Emerson Dr.
Pole unknown: [REDACTED] Stevenson Dr.

Great Neck

Pole 2: [REDACTED] South Gate Rd.
Pole 11: [REDACTED] South Gate Rd.
Pole 3: [REDACTED] Bentley Rd.
Pole 3: [REDACTED] Bentley Rd.

Thomaston

Pole unknown: [REDACTED] St. George Rd.

Plandome Manor

Pole 8: [REDACTED] Lake Rd.

Plandome Heights

Pole unknown: [REDACTED] The Beachway.

Pole 101: [REDACTED] Bayview Cir.

Pole 12: [REDACTED] Bayview Cir.

Pole 10: [REDACTED] Bayview Cir.

Pole unknown: [REDACTED] Bournedale Rd.

Munsey Park

Pole unknown: [REDACTED] Abbey Rd.

Pole 23: [REDACTED] Ryder Rd.

Centre Island

Pole 1: Centre Island Rd. ([REDACTED])

Bayville

Pole 3: [REDACTED] Mountain Ave.

Pole 31: [REDACTED] Godfrey St.

Pole 36: [REDACTED] Wansor St.

Pole 1: [REDACTED] Wansor St.

Pole 1: [REDACTED] Wansor St.

Oyster Bay

Pole unknown: [REDACTED] Orchard St.

Pole 4: [REDACTED] Orchard St.

Pole 7: [REDACTED] Orchard St.

Pole 11: [REDACTED] Orchard St.

Pole unknown: [REDACTED] Orchard. St.

The following locations could not be verified because the FiOS ground attachment was installed inside the building.

Bellerose

Pole unknown: [REDACTED] 242nd St.
Pole 62310: [REDACTED] 242nd St.
Pole 62312: [REDACTED] 242nd St.
Pole 62533: [REDACTED] 242nd St.

Saddle Rock

Pole unknown: [REDACTED] Cooper Dr.

Plandome

Pole 9: [REDACTED] Parkwoods Rd.

Plandome Heights

Pole 2: [REDACTED] The Beachway.

Munsey Park

Pole 5: [REDACTED] Strickland Pl.

Bayville

Pole 10: [REDACTED] Mountain Ave.

Oyster Bay

Pole unknown: [REDACTED] Orchard St.
Pole 6: [REDACTED] Orchard St.
Pole 8: [REDACTED] Orchard St.
Pole 27: [REDACTED] Anstice St.

Photos Attached:

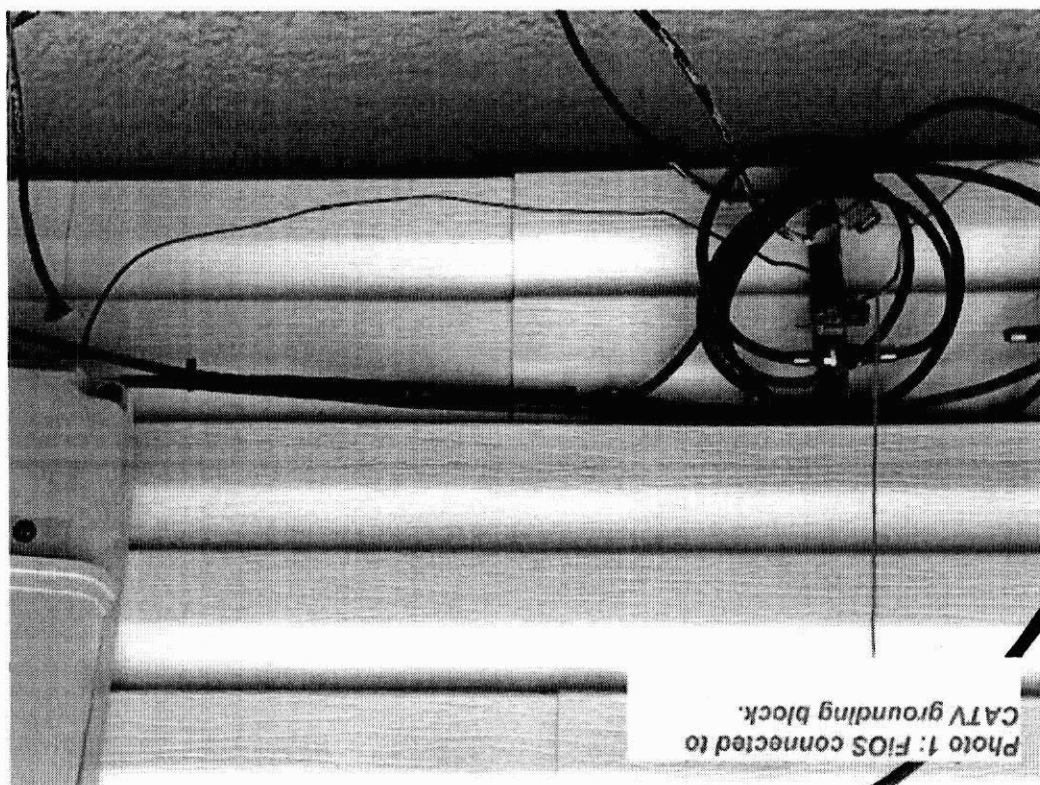


Photo 3: FIOS not grounded.

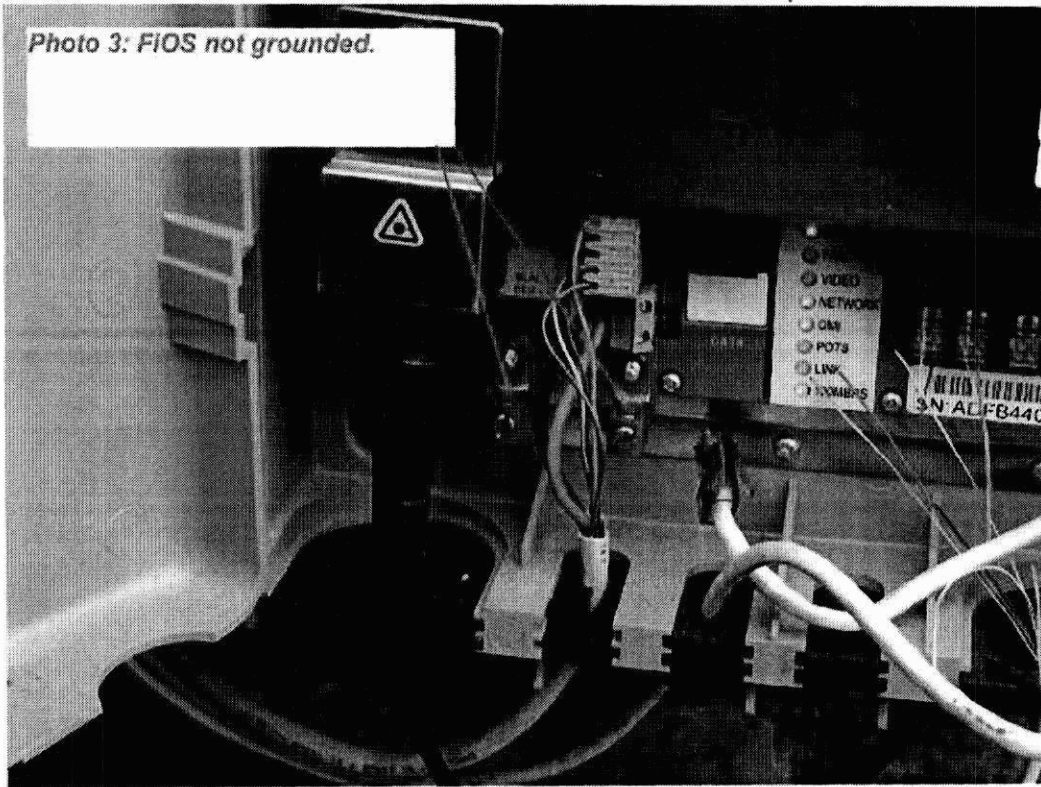
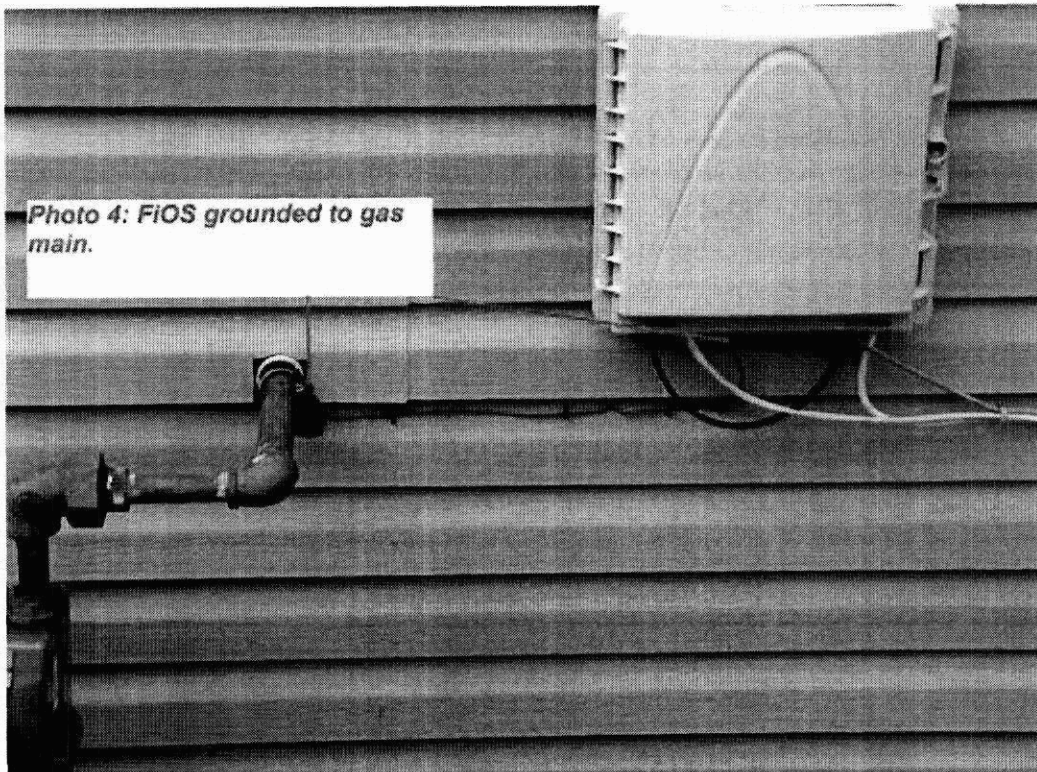
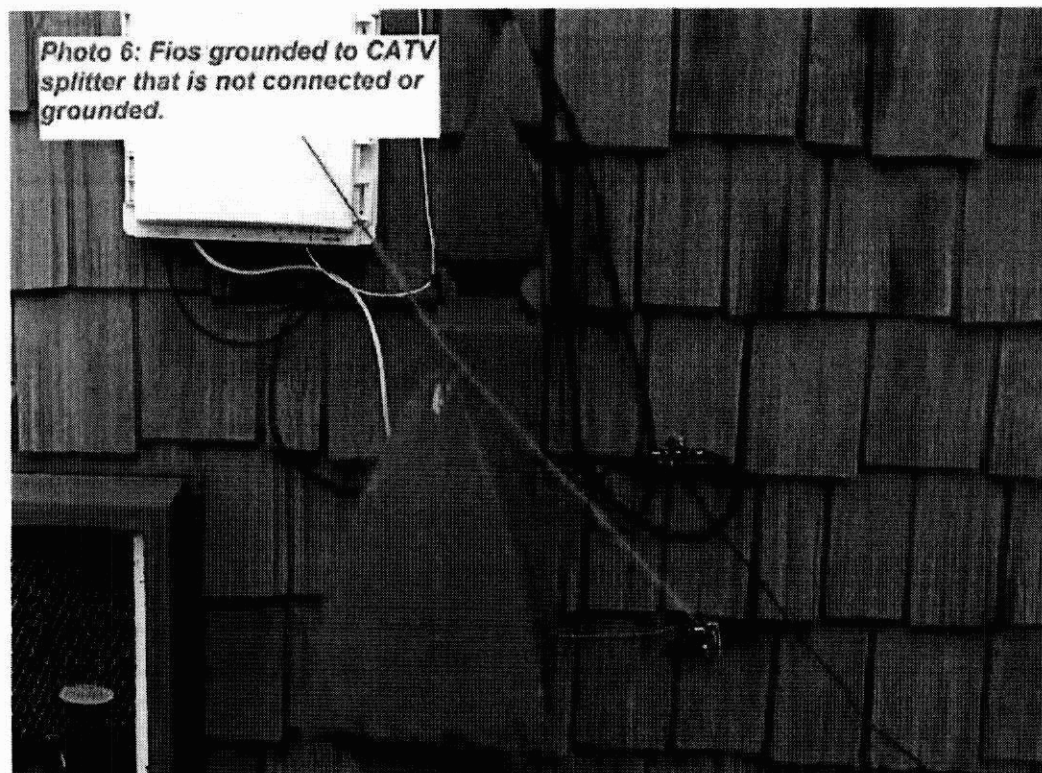
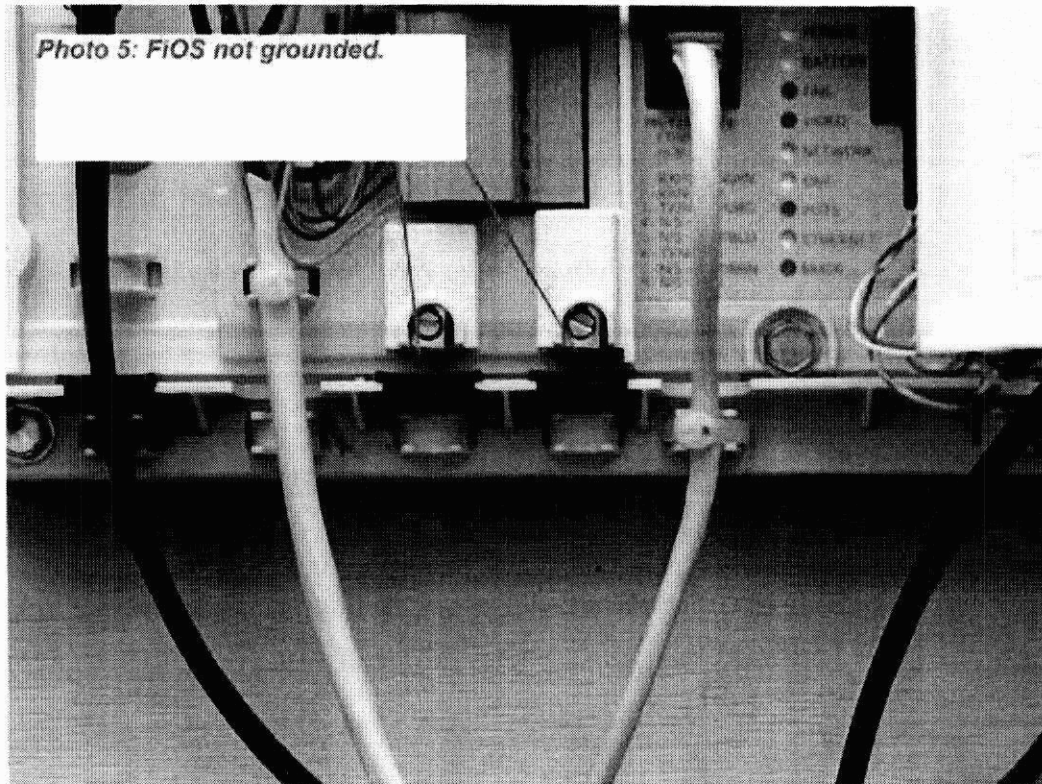
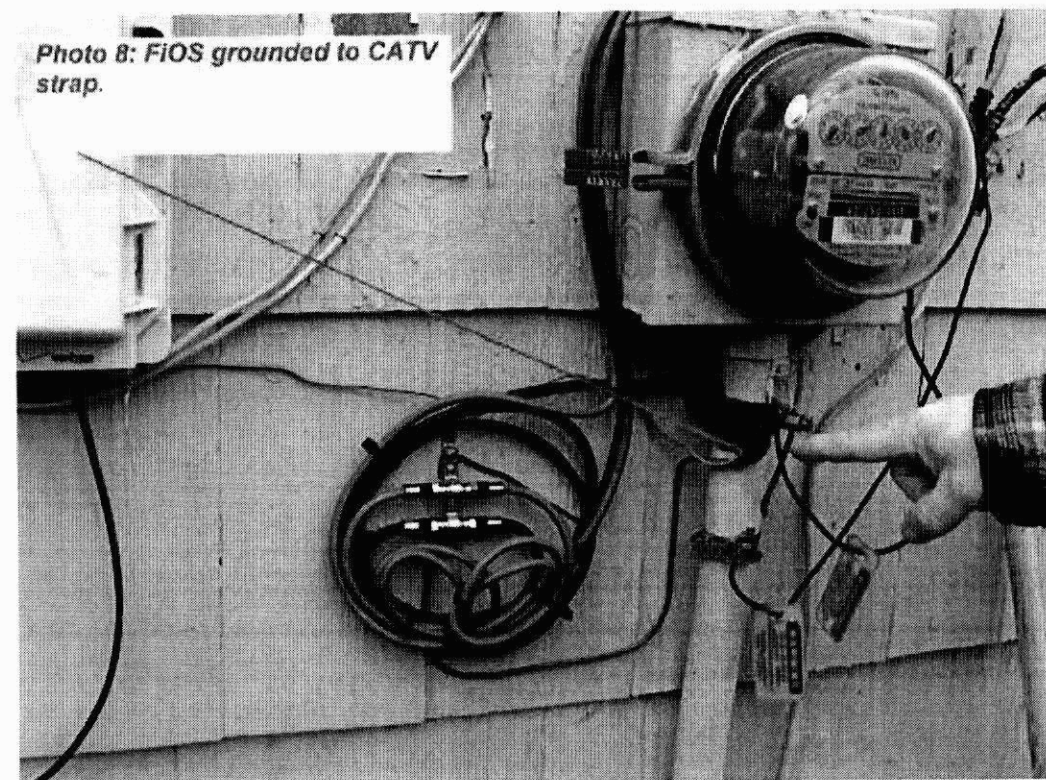
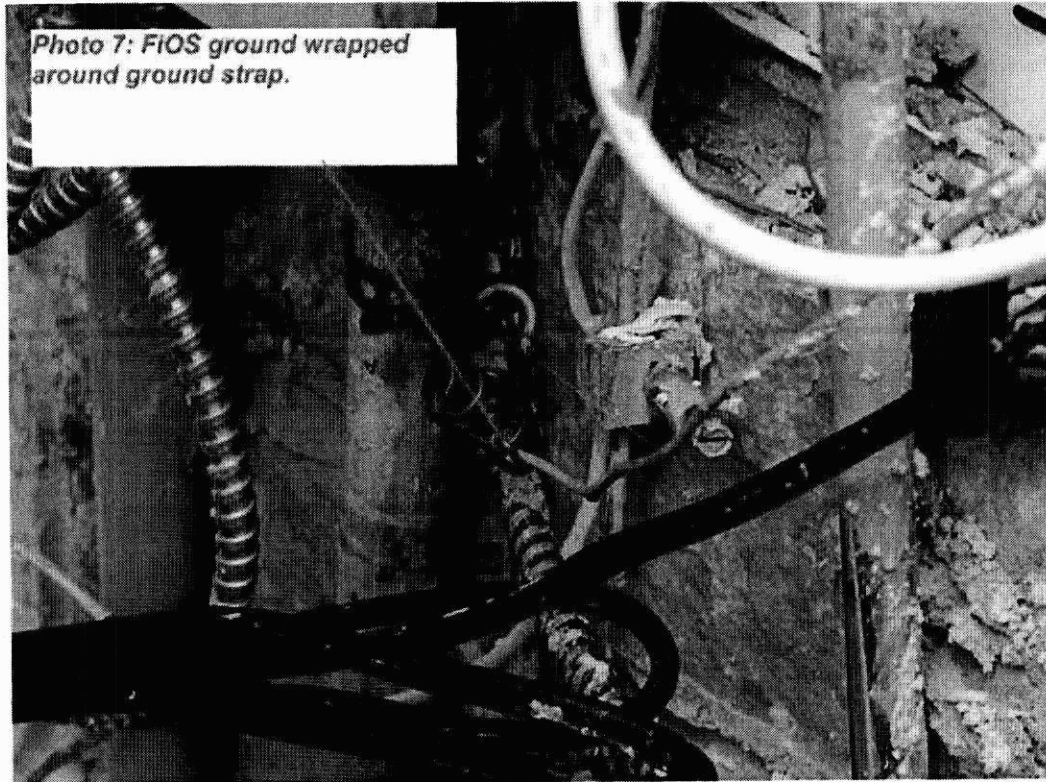


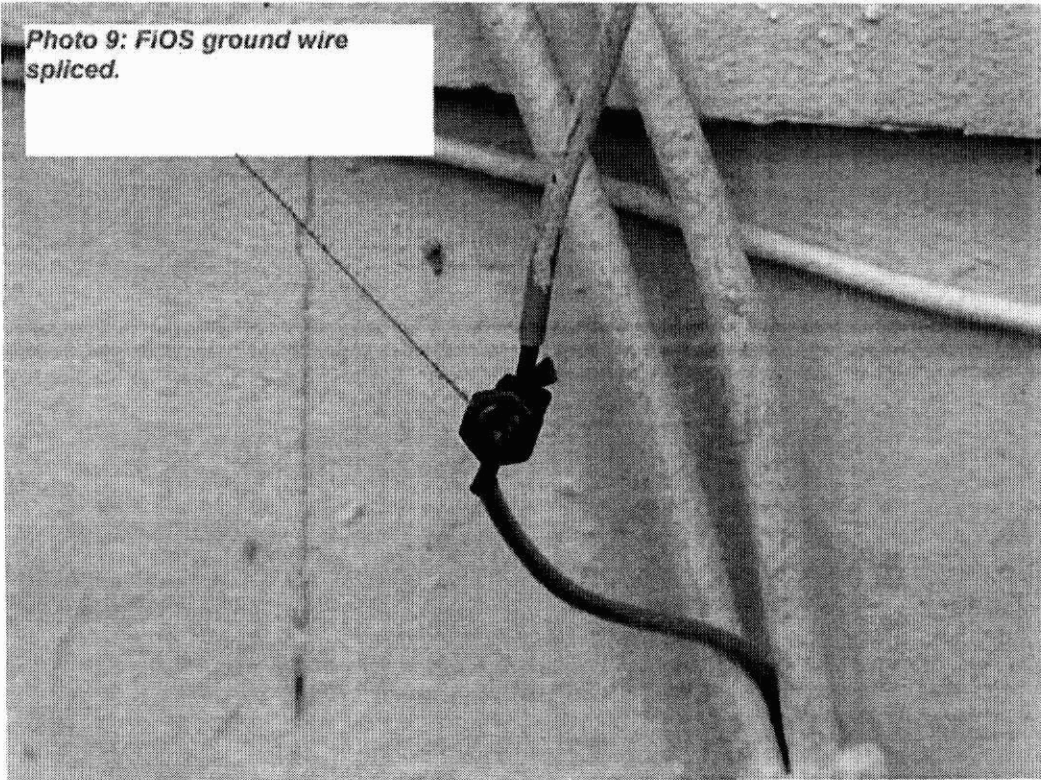
Photo 4: FIOS grounded to gas main.







*Photo 9: FIOS ground wire
spliced.*



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RESULTS OF OUTSIDE PLANT INSPECTION
OF VERIZON FiOS

In The
Counties of Orange and Rockland

By:
The New York State Department of Public Service
Telecommunications Division
Albany, NY 12223
(518) 474-2213

Report No. T021-08-4206
Test Date: 4/15-17/2008

Report Written By:

Tighe G. Massey
Utility Specialist 2

Report # T021-08-4206

**SUMMARY OF INSPECTION OF VERIZON FiOS FACILITIES IN
THE COUNTIES OF ORANGE AND ROCKLAND FOR UNSAFE
AND NONSTANDARD SUBSCRIBER INSTALLATION
PRACTICES.**

On April 4 – 11, 2008 Department of Public Service (DPS) Utility Specialists Gary Simcox, Peter Kwitowski, and Tighe G. Massey conducted an inspection of the Verizon FiOS subscriber installations in Orange and Rockland Counties, New York. A total of 79 sites were reviewed within the Counties. Overall, the subscriber installations in those areas inspected was found to be in poor condition.

Of the 79 FiOS installations inspected, 18 nonstandard conditions were related to grounding, 14 were related to drops, 12 were related to adversely affecting CATV, and 1 with no access to the FiOS Network Terminal ground, which are listed separately. Of the 79 installations inspected, 42 were found to have no trouble.

VERIZON FiOS NONSTANDARD CONDITIONS/GROUNDING

ORANGE COUNTY

Newburgh

1) Pole 11: [REDACTED] Gardenertown Rd.
FiOS and copper telephone on same ground lug.

2) Pole 2: [REDACTED] Park Ave.
FiOS ground not connected. (Photo 1)

3) Pole 47400: [REDACTED] Third Ave.
FiOS ground goes into electric panel (Photo 2).

4) Pole 4: [REDACTED] Garden St.
FiOS ground spliced. (Photo 4)

5) Pole 1: [REDACTED] Garden St.
FiOS grounded to electric strap. (Photo 5)

6) Pole 8: [REDACTED] Garden St.
FiOS grounded to electric strap. (Photo 6)

Newburgh continued

7) Pole 3: [REDACTED] Park Ave.
FiOS not grounded.

ROCKLAND COUNTY

Ramapo

8) Pole 6: [REDACTED] East Maple Ave.
FiOS not grounded.

9) Pole 4: [REDACTED] East Maple Ave.
FiOS not grounded.

10) Pole 101: [REDACTED] Mansfield Pl.
FiOS grounded to electric strap (Photo 7)

11) Pole 101: [REDACTED] Mansfield Pl.
FiOS and copper telephone on same ground lug. (Photo 8)

12) Pole 44: [REDACTED] 6th St.
FiOS not grounded.

13) Pole 2: [REDACTED] Rockland Ave.
FiOS grounded to electric meter flange. (Photo 9)

Haverstraw

14) Pole 5: [REDACTED] Birch Dr.
FiOS grounded to electric meter flange.

15) Pole 9: [REDACTED] Madison Ave.
FiOS not grounded.

16) Pole 6: [REDACTED] Centennial Dr.
FiOS ground connected to conduit of unknown origin. (Photo 10)

West Haverstraw

17) Pole 59617: [REDACTED] Demerest Ave.
FiOS and copper telephone on same ground clamp.

West Haverstraw

18) Pole 120: [REDACTED] Benson St.
FiOS ground spliced. (Photo 12)

VERIZON FiOS OTHER NONSTANDARD CONDITIONS

ORANGE COUNTY

Newburgh

19) Pole 47400: [REDACTED] Third Ave.
Copper drops cut at house.

20) Pole 47400: [REDACTED] Third Ave.
Copper drops cut at house.

21) Pole 47400: [REDACTED] Third Ave.
Copper drops cut at house.

22) Pole 1: [REDACTED] Garden St.
Copper drops cut at house.

23) Pole 2: [REDACTED] Center St.
Copper drops cut at house.

24) Pole 643: [REDACTED] Center St.
Copper drops cut at house.

25) Pole 1: [REDACTED] Park Ave.
Copper drop cut at house.

ROCKLAND COUNTY

Ramapo

26) Pole 50: [REDACTED] West Maple Ave.
Copper drop cut at house.

27) Pole 31: [REDACTED] 6th St.
Copper drop cut at house.

28) Pole 3: [REDACTED] Rockland Ave.
Copper drop cut at house.

Haverstraw

29) Pole 5: [REDACTED] Birch Dr.
Copper drop cut at house.

30) Pole 3: [REDACTED] Pine Dr.
Copper drop cut at house.

31) Pole unknown: [REDACTED] Madison Ave.
Copper drop cut at house.

West Haverstraw

32) Pole 121: [REDACTED] Blauvelt Ave.
Copper drop cut at house.

Verizon FiOS Affecting CATV

ORANGE COUNTY

Newburgh

33) Pole 24: [REDACTED] Union Ave.
CATV, FiOS and copper telephone on one ground clamp.

34) Pole 47400: [REDACTED] Third Ave.
FiOS grounded to CATV clamp. (Photo 3)

ROCKLAND COUNTY

Ramapo

35) Pole 4: [REDACTED] East Maple Ave.
FiOS used CATV coaxial, CATV not properly terminated.

36) Pole 3: [REDACTED] East Maple Ave.
FiOS used CATV coaxial, CATV not properly terminated.

37) Pole 3: [REDACTED] Rockland Ave.
FiOS used CATV coaxial, CATV not properly terminated.

38) Pole 54497: [REDACTED] Mountain Ave.
FiOS used CATV coaxial, CATV not properly terminated.

Haverstraw

39) Pole 9: [REDACTED] Madison Ave.
FiOS used CATV coaxial, CATV not properly terminated.

40) Pole 6: [REDACTED] Centennial Dr.
FiOS used CATV coaxial, CATV not properly terminated.

West Haverstraw

41) Pole unknown: [REDACTED] Madison Ave.
FiOS and CATV on same ground lug.

42) Pole 59657: [REDACTED] Blauvelt Ave.
FiOS and CATV on same ground lug. (Photo 11)

43) Pole 112: [REDACTED] Blauvelt Ave.
FiOS used CATV coaxial, CATV not properly terminated.

44) Pole 59670: [REDACTED] Blauvelt Ave.
FiOS used CATV coax, CATV removed from grounding block.

The Following sites were inspected with no trouble found:

ORANGE COUNTY

Newburgh

Pole 1: [REDACTED] Park Ave
Pole 1: [REDACTED] Park Ave.
Pole 1: [REDACTED] Park Ave.
Pole 8: [REDACTED] Circle La.
Pole 6414: [REDACTED] Center St.

ROCKLAND COUNTY

Ramapo

Pole 31: [REDACTED] 6th St.
Pole 3: [REDACTED] East Maple Ave.
Pole 5: [REDACTED] East Maple Ave.
Pole 54984: [REDACTED] Park Ave.
Pole 7: [REDACTED] Park Ave.

Ramapo continued

Pole 73: [REDACTED] Washington Ave.
Pole 73: [REDACTED] Washington Ave.
Pole 40444: [REDACTED] Washington Ave.
Pole 16: [REDACTED] Washington Ave.
Pole unknown: [REDACTED] Washington Ave.
Pole 18: [REDACTED] Washington
Pole 4: [REDACTED] Rockland Ave.
Pole 2: [REDACTED] Rockland Ave.
Pole 2: [REDACTED] Rockland Ave.
Pole 8: [REDACTED] Mountain Ave.
Pole 55000: [REDACTED] Park Ave.
Pole 4: [REDACTED] East Maple Ave.
Pole 4: [REDACTED] East Maple Ave.
Pole unknown: [REDACTED] Mansfield Pl.

Haverstraw

Pole 5: [REDACTED] Birch Dr.
Pole 1: [REDACTED] Birch Dr.
Pole 44009: [REDACTED] Madison Ave.
Pole 2: [REDACTED] Cedar La.

West Haverstraw

Pole 2: [REDACTED] Grove St.
Pole 3: [REDACTED] Grove St.
Pole 2: [REDACTED] Demerest Ave.
Pole 5: [REDACTED] Demerest Ave.
Pole 8: [REDACTED] Demerest Ave.
Pole 9: [REDACTED] Demerest Ave.
Pole 10: [REDACTED] Blauvelt Ave.
Pole 44094: [REDACTED] Blauvelt Ave.
Pole unknown: [REDACTED] Blauvelt Ave.
Pole 111: [REDACTED] Blauvelt Ave.
Pole 121: [REDACTED] Blauvelt Ave.
Pole 122: [REDACTED] Blauvelt Ave.
Pole 124: [REDACTED] Blauvelt Ave.
Pole 17: [REDACTED] Benson St.

The following locations could not be verified because the FiOS ground attachment was installed inside the building.

Newburgh

Pole 23: [REDACTED] Union Ave.

Photos Attached:

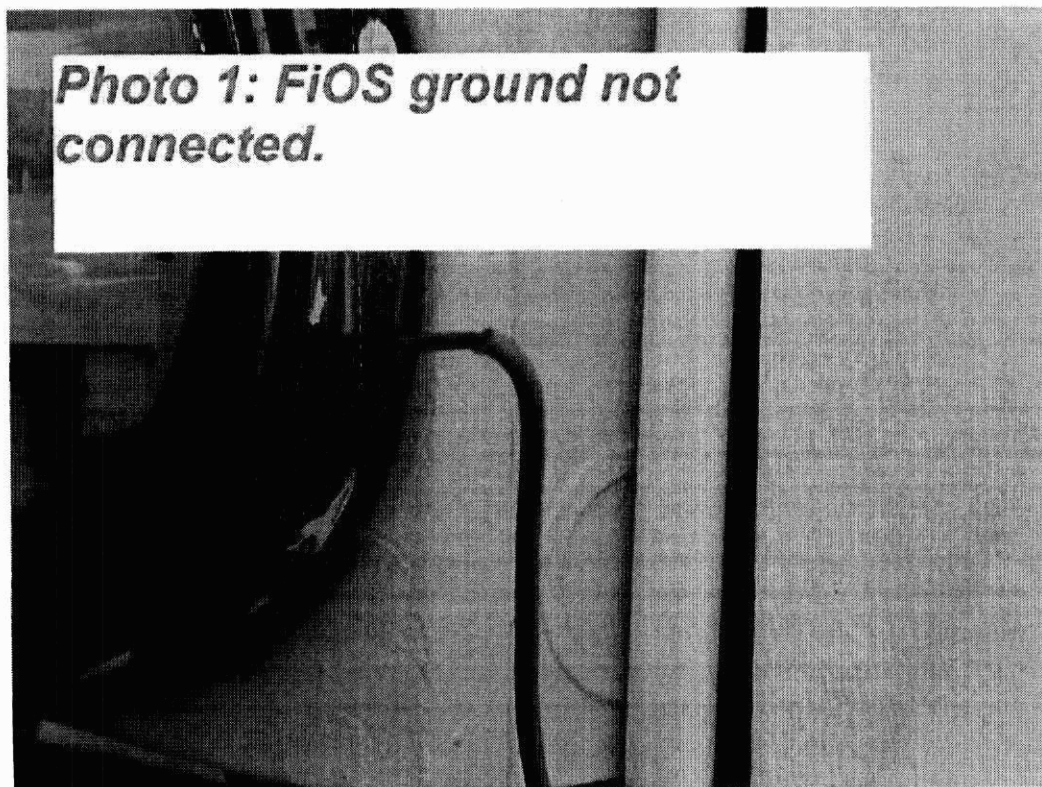


Photo 2:
FiOS
ground
goes into
electric
panel.

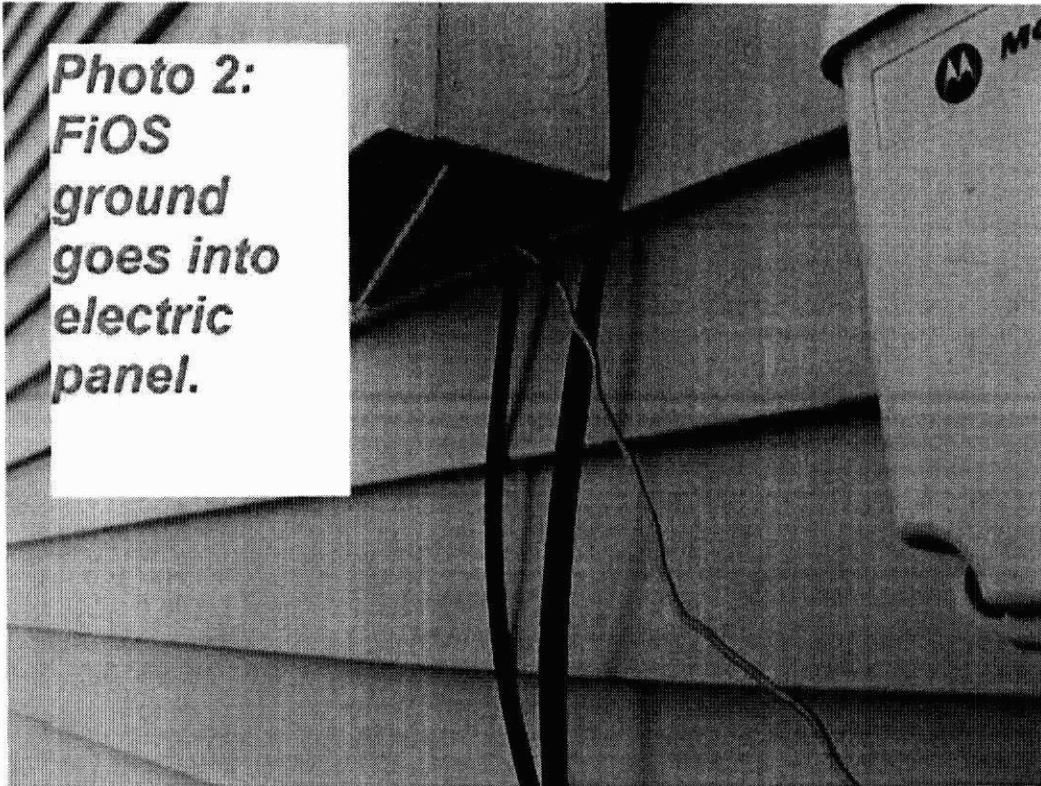


Photo 3: FiOS grounded to CATV
block.



Photo 4: FiOS ground spliced.

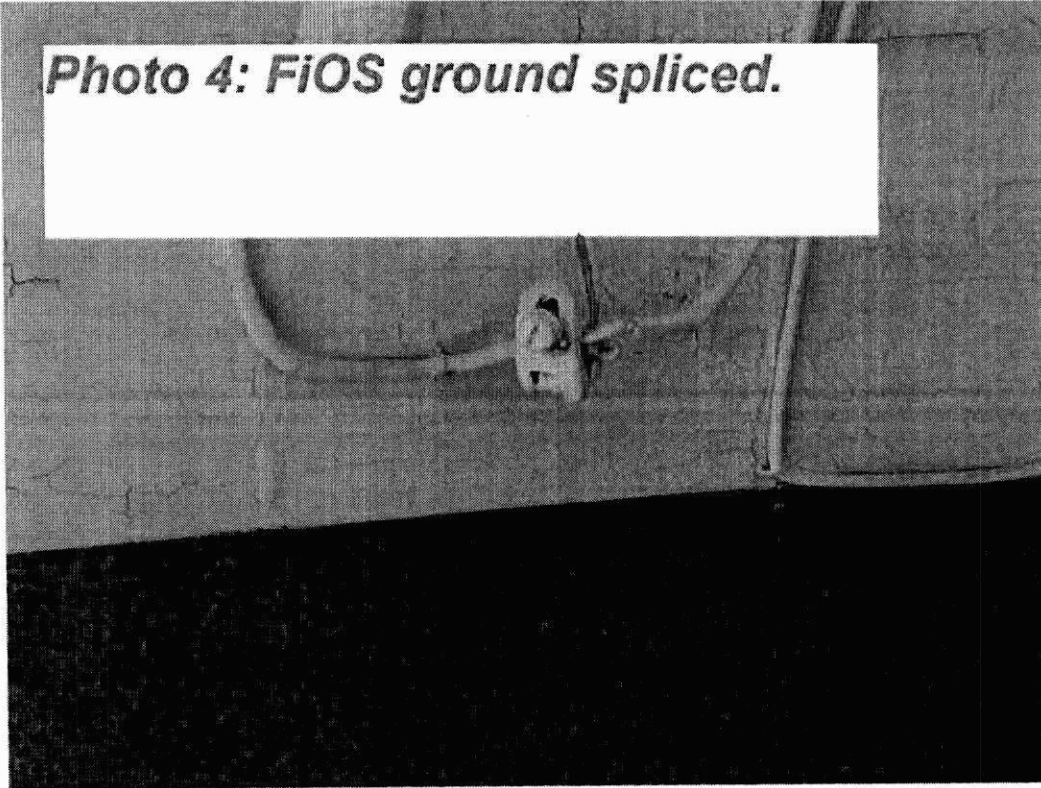


Photo 5: FiOS grounded to electric strap.

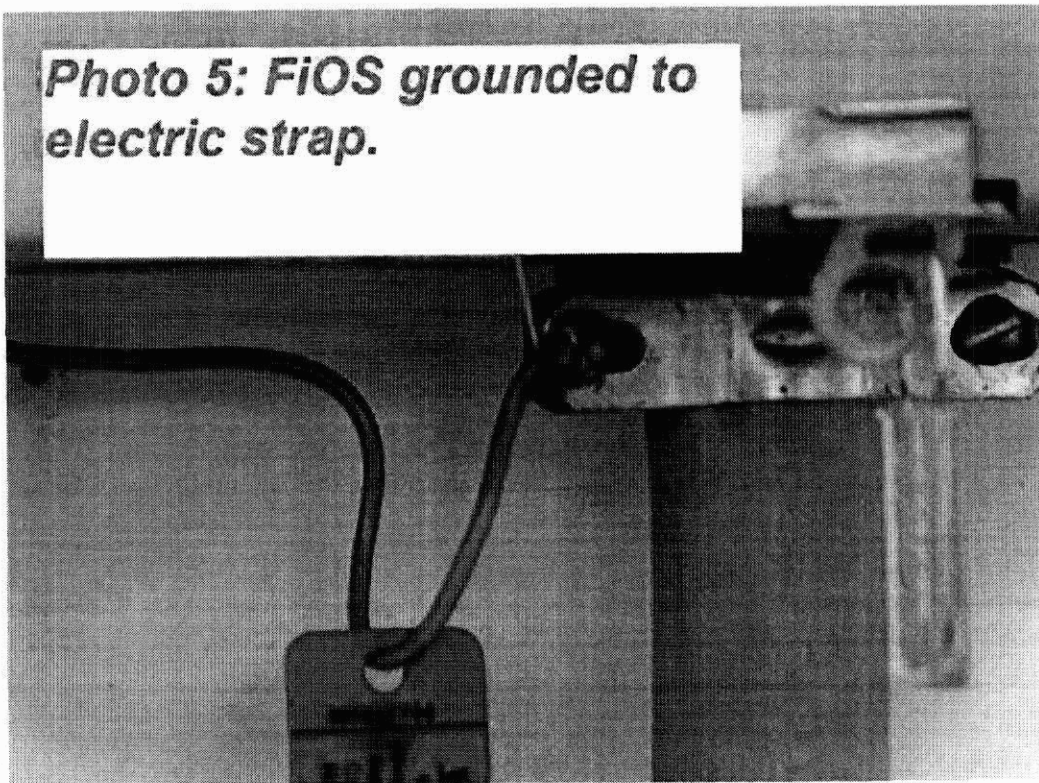


Photo 6: FiOS grounded to electric strap.

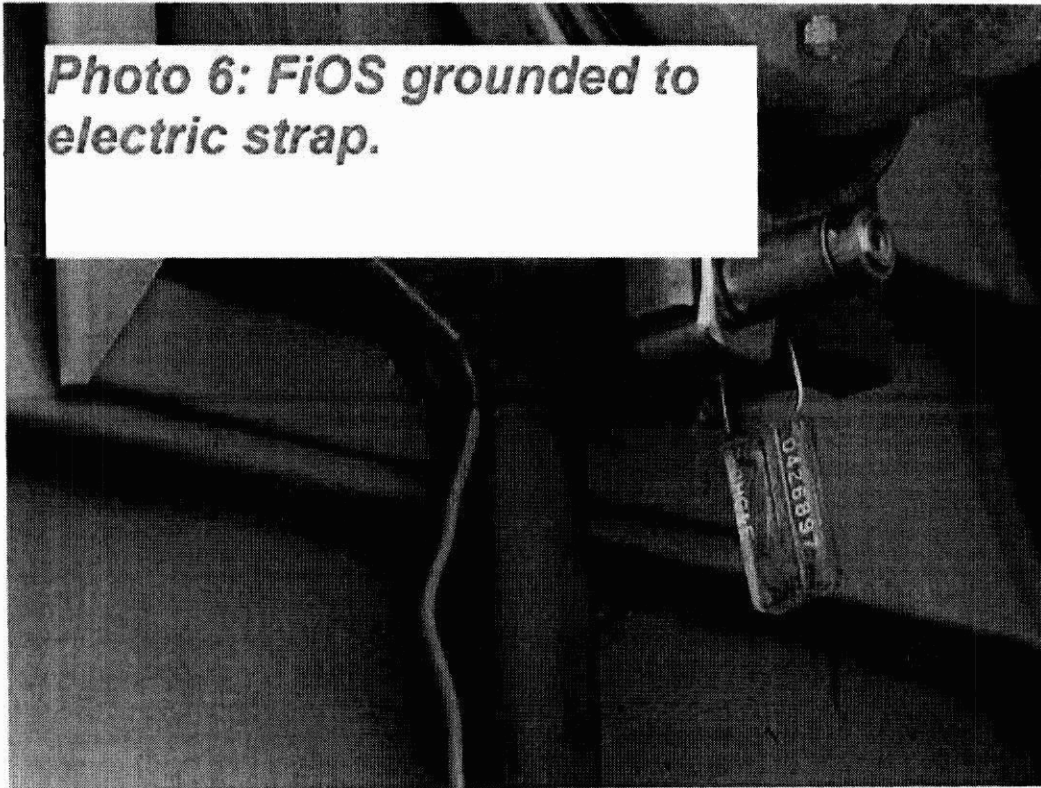
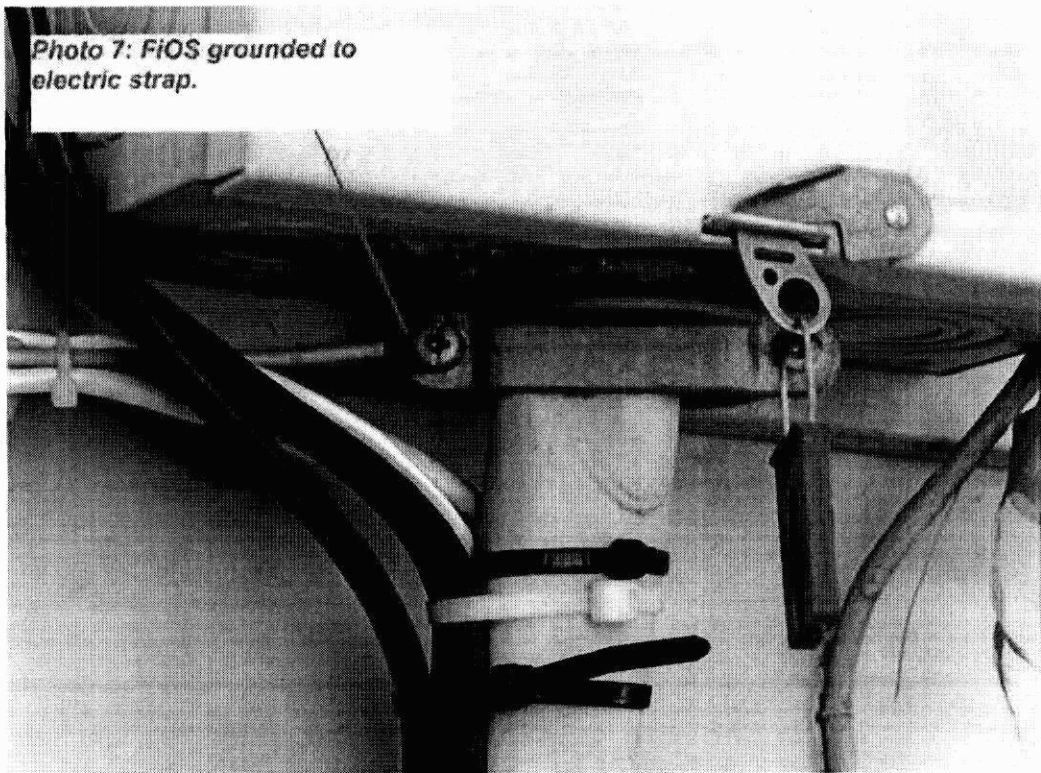


Photo 7: FiOS grounded to electric strap.



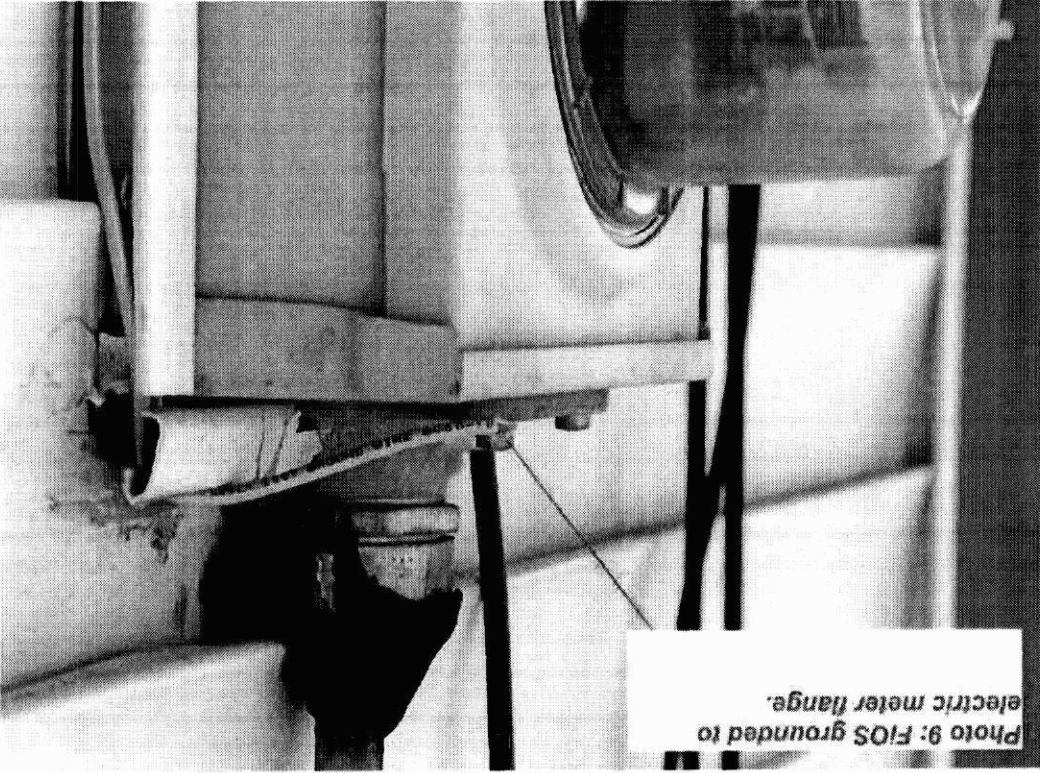
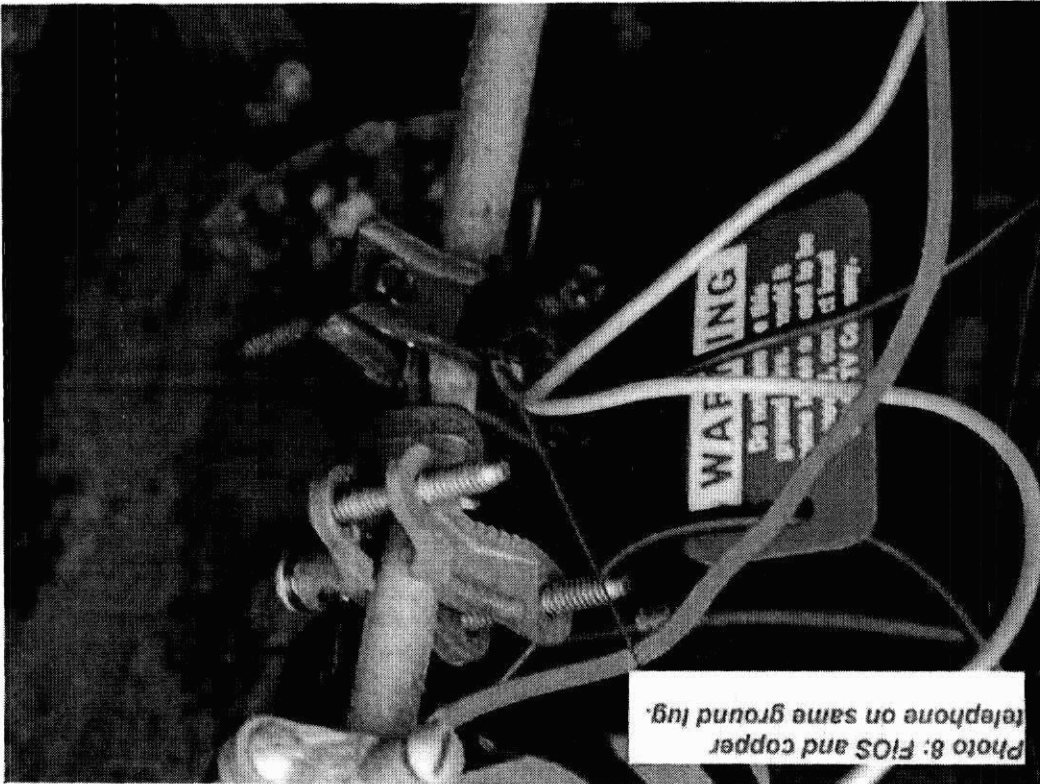


Photo 10: FIOS grounded to conduit.

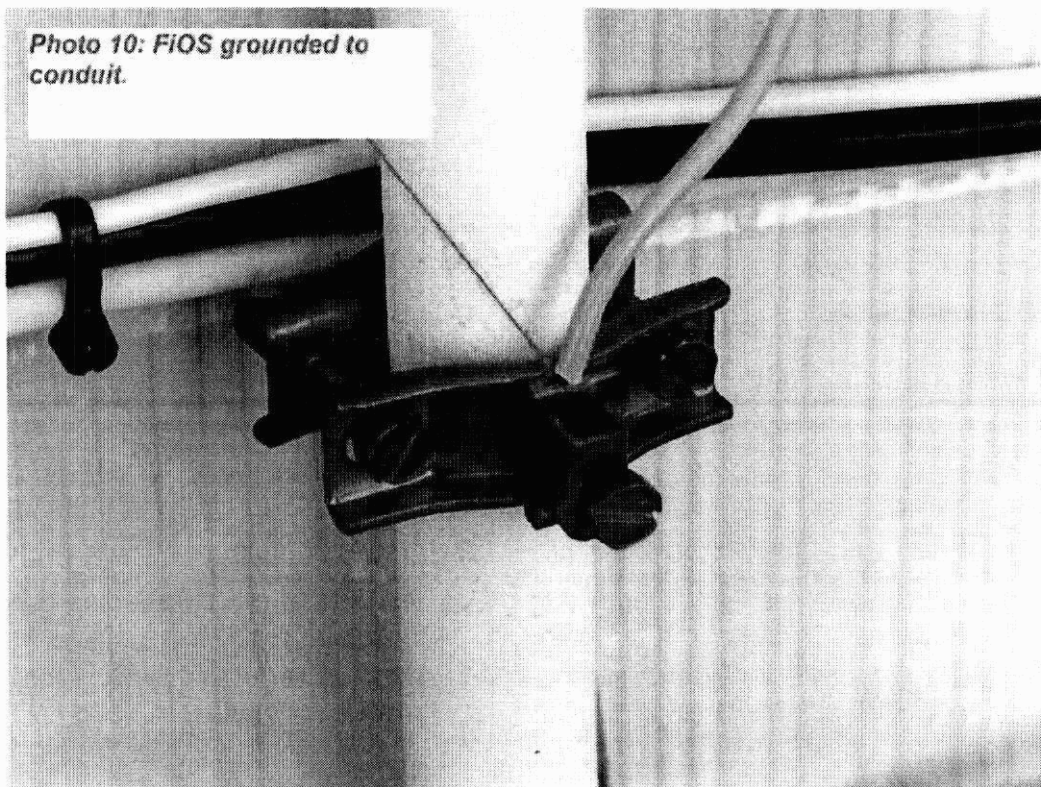
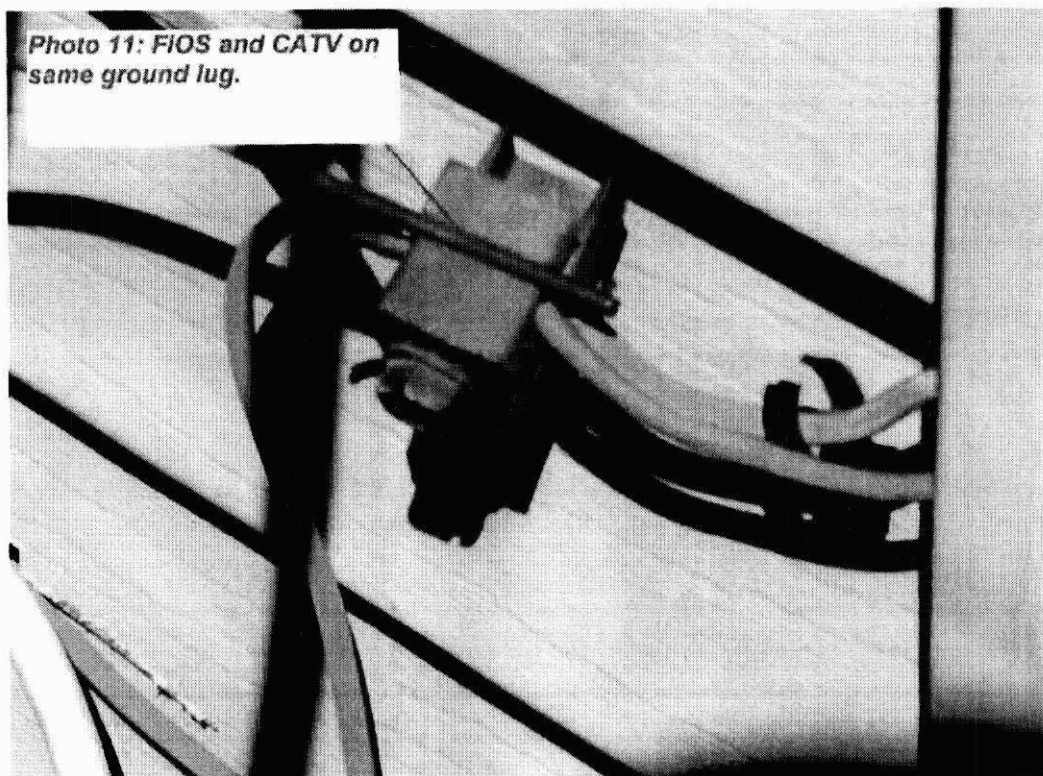


Photo 11: FIOS and CATV on same ground lug.



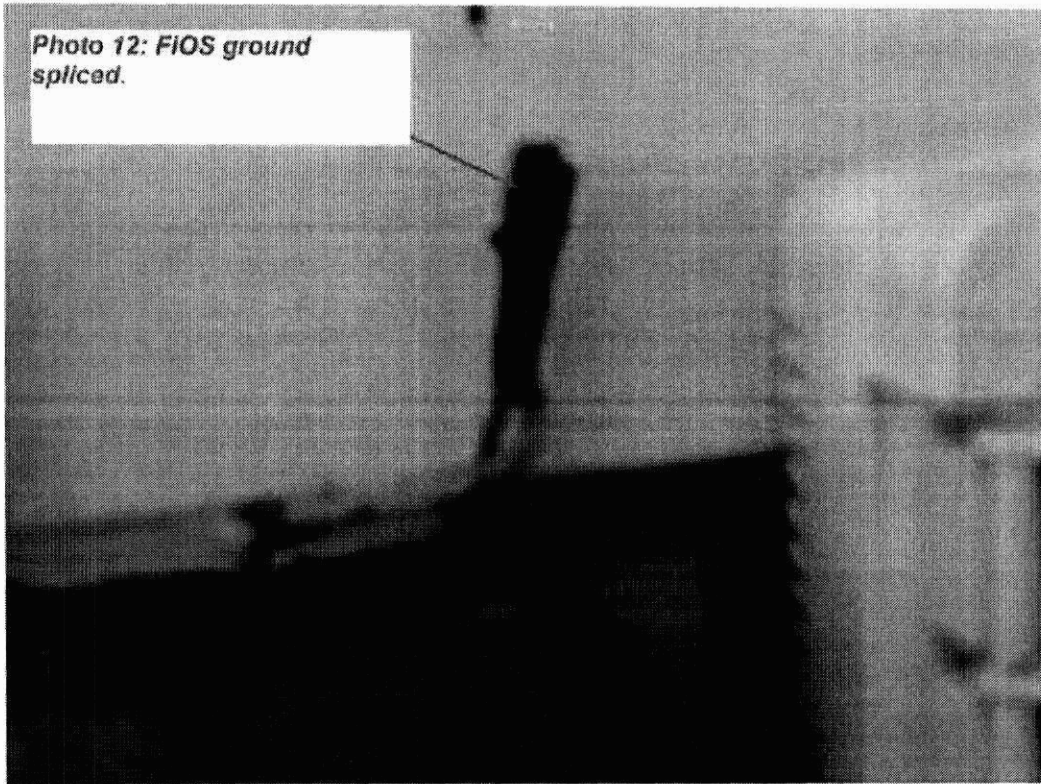


EXHIBIT 7

"ORDER APPROVING FIOS REMEDIATION PLAN WITH MODIFICATIONS"

Issued: November 3, 2008

**New York Public Service Commission
DOCKET No. 08-V-0835**

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on October 15, 2008

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman
Patricia L. Acampora
Maureen F. Harris
Robert E. Curry, Jr.

CASE 08-V-0835 - In the Matter of Verizon New York Inc.'s Network
Review Plan

ORDER APPROVING FIOS REMEDIATION PLAN WITH MODIFICATIONS

(Issued and Effective November 3, 2008)

BY THE COMMISSION:

INTRODUCTION

In response to concerns identified by staff regarding grounding and bonding of its fiber-to-the-premises service (FiOS), Verizon New York Inc. (Verizon) submitted a Network Review Plan (the Plan) to remediate past installations and better manage its installations prospectively. Several parties encourage the Commission to approve the Plan as submitted, while others argue that modifications to the Plan need to be made before the Commission approves it.

We conclude that the Plan, with proper modification, will address the remediation of non-conforming past installations and also improve the quality of future installations. The Plan has a number of provisions that will address the grounding and bonding issues associated with the company's deployment of FiOS. To strengthen the Plan, we will require that it be modified as discussed below and summarized in the Conclusion. We will require more stringent adherence to

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safety requirements, a shorter remediation period for certain types of faulty installations, and enforceable milestones for remediation of faulty installations. The revised Plan will allow the company to continue to market and install FiOS, improve the safety of customer installations, better inform consumers, and remedy nonconforming extant installations.

BACKGROUND

In 2004 Verizon began deploying FiOS in various communities across New York State. FiOS has the ability to offer customers high speed internet access, telephone, and video services. For the past several years, staff conducted field inspections of Verizon's FiOS installations. Staff's inspections in 2006, 2007, and 2008 identified a high degree of non-compliance with the applicable standards for grounding and bonding under the National Electric Code (NEC). Staff communicated these concerns to Verizon after each of its audits and Verizon accepted staff's findings and committed to improvements.

On July 15, 2008, in response to staff's concerns, Verizon submitted its Plan¹ designed to remediate deficient past installations, require detailed inspections of new FiOS installations and provide additional training for its technicians.

The Commission sought public comments on the Plan on July 16 and a technical conference was held on September 9 to assist parties in formulating their comments. Nineteen comments

¹ The Plan was supplemented on August 15, 2008. References to Verizon's Plan herein include the August 15, 2008 supplement. The Plan and the Supplement can be viewed at [cite DPS web].

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on the Plan were submitted on September 22; reply comments from six parties were submitted on September 26.²

VERIZON'S PLAN

Verizon's Plan distinguishes between new installations (those made after August 1, 2008) and past installations.

New Installations

Verizon proposes to establish an Optical Network Quality Assurance Team (ONQAT) that would inspect, each month, a statistically valid sample of installations performed in that month. Verizon would remediate installations found to be noncompliant with its grounding methods and procedures in any material respect in, on average, no more than 60 days. Verizon commits to using its best efforts to ensure that 95% or more of its installations comply. The Supplement provides that if the percentage of new installations in any month falls below certain thresholds, Verizon will issue a credit to each customer account in each relevant area for which an ONT was installed in that month. In the event Verizon does not meet the Plan thresholds, it would discuss the matter with staff, increase the sample size, and provide staff with a root cause analysis of the failure. Verizon also states that if it fails to meet the standard for four of the first six months, it would establish a review team to report to staff. The Supplement also provides that Verizon's actions will be subject to independent third party review.

² Appendix 1 contains a list of parties who submitted comments and replies and a summary of those comments.

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Remediation of Existing Installations

The Plan provides that Verizon would inspect and remediate all past installations, maintain a database listing past installations that were inspected and that within 45 days of the completion of inspections in a given area the ONQAT would inspect a statistically valid sample of installations. Non-conforming installations would be remediated within, on average, 60 days. The Plan provides monthly inspection targets.

Other Aspects of the Plan

The Plan would terminate when all past installations have been inspected and remediated and when Verizon has consistently met the target for new installations to the satisfaction of the Commission. The Plan could be suspended by force majeure events, as determined by the Director of the Office of Telecommunications.

The Supplement notes a disagreement with staff over the use of a grounding module for inside installations. Verizon states that it will attempt to obtain confirmation from an independent forum or organization that such use of the grounding module is safe and appropriate and if the confirmation is not obtained it will expeditiously remediate such installations to replace them with a staff-approved method.

DISCUSSION

The discussion below reviews comments on specific Plan provisions and more general issues with the Plan.

New Installations

Verizon proposes to inspect a statistically valid sample of new installations each month and to use its best efforts to ensure that 95% of the installations conform to its grounding

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methods and procedures in all material respects. If it fails to "achieve compliance that is within a reasonable statistical confidence interval of 95% for two of the first three months of the Plan" Verizon says it will increase the sample size and provide staff with a root cause and targeted remediation plan. It will establish an independent quality inspection team for a similar failure for four of the first six months of the plan. The company also commits to providing customer credits if its compliance performance falls below established thresholds.

1. Scope of Inspections

Some parties believe Verizon should inspect 100% of new installations until such time as it demonstrates 100% compliance with quality targets in that relevant area for, say, several consecutive months, or that Verizon adhere to the inspection and remediation program for new installations in each relevant area until the company has met the performance threshold set by the Commission for a specific period of time. The Attorney General (AG) argues that the Plan should be amended to require that Verizon adhere to the inspection and remediation program for new installations in each relevant area until the company has met the performance threshold set by the Commission for at least six consecutive months in that area. Other parties recommend that the Plan be amended to require that Verizon inspect 100% of its new installations to ensure a level of compliance in each market area within a range of 95% to 100%. Cablevision believes the current standard of 95% compliance should be raised instead to 99%.

Staff advises that should compliance with remediation targets fall below the 95% performance threshold in a market area, inspections should be conducted for 100% of the new installations in that area. Staff also suggests that we consider whether the company's right to do new installations in the New

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York City franchise area should be suspended until it can achieve a 95% statewide compliance rate for three consecutive months.

The City and Verizon disagree with staff's recommendation that FiOS installations in the City should be singled out for suspension until Verizon meets the 95% compliance target as that recommendation could deny millions of New York City residents the benefits of cable competition. Verizon asserts the Public Service Law does not authorize the Commission to impose such a penalty. Verizon argues that perfection is unattainable in the real world, and while its goal is 100% compliance, 95% is a value which is representative of the 100% aspiration. Verizon points out that Commission service quality metrics do not establish 100% thresholds either.

Verizon also disagrees that 100% of new installations should be inspected, offering that traditional cable television companies are not held to such a standard.

We agree with the City and Verizon that suspension of installation activity either in New York City or any other franchise area in the state is an extreme measure that should not be considered without clear evidence that a service provider is failing in a material sense to meet or achieve reasonable safety objectives. Verizon's performance to date does not warrant such drastic action. Verizon reports an 83% compliance rate statewide for new installations in August 2008, and a 95% compliance rate for new installations in September. Of the sample of new installations inspected, Verizon reports 3% were found to be ungrounded in August, compared to only 0.8% ungrounded for September. Verizon acknowledges that although the August compliance rate was below the acceptable Plan performance rate in most market areas, a week-by-week analysis shows steady improvement over the first five weeks of the Plan,

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an additional indication that the Plan is working. Given this performance, suspension of installations is unwarranted.

We will, however, strengthen the inspection program and require full inspection and remediation for new installations in any month and region that fail to meet performance thresholds (i.e., no less than 95% compliance and 100% should be bonded and grounded) discussed more in the next section. Moreover, we find the 95% compliance threshold in the Plan for credits is a reasonable and realistic target, especially in view of our requirement for full inspection and remediation in the event less than 100% of installs are bonded and grounded.

2. Whether "No Ground"
Situations Require Special Treatment.

Any inspection of new or past installations that uncovers the absence of grounding, as opposed to deviations from other requirements, raises greater safety concerns. Staff and NYC believe the Plan should include a provision to require the immediate, same day, remediation of a new installation when inspections show that the ONT is not grounded at all, followed by a repeat inspection within one week.

A ground and bond should be present in all installations to guard against potential electrical hazards. It is particularly reasonable to expect such compliance for new systems, such as FiOS, that have been only recently constructed. Verizon's deployment of its FiOS system, while a new network architecture that relies on non-conductive fiber cable, continues to use coaxial cable within the premises and in that regard is somewhat analogous to the cable television systems. At the time that system was being constructed the former New York State Cable Commission, since merged into this Commission, was faced with similar concerns as cable television service

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providers overlooked existing grounding standards or failed to adequately ensure the quality of their craftsmen's workmanship at customer installations. The expectation of the New York State Cable Commission then³ is the same as ours should be today: that all customer installations should have a ground and bond.

We will direct Verizon to modify the Plan to achieve the following performance thresholds for determining whether full inspections should be performed for new installations: 100% of sampled new installations should have a ground and bond, and no less than 95% of those installations should be compliant with other aspects of our standards.⁴ If a sample indicates those performance thresholds are not achieved in any month, all new installations in that area shall be inspected and, if necessary, remediated consistent with the parameters and timeframes set forth in the plan as modified.

³ For example, see Docket No. 90363, Mid-Hudson Cablevision, Inc., Order to Show Cause and Notice of Apparent Liability, (issued July 7, 1987); Docket No. 90357, TKR Cable Company, Order to Show Cause and Notice of Apparent Liability, (issued December 31, 1987), and Docket Docket No. 90370, Adams-Russell Cable Service, Order to Show Cause and Notice of Apparent Liability, (issued October 24, 1988).

⁴ The Plan commits Verizon to "achieve a compliance rate that is, at a minimum, within a reasonable statistical confidence interval of 95%" July 15 letter, p. 4. We interpret Verizon's statement on page 2 of its reply comments that "the average compliance level for New Installations for the second week of September was 95% - precisely the target called for by the Plan" as indicating that the new installation threshold requires 95% of the sampled items to be in compliance since the 95% for the second week of September was calculated as being 95% of the sampled installations inspected for the second week of September. We agree that a 95% threshold for the sampled installations provides a reasonable confidence interval.

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We will also require a more aggressive remediation effort in these instances. We will require a shorter remediation time frame of ten business days for instances where an inspection reveals no grounding present. (For other remediations, we will allow Verizon's proposal to effectuate remediation within an average of sixty days as it proposed.) Thus, under the Plan all existing installations will be inspected and remediated within ten months, or by May 31, 2009. Monthly sampling and inspection of new installations should continue in each relevant market area as long as the Plan is in effect.

3. Sampling Issues

The company plans to inspect just 10% of new installations. A number of questions were raised regarding how the sample of new installations would be selected. In a letter filed on September 18, 2008 Verizon explains that its "sampling program" process mirrors the approach for previous service quality audits. Verizon later clarifies that "a randomized 10% sample of New Installations will be generated in each area and in each month". Staff and NYC are concerned that Verizon's sampling procedures do not have a stopping rule.⁵ Staff noted that Verizon sampled 16% of new installation during the first three weeks of August when the Plan called for a sample amounting to 10% of new installations. Staff contends that this apparent lack of a precise sampling target could produce inconsistent monthly results and could appear to skew the results toward a

⁵ A "stopping rule" is a mechanism to determine where to cease sampling. It is used to insure that samples are valid by not allowing the 10% sampling targets to be surpassed in a subjective manner.

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desired outcome. In reply comments, Verizon responds that via its 10% sampling practice, it does have a stopping rule, and that while there have been some minor deviations from that practice as the Plan was rolled out it will not be an issue in the future.

Staff also raised the concern that inside ONT installations might be under-represented in the sample because those installations are more prone to no access problems which would limit their rate of inspection. Verizon responds that this issue can be investigated as the administration of the Plan proceeds and as more data become available. The AG notes that Verizon's 10% sampling program may produce statistically invalid samples in areas where relatively few new installations are performed. The AG argues that the Plan should not be approved until such details are addressed.

There needs to be more specificity regarding Verizon's statistical sampling and evaluation procedures. In its compliance filing, Verizon shall include a revised sampling program and evaluation document as described in its clarifying letter of September 18. The sampling program should be also expanded to discuss the process by which its auditors (or ONQAT auditors) follow the sampling program.⁶ This discussion shall clarify the methods that the ONQAT auditors will follow to ensure that there will be no significant deviations from the proposed 10% sampling practice including when multiple ONTs are encountered and inspected at a single inspection visit.

⁶ The discussion should be like that contained in paragraph 26 of the September 22, 2008 Declaration of Thomas Maguire.

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4. Credits

For new installations, Verizon would issue a credit to each FiOS customer account installed in a given month in the Relevant Market Area if it fails the following performance threshold in that area:

<i>Performance Threshold</i>	<i>Credit</i>
<95%	\$10
<85%	\$15
<75%	\$20

Verizon believes that this level of disaggregation will drive personal accountability for performance to the managers in charge of the relevant regions. According to Verizon, the purpose of the credits is to compensate such customers for the inconvenience of the inspection and possible remediation process. Verizon states that the total amount of credits required may be millions of dollars, depending upon the level of compliance achieved. Verizon's obligations to issue credits would cease when the Plan terminates upon Verizon completing the inspection of all past installations, including remediation, and consistently meeting the 95% target for new installations to the satisfaction of the Commission. Under Verizon's proposal, credits do not apply to past installations.

Common Cause supports tangible penalties in the event that Verizon does not comply with its commitments. Penalties also should be applied if Verizon reports a repair, but the Commission or another entity independently finds that the repair was not performed as described, according to Common Cause. It says franchise agreements often include a performance bond, with the franchising authority able to draw liquidated damages to penalize the operator if it fails to comply. The franchising

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authority may impose financial penalties under the agreement in the event that the cable operator fails to cure physical plant violations within a specified interval—or inaccurately reports that a violation has been corrected.

Staff recommends that the Commission take additional action to expand the credits to include remediation efforts.

In reply, Verizon notes its improved performance, with a 95% compliance rate in the second week of September. The compliance rate for the five boroughs for the first two weeks of the month it goes on, was 90% for Brooklyn, 92% for Staten Island, 94% for Manhattan, and 96% for Queens and the Bronx. Verizon cautions the Commission in assuming that increasingly severe measures must be incorporated into the Plan, no matter how small their incremental contribution or how great the burden that they impose. Such an approach would be inconsistent with the rules by which Verizon's competitors operate it claims, and cannot be justified by the need to eliminate a public safety hazard. Verizon also notes that similar issues are raised by the more limited but equally unlawful proposals of Common Cause to include various involuntary penalty provisions in the Plan, and of both staff and Common Cause to expand the financial consequences provisions of the Plan to encompass extent installations. Verizon claims the Public Service Law does not authorize the Commission to impose such a penalty plan.

While we will not expand the credits to past installations as proposed by some parties, we will require the specific performance measures described below in connection with Past Installations to ensure remediation occurs promptly for past installations. We also decline to establish a more elaborate penalty scheme as suggested by Common Cause.

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5. Other Remedies

Verizon states that it would use its best efforts to ensure that 95% or more of the new installations included in each sample inspected conform to its grounding methods and practices. In addition to customer credits, discussed above, several provisions of the Plan increase oversight if performance thresholds are not met. Should Verizon fail to achieve a compliance rate of 95% in any month, the results would be discussed with staff during monthly meetings. In addition, if Verizon fails to achieve 95% for two of the first three months of the Plan, Verizon will increase sample sizes from 10% to 12% and provide staff with both a root cause analysis and targeted remediation plan at the monthly meetings. Should Verizon fail to achieve 95% for four of the first six months of the Plan, Verizon will establish an independent external quality inspection team of three individuals who will report directly to staff and supplement staff's ongoing grounding inspection program. The external team will remain in place until the company achieves three consecutive months of 95% compliance. Cablevision argues that the time is now for hiring an outside inspection team, not the four in six month trigger Verizon proposes.

We agree with the AG that stronger provisions are needed to ensure that new installations are meeting quality thresholds. We think the most effective way to accomplish this is through a more aggressive inspection program. As discussed above, we will require full inspection and remediation for installations in any month and region that fail to meet the new performance thresholds. We will also require Verizon to supplement staff's inspection program with an independent team at any point during the Plan at the discretion of the Director of the Office of Telecommunications.

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6. Targeted Remediation Plan

Verizon would submit a targeted remediation plan if the company fails to achieve a compliance rate that fails 95% compliance target in two of the first three months. The targeted remediation plan would be shared as part of the regularly scheduled monthly results meeting.

Staff asks that we consider suspension and/or revocation of all new FiOS installations in areas where Verizon has failed to achieve an acceptable level of compliance rate for three consecutive months. Staff further believes that incentive provisions, root cause analysis and external quality inspectors, should apply to both past installations and new installations. Staff also notes that Verizon's Plan fails to indicate what statistical model will be used to evaluate the rate of monthly failures and asserts that the Plan be modified to include such provisions.

Because performance below thresholds will require full inspection and remediation, we see no need to have these individual plans submitted for Commission approval. We are requiring a series of changes intended to strengthen Verizon's performance (e.g., full inspections, enforceable remediation milestones). These can be considered outputs to Verizon's performance. Targeted remediation plans will address how Verizon intends to correct shortfalls, and discussion at the staff level should be sufficient. Finally, if Verizon can identify a root cause factor (that is, a single technician whose inadequate work accounts for an entire market area failure) leading to a need to re-inspect and remediate an entire market area, and puts forth a focused plan judged appropriate by the Director of the Office of Telecommunications for addressing this root cause, it may not be

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judged to have a market failure in that area at the discretion of the Director.⁷

Past Installations

Under the Plan, all "past" installations (i.e., installations as of August 1, 2008) would eventually be reviewed for compliance with safety requirements and if a "material deviation" is observed, the installation would be remediated within an average of sixty-days of its discovery. As mentioned above credits do not apply to inspection and remediation performance on past installations.

1. Timeframes

The AG believes the 60 days on average provided to remediate an installation is too long and that Verizon has not provided justification for why an average delay of up to 60 days between identification of faulty grounding/bonding conditions by the inspectors and remediation of these conditions should be permitted. The AG believes once identified, these should be remediated within 20 calendar days and that 80% should be remediated within 5 business days. For those with no grounds whatsoever, the AG recommends remediation should occur within 48 hours. Cablevision proposes remediation should be done within 5 days, and others agree sixty (60) days is far too long to allow Verizon to cause cable plant to be out of compliance. Staff recommends correction of non-conforming new ONT installations within 15 days of original ONQAT inspection. As with new installations, staff concludes that the 60 day average timeline

⁷ The standard for determining a suitable "root cause factor" is one which is isolated, can be readily tracked for re-inspection and remediation, and which upon remediation produces a passing grade relative to the thresholds.

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for remediation of a deficient past inspection is too long. Staff recommends the Plan acknowledge a 30 day timeframe following inspection. Common Cause argues the 60 day term should be a limit, not an average. Verizon argues it needs a reasonable degree of flexibility to deal with peak loading problem and no access situations.

We share the concerns of the parties commenting on Verizon's plan that a sixty day time frame is too long, but we recognize that the remediation effort will be substantial and that flexibility will promote a more efficient and ultimately a better quality operation. We will, however, hold Verizon accountable to making progress on its remediation efforts by ordering clear remediation milestones that are subject to enforcement. Forty five per cent of FiOS installations are to be inspected and remediated⁸ by December 31, 2008 and all FiOS installations shall be inspected and remediated by May 31, 2009. Those milestones reasonably parallel the schedule provided by Verizon and we adopt them.

2. No Access situations

The Plan allows Verizon to subtract instances in which it is unable to obtain access from the remediation targets.⁹ The Plan indicates the company will make a reasonable effort to contact non-responding customers to gain access, but we believe the process needs to be more specific than that.

⁸ Defined as either remediated, or within the ten day (for no ground) or sixty-day time frame allotted for remediation, or subject to the customer notification procedures for no access discussed below.

⁹ July 15 2008 letter, p. 7.

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This is a potentially large loophole that could easily weaken the remediation targets in the plan. Therefore, if Verizon is unable to obtain access, we will require that Verizon follow up with two separate telephone calls to consumers over a 10-day period, during both day and evening hours, to try to set an appointment for inspection of their FiOS facilities.

If these attempts to gain access to customer premises fail, the safety issue then becomes paramount for what we believe will be a relatively small group of Verizon customers. At this point, the company will be required to contact the remaining customers again, in writing by certified letter, advising that, because of the potential for safety issues to arise, unless access for the purpose of inspecting the FiOS facilities is granted, FiOS cable television service may be suspended. We urge Verizon to develop creative means of obtaining consent for access, but we also recognize that the inconvenience of possible suspension of cable television service should motivate prompt customer response, if necessary, to cure any possible safety issue within the premise. The company should work with our Office of Consumer Services to help insure its outreach to customers is optimal. All proposed notices and letters that Verizon proposes to send to its FiOS customers are to be provided to staff for its review and approval.¹⁰

3. The "material deviation" standard

¹⁰ Draft letters should be forwarded to the Directors of the Office of Telecommunications and Consumer Services at least five days before they are to be sent to the customer. Scripts to be used for the telephone calls should be similarly forwarded to the Directors.

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Various parties express concern that the concept of a "material deviation" is vague. Because our staff will be reviewing Verizon's installations and will have its own view of what constitutes a material deviation the concern should not be overstated. In its compliance filing Verizon should refine the standard in consultation with staff. We expect Verizon to apply the standard liberally, especially in light of the fact that these are safety requirements, requiring that the company err on the side of protecting consumers.

Parties Participation in Plan Review

Under the Plan, Verizon would prepare monthly reports on compliance with its Grounding M&Ps and its remediation efforts identifying the number of installations inspected and the number of those that deviated in any material respect from standard. Each report would be accompanied by detailed back-up data listing specific locations and the nature of the deviation.

Some parties recommend that Verizon make available its monthly reports and detailed back-up data as part of the Plan.

Because the issue regarding whether the information contained in the detailed back-up data is subject to confidentiality under FOIL is unresolved, it would be premature to require Verizon to provide the detailed back-up data as requested. However, Verizon should continue to provide its aggregate reports to the parties and, in the event the Records Access Officer makes a determination that the detailed back-up data is not subject to FOIL, Verizon would then be required to provide that information as well.

Customer and Municipal Notification

Verizon's original Plan did not detail the manner of, or timeframes for, notifying its customers that additional inspection of its FiOS facilities would be required. However,

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the issue was raised at the September 9 technical conference, and in response to the concerns raised at the conference, Verizon filed supplemental information on September 18, including proposed written notification to its customers.

Common Cause commented in some detail regarding consumer protections and in particular argued for clear communication with customers regarding the serious nature of the need for these safety inspections. It also recommended that the Commission detail a customer friendly methodology and suggested two hour appointment windows among other items that would allow for a reasonable accommodation of consumer schedules. Common Cause also commented that Verizon should provide detailed information regarding their field findings and remediation status reporting regarding customers within their municipalities.

The AG is concerned that communications of the importance of the safety aspect of this activity needs to be coordinated with a process that will be manageable for the customers. The AG also argues that scheduling minimize impact on consumers through appropriate after normal business hours appointments within predictable time windows and a three hour appointment window to minimize disruption of customer home and work schedules.

Extended outreach does not seem warranted at this point. All existing FiOS installations will be inspected and remediated in the next ten months and new installations will be subject to improved performance thresholds.

However, there is likely to be a certain percentage of customers who will not respond to Verizon's initial contact attempts. These are referred to by Verizon as "no access" situations and are discussed above.

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Competitive Issues

Verizon's Plan as filed did not discuss issues related to the impact of its performance on its competitors.

In its comments on the Plan, Cablevision insists that Verizon provide cable operators with two days notice on a FiOS installation to allow incumbents to meet Verizon on site to ensure incumbent cable plant is left in a secure and compliant condition. Cablevision also notes that business-to-business channels have failed to rectify problems they perceive, including damage to Cablevision's plant.

The Communications Workers of America comment that Verizon's competitors are not meeting similar standards.

In its reply comments, Verizon argues that the underlying reason Cablevision wants two days notice is not so much so that it can oversee the cutover process, but more likely to get advance notice of customer transfers and use this information for retention marketing efforts. Verizon concludes that these business-to-business issues should be addressed through industry discussions rather than through the regulatory process. In its reply comments, Cablevision concludes it is much too late in the day for business-to-business discussions and that Cablevision's and staff's attempts at getting Verizon into leaving cable plant undistributed have proved unfruitful.

Two days advance notification of a Verizon FiOS installation would present an unfair opportunity for the cable operator to win-back its customer prior to Verizon's installation. This would be the analogous to a recent issue brought to the Federal Communications Commission ("FCC") where the cable companies alleged that Verizon used advanced information on number porting to win-back its telephone customers prior to the cable companies' installation. The FCC there agreed with the cable companies that the practice was unreasonable. Similar logic should prevail here. Further,

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although this information is requested on all FiOS installations, it is hard to envision the cable companies dispatching a technician with every FiOS installation. In lieu of advance notification, it may be more reasonable to expect that the customer will contact the cable company to ensure billing ceases for a service no longer used, and that such contacts will be timely. This notice should be sufficient to allow the cable companies to secure their plant in a time frame commensurate with the FiOS installation.

Independent, Third Party Verification

Verizon proposes an "independent, third-party verification of the Plan for the entire period allowed for inspection of Past Installations under the revised schedule". The revised schedule reference provides that all Past Installations would be inspected by March 31, 2009. The scope of the review as proposed by Verizon would include four elements:

1) Accuracy of inspection of Verizon's inspection of New Installations and its remediation of Past Installations;

2) Accuracy of Verizon's reporting of the results of these inspections and of its remediation efforts;

3) Training of inspection personnel;
and

4) Maintenance of Verizon's database for inspection results.

Verizon agreed to pay for "all reasonable fees" for the cost of the review and proposed that the entity be selected by mutual agreement of staff and Verizon. Verizon also indicated the review would commence on September 2, 2008, and that the

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results should be considered confidential by both Verizon and staff.

Comments on the Plan question the independence of the review if Verizon is involved in the selection. Further, while Verizon has set what it sees as the scope of the review, staff notes that the exact scope and oversight of the auditor should be under the direction of staff, not Verizon. Further, in addition to the aspects of the Plan proposed by Verizon, the AG recommends that the independent third-party verification team also be delegated with the responsibility to closely monitor Verizon's adherence to various remediation effort timelines proposed. Finally, staff notes the scope, procedures and reporting associated with the independent review need to be clarified.

In its reply comments, Verizon does not object to the selection of the auditor by staff, and raises no objection regarding staff's comments about staff controlling the fundamental aspects of the audit including the scope and oversight of the auditor.

We acknowledge Verizon's commitment to have an independent review of certain aspects of the management of FiOS installation and remediation efforts; however, we believe a decision on commencing an independent review should be deferred. Staff will be closely monitoring all aspects of the company's Plan and as the results of Verizon's efforts and staff oversight findings are developed we will be in a better position to respond to the need for such an independent review and, if warranted, be more informed on the required scope of such a review.

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Grounding of Interior Installations

Verizon states that for interior installations¹¹ it will use one of the approved staff methods for grounding unless it would be impractical or unsafe to do so, in which case it will utilize - on an interim basis - the TII 442 grounding module with 10 gauge wire as presented by Verizon to staff on August 13, 2008.¹² It says that it will work with staff to secure confirmation from an appropriate forum or organization that use of the TII 442 is safe and appropriate for inside installations, that it will use the module as an option for all such installations if such confirmation is obtained and that if such confirmation is not obtained it will "expeditiously remediate the TII 442 installations to replace them with a grounding [method] approved by staff."¹³

We have not yet concluded our review of Verizon's inside grounding method. Our staff is still evaluating the issue, and we expect to revisit it when staff's work is complete. Accordingly, pending the completion of that review, we adopt Verizon's proposal for limited use of the TII 442 grounding module for inside installations.

CONCLUSION

The FiOS remediation Plan filed by Verizon has a number of provisions that, once successfully implemented, will

¹¹ Interior installations are defined as "installations in which any conductive elements attached to the ONT are located wholly inside the customers building." Verizon's August 15 letter to Secretary Brilling, p. 3.

¹² Id.

¹³ Id., p. 4.

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appropriately address the grounding and bonding issues associated with the company's FiOS deployment. The Plan, as modified, will allow the company to continue to market and install FiOS, improve the safety of customer installations, better inform consumers, and remedy all non-conforming past installations. To strengthen the Plan, we will require that Verizon revise the Plan as discussed above. These modifications include:

1. All new installations are to be inspected in any month and region that fail to meet performance thresholds (95% compliance with safety regulations and 100% presence of a ground and bond).
2. For installations found to have no ground, the remediation period is shortened to 10 days.
3. Verizon is to file a revised sampling procedure for new installations.
4. We will require enforceable milestones for the remediation of past installations.
5. For no access situations more specific customer notification requirements are set forth.

By the Commission:

1. Verizon New York Inc. shall file with the Secretary to the Commission on or before November 21, 2008 a revised FiOS Remediation and Inspection Plan, modified in accordance with the discussion in the body of this Order, and shall serve the compliance filing on the active parties in this proceeding.

2. This proceeding is continued.

By the Commission,

(SIGNED)

JACLYN A. BRILLING
Secretary

APPENDIX 1

Parties filing comments and a summary of comments

Initial Comments Filed By

New York State Office of the Attorney General (AG)
Verizon New York Inc. (Verizon)
City of New York, Department of Information Technology and
Telecommunications (DoITT)
New York State Department of Public Service (Staff)
Cablevision Systems Corporation (Cablevision)
Cable Television Association of New York (CTANY)
Fiber to the Home Council of North America (FTTH)
Communication Workers of America (CWA)
Common Cause/People's Production House (Common Cause)
Alcatel-Lucent (Alcatel)
Corning Incorporated (Corning)
New York Telephone Association (NYSTA)
New York Farm Bureau
Motorola, Inc. (Motorola)
City of Yonkers
Village of Lawrence
Tellabs
City of Rye
Mr. John Carey (Carey)
Consumers for Competitive Choice (C4CC)
United States Internet Industry Association (USIIA)
Town of Hempstead
The Town Of Huntington

Reply Comments Filed By

Verizon New York Inc. (Verizon)
New York City Department of Information Technology and
Telecommunications (DoITT)
New York State Department of Public Service (Staff)
Cablevision Systems Corporation (Cablevision)
Cable Television Association of New York (CTANY)

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Mr. John Carey (Carey)
Communications Workers of America

SUMMARY OF COMMENTS

General

Verizon, the New York Telephone Association (NYSTA), the Communication Workers of America (CWA) and the New York State Farm Bureau recommend the Commission approve the Plan as submitted. In addition three vendors (Corning, Motorola and Tellabs) also urge the Commission to approve the Plan. A number of parties recommend that the Plan be amended to address various shortcomings they perceive, or to further clarify various aspects of the Plan.

Inspection/Remediation of Past Installations

Verizon's Plan provides for inspections of all past (prior to August 1, 2008) FiOS installations, and remediation of material¹ deviations¹ no later than 60 days on average. Verizon's rationale for the timeframe is that it needs a reasonable degree of flexibility to deal with peak loading problem and no access situations. The company targets a completion date of March 31, 2009 for their review of past inspections and where required, will notify customers of the need to gain access. The notification proposed by the company

¹ Staff and CTANY state that the Plan needs additional definition regarding what constitutes an installation that deviates "in any material respect from the grounding M&Ps" (Staff) and what constitutes "nonconformity" particularly when cable plant is involved (CTANY).

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is not explicit with respect to the reason for the inspection/remediation.

A number of parties argue that the 60 day average remediation schedule is too long. Common Cause requests that the 60 day timeframe be a limit (within 60 days) as opposed to an average. Staff recommends remediation of past installations within 30 days. The AG believes once identified, these should be remediated within 20 calendar days and that 80% should be remediated within 5 business days. Further the AG recommends that where inspections that find there are no grounds whatsoever, the remediation should occur within 48 hours. Cablevision proposes five days.

Inspection/Remediation of New FiOS Installations

Unlike past inspections, Verizon's Plan does not require a 100% inspection of new (post August 1, 2008) installations, noting that 100% should not be the inspection strategy and that, for example, Cablevision does not even hold itself to that standard. Under the Plan, Verizon will select a statistically valid sample of new installations across 16 areas of the State. These installations will be inspected by an Optical Network Quality Assurance Team (ONQAT), and there will be monthly reporting to the Commission on the results of the inspections and the remediation. Remediations are subject to the same 60 day timeframe as with past installations. Verizon has also set goals for itself and performance thresholds. The failure to achieve performance thresholds will result in additional actions, including, but not limited to, customer rebates.

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Inspect 100% of New Installations

Cablevision ²and John Carey recommend that, similar to the approach taken for past inspections, that all new installations be inspected. The Attorney General agrees with this approach, but would allow Verizon to move to a sample of new installations once they demonstrate compliance in each of the relevant areas for two consecutive months.

Remediation Timeframes

Staff and New York City believe the Plan should include a provision to require the immediate, same day, remediation of a new installation when inspections shows that the ONT is not grounded at all, followed by a repeat inspection within one week.

Suspending New FiOS Installations

NYC and Verizon strongly disagree with Staff's recommendation that FiOS installations in the City should be singled out for suspension until Verizon meets the 95% compliance. According to Verizon, Staff proposal (which Verizon terms "extraordinarily irresponsible from the public policy perspective") would deprive millions of NYC residents of the benefits of cable competition.

No Access and Appointment Windows

A number of parties also raised concern with the ability of consumers to schedule weekend and evening appointments. The AG suggests that the Plan be amended to offer

² Cablevision also argues that such inspections should be done by independent examination, not by Verizon retirees or consultants under Verizon's management.

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weekend and evening appointments, while Common Cause believes Verizon should offer two hour appointment windows. In its reply comments Verizon notes that it will offer appointment in the early evening hours and Saturdays. However, Verizon argues that the need for narrow windows has not been demonstrated, and the issue should be deferred until Verizon has more experience implementing the Plan.

**Customer/Municipal Notifications and Reporting
Requirements**

Customer Notifications

Verizon's initial Plan did not provide detailed information with respect to how customers would be notified and the process by which the company would coordinate gaining access. During the technical conference and in response to the technical conference, Verizon provided additional information (and draft scripts) regarding customer communications associated with FiOS inspections and remediation efforts. Verizon does not plan on notifying all FiOS customers, only those where they (Verizon) would need access to perform the inspection and/or remediation. Parties raised a number of concerns regarding customer and municipal notifications

Staff concludes that the Plan fails to delineate efforts VERIZON will take to ensure subsequent inspection when access is not obtained or how customers will be notified when inspectors and technicians are unable to obtain access. Verizon should immediately contact/notify those customers to facilitate entry and correct deficiencies.

The Attorney General argues that faulty grounding/bonding issues were not revealed to the general public until July 2008, even though Verizon was aware of these. The NRP does not require Verizon to notify all FIOS customers of the grounding issues. Verizon's draft notices fail to mention the

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potential safety risks. The NRP should specify the form and content of the notice and before Verizon gives up on attempts to obtain access it should advise customers of the potential safety risks at issue. Common Cause believes notifications must be much more explicit in the communications with customers as to the reason for the inspection and should clearly state there is a potential risk of electrical shock if not grounded properly. Common Cause also recommends that Verizon or the Commission should immediately notify all municipalities and local franchising authorities where Verizon FiOS service is available of the matters of non-compliance. Common Cause proposes that all FiOS customers be notified using the standards of the National Highway Traffic Safety Administration as a model. Verizon responds that Common Cause's recommendation for Verizon to notify all FiOS customers is not justified and its comparison to the National Highway Traffic Safety Administration vehicle recalls is ridiculous.

Reporting Requirements

The Plan includes a number of provisions centering on reporting requirements. The City of Rye, CTANY, the Village of Lawrence and Common Cause believes the monthly reports submitted by Verizon should be shared with the public (and municipalities). Common Cause suggests that the Commission order Verizon to disclose details of the Network Plan and company's pattern of noncompliance with the NEC to all potential franchisors upon commencement of active negotiation for a franchise. Verizon responds that to the extent municipalities are seeking the detailed back up data under paragraphs 5 and 15 of the Plan, dissemination of that information to municipally would unfairly cause competitive harm to Verizon.

Business to Business Issues

Cablevision insists that Verizon provide cable operators with two days notice on a FiOS installation to allow

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incumbents to meet Verizon on site to ensure incumbent cable plant is left in a secure and compliant condition. Cablevision also notes that business-to-business channels have failed to rectify problems they perceive including damage to Cablevision's plant. In reply, Verizon argues that the underlying reason Cablevision wants two days notice is not so much so that it can oversee the cutover process, but more likely to get advance notice of customer transfers and use this information for retention marketing efforts. Verizon concludes that these business to business issues should be addressed through industry discussions rather than allowing the regulatory process. In its reply comments, Cablevision concludes it is much too late in the day for that [business-to-business discussions] and that Cablevision's and Staff's attempts to cajole Verizon into leaving cable plant undistributed have proved unfruitful.

Independent, Third Party Verification

In its August Supplement, Verizon proposes that the Plan be subject to an independent, third-party review and sets for the scope of that review. Both Staff and the AG argue that Verizon should not be involved in the selection of the independent third-party reviewer. Staff goes on to clarify that Staff should control the fundamental aspects of that audit, including the scope, selection and oversight of the auditor. In its reply comments, Verizon indicates that it does not object to the unilateral selection of the auditor by Staff.