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Attorney for Complainant John Brewster

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JOHN BREWSTER,)	
)	
Complainant,)	Case No. VZN-T-10-03
)	
vs.)	
)	PETITION FOR RECONSIDERATION
VERIZON NORTHWEST, INC.,)	
)	
Respondent,)	
)	

Pursuant to Idaho Code § 61-626 Complainant John Brewster, by and through his attorneys, submits this petition for reconsideration of Final Order No. 32046 entered by the Commission on August 12, 2010 in the above-captioned proceeding (the "Order"). The Order granted Verizon Northwest Inc'.s Motion to Dismiss Mr. Brewster's Complaint.¹

In general, Mr. Brewster asserts that the Order is unreasonable, unlawful, erroneous, unduly discriminatory and not in conformance with the facts of record and applicable law. Based on the discussion below Mr. Brewster respectfully requests that the Commission grant his Petition and allow him to provide testimony and further evidence to the Commission at a technical hearing on the issues for reconsideration raised herein.

¹ On July 1, 2010, Frontier Communications Corporation acquired control of Verizon's local and long-distance telephone operations in Idaho.

I.

STANDARDS FOR RECONSIDERATION

Reconsideration provides an opportunity for a party to bring to the Commission's attention any issue previously determined and thereby provides the Commission with an opportunity to rectify any mistake or omission. *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). In those instances where an aggrieved party asks the Commission to reconsider its decision based upon the record, it may simply do so. The Commission may also grant reconsideration by rehearing if it intends to take additional evidence or argument. If reconsideration is granted, the Commission must complete its reconsideration within 13 weeks after the date for filing petitions for reconsideration. *Idaho Code* § 61-626(2). If the Commission grants reconsideration, it "must issue its order upon reconsideration within twenty-eight (28) days after the matter is finally submitted for reconsideration." *Id.*

II.

ARGUMENT

In support of his Petition Mr. Brewster asserts that the Order rests on the foregoing erroneous and unreasonable conclusions.

First, the Commission's determination that Verizon's tariff does not allow a customer to place his own pedestal terminals, or to pull or splice the service wire. While Mr. Brewster understands the Commission's reasoning with regard to Verizon's interest in maintaining "control of how the wire is place, spliced, connected etc." he still asserts that the unusual conditions provisions in Verizon tariffs are applicable in his case. The line extension discussed in this case is not only unusual because of its location, which is remote and its length, but also

because in order to place a line in a trench in this location extensive rock removal had to occur.² Further contrary, to Verizon's assertions that this work was not performed correctly, had the trench been placed where it originally had planned for, extensive blasting of rock would have had to occur in order to construct the trench. This would have been significantly more expensive and possibly impossible to complete. Accordingly, this project is also unusual because Mr. Brewster could not rely on Verizon's determinations of where to place this line extension. Something that he should be able to do certainly if this company is the only party allowed to make these decisions as a result of its price list.

In addition, due to the fact that Verizon apparently only uses one contractor for this work Mr. Brewster questions whether the Company's tariff provisions should be enforced at all in regard to line extensions when the cost estimates appear vastly more expensive than the estimate he received from Ditch Technologies. Verizon has never provided any justification that supports this difference in estimated cost. As an aside, in Mr. Brewster's efforts to resolve this matter he has always conceded that Ditch Technologies would follow Verizon's plans and direction for this line extension whether this company contracted directly with Verizon or Mr. Brewster himself. Thus, concerns regarding insuring the quality and integrity of this line extension should be alleviated.³ Further, in the event Ditch Technologies was allowed to perform this work and

² Mr. Brewster also disagrees strongly with Verizon's contention that the trenching and conduit were not placed as planned and that Verizon expended additional engineering and planning time to re-engineer the project. Mr. Brewster would like the opportunity to demonstrate that this allegation is unfounded. In addition, Mr. Brewster asserts that nothing in the current record substantiates this claim.

³ It should be noted that Verizon has not disputed the qualifications of Ditch Technologies proffered by Mr. Brewster to perform the work for this line extension.

contracted directly with Mr. Brewster he has also offered to assume all liability for this portion of the line extension and would agree to indemnify Verizon in the event any third party sought to hold it responsible for some issue arising from it.

Second, while Mr. Brewster certainly appreciates the Commission's recommendation that Verizon engage in a competitive bidding process in its selection of qualified contractors he believes this still will not provide him with any relief. *Order* at p. 4. Unless the Commission specifically directs Verizon to put his line extension job out for competitive bids he is convinced that it will not do so in his case. The result of this will be that Verizon's cost estimate for this project will again be significantly higher than the estimate provided by Ditch Technologies without any justification therefore. Due to the great disparity in the bids for this project and the lack of explanation of these differences the Commission should reconsider its Order to determine whether it should require Verizon to put Mr. Brewster's proposed line extension out for competitive bid or in the alternative to review any future bid for this line extension if it uses a single source contractor so that reasonable cost estimate is provided.

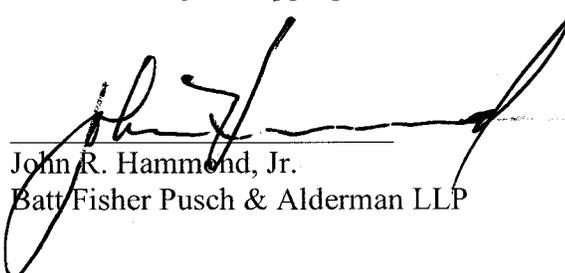
CONCLUSION

For the reasons set forth herein, Mr. Brewster respectfully requests that the Commission reconsider its findings in its Order.

WHEREFORE, Mr. Brewster respectfully requests that the Commission:

1. Reconsider its findings in Order No. 32046 in this proceeding;
2. In reconsideration of its Order grant Mr. Brewster's request to hold a technical hearing on the issues raised in this Petition;
3. Grant such other relief as it deems necessary and appropriate.

Dated this 1st day of September, 2010.



John R. Hammond, Jr.
Batt Fisher Pusch & Alderman LLP

CERTIFICATE OF SERVICE

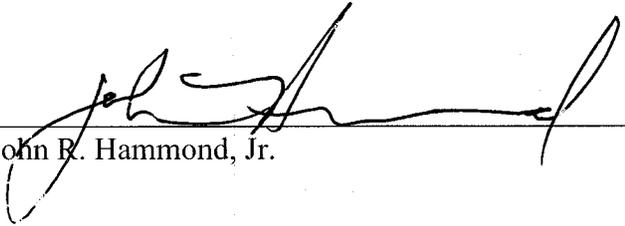
I HEREBY CERTIFY That on this **1st** day of September, 2010, I caused a true and correct copy of the foregoing document to be served upon the following individual(s) in the manner indicated below:

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