

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEES ON PUBLIC PROPERTY AND
PUBLIC WORKS AND TECHNOLOGY AND
INFORMATION SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, April 29, 2016
9:15 a.m.

PRESENT:

COUNCILMAN BOBBY HENON, CO-CHAIR
COUNCILMAN BRIAN J. O'NEILL, CO-CHAIR
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN MARK SQUILLA

RESOLUTION 160156 - Resolution authorizing the
Joint Committee on Public Property and Public
Works and Technology and Information Services
to hold public hearings to review the status
of the City of Philadelphia's franchise
agreement with Verizon Pennsylvania, Inc.,
particularly on Verizon's progress in making
cable television service available across the
City.

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COUNCILMAN HENON: Good morning, ladies and gentlemen. Good morning. The Joint Committee of Public Property and Public Works and Technology and Information Services is now in session.

Would the Clerk please read the title of Resolution No. 160156.

THE CLERK: Resolution No. 160156, resolution authorizing the Joint Committee on Public Property and Public Works and Technology and Information Services to hold public hearings to review the status of the City of Philadelphia's franchise agreement with Verizon Pennsylvania, Incorporated, particularly on Verizon's progress in making cable television service available across the City.

Anyone wishing to make public comment at the end of the hearing can see Erin over here at the table. Thank you.

COUNCILMAN HENON: Thank you, Clerk.

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2 I'd like to recognize
3 Councilmembers that are joining here
4 today. To my left, Councilman Greenlee.
5 To my right, Chair of the Technology
6 Committee, Chairman Councilman Brian
7 O'Neill, Councilwoman Gym, and Councilman
8 Squilla.

9 But before we begin, I'd like
10 to thank everyone that's here today and
11 participating in this hearing. I want to
12 thank you all for coming down to see all
13 of us do what we do, government at work.

14 In 2009, the City of
15 Philadelphia entered into a franchise
16 agreement with Verizon cable service and
17 the cable service to the entire City.
18 Throughout the course of the build-out of
19 the franchise area, there were benchmarks
20 that had to have been hit and levels that
21 had to have been met.

22 On February 26th of this year,
23 Verizon FiOS service was to be available
24 at 100 percent of the City. As somebody
25 who has deeply been involved in franchise

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2 agreements in this City, I know firsthand
3 that a 15-year franchise agreement and
4 the deal such as the Verizon franchise
5 agreement requires constant and
6 consistent open dialogue between the City
7 and the cable provider.

8 My colleagues and I, as well as
9 the City of Philadelphia, couldn't be
10 happier that there are finally
11 competition in our cable service here in
12 the City. The proposed -- the purpose of
13 this hearing today is to ensure that all
14 Philadelphians are truly benefiting from
15 having the option to select their own
16 cable provider and to investigate the
17 status of the Verizon franchise
18 build-out, and that's to investigate the
19 build-out.

20 I look forward to a productive
21 and thorough interaction between the
22 panels and this legislative body today,
23 and I fully expect that outstanding
24 questions will receive immediate and
25 proper attention by the responding

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2 parties so that Council can effectively
3 assist the citizens of Philadelphia, that
4 they get to receive the level of service
5 that they deserve.

6 With that, I'd like to invite
7 my Co-Chairman, Brian O'Neill, to make
8 his opening remarks.

9 COUNCILMAN O'NEILL: First, I'd
10 like to thank you, Chairman Henon, for
11 bringing these hearings about. I may be
12 the only one on either of these
13 committees that was here in '99 when we
14 went through a fairly arduous process of
15 putting this agreement together and this
16 franchise agreement. So anything I can
17 add, I will, and I appreciate the ability
18 to have a joint committee hearing on it.

19 Thank you.

20 COUNCILMAN HENON: Thank you,
21 Mr. Chairman. I rely on your advice and
22 experience with the highest integrity and
23 consistency.

24 So with that, are there any
25 other members of the Committee who wish

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2 to make any comments before we begin?

3 (No response.)

4 COUNCILMAN HENON: Being none,
5 is there anyone from the Administration
6 Office of Information and Technology.
7 Would you please approach the bench and
8 proceed with your -- identify yourself
9 and proceed with your testimony.

10 (Witnesses approached witness
11 table.)

12 MR. BRENNAN: Good morning,
13 Committee Chair Henon and Chairman
14 O'Neill and other members of the Joint
15 Committee. My name is Charles Brennan.
16 I'm the City CIO from the Office of
17 Innovation and Technology. With me is
18 Steve Robertson, my Chief of Staff.
19 Steve has been involved in this process
20 since the very beginning.

21 I'm here today to provide
22 testimony describing OIT's oversight and
23 monitoring of Verizon's build-out of its
24 cable system here within the City.

25 As you mentioned, Chairman, the

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2 cable franchise agreement between the
3 City and Verizon was approved in February
4 2009. Under the terms of that agreement,
5 Verizon is obligated to make cable
6 service available throughout the entire
7 City within seven years of the effective
8 date of the agreement, subject to certain
9 exceptions set forth in that agreement.
10 The build-out deadline was on or before
11 February 26th, 2016.

12 OIT began actively monitoring
13 the company's build-out progress over
14 four years ago. The franchise agreement
15 provides that the CIO may require Verizon
16 to participate in what is called a
17 Commissioner's Review Session. The
18 purpose of these sessions is to discuss
19 any topics that the CIO may reasonably
20 determine to be necessary to ensure
21 Verizon's compliance with its franchise
22 agreement obligations.

23 The first such review occurred
24 in 2012 and focused on Verizon's progress
25 in their build-out. Such reviews

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2 continued each year thereafter up to and
3 including 2015.

4 In each of these reviews, OIT
5 concluded that Verizon was in compliance
6 with its build-out obligations as set
7 forth in the agreement. In 2013, OIT
8 concluded Verizon met its four-year
9 benchmark of making cable service
10 available to 45 percent of total
11 households in the City, excluding
12 households subject to an exception under
13 the franchise agreement.

14 In 2015, OIT confirmed that
15 following a short extension of 90 days,
16 Verizon met its six-year benchmark of
17 having cable service available to 85
18 percent of the total households in the
19 City, excluding households, again,
20 subject to an exception under the
21 franchise agreement.

22 Verizon met this benchmark
23 after the City extended the due date by
24 90 days in 2015. In exchange for this,
25 the City required Verizon to provide a

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2 \$2.6 million letter of credit as
3 performance security and to agree to
4 stringent detailed verification
5 procedures. Both a letter of credit and
6 verification procedures applied to the
7 final completion date of February 26th of
8 that year. It should be noted that no
9 extension was given for the final
10 completion date. The City also required
11 Verizon to support the enhanced
12 verification with a payment of \$150,000.

13 Within two weeks of the
14 expiration of the seven-year build-out
15 deadline on February 26th, OIT had its
16 cable consultant, CBG Communications,
17 begin the testing process to verify
18 whether Verizon cable service is now
19 available in all areas of the City as
20 required under the franchise agreement.

21 CBG completed the first round
22 of testing during the week of March 14th.
23 It consisted of both field testing and
24 remote testing of Verizon customer
25 set-top boxes.

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2 CBG tested 53 random locations
3 and found that cable service was indeed
4 functioning in those areas. They also
5 did remote testing from a central Verizon
6 location using software to connect to a
7 customer set-top box in randomly selected
8 areas of the City. There were several
9 issues, and OIT is addressing these with
10 Verizon.

11 For example, field testing
12 disclosed that although some
13 multiple-dwelling units had Verizon fiber
14 nearby, the MDU itself is not currently
15 being served. Also during the remote
16 testing of customer set-top boxes, in
17 some cases no service or signal was
18 detected from the box, indicating a
19 potential problem.

20 Tom Robinson, who is the
21 President of CBG, is here today and he
22 can provide the Committee with more
23 details related to testing should you
24 desire to answer -- should you decide to
25 have such questions answered.

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2 It needs to be mentioned that
3 as OIT, CBG, and Verizon prepared to
4 undertake the verification of Verizon's
5 build-out, Verizon advised us that there
6 are areas of the City that have not yet
7 been built out for service.

8 With respect to these areas,
9 Verizon claims that circumstances beyond
10 their control have delayed completion of
11 the build-out. In such cases where
12 underlying cause for delay is clearly
13 beyond Verizon's control, the franchise
14 agreement provides an exception to the
15 requirement that Verizon build-out be
16 completed by the deadline.

17 By way of example, causes that
18 contribute to delays, for example,
19 construction delays due to Verizon's
20 inability to obtain authority to access
21 private rights-of-way in the City;
22 Verizon's inability to distribute service
23 in developments, buildings or areas that
24 are subject to exclusive arrangements
25 with other cable providers; Verizon's

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2 inability to obtain access to
3 multiple-dwelling units where separate
4 negotiation between the MDU landlord,
5 owner or governing body is required for
6 the installation of cable service; and
7 delays attributable to the actions or
8 inactions of any government
9 instrumentality, including the City.

10 With respect to this last
11 exception, Verizon did advise OIT of
12 permitting delays that have impacted
13 Verizon's inability to complete its
14 build-out in various areas of the City.

15 As OIT continues its
16 verification process to certify Verizon's
17 build-out completion, OIT will assess all
18 claimed exceptions by Verizon and has
19 asked Verizon for a timeline as to when
20 all remaining areas will be completed and
21 cable service made available in those
22 areas.

23 OIT anticipates that if the
24 current labor issues remain unresolved
25 for a long period of time, this will

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2 inhibit Verizon's ability to finish their
3 build-out in those areas subject to an
4 exception under the franchise agreement,
5 and this will in turn delay OIT's
6 verification of the completion of the
7 cable system.

8 Chairman, that is my testimony.
9 Should you have any questions, we'd be
10 glad to answer them for you.

11 COUNCILMAN HENON: Thank you
12 for your testimony.

13 Let me start by the Verizon
14 franchise build-out was to be completed
15 on February 26th of this year. What is
16 the current status of the certification
17 of that build-out? I know you had
18 mentioned it in your testimony that there
19 has been some field testing. What is the
20 current status?

21 MR. BRENNAN: There were two
22 rounds of testing. One round of testing
23 has been done and one round of testing
24 has yet to be done, and we are waiting
25 for additional information from Verizon

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2 in order to conduct that second round of
3 testing.

4 COUNCILMAN HENON: So what are
5 the two rounds of testing? You have a
6 field test and you have remote testing;
7 is that correct? Can you expand a little
8 more on what a field test is and what a
9 remote test is, what are the samplings
10 and where are they located? How do you
11 pick the bellwether samplings?

12 MR. BRENNAN: I think in order
13 to answer that question, I have my
14 consultant here, Tom Robinson from CBG
15 Communications. I think he would be
16 better to answer that for you,
17 Councilman.

18 COUNCILMAN HENON: That would
19 be great. Thank you.

20 MR. ROBINSON: Good morning,
21 Councilman Henon and the rest of the
22 Committee. My name is Tom Robinson. I'm
23 President of CBG Communications. We're a
24 consultant to the City. We've been
25 engaged by OIT to conduct verification of

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2 Verizon's build, as well as other
3 cable-related matters.

4 We set up the testing. We
5 worked with OIT to establish every
6 address in the City, a list of every
7 address in the City, and we developed a
8 random sample of 400 addresses throughout
9 the City in all of the wire centers and
10 all of the councilmanic districts. From
11 that list, we chose 200 for field testing
12 and 200 for remote testing. Again,
13 geographically disbursed throughout the
14 City.

15 We did some stratification of
16 the samples so that the remote testing
17 would focus on areas where we knew that
18 there were already subscribers. We had a
19 list of subscribers from Verizon, and
20 that would allow us to test straight
21 through to the set-top box and actually
22 see what the subscribers' signal
23 performance was.

24 There's really two definitions
25 of system availability. One is

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2 availability of the actual system being
3 delivered to a house, to what's called an
4 ONT, which is placed at the side of the
5 house or inside the house, which then
6 takes the signal and distributes it
7 throughout the house for video, voice,
8 and data. And you can get quality
9 parameters off of that, signal-to-noise
10 ratios. You can look at visual signal
11 levels. You can look at a number of
12 things which tell you whether the service
13 is of high quality or not. So we wanted
14 to do that in a remote testing.

15 In the field testing, really
16 what we were looking for was the presence
17 of light at a point at which it could be
18 delivered to a home, and those are one of
19 the randomly selected homes.

20 So in the first round of
21 testing, we basically took the 400
22 sample. We chose a sample of 400 so we
23 could project. In other words, because
24 it's a random sample, once we get to the
25 end of the testing, we can actually --

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2 let's say we have two or three problems
3 of a certain type. We can project based
4 on all -- since the total universe was
5 all households in the City, we can
6 project how many of those problems might
7 actually be occurring across the entire
8 City, with a margin of error plus or
9 minus 5 percent.

10 So to get back to kind of the
11 two parts of the field testing. So the
12 remote testing we conduct and we
13 actually, again, look straight through
14 into the subscribers' set-top box and do
15 some quality parameters, and we did about
16 100 of those. We found about 11 or 12
17 with issues. The others were fine. We
18 actually went back the next day and
19 retested those or tested some off of the
20 same hub and found that it must be a box
21 problem, except in two cases, and that's
22 where we've asked Verizon for follow-up
23 information. One where the ONT actually
24 failed and so we couldn't look through,
25 and we wanted to see whether that was

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2 just a maintenance issue or a deployment
3 issue, and another one where there was
4 nothing in that particular area. That
5 was actually transferred to the field.
6 That was another MDU complex. So that's
7 the remote testing.

8 The field testing, again,
9 you're looking at the presence of light.
10 Out of the hundred, 53 were successful.
11 We were able to look at light and look at
12 optical signal levels that would power
13 the ONT and be able to deliver signal to
14 that particular residence. Even if this
15 residence wasn't actually a subscriber at
16 that point, they would be able to have
17 service. So that's the service
18 availability of part of that.

19 Forty-seven of them we had
20 questions about, and they broke into two
21 categories, which Charlie had mentioned
22 related to exceptions. One was where
23 there was no system built at that area,
24 and Verizon indicated that it was due to
25 permitting delays. So we noted all

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2 those. That was about half of those 47.

3 On April the 8th, Steve sent a
4 five-page letter to Verizon requesting
5 very specific information on each one of
6 those claimed permitting problems.
7 That's what Charlie was talking about.
8 That's the follow-up we need to do.

9 On the other half, they were
10 largely MDUs, and Verizon indicated in a
11 number of cases that there was a manhole
12 close, that there was fiber in the
13 manhole, but because the manhole was in
14 the street, we couldn't actually get into
15 it at that particular point in time. So
16 there would have to be lane closure
17 permits and those kind of things.
18 Accordingly, those were set up for
19 follow-up activity as well.

20 So about half of them we have
21 follow-up, and that's listed in Steve's
22 letter.

23 COUNCILMAN O'NEILL: Yes. This
24 is for the City. I understand that Round
25 1 was done. Round 2 is coming up. All

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2 this started after February 22nd, 2016.

3 I know there's -- part of this hearing is
4 what is the definition of whether an
5 exception was met or wasn't met, because
6 there are exceptions that are in the
7 agreement that permit Verizon to be
8 excused if they have that exception. But
9 we're sitting here after the build-out
10 period requirement is over and we're
11 testing. We were here for seven years
12 prior to this while the build-out was
13 going on.

14 Was there any attempt by the
15 City, through itself or a consultant, to
16 test during the seven years, even if it
17 was only in the last three or four given
18 that it may take a few years to really
19 get this up and running from the Verizon
20 side? Can you speak to that, please?

21 MR. ROBINSON: Yes. There was
22 testing last year, and it was, again, a
23 400 sample. It was done the same way.
24 That was related to the 85 percent
25 benchmark, and we went through

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2 essentially the same process. And as
3 Charlie indicated, similarly the 400,
4 about three-quarters tested with service
5 availability within those areas, and that
6 was within the 85 percent of the City
7 claimed as served by Verizon. So in that
8 case, we're using their list and
9 comparing their address list against the
10 City's list to make sure that it's 85
11 percent of the census households.

12 And then the other about 25
13 percent of the total 400, there were,
14 again, a number of exceptions related to
15 permitting delays and those kinds of
16 things. In each case, those were
17 verified.

18 COUNCILMAN O'NEILL: So that
19 was the first time?

20 MR. ROBINSON: That was the
21 first time.

22 COUNCILMAN O'NEILL: At the 85
23 percent point in 2015?

24 MR. ROBINSON: Yes.

25 COUNCILMAN O'NEILL: '14 or

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2 '15?

3 MR. ROBINSON: It was last
4 year, 2015.

5 COUNCILMAN O'NEILL: So we
6 didn't wait seven years, we waited six at
7 the 85 percent point to start testing,
8 particular what everyone could anticipate
9 there's going to be a gap between 100
10 percent and some lower number because of
11 exceptions being not necessarily met, but
12 letting the City know there's an
13 exception. The City has to test that
14 exception out. So we didn't really get
15 into this until '15, 2015. So even then
16 when we got involved in 2015, have we
17 tried to reconcile whether the exception
18 is valid or not or, second category,
19 whether the exception is something that
20 the City could be helpful with?

21 In other words, there's things
22 the City can do if somebody is stopping
23 Verizon from building out and claiming an
24 exception and deal with the exception
25 material that's there, whatever it is

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2 that's being alleged. Could you speak to
3 that?

4 MR. ROBINSON: Well, I think --
5 and then let me move it back to Charlie.
6 I think the biggest thing that the City
7 noted were the permitting issues, and the
8 City did get involved in that, and I can
9 let Charlie.

10 MR. BRENNAN: Probably the
11 biggest issue is the permitting issues.
12 And Verizon will probably tell you in
13 their testimony that they submitted
14 permits that they needed permission to
15 kind of dig in the street or microtrench
16 in the street. We've been dealing with
17 Streets to try to resolve some of those
18 issues, and I think, again, Verizon will
19 probably tell you in the last couple
20 months, they've seen a lot more
21 cooperation from the Streets Department
22 than they maybe have had previously. So
23 we are working with them to try to
24 resolve these issues.

25 COUNCILMAN O'NEILL: So,

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2 Charlie, since you came in, things are
3 getting better?

4 MR. BRENNAN: I didn't say
5 that.

6 COUNCILMAN O'NEILL: Thank you.

7 MR. BRENNAN: But I appreciate
8 you saying it.

9 COUNCILMAN O'NEILL: Okay.

10 COUNCILMAN HENON: So you had
11 mentioned in your testimony that you're
12 waiting for information from Verizon.
13 What are you waiting for specifically?
14 Because I'll let you know what I'm
15 waiting for at Verizon.

16 MR. BRENNAN: Probably the same
17 thing that we're waiting for, which is a
18 lot of numbers.

19 We have received some numbers
20 from Verizon. They are unverified by the
21 City. So when we get those numbers from
22 Verizon, that is kind of the basis of
23 what Tom here will look at to verify
24 whether Verizon has met its obligation or
25 not. So we are waiting for a lot of

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2 numbers.

3 COUNCILMAN HENON: So what's
4 holding up the verification? There's the
5 relatively -- I'm not going -- so if the
6 entire City of Philadelphia is available
7 for connectivity, service -- which I am
8 skeptical about, and I'll tell you why.
9 But if we're ready and available and
10 there's a sampling of 400 addresses to
11 already subscribed services, not new
12 service, right, so not new subscribers,
13 not new neighborhoods, not the
14 underserved, not some of our
15 neighborhoods who could benefit from
16 having high-speed access in their
17 neighborhoods that it wasn't before, why
18 has it stopped? Why has the verification
19 stopped? I mean, it started in April.

20 They said to me in our
21 meeting -- and I'll rehash the meeting
22 that I've had with Verizon at the
23 appropriate time. When I met with them
24 in March, they said that the verification
25 process in certifying their

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2 information -- or it's hard to certify
3 information if you have lack of
4 information, but that was supposed to be
5 completed by the end of April, and here
6 we are. So what's holding up the
7 certification or the verification
8 process?

9 MR. BRENNAN: Well, because of
10 the exceptions, there are other areas of
11 the City that have to be built out, and
12 we have to work through those. So right
13 now because of the workforce, they don't
14 have the workforce available, that work
15 is not being done.

16 (Applause.)

17 COUNCILMAN HENON: So are we
18 saying that Verizon has a lack of
19 workforce in the field so we can certify
20 the availability for all Philadelphia
21 citizens to have competition and
22 high-quality FiOS service?

23 MR. BRENNAN: I would guess
24 that's a good reason.

25 COUNCILMAN HENON: It's an

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2 unacceptable reason. So for the
3 record --

4 (Applause.)

5 COUNCILMAN HENON: So for the
6 record, you are stating that the lack of
7 workforce or no workforce for
8 high-quality service and competition to
9 all neighborhoods in the City is not
10 being certified because there is no
11 workforce out in the field?

12 MR. BRENNAN: We cannot verify
13 that the City's built out 100 percent
14 until we get all the information from
15 Verizon, and our understanding from
16 Verizon is that the work cannot be
17 completed because they don't have a
18 workforce right now.

19 COUNCILMAN HENON: Okay. Thank
20 you.

21 The Chair recognizes Councilman
22 Squilla.

23 COUNCILMAN SQUILLA: Thank you,
24 Mr. Chairman.

25 I'm a little confused on the

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2 legal exceptions. The legal exceptions
3 are what? Is it because of legal
4 exceptions because of our permitting
5 issues, because the City wasn't working
6 well with Verizon to allow them to do it?
7 What are the actual legal exceptions?

8 MR. BRENNAN: There's actually
9 a number of exceptions built right into
10 the franchise agreement. I read out a
11 couple of them, but Steve Robertson, my
12 Chief of Staff, maybe he could go over
13 them in a little more detail.

14 COUNCILMAN SQUILLA: And when
15 you do the detail, the actual, I guess,
16 number exceptions can lead to -- because
17 100 percent is supposed to be 100
18 percent, except for exceptions. I mean,
19 can you have 50 percent worth of
20 exceptions throughout the City? I mean,
21 that's what we're trying to get at.

22 MR. BRENNAN: No. You're
23 actually right. It is 100 percent,
24 except for those exceptions. That is
25 what the deal is.

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2 COUNCILMAN SQUILLA: But --

3 COUNCILMAN HENON: Point of
4 information. Point of information.
5 Point of information. First, as Chair, I
6 want to recognize Councilman Domb joining
7 the Committee here today. Thank you,
8 Councilman, for being here.

9 If I may clarify, I mean, that
10 really -- except for the exceptions. I
11 mean, that's how ridiculous this all
12 sounds. I mean, there are exceptions.
13 Can you explain the three exceptions that
14 are in the franchise agreement and what
15 they are. And in addition to that, have
16 you received all the information and the
17 different sets of information for each of
18 those exceptions? So there's MDUs, there
19 is private right-of-way exceptions, and
20 there's permit exceptions. Could you go
21 in details with each one and if you
22 receive the information for -- we'll
23 start with MDUs. What is an MDU, and
24 have you received all the datasets
25 regarding an MDU from Verizon?

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2 MR. BRENNAN: I'll let Steve
3 talk about the exceptions, but we have
4 not received all the data yet.

5 COUNCILMAN HENON: Well, how
6 are you going to certify if you haven't
7 received the data?

8 MR. BRENNAN: Well, that's
9 exactly the issue, is we have not
10 received all of the data, so we cannot
11 certify what Verizon -- the Verizon
12 numbers that they give us, we cannot
13 certify. The City will not certify those
14 numbers until we get all the data.

15 COUNCILMAN HENON: And I don't
16 want the City certifying any numbers on
17 100 percent build-out without the
18 information.

19 MR. BRENNAN: I'm sorry. I
20 didn't hear you.

21 COUNCILMAN HENON: I would not
22 want the City to certify any build-out at
23 100 percent without the information still
24 being requested for the City to certify.

25 MR. BRENNAN: We agree.

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2 (Applause.)

3 COUNCILMAN HENON: Steve, if
4 you could clarify the three exceptions.
5 I mean, I believe there are three
6 exceptions, and can you go into detail
7 for each one, MDU and then give the
8 detail. And, again, I think Charlie very
9 simply stated that we don't have the
10 information. Can you explain each one -
11 one, two, three and/or if there's four
12 and what it means and if you have all the
13 information necessary and, if not, what
14 are you waiting for, if it's not
15 confidential.

16 MR. ROBERTSON: Sure. Again,
17 Steve Robertson, Chief of Staff at Office
18 of Innovation and Technology.

19 The three examples in CIO
20 Brennan's testimony are very specific
21 exceptions within the franchise
22 agreement. There's also a much broader
23 exception. It's known as the force
24 majeure clause. Anything outside of
25 Verizon's control that impacts their

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2 ability to complete the build is
3 something that they can notify the City
4 of. An example of that would be the
5 permitting delays. The permitting delays
6 are outside of Verizon's control. They
7 did invoke a force majeure provision with
8 respect to that in the permitting delays.
9 So that's one example of a general broad
10 category exception.

11 The specific exceptions in the
12 franchise agreement and ones that CIO
13 Brennan mentioned in his testimony, there
14 can be construction delays with respect
15 to access. A very specific example of
16 that is, Verizon will need to get
17 authority from private homeowners to
18 access portions of their property. That
19 can impact a row of homes if that
20 property owner is on either end of a row
21 of homes and refuses to allow Verizon
22 access for construction purposes. So
23 that's an example of what's known as a
24 private right-of-way exception.

25 There are also developments

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2 within the City where Verizon may have to
3 negotiate or discuss with homeowners
4 organizations, other entities that
5 oversee or govern access to those
6 developments to provide service. A good
7 example is a homeowners association or a
8 condo association. Verizon would need to
9 approach them about access to
10 development. They would need to
11 coordinate their build in that
12 development, and that's one of the
13 specific exceptions in the franchise
14 agreement.

15 With respect to
16 multiple-dwelling units, which is
17 probably the more common exception, in
18 each of a high-rise, which is a
19 multiple-dwelling unit, say a building
20 with 100 residents in there, oftentimes,
21 if not in every case, Verizon will have
22 to negotiate separately with the landlord
23 or other governing organization of that
24 building to get access to the building to
25 provide service.

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2 Within the MDU exception, there
3 are kind of subcategories of exceptions,
4 and that would be -- an example of that
5 would be they're nearby but nobody in the
6 building has requested service yet. So
7 when CIO Brennan mentions that we're
8 waiting for information, what we're kind
9 of waiting for now -- and that exchange
10 of information hasn't stopped, by the
11 way. That is still an ongoing process,
12 and we consider that to be part of the
13 verification process as well. So it's
14 not that we've come to a complete halt.
15 I think when we say that the verification
16 process is at kind of a standstill, it's
17 more with respect to the actual field
18 inspection and the testing in the field
19 and the remote testing. So we're still
20 in the process of exchanging information
21 with Verizon. It makes sense that that
22 information gets exchanged now when the
23 deadline for 100 percent availability has
24 passed, because it's kind of difficult to
25 kind of crystal ball it when you're at

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2 the other interim benchmarks, because the
3 assumption is now that the deadline has
4 passed 100 percent of the City's
5 build-out, Verizon can assess their
6 actual numbers and provide that
7 information to us with respect to the
8 exceptions and with respect to the entire
9 build.

10 COUNCILMAN HENON: I have some
11 questions to that, but I'm going to
12 recognize Councilwoman Gym.

13 COUNCILWOMAN GYM: Hi. Good
14 morning. So one question I have for
15 Mr. Brennan is, specifically what do you
16 see the City's role being in terms of
17 execution of the Verizon contract? What
18 do you think your role is?

19 MR. BRENNAN: Our role is to
20 verify that Verizon has lived up to the
21 terms of the franchise agreement, which
22 is to provide service to 100 percent of
23 the City of Philadelphia.

24 COUNCILWOMAN GYM: And if you
25 say that you're unable to verify because

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2 Verizon doesn't give you that
3 information, what then becomes your role?

4 MR. BRENNAN: Well, under --
5 again, going back to the terms of the
6 franchise agreement, as long as they have
7 a reason for not giving us that is
8 explicitly stated, we have to work
9 through that. So sooner or later, we
10 will get all the information that we
11 need.

12 COUNCILWOMAN GYM: And I guess
13 my question is is given the fact that you
14 seem to not be able to ascertain what
15 exactly are the exceptions, we're already
16 detailing troubles even within the
17 addresses that we have and those you
18 haven't gotten information for, what is
19 your role?

20 MR. BRENNAN: Our role right
21 now is to work with Verizon to see what
22 exceptions they claim and to see if we
23 can verify that the exceptions are
24 legitimate. And one of the big
25 exceptions, as Steve has mentioned, is

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2 the permitting issue with Streets. So
3 we're working with Streets to work
4 through the permits to see -- to verify
5 that Verizon's claims that they cannot
6 get to certain locations are in fact
7 valid.

8 COUNCILWOMAN GYM: So then what
9 is the plan to get the audit done after
10 the labor issues are resolved?

11 MR. BRENNAN: As soon as the
12 labor issues are resolved and Verizon
13 gives us all the numbers, then we will
14 again go back to CBG Communications and
15 have them finish the verification
16 process.

17 COUNCILWOMAN GYM: So you're
18 allowing the labor issue to prevent you
19 from ascertaining what Verizon is being
20 able to do?

21 MR. BRENNAN: Well, I'm not
22 allowing it. It is in fact occurring.

23 COUNCILWOMAN GYM: But you are
24 allowing that to be an exception that was
25 not previously stated.

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2 MR. BRENNAN: It is in fact an
3 exception.

4 COUNCILWOMAN GYM: That labor
5 issues are an exception that allows
6 Verizon not to deliver on its information
7 to the City?

8 MR. BRENNAN: Yeah. It's a
9 force majeure issue under the franchise
10 agreement. Verizon has so notified us of
11 that.

12 COUNCILWOMAN GYM: One of my
13 concerns has been with City departments
14 and particularly when it comes to access
15 issues for the rest of the City of
16 Philadelphia is that too often you become
17 tools of the corporations that are
18 working on City --

19 (Applause.)

20 COUNCILWOMAN GYM: The labor
21 issue for Verizon has been only within
22 the last -- we've had seven years of this
23 agreement, and I guess what I'm
24 struggling to understand is why the City
25 government allowed themselves to be

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2 blocked and diverted and not get answers
3 to you. Do you feel like you have any --
4 we have a contract with a company. It
5 was clearly delineated and promised.
6 There are exceptions that are willing to
7 be had, but there are lots of problems
8 that we are seeing that go beyond some of
9 these things that are being created, and
10 I don't understand what you think your
11 role is when you feel like you can be
12 stymied so quickly and easily.

13 (Applause.)

14 MR. BRENNAN: Councilwoman, I
15 take exceptions to your comments that we
16 are somehow a pawn of Verizon. That is
17 not true. We are absolutely following
18 the terms of the franchise agreement.
19 That's a contract between the City, with
20 the City, and we are following that
21 contract.

22 COUNCILWOMAN GYM: But what do
23 you think -- if you can't get data from
24 Verizon, why is that an impossibility for
25 you? This isn't like asking the

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2 impossible here. There is data. There
3 is right to request. There is Freedom of
4 Information Act. There is data that is
5 available. What is the problem with the
6 data?

7 MR. BRENNAN: Because in any
8 contract, there are exceptions to every
9 contract, and the exceptions now are
10 dictating why we cannot get the data. We
11 will eventually get the data and we will
12 objectively look at the data.

13 We represent the City. We
14 don't represent Verizon or anybody else.
15 We represent the City of Philadelphia,
16 and the reason we are here is to do
17 what's best for the City of Philadelphia,
18 the same as all of you.

19 COUNCILWOMAN GYM: Well, my
20 only comment is is that we're still
21 waiting for that.

22 (Applause.)

23 COUNCILMAN HENON: So sooner or
24 later -- and I understand you can do what
25 you can do if Verizon doesn't have people

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2 to verify because they're on strike. So
3 we're holding up the City because a lack
4 of information, and my concern with the
5 lack of information -- this is my concern
6 for the City of Philadelphia, and I know
7 you represent the City of Philadelphia,
8 and you represent it well and you do a
9 very good job, but City Council is very,
10 very concerned with the lack of
11 information and the lack of availability
12 and the lack of access for all
13 Philadelphians for fair competition. And
14 in the true essence of sooner or later
15 waiting for information, I have here a
16 Verizon FiOS implementation report from
17 New York, and they waited deliberately,
18 Verizon, in the report, deliberately
19 withheld information for a year, and now
20 there's a year of remediation and
21 violations to make up what they did. So
22 there is a history. There's a history.
23 So if it looks like a duck, it walks like
24 a duck, it is a duck.

25 (Applause.)

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2 COUNCILMAN HENON: So I just
3 wanted to point this out and use it as a
4 reference. If you could take a look at
5 history and how we don't want it to
6 repeat itself here in the City of
7 Philadelphia, if you can take a look at
8 that at your leisure, because that's a
9 concern.

10 Back on the exceptions and the
11 numerous requests for information from
12 the MDUs, private right-of-way, and
13 permits is -- and I'm going to ask these
14 questions of Verizon, because I'm not
15 sure what their attempts -- have they
16 provided to you, the City, what their
17 process for attempts? And I know there's
18 three times for follow-up. Have they
19 provided that information? We have in
20 the MDUs or private right-of-ways, we
21 have notified these homeowners, these
22 condo associations, these multi-dwelling
23 units multiple attempts. So out of the
24 thousands of exceptions they may have, is
25 it broken down and is there somebody --

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2 well, obviously there's nobody to give
3 you the information, but will they once
4 they resolve their -- if they resolve
5 their strike issues and they put people
6 back to work, Philadelphians, will they
7 be able to provide information or
8 somebody that's in charge of the
9 processes? There's somebody specific
10 that you know of that you're coordinating
11 with with Verizon that is making these
12 attempts and following it through?
13 Because I don't get a sense of that.

14 MR. ROBERTSON: Yes, Chair.

15 There are individuals in Verizon, and
16 some of them are in the room today and
17 you'll hear from them, but we are, as
18 recently as this week, in discussions
19 with Verizon about getting the
20 information, the very information that
21 you spoke about that includes a breakdown
22 of all the categories within the kind of
23 MDU exception that would indicate -- as
24 you mentioned, that will indicate where
25 they've gone and they've tried this

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2 three-attempt process with a landlord for
3 an MDU. That documentation we've asked
4 for. Verizon has committed to providing
5 it, and that's been in discussions right
6 through this week.

7 COUNCILMAN HENON: With all due
8 respect, I had a meeting in my office
9 with Verizon March 18th and I was
10 expecting to get the information from
11 them then. They had it available. And
12 here we are at the end of April when the
13 completion of the verification process
14 was supposed to be finalized and the City
15 still hasn't -- let alone myself, who in
16 good faith they asked for the
17 information. It was told that the
18 information is available. The City
19 doesn't have it yet. So still waiting,
20 still waiting, still waiting ends up in a
21 New York report like this. It's going to
22 just change the name to Philadelphia
23 report audit.

24 (Applause.)

25 COUNCILMAN HENON: The Chair

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2 recognizes Councilwoman Blackwell or
3 wants to recognize that Councilwoman
4 Blackwell has joined us here today.
5 Thank you.

6 (Applause.)

7 COUNCILMAN HENON: So on the
8 permitting issues -- and I'm going to ask
9 Verizon again when they're up. The
10 permit issues, I know there were some
11 outstanding permit issues for, I think,
12 for some time, but when I met with
13 Verizon in March, I think they narrowed
14 it down to under 50. So permitting
15 issues shouldn't be holding up 100
16 percent build-out of the franchise. Is
17 that a fair statement?

18 MR. ROBERTSON: Yeah. And I
19 don't think that permitting issues are
20 holding up, quote/unquote, the 100
21 percent build-out, but it is impacting
22 and affecting a certain amount of
23 properties within the City.

24 COUNCILMAN HENON: Are you
25 aware of any work being performed on the

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2 franchise agreement right now on the
3 build-out?

4 MR. ROBERTSON: I can't say
5 that I'm aware, but that's not to say
6 that it's not happening. I think Verizon
7 would be better suited to answer the
8 question.

9 COUNCILMAN HENON: Okay. Are
10 there any other questions that the
11 Committee has for OIT?

12 The Chair recognizes Councilman
13 Domb.

14 COUNCILMAN DOMB: Good morning.
15 I just want to make sure I understand the
16 issue. We signed a contract. It was
17 supposed to be completed by March of this
18 year?

19 MR. BRENNAN: Yes; February.

20 COUNCILMAN DOMB: February,
21 okay. And in your opinion, what
22 percentage of that contract is completed
23 and what percentage is not?

24 MR. BRENNAN: I don't think we
25 can answer that. I don't think we know.

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2 (Applause.)

3 COUNCILMAN DOMB: But we've
4 signed a contract -- hang on a second.
5 If we've signed a contract, we need to
6 find that answer out so we know where we
7 are in the contract.

8 MR. BRENNAN: Right. I think
9 you came in a little bit late,
10 Councilman. We are waiting for final
11 numbers from Verizon, and when we get
12 those final numbers, that's what we need
13 to verify whether Verizon --

14 COUNCILMAN DOMB: Wait a
15 second. If the contract was due the end
16 of February, why have we not gotten that
17 answer? In the business world, that
18 would not be tolerated. Not.

19 (Applause.)

20 COUNCILMAN DOMB: I'm not
21 picking sides. I just want to get all
22 the facts from the City's perspective.
23 If we signed a contract and it was due in
24 February, we need to have that answer,
25 and you guys need to tell us what that

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2 is. And so when you have to tell me now,
3 when can you get us that information?

4 MR. ROBERTSON: That's what
5 we're in the process of doing now. We're
6 a month away from the deadline for the
7 build completion.

8 COUNCILMAN DOMB: So can you
9 give me a date when we'll have that
10 information?

11 MR. ROBERTSON: I can't give
12 you a definitive date, but the City is
13 not going to wait forever, obviously.

14 COUNCILMAN DOMB: But if we
15 don't set a date -- set a goal, set a
16 date, and let's get it done.

17 MR. ROBERTSON: Absolutely.

18 COUNCILMAN DOMB: I'm just
19 trying to get a solution here to get this
20 resolved so we don't have to have
21 everybody in this room complaining. But
22 we need to resolve this, because it's not
23 right. We signed a contract. This is
24 contract law. We can't do this stuff.
25 This needs to be resolved. So can you

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2 tell us in a week if we'll have this
3 answer?

4 MR. BRENNAN: No.

5 COUNCILMAN DOMB: You got to
6 give me a date. I don't want to leave
7 today unless I have a date when we're
8 going to have an answer on this issue.

9 (Applause.)

10 MR. BRENNAN: I can't give you
11 a date.

12 COUNCILMAN DOMB: Okay. Can we
13 agree to four weeks? Four weeks from
14 today, is that enough time for you to
15 give us the information, four weeks from
16 today?

17 MR. ROBERTSON: We can say
18 this: We will do as much to verify the
19 completion of the build that we can based
20 on the information that we get from
21 Verizon, but the City is reserving the
22 right, as it should at this point, to
23 continue the field inspections and to
24 make sure that service is available.
25 When that can resume is an unknown right

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2 now due to the labor dispute.

3 COUNCILMAN DOMB: But let me
4 just -- if we were in a contract for
5 seven years, we should have been
6 monitoring that contract every year or
7 every three months or every six months
8 and we could say today we're 85 or 90
9 percent, whatever the number is. You
10 monitor the work.

11 MR. ROBERTSON: We do have that
12 information. In 2015, the City verified
13 that Verizon met a benchmark of 85
14 percent of the City being built out. So
15 we did do that verification in 2015.
16 Prior to that, going back to 2012, three
17 years into the agreement, OIT was
18 actively monitoring Verizon's progress
19 and build.

20 COUNCILMAN DOMB: But --

21 MR. ROBERTSON: And has every
22 year since.

23 COUNCILMAN DOMB: But you
24 understand if we committed to a contract,
25 it's reasonable for us to know when this

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2 is going to be completed. I don't think
3 we can say to the residents or the people
4 of our city, We don't know when it's
5 going to be done. It's an unacceptable
6 answer.

7 MR. ROBERTSON: But I think
8 also given the nature of this contract,
9 that it involves building out a network
10 across the City, it requires a physical
11 inspection. So if the build was to be
12 completed on February 26th, the City is
13 not going to know on February 26th that
14 100 percent of the build is done. It's
15 going to take some time to verify the
16 build.

17 COUNCILMAN DOMB: I'm not
18 arguing that, but my point is then come
19 back to us and say, We need another six
20 months. But set a date specific and
21 perform to the date. That's all my
22 question is. We can't just go on
23 infinitum. We need to have specific
24 dates and goals.

25 MR. ROBERTSON: And I can tell

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2 you this: I will offer that the City had
3 a timeline of about two to three weeks to
4 do field testing and remote testing until
5 that testing was interrupted. We got
6 halfway through and now the testing has
7 been interrupted.

8 COUNCILMAN DOMB: Okay. All
9 right.

10 COUNCILMAN HENON: Thank you,
11 Councilman.

12 COUNCILMAN O'NEILL:
13 Mr. Chairman, I think you're moving in
14 the same direction.

15 COUNCILMAN HENON: Right.
16 Thank you for your testimony
17 and question. If you can hang around to
18 the end of the hearing. I'm sure we'll
19 be bringing you back and forth. At this
20 time, I'd like to call up Verizon and its
21 full team here.

22 (Audience members booing.)

23 COUNCILMAN HENON: The Chair
24 recognizes Councilwoman Gym.

25 COUNCILWOMAN GYM: So for

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2 clarity --

3 COUNCILMAN HENON: The Chair
4 recognizes Councilwoman Gym.

5 COUNCILWOMAN GYM: If I could
6 just pivot a little bit on Councilman
7 Domb's request to OIT. I don't expect
8 OIT to maybe give you or us what
9 Verizon's going to do. That's not what
10 we're asking our city government to do.
11 I'm asking you at the end of February
12 16th where are we at? What is the gap
13 that Verizon has not delivered on so that
14 we're clear of where we need to go? You
15 should at least be able to give us a
16 status of everything that has not been
17 delivered to OIT as of yet.

18 (Applause.)

19 COUNCILWOMAN GYM: For clarity,
20 I never said the word "pawn," but I did
21 say that sometimes our city government
22 fails to understand what they should be
23 doing to exercise their power to be in
24 the best interest of people, and I think
25 that one of the failures that sometimes

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2 some of our city governments can get into
3 is that they think that they have to wait
4 for the corporate entity to tell them
5 where they're at, when it is our
6 responsibility fundamentally as the
7 government to tell the corporate entity
8 this is where you're at, not they tell us
9 where they're at. We tell them.

10 (Applause.)

11 COUNCILWOMAN GYM: We tell them
12 at the end of seven years when this
13 contract was delivered against 100
14 percent viability and verification on
15 this delivery, This is where you are at.
16 That is the responsibility of OIT.

17 Thank you.

18 COUNCILMAN HENON: Thank you,
19 Councilwoman.

20 (Applause.)

21 COUNCILMAN HENON: Thank you.
22 Welcome. Please state your name for the
23 record and begin with your summarized
24 testimony, please. And I know you have
25 submitted full testimony for the record

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2 and it's been circulated to all members.

3 Thank you.

4 MR. SMITH: Thank you, Chairmen
5 Henon and O'Neill and members of the
6 Joint Committee. My name is Doug Smith,
7 Vice President of State Government
8 Affairs for Verizon, and I'm accompanied
9 by Danielle Lasky, Verizon Manager of
10 Network Operations and Engineering, and
11 representatives from our franchise
12 negotiating team, Paul Trane and Brendon
13 Pinkard from Kerbey Harrington Pinkard.
14 On behalf of Verizon, we would like to
15 thank the Joint Committee for providing
16 us with this opportunity to discuss the
17 status of Verizon's performance under its
18 cable franchise agreement with the City
19 and, more specifically, Verizon's
20 satisfaction of its cable service
21 deployment obligations to the City and
22 its residents.

23 We would also like to thank OIT
24 and the Law Department for their
25 professionalism and fairness while

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2 conducting their diligent and rigorous
3 oversight of Verizon's compliance over
4 the course of the last seven years.

5 We look forward to providing
6 additional details and responding to
7 questions from members of this Joint
8 Committee, but let us at the outset state
9 firmly and proudly that Verizon is fully
10 poised to demonstrate that it has met its
11 obligation to deploy its FiOS cable
12 television service to residents
13 throughout the entirety of the City of
14 Philadelphia. Verizon's completion of
15 this significant milestone means that for
16 the first time in the history of this
17 great city, Philadelphia residents in
18 every neighborhood of the City have a
19 competitive choice for cable television
20 services delivered over the only
21 all-fiber network in the City.

22 In addition to creating a
23 competitive marketplace for the provision
24 of cable television, Verizon's
25 construction of its innovative all-fiber

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2 to-the-home network has enabled Verizon
3 to also provide the City of Philadelphia
4 with advanced high-speed broadband
5 services, applications, multi-service
6 bundles, and infrastructure which, while
7 not covered under the cable franchise
8 agreement that is subject of this
9 hearing, have helped to bridge the
10 digital divide and provided this City
11 with 21st century future-ready network it
12 deserves. Verizon takes great pride in
13 this unprecedented accomplishment and is
14 grateful to the City of Philadelphia for
15 its partnership in this effort and for
16 granting Verizon the opportunity to serve
17 its residents now and into the future.

18 Verizon's deployment status is
19 currently under an ongoing verification
20 review by OIT and the Law Department
21 pursuant to the franchise and
22 implementing procedures dictated by those
23 agencies. OIT and the Law Department
24 has, since Verizon's first deployment
25 benchmark occurred in 2012, regularly

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2 reviewed Verizon deployment maps, met
3 directly with Verizon engineers,
4 conducted field tests in which Verizon
5 engineers visited statistically
6 significant samples of households
7 throughout the City with OIT and the Law
8 Department in order to verify the
9 availability of cable service and perform
10 remote tests of Verizon databases, which
11 provide detailed information and metrics
12 concerning the availability and status of
13 cable service to City residences.

14 As a result of this
15 comprehensive review, OIT and the Law
16 Department certified that Verizon met the
17 equitable deployment benchmark in 2014,
18 which was an objective test that ensured
19 that Verizon's deployment was being
20 conducted fairly across all income levels
21 in the City and separately certified in
22 2015 that Verizon had deployed service to
23 85 percent of City residents. At this
24 stage, Verizon, OIT, and the Law
25 Department are engaged in the final

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2 verification process whereby those
3 agencies will formally confirm whether
4 Verizon has completed its deployment
5 obligations with respect to the remaining
6 15 percent of households citywide.

7 The final verification process
8 is to be conducted into phases, with the
9 first phase having been successfully
10 completed in March and the second phase
11 to be scheduled hopefully in the near
12 term, taking into account current
13 resource limitations for Verizon. Upon
14 completion of that review, those agencies
15 will issue a report or summary of its
16 findings, which Verizon is confident will
17 conclude that Verizon has met its
18 commitment under the franchise.

19 In closing, again, Verizon is
20 very proud of the historic accomplishment
21 it has been able to achieve in the City
22 of Philadelphia, and Verizon applauds the
23 City for creating an environment that
24 fosters competition, innovation,
25 fairness, and choices for its residents.

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2 Verizon is truly grateful to have the
3 opportunity to serve Philadelphia, and we
4 look forward to our continued partnership
5 with the City to ensure that City
6 residents have access to Verizon's
7 leading edge technology, infrastructure,
8 and services.

9 With that, we are prepared to
10 answer any questions that members of the
11 Joint Committee may have. Thank you
12 again for the opportunity to appear
13 before you to serve the City of
14 Philadelphia.

15 COUNCILMAN HENON: Thank you
16 for your testimony, and we're going to
17 ask, I'm sure, a lot of the same line of
18 questioning that we asked OIT.

19 So the Verizon franchise
20 agreement build-out was to be completed
21 February 26th. What is the current
22 status of the certification build-out?

23 MR. SMITH: The current status
24 of the certification is a two-phase
25 certification, as you heard from OIT and

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2 City legal. The certification Phase 1
3 was complete. Phase 2 has been
4 interrupted due to the labor strike.

5 COUNCILMAN HENON: Okay.

6 (Audience members booing.)

7 MR. SMITH: What's important to
8 understand is that the field testing
9 requires the use of our union labor
10 force.

11 COUNCILMAN HENON: So the field
12 testing requires what?

13 MR. SMITH: Sorry?

14 COUNCILMAN HENON: Can you
15 repeat that? Your field testing
16 requires?

17 MR. SMITH: Requires the use of
18 our union labor force.

19 COUNCILMAN HENON: Okay. So
20 you don't have a workforce?

21 MR. SMITH: We don't have --

22 (Applause.)

23 MR. SMITH: We currently have
24 management employees filling in for our
25 union labor.

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2 COUNCILMAN HENON: So when were
3 the certification inspections to take
4 place?

5 MS. SMITH: I'm sorry?

6 COUNCILMAN HENON: When were
7 the inspections to take place?
8 Currently? All month? The month of
9 April? You were saying they were
10 interrupted. What was Verizon -- what
11 was the timeline for the inspections?

12 MR. SMITH: The original
13 schedule -- and I'll look to our other
14 folks -- I believe was late April.

15 MR. TRANE: Mr. Chairman?

16 COUNCILMAN HENON: State your
17 name for the record.

18 MR. TRANE: My name is Paul
19 Trane, representing Verizon Pennsylvania.

20 COUNCILMAN HENON: If you can
21 move your microphone a little closer,
22 please, for the stenographer and so we
23 can all hear you.

24 MR. TRANE: Mr. Chairman, as we
25 indicated when we met with you in March,

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2 the testing was expected to take place
3 soon after we met with you and continue
4 into late April, early May. And I just
5 want to be clear, Mr. Chairman. We
6 delayed further field verification out of
7 respect for the unionized workforce. If
8 it's your direction and the
9 Administration's direction to keep going,
10 we offer to do that and we'll commence on
11 Monday.

12 COUNCILMAN HENON: So since you
13 brought it up, let me rehash and review
14 the meeting that we had in March, March
15 18th to be specific. So you stated that
16 the build-out was 100 percent at that
17 time, minus the exceptions that you're
18 claiming, and we're still unclear on the
19 exceptions, and we'll get to that in a
20 little bit. I asked about the permit
21 issues. There were some delays for some
22 time. My question on the permit
23 issues -- there's going to be several,
24 but at that time in our meeting, you said
25 that it was under 50. Then I asked

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2 Verizon for a list of the exceptions that
3 you were claiming by site and details,
4 how many contacts have they made for the
5 MDUs, how many calls from a single site,
6 is there somebody specifically assigned
7 for Verizon that's responsible for that
8 process and have you had that documented
9 and will you provide that not only to
10 myself, to the City OIT so OIT can do
11 their job, and I think they're anxiously
12 waiting to do their job.

13 I asked Verizon for a map to
14 show us where the exceptions are taking
15 place and how much of the City that is
16 not connected, and to date, we haven't
17 received any of the following -- any of
18 the follow-up information for anything,
19 not one request that I have made and
20 asked politely. And I thought the
21 meeting went well, but here we are at the
22 end of April, going into May, we don't
23 have a certification process and field
24 testing completed. I don't have any of
25 the information, and from what I hear

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2 from OIT, they have lack of information
3 and lack of data so they could continue
4 on verifying connectivity for all
5 Philadelphians for competition in the
6 FiOS service.

7 MR. TRANE: Mr. Chairman, maybe
8 I was at a different meeting, but I don't
9 recall you making those requests, but --

10 (Audience members booing.)

11 MR. TRANE: But whatever
12 information --

13 COUNCILMAN HENON: So my
14 personal notes and my staff's notes in
15 the meeting with you and your team, that
16 seems to be very specific --

17 MR. TRANE: In terms of --

18 COUNCILMAN HENON: Are you
19 saying that didn't take place?

20 MR. TRANE: In terms of the
21 information you requested that you just
22 noted, we'd be more than glad to provide
23 it. As it relates to the information --
24 as it relates to your specific question
25 about MDUs and the process, Verizon sent

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2 certified letters to the landlords and
3 property managers. It does that three
4 times. We've provided all of that
5 information to OIT. It's important to
6 remember, Mr. Chairman, that what the
7 City is verifying right now is the final
8 15 percent of the build. It already
9 certified the 85 percent with field
10 verification with all the information
11 that we provided over the years. And as
12 it relates to where the build stands, we
13 provided a build report through the end
14 of January to OIT. We have provided
15 consistently information on a monthly
16 basis with OIT for a period of a year.
17 So they have the information, and we've
18 provided information to them, and if for
19 some reason there is additional
20 information they need, we will provide
21 it.

22 COUNCILMAN HENON: Sounds like
23 they've been requesting additional
24 information.

25 Between February 26th and

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2 today, has the number of exceptions
3 claimed fluctuated at all?

4 MR. TRANE: Meaning?

5 COUNCILMAN HENON: Meaning the
6 exceptions, the MDUs, the private
7 right-of-way, the permits. Have they
8 fluctuated --

9 MR. TRANE: No.

10 COUNCILMAN HENON: -- the
11 number of exceptions?

12 MR. TRANE: The only thing that
13 has decreased is the number of permits
14 that we've been working with the new
15 Administration with, and that's
16 progressing. But there are a number of
17 permits still outstanding, far more than
18 the 50 you indicated, but a lot of
19 permits still outstanding. But as
20 Charlie indicated, we're working with --

21 COUNCILMAN HENON: You
22 indicated for the record, not me --

23 MR. TRANE: I never said the
24 number 50, Mr. Chairman.

25 COUNCILMAN HENON: -- in that

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2 meeting.

3 MR. SMITH: Mr. Chairman, it
4 should be noted that we had considerable
5 delays with permits from the Streets
6 Department, but under the new
7 Administration and under Commissioner
8 Carlton, there's been a renewed focus,
9 some new programs, and a real dedication
10 of his resources to release those
11 permits. So we're looking forward to
12 seeing a wave of permits released so that
13 we can work them.

14 COUNCILMAN HENON: How many
15 outstanding permit exceptions are you
16 claiming?

17 MS. LASKY: Hi, Mr. Chairman.
18 I'm Danielle Lasky. I'm representing
19 Verizon from the operations and
20 engineering side of the corporation.

21 As of today, as of the end of
22 the build, we have looked at 27,000
23 households that were being held due to
24 permitting issues. We have been working
25 cooperatively with the Streets

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2 Department, and as Doug mentioned, they
3 had a system upgrade that has allowed the
4 permits to flow much more easily to the
5 corporation.

6 In the first quarter of 2016,
7 the City has released 78 permits to us.
8 All of those have been moved into action
9 with our Contract Services Department,
10 and we are executing on the conduit
11 build-out for each one of those.

12 As the conduit completes, we
13 will work to address our engineering
14 drawings and release those prints to our
15 construction counterparts so that we can
16 build those portions of the City.

17 COUNCILMAN HENON: So those 78
18 permits that have been released and
19 they're being executed, they're working
20 on the build-out right now?

21 MS. LASKY: That I can't
22 comment on. That's part of our Contract
23 Services Department, and I'm not sure if
24 they are continuing that work at this
25 time. But we had released it to them in

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2 the March timeframe and work had
3 commenced.

4 COUNCILMAN HENON: The Chair
5 recognizes -- I have a lot of follow-up
6 to that.

7 The Chair recognizes Councilman
8 Domb.

9 COUNCILMAN DOMB: Thank you,
10 Chairman Henon.

11 I want to follow up on the
12 Chairman's request for the map. I think
13 that's a great idea. My question to you
14 is, is that something you can produce for
15 us, a map of the City of Philadelphia
16 that shows where service is and where
17 service isn't?

18 MR. PINKARD: My name is
19 Brendon Pinkard on behalf of Verizon.

20 We have provided maps to
21 Councilmembers in conjunction with OIT in
22 the past, particularly Councilman Kenney
23 in 2012 when he called for a hearing.
24 We'd be happy to do that with any member
25 of the Joint Committee. We would not

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2 disclose a map showing or illustrating
3 the exceptions in a public forum because
4 of competitive concerns, specifically
5 giving essentially a roadmap to our
6 competitors as to where we're having
7 difficulty gaining access, but we'd
8 certainly welcome any member of
9 Council --

10 COUNCILMAN DOMB: So can you
11 send that to the Chairman and he'll
12 distribute it to us, the current -- I'd
13 like to know currently in the City of
14 Philadelphia, if I'm living in the City,
15 where do I not have service from Verizon.

16 MR. PINKARD: We'd be more than
17 happy to work with OIT and any member of
18 Council to review that information.

19 COUNCILMAN DOMB: So I'm
20 requesting that you send a copy of the
21 map to the Chairman to this Committee.
22 Can you do that?

23 COUNCILMAN HENON: Does the
24 panel understand that question? Because
25 I requested it before.

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2 (Applause.)

3 COUNCILMAN HENON: I just want
4 to make sure. And I understand there's
5 confidentiality, as you stated,
6 competition. I just want to make sure
7 we're on the same page, because I did ask
8 for this in March, and another
9 Councilmember is asking for it now. So
10 if you could provide that to me, I would
11 appreciate it, in a confidential manner.

12 MR. PINKARD: Yeah. Again,
13 with respect, we'd be happy to provide
14 that information, provided that it's
15 under confidential cover.

16 COUNCILMAN DOMB: I just want
17 to understand your business a little.
18 When you don't have service in a certain
19 area, is that because the lines haven't
20 been run in the street? Is that the
21 issue?

22 MS. LASKY: In some cases,
23 Councilman, that is correct. In some
24 cases, we have not had the ability due to
25 either private easement or public

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2 right-of-way access to run our
3 fiberoptics to those homes. In other
4 cases, specific to the multi-dwelling
5 units, we have actually placed our
6 fiberoptic cable, designated specific
7 fibers for those specific buildings, and
8 should we receive an inquiry from those
9 properties as well as a signed premise
10 access license to access the interior of
11 the property, we then can provide the
12 service there.

13 COUNCILMAN DOMB: And do you
14 think that's been the number one reason
15 why we're not at 100 percent? What is
16 the reason why we're not at 100 percent?

17 MR. PINKARD: I don't think
18 that there's a single reason. As has
19 been discussed, there's several
20 categories of exceptions, among them
21 being access to public rights-of-way. In
22 this case, it's been largely permits;
23 access to MDUs, in other words, obtaining
24 permission from the landlord or property
25 owner to install facilities in that

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2 property; and then private rights-of-way,
3 obtaining easements across private
4 property. So I don't think you can
5 single out a particular exception.

6 COUNCILMAN DOMB: And can you
7 give me a date when you think we'll be at
8 100 percent?

9 MR. PINKARD: No. It would be
10 impossible to do that given the myriad of
11 factors involved that Verizon does not
12 control. For instance, in the private
13 right-of-way situation, there are
14 thousands of properties where Verizon
15 would have to individually get access,
16 approval from those properties.

17 With respect to the permitting
18 exception, we've agreed with OIT that as
19 those are released, we'll work on a
20 schedule to complete construction to
21 those properties, because those -- they
22 are within the control of the City, and
23 Verizon can better manage that.

24 COUNCILMAN DOMB: But in our
25 contract we signed seven years ago, it

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2 did set a specific date. Did that
3 contract say the kind of language you're
4 talking about, providing we can get all
5 these permits and everything else?

6 MR. PINKARD: That's exactly
7 what it says. It's service availability
8 obligation, subject to the enumerated
9 exceptions. I want to make clear that
10 the exceptions in the Verizon franchise
11 are typical of franchise agreements
12 across the country and, in fact, are
13 almost identical to the exceptions in the
14 Comcast agreement that was approved by
15 Council in December of 2015.

16 COUNCILMAN DOMB: So you bring
17 up an interesting point. The Comcast
18 agreement, Comcast has service, I guess,
19 in 100 percent of our City; is that
20 correct?

21 MR. PINKARD: Correct.

22 (Applause.)

23 MR. PINKARD: Subject to their
24 exceptions, but they built out in an
25 environment, a monopoly environment, in

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2 1984.

3 COUNCILMAN DOMB: I see. So it
4 was easier when they did it, you're
5 saying, versus today?

6 MR. PINKARD: Well, I think the
7 exceptions remain the same irrespective
8 of when you build out, but the point is
9 they've been here since roughly 1984,
10 '85.

11 COUNCILMAN DOMB: But this can
12 be done. If they have 100 percent, you
13 guys should be able to do 100 percent too
14 I think, right?

15 MR. PINKARD: Well, I don't
16 know where you're getting the 100 percent
17 figure from. I don't know that they're
18 100 percent. In fact, I'm assuming that
19 they have invoked exceptions under their
20 franchise as well, and they certainly
21 have the right to.

22 COUNCILMAN DOMB: I'm going to
23 tell you one personal story, because I
24 happen to be in the real estate business
25 also. I had a building called the Alison

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2 building. I think I mentioned this to
3 you guys. It took me forever, because I
4 had one resident in a building of 19
5 units I developed above Barnes and Noble
6 on the Square, Rittenhouse Square. It
7 took me forever to get Verizon into that
8 building, and it was a workout. So I'm
9 just mentioning this from a customer
10 service standpoint, it might be something
11 you guys should improve.

12 (Applause.)

13 COUNCILMAN DOMB: Thank you for
14 your testimony. Thank you.

15 COUNCILMAN HENON: The Chair
16 recognizes Chairman O'Neill.

17 COUNCILMAN O'NEILL: I have a
18 question on the MDU. I've been hearing
19 this for a long time since FiOS started
20 coming into the City. I asked somebody,
21 Do you have FiOS?

22 No, no. We have Comcast, and
23 we're not allowed to let FiOS come in
24 because we have an exclusive deal in our
25 condo association, or whatever it is,

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2 with Comcast.

3 Is that permitted? Can either
4 company shut the other company out by
5 contract? It seems to be that would be
6 against public policy. It's also against
7 offering the opportunity for these people
8 to work on a place that should be open to
9 them. So can you explain a little more
10 about that. And also that exception
11 part, MDU is the first one. How much of
12 this is MDU, multi-family where you can't
13 get in or at least that's what you're
14 alleging, and I don't know how we check
15 that -- I'm going back to OIT now -- how
16 we check that, because there should be
17 full competition in multi-family the same
18 way there's full competition in
19 single-family.

20 (Applause.)

21 COUNCILMAN HENON: Excuse me.

22 Can you answer the question real quick
23 and then we will have to take a
24 five-minute recess for another committee
25 to do its business and then we'll --

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2 okay. We're going to take a minute
3 break. Hold on for a second on your
4 answer. Don't go anywhere. Stay right
5 there.

6 (Brief pause.)

7 COUNCILMAN HENON: The Chair
8 would like to recognize Councilman Green
9 who has joined us for this hearing as
10 well.

11 We are now going to resume our
12 Joint Committee of Public Property and
13 Information and Technology.

14 The Chair recognizes again
15 Councilman O'Neill for the follow-up to
16 his question.

17 COUNCILMAN O'NEILL: Yes. I
18 just wanted to get an answer. And
19 Councilman Squilla was saying during the
20 break that are there monopolies permitted
21 under these franchise agreements. It
22 really gets broader than just this one,
23 but since you're here, could you give me
24 an answer, one, on the monopoly question.
25 I don't care which one you answer first,

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2 or the competition question, competitive
3 question. And the second is, how much of
4 these exceptions as a percentage are
5 under the MDU exception?

6 MR. PINKARD: So, Chairman
7 O'Neill, Verizon shares your sentiment
8 regarding the need for competition in
9 general and particularly in
10 multi-dwelling units, and Verizon works
11 very hard to gain access to all
12 multi-dwelling units in the City.
13 They've gone to great lengths to get into
14 these buildings.

15 You are correct in your
16 suggestion that a monopoly in the MDU
17 setting is prohibited under federal law.
18 What are typically known as exclusive
19 access agreements were prohibited by the
20 Congress several years ago.
21 Unfortunately, the practical effect of
22 that has not eliminated the presence of a
23 single provider in MDUs, because
24 exclusive marketing agreements are still
25 permissible. So in many situations,

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2 landlords have essentially a financial
3 incentive to keep only one provider, the
4 one with whom they've negotiated that
5 agreement. And so that is not a true
6 monopoly, but it effectively precludes
7 Verizon's ability to gain access.

8 In other circumstances,
9 landlords may not be responsive to
10 Verizon's request to gain access because
11 every resident of their building already
12 has access. So it's not the same
13 circumstance as when Comcast initially
14 built out and there was a motivation to
15 make sure that all their residents had
16 cable access.

17 COUNCILMAN O'NEILL: Now, they
18 knew that this was still a major issue.
19 One federal government says you can't do
20 it; the other side of the federal
21 government said but there's a way around
22 that through a marketing agreement.

23 MR. PINKARD: Correct.

24 COUNCILMAN O'NEILL: And then
25 we already have Comcast, so we don't want

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2 to be bothered, that kind of thing. And
3 I think the City should have some
4 involvement in that, but that's not for
5 today. For today, how much of the
6 exception not built out but counting as a
7 built-out because of exceptions, how much
8 of that percentage -- what percentage of
9 that percentage is MDU, multi-family?

10 MR. PINKARD: I'd say roughly
11 10 percent of total households in the
12 City would be comprised of MDU exception.

13 COUNCILMAN O'NEILL: So 90
14 percent are permitting, can't get on
15 premises because somebody's stopping you
16 or the City hasn't given you a permit.
17 And is anybody going to comment on the
18 issues that involve the City -- is
19 anybody here from the Streets Department?
20 Because if you don't give all the -- not
21 you, but Verizon doesn't give all the
22 proper information on a permit request
23 and doesn't get back to the City quickly
24 and it sits somewhere, that follow-up by
25 the City, who does that count against?

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2 Does that count against Verizon or does
3 it count against the City? I mean, the
4 City has done everything they could.
5 They've asked for information. This
6 isn't OIT. This is Streets Department.

7 So I don't know how deep we're
8 going to dig into this 90 percent, which
9 are these two other areas, but it could
10 be substantial. So I think there's a lot
11 more devil in the details here than we
12 may be able to come up with today, but we
13 have a roadmap maybe to getting to the
14 devil.

15 Thank you, Mr. Chair.

16 MR. PINKARD: Mr. Chairman --

17 COUNCILMAN HENON:

18 Mr. Chairman, I think that's -- and I'll
19 allow you to answer that. I just want to
20 make a statement.

21 I think that's a
22 well-pointed-out question, what
23 percentage of the permits had lack of
24 information or wrong information and if
25 there was any. So we will be asking -- I

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2 will be asking the Streets Department in
3 the permits that have been sitting around
4 whether it was a delay or permits that
5 were backed up with their lack of
6 information and how long they were
7 sitting, for what reason. So I'm going
8 to request that the Streets Department
9 get back to the Chair, and I'll make sure
10 that members of Council have the answer
11 to that question.

12 Go ahead.

13 MR. PINKARD: Historically the
14 issue with respect to the permit
15 approvals has not been one that is the
16 result of lack of information from
17 Verizon or incomplete applications.
18 Historically it's just simply been delays
19 or lack of approval. As was noted
20 previously, that backlog has improved in
21 2016, and we're working cooperatively
22 with OIT and the Streets Department and
23 have been for several months now to work
24 through the delayed permits, get them
25 approved, and get them built.

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2 Verizon has provided OIT with a
3 list of all the permits that have been
4 filed and that have caused delays, with
5 details about when they were filed and
6 any follow-up information that has been
7 exchanged between Verizon and the Streets
8 Department, and additionally has provided
9 a map which illustrates everywhere where
10 permits have delayed construction. And,
11 again, if that's information that any
12 member of the Joint Committee or Council
13 in general would like to see in a
14 confidential setting with OIT, we'd be
15 happy to do that.

16 COUNCILMAN HENON: Okay. We
17 will add that too.

18 The Chair recognizes Councilman
19 Domb.

20 COUNCILMAN DOMB: We'd like to
21 get that information.

22 And I wanted to chime in a
23 little with Chairman Henon and Councilman
24 O'Neill. Is there anything else that you
25 need from the City? I'd like to get a

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2 list of what you need from the City in
3 order to complete this contract.

4 MR. PINKARD: I think at this
5 point, the permits are the only authority
6 that or material we need once the
7 verification is approved to get the
8 certification from OIT, but I don't think
9 there's anything outstanding from the
10 City.

11 COUNCILMAN DOMB: So
12 essentially you could provide us with a
13 list of what you need to the Chairman and
14 that will constitute 100 percent
15 compliance?

16 MR. PINKARD: Yeah, from our
17 standpoint. From our standpoint, we're
18 compliant now. We recognize that there's
19 an ongoing review. We're not asking you
20 to take our word for it. That's the
21 purpose of OIT's verification process,
22 but we'd certainly be happy to share with
23 you the list of outstanding permits.

24 COUNCILMAN DOMB: Okay. Thank
25 you.

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2 MR. TRANE: And also,
3 Councilman, I want to extend an
4 invitation to every member to join our
5 monthly meetings with OIT. Councilmen in
6 the past have joined us. So I want to
7 extend that invitation to join us, and
8 whatever information that the Chairmen
9 require consistent with the confidential
10 nature of the documents, we'd be willing
11 to share with the Chairmen and all the
12 members.

13 COUNCILMAN HENON: The Chair
14 recognizes Councilman Green.

15 COUNCILMAN GREEN: Thank you,
16 Chairman Henon.

17 I guess I'm somewhat at a loss
18 in reference to -- I know the Chairman
19 has made a request of information some
20 time ago, and now that information is now
21 going to be forthcoming. I guess I'm
22 somewhat curious what is taking -- I
23 understand, being an attorney, I
24 understand there's confidentiality issues
25 and other dynamics at play, but when

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2 requests are made, why does it take to
3 have a hearing in order to get the
4 information?

5 MR. PINKARD: Councilman,
6 there's been no delay. We received
7 Chairman Henon's letter requesting
8 certain information a little over a week
9 ago and it was a request to discuss the
10 information. We have provided all of
11 that information to OIT already in the
12 course of the verification. So that's
13 information that's been tendered to the
14 City, OIT, in connection with its
15 verification process. Again, we're not
16 comfortable with disclosing that in a
17 public forum, but, again, we reiterate
18 our willingness to share that information
19 in conjunction with OIT --

20 COUNCILMAN GREEN: When you
21 said that information was provided to
22 OIT, so when a different body of
23 government, being the legislative body,
24 especially a Councilmember, requested
25 that information, why is that information

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2 not forthcoming if you already sent it to
3 OIT?

4 MR. PINKARD: It was provided
5 to OIT's consultant, who is subject to a
6 non-disclosure agreement given the
7 confidential nature of this. There's an
8 ongoing review that is particularly
9 sensitive at the moment, so that's the
10 rationale for providing it.

11 COUNCILMAN GREEN: And was that
12 communicated in writing to anyone?

13 MR. PINKARD: No. We received
14 Chairman Henon's letter a week before the
15 hearing, and so we're here to discuss it
16 now.

17 COUNCILMAN HENON: And I
18 appreciate the Councilman's comments here
19 and questioning.

20 If there were -- if the
21 information that I requested for you was
22 confidential and you would have said,
23 Hey, look, I will get the information
24 back to you, it's confidential, don't
25 share it with the public due to a lot of

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2 reasons, we're just going to submit it to
3 OIT, OIT still doesn't have half of the
4 information that I requested of you and
5 you said that this information was going
6 to be given -- come back and provided to
7 me.

8 So we're having this hearing
9 because of your lack of information, your
10 lack of communication, and your lack of
11 communication and your lack of
12 information and lack of data, your lack
13 of workforce with the City of
14 Philadelphia.

15 (Applause.)

16 COUNCILMAN HENON: You're going
17 to tell me that a room full of Verizon
18 executives, somebody who comes in, with
19 all due respect, a vice president who is
20 from the New England states is going to
21 come to the City of Philadelphia and say,
22 yes, yes, yes, leave and provide nothing?
23 Because that's what we have. We have
24 nothing. I have no --

25 (Applause.)

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2 COUNCILMAN HENON: I have no
3 faith and confidence, no faith and
4 confidence that the information that
5 we're hearing today is factual or
6 truthful. So somewhere, somewhere we're
7 going to find out whose interpretation
8 and what interpretation the City of
9 Philadelphia needs to govern by legally.

10 MR. SMITH: Mr. Chairman, the
11 information --

12 COUNCILMAN HENON: The Chair
13 recognizes Councilman O'Neill.

14 COUNCILMAN O'NEILL: I'm going
15 to go back to the MDU. There are
16 roughly -- I ball park it, but I think
17 roughly 25 percent of the individual
18 residences in this City fall under MDU,
19 not buildings, residents, because in my
20 district, it's about 20, 25 percent and
21 it gets higher concentrations of
22 multi-family, it goes up. So it's a
23 minimum probably of 25 percent. So if
24 you have 600,000 units in the City,
25 housing units, and just 25 percent of

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2 those are MDU units, that's about
3 150,000. Now, there are 27,000
4 exceptions. Ten percent of them, which
5 was a small number -- I said I thought
6 this was going to be a bigger number, and
7 I'm sitting here thinking how come it's
8 only 2,700 out of 27,000. It's because,
9 I believe -- and you can verify this, and
10 I have a follow-up. It's not just for
11 you. It's for OIT. Is 2,700 the number
12 of addresses of multi-family units? You
13 can have 2,700 people in one apartment
14 building. There are 2,700 different
15 units are in a condominium.

16 (Applause.)

17 COUNCILMAN O'NEILL: So how
18 many -- if there are 2,700 multi-family,
19 some of them have two families and some
20 of them have 1,000, 1,500. What is the
21 total number of residences in the City
22 that are under the MDU exception? In
23 other words, your 2,700 times the number
24 of units within those 2,700 buildings or
25 addresses that you have to skip by. It

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2 sounds like, oh, well, 2,700 people -- I
3 mean, 2,700 you've got units out of
4 600,000, that's nothing. That's very
5 small. If it's 100,000 units, that's
6 extremely large. That's 20 percent of
7 all our customers and potential customers
8 in the City.

9 So could you answer that?

10 Because I think we have a lot of
11 follow-up here with this issue and
12 whether there are monopolies, whether
13 somebody is not working hard enough to
14 get these, whether it's a condominium
15 association, homeowners, an apartment
16 owner to gain access to FiOS for our
17 residents and potentially Verizon's
18 customers. Does it approach 100,000? Is
19 it 150,000? I don't know. Is it 50,000?
20 It's not 2,700, I can tell you that.

21 MR. TRANE: And just to be
22 clear, the 27,000 that was referenced
23 were tied to the permits. Those are
24 households not being served just because
25 of permits.

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2 COUNCILMAN O'NEILL: Oh, I
3 think we all thought that 2,700 was the
4 total number of exceptions.

5 MR. TRANE: No.

6 COUNCILMAN O'NEILL: So what is
7 the total number of households, including
8 every one household in an MDU population?
9 So if 27,000 is just the permits, how
10 many units are being subject to exception
11 because of MDU and how many for the
12 private right-of-way? So we can get a
13 full number and an accurate count. We
14 can leave this hearing with some
15 information.

16 MR. TRANE: We can --

17 (Applause.)

18 MR. TRANE: We can provide a
19 copy of the build report that we provided
20 to OIT essentially at the end of January.
21 We'll submit that as well with the other
22 information that you've requested. That
23 will break it down by the category that
24 you're asking.

25 COUNCILMAN O'NEILL: But does

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2 anybody at the table know just in the MDU
3 how many households are in your MDU
4 exception?

5 MR. TRANE: No. Again, it
6 would be in that report, and we'll submit
7 that to you, Mr. Chairman.

8 COUNCILMAN O'NEILL: You knew
9 it was 2,700. How many -- they're just
10 the locations, right?

11 MR. TRANE: What my colleague
12 noted is that MDU exceptions would
13 account for about 10 percent of the total
14 households in the City.

15 COUNCILMAN O'NEILL: Ten
16 percent of the households?

17 MR. TRANE: Yeah.

18 COUNCILMAN O'NEILL: That's
19 different than 27 -- I was asking what
20 percentage of the exceptions are -- okay.

21 MR. TRANE: That's why we want
22 to give you the report, so we're 100
23 percent accurate.

24 COUNCILMAN O'NEILL: Of the
25 households. So we start out with 90

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2 percent of the households not being built
3 out just because of MDU, and we count
4 that as 100 percent.

5 MR. PINKARD: Ten percent.

6 COUNCILMAN O'NEILL: And then
7 we have the permits taking that down
8 further and we have the right-of-way
9 taking that down further. So 10 percent
10 of the units would be about 60,000
11 roughly that are not getting Verizon
12 service or not able to even be approached
13 for Verizon service. So just 60,000
14 roughly just on the MDU. I thought it
15 was 2,700. So it's 60,000 is a lot more
16 than 2,700. And then we know that the
17 permit issue is 27,000. So now we went
18 from roughly 60,000 to 87,000. And if
19 the private right-of-way -- do you have
20 any idea how many exceptions are involved
21 in that, how many customers, households?

22 MR. PINKARD: No. We can get
23 you that in the report.

24 COUNCILMAN O'NEILL: But if
25 it's just 13,000, we're at 100,000.

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2 Twenty percent of our households have
3 exceptions that are being promulgated
4 here. That's 20 percent of our
5 households in the City that don't come
6 within the 100 percent build-out, but yet
7 we have 100 percent build-out. Something
8 is not clicking here.

9 Thank you.

10 (Applause.)

11 MR. PINKARD: Mr. Chairman,
12 first of all, we'll get you the report,
13 but I do not believe it's 20 percent. I
14 think it's less than that. But, again,
15 those are all circumstances that are
16 contemplated in the negotiating franchise
17 agreement and are also present in
18 Comcast's agreement. They're all
19 circumstances beyond Verizon's direct
20 control. So in every instance, Verizon
21 has built out its network and made
22 efforts to complete installation to those
23 properties and has been obstructed from
24 doing so by factors beyond its control,
25 whether it be the refusal of a landlord

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2 to let Verizon enter to install its
3 facilities, the lack of a permit or the
4 lack of approval from private
5 right-of-way. So the franchise always --

6 COUNCILMAN O'NEILL: We're
7 trying to learn things today about the
8 agreement and the results of the
9 build-out. If you are missing 60,000
10 households because of MDU and it's
11 forbidden on the one hand by federal law
12 but it's allowed by federal law if
13 there's an exclusive marketing
14 agreement -- which is just amazing.
15 Washington can do things that result in
16 that kind of craziness. We should, as
17 the other end of this contract, know who
18 is it that has an exclusive marketing
19 agreement, so that let's them off the
20 hook by federal law, and who is just
21 shutting you out in violation of federal
22 law. We're interested in knowing that.

23 (Applause.)

24 COUNCILMAN O'NEILL: Even if we
25 have to be the ones to find out what it

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2 is because they won't give you the
3 information, and if we don't have it, we
4 have other agencies at the federal and
5 state level that can help us determine
6 whether federal law is being followed or
7 federal law is being violated, because
8 the numbers are staggering when you get
9 into the thousands that are just under
10 multi-family exceptions.

11 Thank you.

12 MR. TRANE: And,
13 Mr. Chairman --

14 (Applause.)

15 MR. TRANE: Chairman O'Neill,
16 we would love to take you up on your
17 offer to help. We'll provide a list of
18 the known marketing agreements that
19 Verizon knows. We'll also provide a list
20 of MDUs who have either passively or
21 directly refused us entry, and if the two
22 Chairmen would be willing to help us,
23 we'd take your help in a second. Thank
24 you.

25 MR. SMITH: And let's be clear.

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2 It's in Verizon's best interest to get
3 these exclusions reduced. If we can get
4 into an MDU, it helps our return on
5 investment for the \$520 million we put
6 into the City for the FiOS build.

7 COUNCILMAN HENON: The Chair
8 recognizes Councilman Domb.

9 COUNCILMAN DOMB: Thank you,
10 Chairman Henon.

11 I want to follow up on Chairman
12 O'Neill's comments about the
13 multi-family. I'm familiar with
14 contracts that have been signed in
15 multi-family condos where cable companies
16 have invested the money in the wiring in
17 exchange to being the provider of that
18 building. I've seen those deals. And so
19 I guess the question is, is that a legal
20 deal to do, number one? And does that
21 exclude you guys from being in that
22 building? Is that allowed by law?

23 MR. TRANE: Well, as
24 Mr. Pinkard noted, they've taken what was
25 a prohibition on contracts and turned

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2 them into exclusive marketing agreements,
3 which are allowed. And the answer to
4 whether it's a hindrance, it certainly
5 is. It prohibits us from gaining access,
6 because the landlord has a financial
7 incentive to keep us out.

8 COUNCILMAN DOMB: Right. I
9 have seen those, but here's my other
10 question to you. We're having this whole
11 thing over really wanting to be 100
12 percent compliant, which I kind of think
13 at the end of the day benefits your
14 company, you'll make more money, right?
15 You're going to get more business. This
16 is a chance to have more customers and
17 more business, and I can't understand why
18 we're sitting here and why you and OIT
19 and Streets and whatever departments we
20 need can't figure this out and get it
21 resolved.

22 MR. PINKARD: And we're working
23 actively with OIT to complete the
24 verification process. You're 100 percent
25 correct that that's in our interest.

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2 COUNCILMAN DOMB: But this was
3 supposed to be done by February and now
4 it's the end of April.

5 MR. PINKARD: No.

6 (Applause.)

7 MR. PINKARD: The deployment --
8 the franchise agreement required
9 deployment to be completed by February
10 26th, 2016. That was done. The
11 verification by necessity had to commence
12 after that date, and so it continues to
13 be ongoing and --

14 COUNCILMAN DOMB: Can you give
15 us today a reasonable date that we can
16 have this resolved?

17 MR. TRANE: Again, Councilman
18 Domb, as I've offered earlier to the
19 Chairman, if the Chairman and the
20 Committee and the Administration would
21 like us to recommence the verification
22 process, we'll start that on Tuesday next
23 week, if that's the direction you'd like
24 to take.

25 COUNCILMAN HENON: So --

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2 MR. TRANE: With respect to
3 field testing.

4 COUNCILMAN HENON: With respect
5 to field testing. What I think we have
6 been asking and what we are requesting is
7 a list of the questions and data
8 information that you said that you have
9 provided to OIT to us. In addition,
10 whether it's in confidentiality or
11 non-disclosure, that's fine, but I also
12 get a sense from OIT that they are still
13 waiting for information themselves. So
14 we want to help OIT receive information
15 from you.

16 MR. SMITH: We've provided
17 information to OIT and we continue to
18 exchange clarifications.

19 COUNCILMAN HENON: Well, it's
20 incomplete information, from what I
21 gather. Now, I don't mean to be
22 combative here, but we're hearing the
23 same thing over and over and over again
24 and, quite frankly, I'm insulted that --

25 (Applause.)

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2 COUNCILMAN HENON: I'm insulted
3 that there's lack of any kind of
4 consideration or remembrance of the
5 meeting that we had when I asked this
6 information. So, I mean, I have other
7 Councilmembers that are up here on both
8 committees who are just appalled that
9 there's lack of recollection of the
10 request for information. I mean, so --

11 MR. SMITH: Mr. Chairman, there
12 are three of us at this panel that were
13 in that meeting. None of us have the
14 recollection that you seem to have, with
15 all due respect. That said,
16 Mr. Chairman, we're more than happy to
17 provide the information that you've
18 requested.

19 COUNCILMAN HENON: Okay. Well,
20 not from my notes or my staff's notes.
21 Now, being that you said that, I'm sure
22 you are aware of the New York Verizon
23 FiOS implementation final audit report,
24 and that report released a citywide
25 Verizon build-out in July of last year.

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2 The audit showed that Verizon was
3 claiming that the documents needed to
4 complete an audit and verification of
5 their build-out was proprietary and
6 confidential. Wow, sounds familiar.
7 They intentionally delayed or did not
8 communicate information.

9 Well, this all seems and sounds
10 familiar, because I'm hearing this
11 repetitively over and over again and I've
12 heard it from March 18th in my meeting.
13 So New York City right now -- and I want
14 to state this for the record -- is
15 currently renegotiating a remediation
16 plan with Verizon, as they found that
17 they hadn't completed their build-out as
18 reported.

19 We do not want this to happen
20 in Philadelphia. That's why I'm making
21 this statement right now.

22 (Applause.)

23 COUNCILMAN HENON: This isn't
24 New York. This is Philadelphia. There's
25 1.5 million people here. It's a

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2 competitive market. It's to your
3 advantage and it's to the community's
4 advantage that they have access. And I'm
5 not buying any of the lack of information
6 or the recollection of a meeting that I
7 was present with where I requested
8 non-confidential information that you're
9 stating for the record.

10 (Applause.)

11 COUNCILMAN HENON: Now I want
12 to have a couple other follow-up
13 questions. You have 27,000 people who
14 are denied access for FiOS because of 78
15 permits, and we're going to get to the
16 bottom of the permits, whether they're
17 lack of information or what the reasoning
18 is. I'm going to ask Streets Department
19 to break that down. And in that
20 question, I'd like to ask the woman --
21 can you state your name for the record
22 again, please.

23 MS. LASKY: Yes. Danielle
24 Lasky.

25 COUNCILMAN HENON: Danielle,

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2 thank you. Thank you so much.

3 So you had made a statement
4 that work is continuing right now on the
5 build-out of those issued permits; is
6 that correct?

7 MS. LASKY: What I'm aware of
8 is that work continued after the February
9 26th deployment deadline.

10 COUNCILMAN HENON: Okay.
11 Great. So the work is continuing now on
12 the build-out?

13 MS. LASKY: That I can't
14 confirm, but I can confirm that work
15 occurred during the March timeframe.

16 COUNCILMAN HENON: Okay. So my
17 question, can anybody on the panel or
18 Verizon here make an absolute statement
19 that work is continuing as we speak on
20 the franchise agreement on the build-out
21 with the issuance of permits? You said
22 it's being executed. Your statement on
23 the record earlier is that these permits
24 are being executed as we speak on the
25 build-out. Is that a correct statement?

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2 MR. PINKARD: The franchise
3 remains in effect. Verizon continues to
4 comply with its franchise obligation work
5 in that regard until --

6 COUNCILMAN HENON: So the
7 build-out continues as we speak?

8 MR. PINKARD: I didn't confirm
9 that. You asked whether or not work
10 under the franchise agreement was
11 continuing, and it certainly is.

12 COUNCILMAN HENON: Okay. So if
13 work is continued -- and I hope that we
14 are at 100 percent and the 100 percent
15 execution of the remaining build-out. If
16 work has continued and if it is happening
17 currently, I just want to remind you
18 something, that by the law in the
19 franchise agreement, the law requires
20 that no, quote, "project owner or other
21 entity shall employ an unlicensed
22 contractor, as Verizon" --

23 (Standing ovation.)

24 (Audience members chanting

25 "CWA.")

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2 COUNCILMAN HENON: Has Verizon
3 documented that the work being performed
4 related to the franchise or any other
5 work, for that matter, has been conducted
6 by contractors licensed to perform the
7 work in the City of Philadelphia?

8 MR. TRANE: Mr. Chairman, we
9 know of no unlicensed contractor working
10 in Philadelphia.

11 COUNCILMAN HENON: You don't
12 have any unlicensed contractors working?

13 MR. TRANE: We don't know of
14 any unlicensed contractor. Thank you for
15 pointing it out to us, and we appreciate
16 it.

17 (Audience members yelling.)

18 COUNCILMAN HENON: Well, I'm
19 going to request another -- I'm going to
20 make another request of information. If
21 you can please provide to myself and to
22 Councilman O'Neill, Co-Chair, a list of
23 contractors that are working on
24 franchise-related work.

25 And as I'm sure Verizon is

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2 aware, Philadelphia law also notes that
3 no contractor shall sell or transfer or
4 otherwise allow another person or
5 business entity to use a permit issued to
6 the contractor to perform construction
7 work.

8 So could you please provide to
9 the Chair a list of permits and
10 information related to who applied for
11 permits for any and all work having
12 conducted since the beginning of the
13 strike.

14 (Applause.)

15 COUNCILMAN HENON: And I also
16 want to note in the franchise agreement
17 that Section 4.1.9 of the franchise
18 agreement states that all facilities and
19 equipment for the system shall be
20 designed, built, and operated in a manner
21 that protects the safety of our system
22 workers and the public. Further, Section
23 4.1.10 of the franchise agreement states
24 that Verizon shall maintain trucks,
25 tools, testing equipment, monitoring

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2 devices, and other equipment and
3 facilities, as well as trained and
4 skilled personnel --

5 (Applause.)

6 COUNCILMAN HENON: --

7 sufficient to ensure compliance with
8 applicable law and requirements set forth
9 in the section.

10 Can Verizon speak with
11 certainty that a level of training and
12 certification that the staff currently
13 contracted or employed to deploy maintain
14 franchise system?

15 MR. PINKARD: Verizon can say
16 that they are in compliance with the
17 franchise agreement, including the
18 provision you cited.

19 (Audience members yelling.)

20 COUNCILMAN HENON: So if
21 management has called in to work on the
22 franchise agreement and the build-out,
23 are they licensed contractors?

24 MR. PINKARD: I can't --

25 COUNCILMAN HENON: Are they

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2 licensed contractors? Are they working
3 on our 911 system as we speak for the
4 sake of public safety?

5 MR. PINKARD: Mr. Councilman,
6 we've agreed --

7 COUNCILMAN HENON: Are you
8 working in our hospitals and our life
9 safety systems and our first responders?
10 Are they trained and licensed to perform
11 the work of our franchise agreement?

12 MR. PINKARD: Mr. Chairman,
13 we've agreed to give you the list. We're
14 happy to provide it.

15 (Audience members yelling.)

16 COUNCILMAN HENON: So the
17 questioning on citizens, residents who
18 would enjoy having FiOS and having it
19 ready and available, can you define what
20 the access availability means, pass-by,
21 and how that's calculated? How is
22 that -- so in the right-of-way going down
23 the street, your fiber is passing a
24 street or a block, that's considered a
25 pass-by; is that correct?

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2 MR. PINKARD: The concept of
3 pass-by is not included in the Verizon
4 franchise agreement with the City of
5 Philadelphia.

6 COUNCILMAN HENON: I'm not
7 asking about the franchise agreement.

8 MR. PINKARD: It's a service
9 availability obligation that we have.

10 COUNCILMAN HENON: Is that a
11 service availability --

12 MR. PINKARD: Yes. Correct.

13 COUNCILMAN HENON: -- if it
14 goes down the street?

15 Is that ready and accessible?
16 How does that transpose to a last mile
17 connectivity to an actual resident
18 instead of passing by their house in the
19 street?

20 MR. PINKARD: My colleague,
21 Danielle Lasky, will explain the
22 technical aspects of how we make service
23 available, which is the standard under
24 the franchise agreement.

25 MS. LASKY: And for

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2 single-family units, we do build out and
3 we place fiber cable, we place terminals,
4 and we allocate those addresses within
5 each one of those terminals, and that
6 runs through our systems and that makes
7 those addresses video capable.

8 For MDUs that allow us access
9 to the building, we do the same thing.
10 We bring our fiber facilities into the
11 building once a premise access license is
12 received and signed by a property owner
13 and once they agree to the design
14 approval -- once they provide us design
15 approval for our engineering design. We
16 then add those addresses into a terminal,
17 which then makes those addresses service
18 available for the residents.

19 When it comes to properties
20 that do not have -- have not given us
21 access to their locations, we allocate
22 fibers in a coil outside of the property,
23 whether on a pole or in the closest
24 manhole, specific to that property
25 location. Should a customer place a

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2 formal inquiry with Verizon, we follow up
3 on that inquiry. We make attempts to
4 negotiate with the property owner. I
5 think as mentioned previously, we send
6 three letters. We make multiple call
7 attempts. We document all of that. And
8 if we do receive a successful PAL, we
9 have the ability to access the building,
10 we have the ability to engineer that
11 building, and if given the design
12 approval, we will then place our fiber
13 facilities and make that building service
14 available.

15 COUNCILMAN HENON: Thank you
16 for that. So if whatever percent, if
17 it's 85 percent, 100 percent, so now
18 we're supposed to be at 100 percent.
19 That means 100 percent of Philadelphians,
20 with minus the exceptions, has access for
21 connectivity. So if I am -- if this
22 panel up here, this panel here is a row
23 of homes and each plate is an address and
24 you have your fiber going down the street
25 and who knows where, you said closest

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2 manhole or whatever, does that mean just
3 because it goes down the street that I
4 have access or does access mean it has to
5 be on the aerial ready to be connected
6 for the last mile to my house? So do I
7 count into the 100 percent build just
8 because it goes by the street, is my
9 question.

10 MS. LASKY: You're saying that
11 you're in a row home environment where we
12 would have provisioned our fiberoptic
13 cable down the street. Those addresses
14 would have also correlated to fiberoptic
15 terminals, and we would have added those
16 addresses into the terminal and you would
17 be able to order service as a result.

18 COUNCILMAN HENON: So a
19 terminal could be in a manhole three
20 blocks away, correct?

21 MS. LASKY: No. Our terminals
22 are strategically located for ease of
23 installation.

24 COUNCILMAN HENON: So I
25 question that somewhat, but that's not

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2 for me. So may I ask a question that you
3 could provide an answer to the Chair.
4 Hopefully we'll get it in this calendar
5 year. What does that mean with the --
6 what does that actually mean on
7 connectivity?

8 MR. TRANE: Mr. Chairman, I
9 would encourage when you re-question CBG,
10 the company doing the testing, they
11 specifically tested in the field for
12 occurrences that you're asking about and
13 they verified --

14 COUNCILMAN HENON: Current
15 subscribers?

16 MR. TRANE: No. In many
17 instances, they tested for exactly the
18 example you asked for, which is you're in
19 a row house, you haven't yet requested
20 service. They field verified that
21 Verizon had facilities in a position to
22 provide service in a standard
23 installation to you upon request.

24 COUNCILMAN HENON: So in
25 facilities like your central offices?

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2 MR. TRANE: No; out on the
3 street, as Danielle alluded to. And,
4 again, when you re-speak with Tom and the
5 folks, his engineers that went out there,
6 I would encourage you to ask them, and
7 they can provide their information to you
8 what they found.

9 MR. PINKARD: And under that
10 process, that very testing that Paul just
11 referenced, that served as the basis for
12 CBG's determination that Verizon had
13 built out to 85 percent as of the Year 6
14 benchmark.

15 COUNCILMAN HENON: Right, but
16 the field testing is still incomplete,
17 correct?

18 MR. PINKARD: For Year 6, no.
19 That's complete. And it verified that we
20 made 85 percent. For the 100 percent,
21 it's still ongoing.

22 MR. TRANE: Again,
23 Mr. Chairman, I'd offer again, if you'd
24 like us to pick up the testing on Monday,
25 the field verification, we offer that to

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2 you and to your Administration.

3 COUNCILMAN HENON: Look, I
4 would like my questions answered that I
5 asked for back in March 18th.

6 Do any other members have any
7 questions for Verizon?

8 (No response.)

9 COUNCILMAN HENON: Listen,
10 thank you for your testimony.

11 The Chair will call up Jim
12 Gardler.

13 (Standing ovation.)

14 (Audience members chanting
15 "CWA.")

16 (Witness approached witness
17 table.)

18 COUNCILMAN HENON: All right.
19 Excuse me. Verizon, you may want to hang
20 around just in case.

21 You can state your name for the
22 record and proceed with your summarized
23 testimony, please. And I note for the
24 record that the full testimony has been
25 documented and made part of the record

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2 here today. Thank you.

3 MR. GARDLER: James Gardler.

4 Good morning. My name is James
5 Gardler and I'm the President of the
6 Communication Workers of America, Local
7 13000. I want to thank you for holding
8 these hearings and for the opportunity to
9 testify.

10 I would like to state that the
11 previous testimony ended with a statement
12 in terms of and everybody ended -- and it
13 ended happily ever after for everybody,
14 but obviously we realize that's not the
15 case. Most people in this room realize
16 that.

17 CWA Local 13000 represents the
18 technicians and repair center employees
19 working for Verizon in Pennsylvania and
20 our sister Local 13500 represents the
21 call center workers. Together, CWA
22 represents close to 4,500 members working
23 for Verizon in Pennsylvania and over
24 1,000 in the Philadelphia metro region.
25 Our members build, maintain, install, and

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2 service Verizon's wireline networks,
3 including the copper-based telephone
4 network and FiOS. They also provide
5 customer service for both residential and
6 business customers.

7 Verizon has broken its promise
8 to the City to build out its all-fiber
9 FiOS network to all residential dwelling
10 units and to make it available to
11 businesses by February of 2016.

12 Verizon's broken promise is not just a
13 technical violation or a near miss. It
14 appears to reflect flagrant disregard for
15 its obligations the company willingly
16 entered in 2009.

17 It's worth noting that CWA
18 supported this franchise agreement in
19 2009, hoping that it would lead to
20 continued employment and the provisions
21 of the state-of-the-art broadband service
22 that the people of this City want.

23 In fact, our technicians in the
24 field tell us clearly that Verizon has
25 failed to build out service to many parts

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2 of the City, leaving many of the City
3 residents without access to FiOS. CWA
4 estimates that tens of thousands of
5 people -- and based on some of the
6 testimony that I've heard earlier,
7 possibly hundreds of thousands of people
8 in the City -- cannot access FiOS despite
9 the franchise requirement that it be made
10 available to every customer by now.

11 Throughout the City, there are
12 blocks or large parts of neighborhoods
13 without service. This includes
14 households in Phase 1 areas, such as
15 Germantown and South Philadelphia that
16 were supposed to have had universal
17 access to FiOS by 2012, as well as Phase
18 2 areas, including many areas of Center
19 City, North and Northeast Philadelphia,
20 South and West Philly. Throughout the
21 City, especially in Center City, there
22 are countless multi-dwelling units that
23 they have passed since the build has
24 started in 2009, and those people still
25 do not have access to FiOS.

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2 Here's what our members tell us
3 is going on: In 2009 when the
4 Philadelphia franchise agreement began,
5 Verizon started building the network in
6 the City. Instead of hiring more workers
7 in the City, the company transferred in
8 technicians from outside the City to
9 cover the work, while the work from those
10 outlying areas continued to back up, and
11 that meant that more and more people in
12 the City -- they were working on the
13 Philly build, but the services out in
14 those outlying areas continued to back up
15 and technicians were working more and
16 more hours out in those areas. It robbed
17 other areas of the badly needed workers
18 to help continue that build in those
19 particular areas.

20 Since 2009, Verizon has reduced
21 the technician workforce in the
22 Philadelphia and surrounding counties by
23 over 1,000 employees. To state it
24 simply, there's just not enough
25 technicians here to do the work.

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2 Even though Verizon failed to
3 hire enough workers in the first few
4 years, the FiOS build appeared to be a
5 genuine effort due to the hard work of
6 our members. However, in 2012, Lowell
7 McAdam became the CEO of Verizon.
8 McAdam's experience, unlike the previous
9 CEO, is primarily in wireless, not the
10 company's wireline network. That year,
11 the company slowed down the deployment
12 into new areas and buildings. Recently
13 the company began transferring workers
14 back to the suburbs rather than keep them
15 in Philadelphia to work on the
16 Philadelphia FiOS build. So rather than
17 hire more workers, Verizon has tried to
18 do this build by imposing massive amounts
19 of overtime on our members. Quite
20 simply, again, there are not enough
21 technicians to complete the build and
22 meet the franchise build-out timeline.
23 Another reason Verizon has
24 failed to meet its FiOS deployment
25 obligation is that the company delays

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2 applying for right-of-way and other
3 permits needed to dig up streets to lay
4 conduit and pull fiber through existing
5 conduit. CWA has offered to facilitate
6 this process, but we've been turned down.
7 Verizon may try to blame the City, but
8 the fault lies squarely with the company.
9 Many permits associated with this
10 build-out have still yet to be filed and
11 countless numbers still sit in limbo
12 waiting for the company to take action to
13 get these service to the customers.

14 I anticipate that Verizon may
15 also try to defend its failure to deploy
16 FiOS everywhere by arguing that it cannot
17 get access to multi-dwelling units where
18 the property owner has negotiated
19 competitive marketing agreements with
20 another provider. Well, I can tell you
21 that there are many MDUs where the
22 property owners and residents are eager
23 to get FiOS, but Verizon has not built to
24 them. Some of these buildings do not
25 have competitive marketing agreements.

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2 In others, Verizon has not even tried to
3 negotiate for building access when the
4 contracts are due to expire.

5 It's my understanding that
6 state law gives Verizon the right to
7 insist on building access if the tenant
8 requests FiOS service. How many times
9 has Verizon invoked this right? And if
10 so, is it only to serve high-income
11 multi-dwelling units? We should take a
12 look at this data.

13 Verizon's failure in
14 Philadelphia is part of a broader
15 pattern. A June 2015 New York City audit
16 found that Verizon failed to meet its
17 franchise obligations to pass all
18 residential households by 2014 in that
19 city. The New York City audit found that
20 Verizon did not pass almost one-quarter
21 of the buildings in New York, and
22 although Verizon hauled out the same
23 tired excuse that it couldn't get MDU
24 access, the New York City auditors found
25 in many cases the landlord wanted Verizon

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2 in, but Verizon stalled in providing
3 service.

4 Verizon has failed to build
5 FiOS in most parts of the Commonwealth
6 and is not seeking any new franchise
7 agreements. In those non-FiOS
8 communities, Verizon is letting its
9 copper network deteriorate before our
10 very eyes, leaving customers with poor or
11 in some cases no service. The
12 Pennsylvania Public Utility Commission
13 has opened a formal case to investigate a
14 CWA complaint about Verizon's neglect of
15 its traditional landline infrastructure
16 in its non-FiOS areas serving millions of
17 Pennsylvania customers. That
18 investigation has been escalated to the
19 hearing by the PUC and a pre-conference
20 hearing is scheduled on May 26th.

21 Verizon's arrogance and greed
22 know no limits. This is a company that
23 made \$39 billion in profits in the last
24 three years and 1.5 billion in profits
25 every month in 2015. This is a company

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2 that paid its top five executives \$233
3 million over the last five years and
4 spent 38 billion in stock buybacks and
5 dividends over the last five years.

6 Verizon's CEO, Lowell McAdam, makes over
7 200 times the pay of an average Verizon
8 worker.

9 Certainly Verizon can afford to
10 meet its franchise obligation to build
11 FiOS throughout the City of Philadelphia.
12 Rather than invest in our city, Verizon
13 uses it to pay massive profits and pay
14 exorbitant salaries to its top executives
15 and transfer wealth to their
16 shareholders.

17 Verizon needs to finish the job
18 in Philadelphia, to expand its all-fiber
19 network throughout the City and maintain
20 its copper infrastructure until it
21 upgrades the network to fiber. To
22 fulfill its obligation, it is absolutely
23 critical that Verizon hire more workers
24 locally, including technicians and other
25 staff. Currently, Verizon is moving in

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2 the opposite direction. Instead of
3 hiring more workers, Verizon is trying to
4 eliminate job security for its wireline
5 workers, close call centers in
6 Pennsylvania and offshore work to the
7 Philippines, India, Mexico and they want
8 to cut their head count.

9 One thing is certain the last
10 time I checked. Verizon doesn't have any
11 customers in India covered by this
12 franchise agreement. No one there
13 supports the network that our members
14 build, and there is no magic sand from
15 India that keeps its network functioning
16 right here in Philadelphia. That's done
17 by the members of the CWA and the IBEW
18 right here in the City of Philadelphia.

19 (Applause.)

20 MR. GARDLER: The members of
21 both of our unions proudly provide these
22 services all throughout the great city,
23 and this city and the people who live
24 here deserve the opportunity at these
25 jobs, not someone who contributes zero to

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2 purchasing, installing, and maintaining
3 the network.

4 We thank you for holding these
5 hearings today and for your efforts to
6 hold Verizon accountable to deliver FiOS
7 throughout the City. Universal access is
8 vital to creating protected good jobs and
9 ensuring cable competition and access to
10 high-speed Internet. This is what 39,000
11 CWA and IBEW members are fighting for at
12 Verizon right now.

13 We urge you to redouble your
14 efforts alongside the Administration to
15 hold Verizon accountable. We need a
16 comprehensive audit of Verizon's FiOS
17 deployment in Philadelphia, and we need
18 to hold their feet to the fire to
19 complete the FiOS build in the City.

20 As a lifelong resident of the
21 City of Philadelphia, I have one more
22 statement to make today on behalf of our
23 members, the business community, and the
24 residents of the City of Philadelphia:
25 Verizon, don't screw Philadelphia out of

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2 FiOS.

3 Thank you.

4 (Standing ovation.)

5 COUNCILMAN HENON: Thank you.

6 Thank you for your testimony here today
7 and thank you all. I want to thank all
8 your members that are here who have
9 joined us for this hearing. So thank you
10 so much and --

11 (Applause.)

12 COUNCILMAN HENON: Thank you
13 for what you do on a day-to-day basis
14 trying to raise your families and stay
15 here in the City of Philadelphia. I am a
16 Verizon subscriber. I just want to let
17 you know that.

18 (Applause.)

19 COUNCILMAN HENON: Make that
20 two. Practice what we preach.

21 So, again, thank you for your
22 testimony. With all the testimony that
23 you've heard here today and the line of
24 questioning from this panel and
25 Councilmembers, is there anything that

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2 you would like to add or are there any
3 questions that we can ask on your behalf
4 that you can state for the record
5 publicly?

6 MR. GARDLER: Well, I think the
7 line of questioning you had as a result
8 of the recent work stoppage in terms of
9 the quality and the safety of the current
10 people that Verizon is bringing into the
11 City should definitely be held in
12 question right now, because I'm fearful
13 for just about any person that lives in
14 the City who Verizon sends to their home
15 to actually perform any service, not only
16 associated with the FiOS build but also
17 associated with any copper network that
18 Verizon has out there. I wouldn't feel
19 confident with anything that they're
20 sending out there right now based on the
21 skills, training, and the safety
22 associated with that. So I appreciate
23 your efforts to request that information
24 from Verizon at this hearing today.

25 In terms of the other

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2 discussion you had related to build-out
3 and we've heard this term mentioned many
4 times in the past and I don't know what
5 answers Verizon was trying to dance
6 around with their responses to your
7 question, but our understanding what
8 Verizon looks at is when they place a
9 fiber cable, they consider it called a
10 home pass. And the way Verizon looks at
11 this -- and I'll put it in pretty simple
12 terms. If you were to put a fiber cable
13 from City Hall and run it down to the
14 Navy Yard or run it in the other
15 direction towards Temple, that's a fiber
16 cable passing a home. And the object of
17 this build-out, in our understanding and
18 I think what Verizon committed to do, was
19 to stop at those homes and give people
20 the access, not just go past them and
21 keep right on going. They need to have
22 the ability to call and say, I want this
23 service.

24 Personal experience just from
25 our union location is, we tried to get

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2 this service for years through this
3 build-out, years and years, and the only
4 way we were capable of actually
5 understanding why we weren't capable of
6 getting it is because of some of our
7 contacts within Verizon who explained it
8 was the permit issue. And the more and
9 more we investigated into that issue --
10 and I appreciate your line of questioning
11 related to the permits, because I think
12 that is one of the issues that Verizon
13 will again try to skate around -- is that
14 they make mistakes with the permit
15 filing, and I think you guys asked those
16 questions during their time up here.

17 COUNCILMAN HENON: Who made
18 mistakes on the permit filing?

19 MR. GARDLER: Verizon.
20 Verizon. And we found this out from
21 having conversation with different people
22 who put these permits in, people that
23 deal with that on the Verizon end, that
24 they did make mistakes and --

25 COUNCILMAN HENON: We're going

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2 to be asking the Streets Department and
3 Highway Division. So they'll have that
4 information as well.

5 MR. GARDLER: But our
6 understanding is, there are countless
7 number of permits that Verizon has still
8 yet to file. So while they say there's
9 only -- I think they mentioned something
10 about 70 permits, I think.

11 COUNCILMAN HENON:
12 Seventy-eight.

13 MR. GARDLER: Seventy-eight
14 that haven't been satisfied, there are
15 countless numbers that they still have
16 not even applied for, and all those
17 residents -- and keep in mind, we talk a
18 lot about residents. There's FiOS
19 business service out there too and there
20 are tons of businesses in this city that
21 do not have access to this service that
22 are missing out on the opportunity.

23 COUNCILMAN HENON: I don't
24 think this building we're in has access
25 to that service.

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2 MR. GARDLER: Add it to the
3 list.

4 (Applause.)

5 COUNCILMAN HENON: But that's
6 besides the point.

7 The Chair recognizes Councilman
8 Squilla.

9 COUNCILMAN SQUILLA: Thank you,
10 Mr. Chair.

11 On that line of questioning,
12 when we talk about the permitting
13 issue -- and part of this resolution was
14 actually that the City would even help
15 Verizon and our Council districts would
16 work with the Streets Department to try
17 to expedite these permits,
18 understanding -- from what the number I
19 heard earlier, 27,000 households were
20 associated with permit issues, but 78
21 permits.

22 COUNCILMAN HENON: Point of
23 clarity. From what I wrote down from
24 Verizon, they said that 27,000 residents
25 were not -- do not have access due to 78

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2 permits. So that number is tied to those
3 specific permits.

4 COUNCILMAN SQUILLA: And I
5 think that's good to know too, because we
6 want to help. Listen, anybody who wants
7 to help -- I mean, we could eventually
8 call Verizon back up again, but you don't
9 turn down help from the workforce or from
10 the City Council. And I understand now
11 from what they made -- statements they
12 made today was that the Streets
13 Department has been very good issuing
14 permits to them recently. The build-out
15 that has happened is somewhere between 85
16 percent, I guess, and that was the
17 City -- that was verified last year, and
18 the number of 85 percent was also
19 including exceptions. So what we'd like
20 to get eventually would be what is the
21 real number, if it's 85 percent and how
22 many total exceptions. We know 27,000
23 households for permits. Access related,
24 I don't know, did we get a number for
25 access-related households?

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2 COUNCILMAN HENON: We don't
3 have any numbers.

4 COUNCILMAN SQUILLA: And then
5 the multi-dwelling units. And we're
6 going to also do some research, I know
7 Councilman O'Neill, about the contracts
8 associated with the multi-dwelling units
9 to see the legality of it. I know the
10 marketing agreement, that's a little
11 confusing to me to see how they could
12 have a marketing agreement and not a
13 franchise agreement with certain -- I
14 think everybody should have the access,
15 and I think that may be a federal issue.
16 We can work with our federal officials
17 and our Senators and Congressmen to find
18 out why that would even be allowed. We
19 want everybody to have access.

20 When you stated about the, I
21 guess, passthrough, is the passthrough
22 number counted as all those households
23 having availability to Verizon?

24 MR. GARDLER: Based on my
25 experience with meetings we've held with

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2 Verizon in the past is, Verizon looks at
3 homes passed as their number to justify
4 benchmarks that they need to meet. In
5 terms of the franchise agreement, I can't
6 speak for what they're telling you guys,
7 but from our understanding, if they're
8 saying that Philadelphia is 100 percent
9 built out, except for these exceptions
10 that are still sitting on the table, I
11 would have a very, very difficult time
12 believing that statement.

13 COUNCILMAN SQUILLA: Well, I
14 think that's where our OIT comes in, and
15 I think knowing -- if we're knowing if
16 that's considered a passthrough is
17 considered available or is that
18 considered a pass-by? Is it considered a
19 build-out or not? I mean, that's
20 something -- can I just ask somebody from
21 the City if they can just answer that
22 question from our perspective?

23 MR. ROBINSON: Regarding
24 single-family units, it has to have a
25 terminal. If there's no terminal that

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2 allows service to be provided to the
3 single-family unit within seven days --
4 that's the requirement in the
5 franchise -- which means literally that
6 that would just be running the fiber drop
7 to the ONT and the ONT placed, then it is
8 not built. It's not just a pass-by. The
9 issue is MDUs, and as you heard, there's
10 been a lot of discussion there, because
11 if you can't gain access to the property,
12 then you can't even bring the fiber onto
13 the property. So it has to stay in the
14 right-of-way somewhere. So it's either
15 coiled up in a manhole or it's coiled up
16 on a pole so that at some point if they
17 gain access, they can bring it into the
18 building. Our engineer, when he looks at
19 that, has been looking at where the
20 closest fiber is in order to be able to
21 serve that, and it has to be within a
22 certain distance or that would not be
23 considered served as well. And that's
24 some of the information that we're
25 waiting for. He noted over 20 instances

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2 where we couldn't verify that the fiber
3 was there. We were told that it was
4 there, in the manhole or wherever.

5 That's some of the information we're
6 waiting for, and we did request on the
7 next deployment to make sure that we had
8 people on the crew that could open up the
9 manhole, vent it properly, go through all
10 the safety requirements, and then allow
11 us to see the fiber.

12 COUNCILMAN SQUILLA: So a
13 pass-by then is not counted as available
14 to the household?

15 MR. ROBINSON: That is correct.
16 That is correct. There has to be a
17 terminal placed. If there's no terminal
18 placed and we can't test light, then it
19 has to meet some other exception, and if
20 it doesn't meet an exception, it's not
21 built.

22 COUNCILMAN O'NEILL: But the
23 example that we heard -- excuse me.

24 COUNCILMAN SQUILLA: Go ahead.

25 COUNCILMAN O'NEILL: The

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2 example that we heard, we heard it right
3 here. If the fiber is running down the
4 street, people could have access to that
5 fiber, FiOS, but they don't have access
6 because when they call, they get told --
7 that's, I think, what you're referring
8 to. Do you verify that, that that block
9 which looks like it has service actually
10 has service?

11 MR. ROBINSON: Yes. In other
12 words, if we were to go to a block and it
13 just had fiber running down the street,
14 there were no terminals -- remember,
15 we're taking all the households in the
16 City and developing this random sample,
17 and so that house isn't known to Verizon
18 until we pick it and we go there.

19 If there's no terminal, if it
20 can't be served within the distance that
21 it would need to be served to provide a
22 proper signal level, then it would fail.

23 COUNCILMAN O'NEILL: What if
24 there is a terminal, but people are not
25 having access to the terminal? I don't

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2 understand.

3 MR. ROBINSON: We test the
4 terminal. In other words, they activate
5 connection from the hub to the terminal,
6 and the light has to meet a certain
7 optical signal level in order to be able
8 to provide service.

9 COUNCILMAN O'NEILL: But what
10 if that's done and yet people are being
11 told on that block -- and this is a
12 hypothetical, but I think it's one that
13 we should get verification of, because
14 we're verifying. That's what your job
15 is. How are we verifying that a block
16 actually has access to a live terminal
17 that comes from the hub?

18 MR. ROBINSON: I see what
19 you're saying. Obviously we're doing a
20 random sample, so we're not going to hit
21 every block in the City. We would
22 certainly appreciate any information
23 that --

24 COUNCILMAN O'NEILL: Well, I'll
25 give you some information. If you have a

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2 block that appears to have hub
3 connection, the terminal in place, before
4 you say, Okay, that block is 100 percent
5 built out, check and see if there are any
6 customers on that block, something as
7 simple as that would verify that service
8 is actually available to the people on
9 the block.

10 MR. ROBINSON: Right.

11 COUNCILMAN O'NEILL: That to me
12 is an extra step that would confirm what
13 we are just discussing up here, Chairman
14 Henon and Councilman Squilla.

15 MR. GARDLER: If I could, just
16 to give you an example of one situation,
17 this again goes back to our local union
18 hall and the way we became aware that
19 FiOS, what we thought would be available
20 on that particular block is the 2100
21 block of Race Street. So a customer in
22 some new construction across the street
23 from our union hall had FiOS. One of our
24 members were out there. They installed
25 the service, provided it to the customer.

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2 We called up the next day and we tried to
3 order it, and they said it's not
4 available. So at that point, wheels
5 started spinning. Well, why is it
6 available across the street, but not on
7 our side of the street? And I think
8 that's the example you're looking for,
9 and there's a perfect situation or
10 scenario where it was dealing with
11 permits to get that service on the other
12 side and is Verizon counting those homes,
13 every resident or business that is on
14 that block, in their build-out when they
15 provide that data to you, when in
16 actuality that service doesn't really
17 exist for those people.

18 COUNCILMAN SQUILLA: And
19 another thing, I guess, when we
20 consider -- OIT has to get these numbers,
21 right? So they're going to tell you --
22 is there a specific number for passed
23 that you're getting?

24 MR. ROBINSON: Yeah.
25 Ultimately we'll have a total number of

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2 households that are available for service
3 in the entire City, and then out of that,
4 there'll be a number of exceptions that
5 will bring that number down to those that
6 actually could get service within seven
7 days.

8 COUNCILMAN SQUILLA: So we'll
9 know how many businesses and homes were
10 passed and how many are available for
11 sale?

12 MR. ROBINSON: This is
13 residents. The franchise -- and I'll let
14 OIT speak to this. The franchise treats
15 businesses differently than residential
16 households. They pass residents -- I'm
17 sorry; businesses. They do provide
18 service to them, but they don't fall
19 within that same service obligation that
20 residents do.

21 COUNCILMAN SQUILLA: But at the
22 end of the day, beside the exceptions,
23 everybody needs to be available for sale,
24 right?

25 MR. ROBINSON: Right.

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2 COUNCILMAN SQUILLA: So if
3 they're passed, they may not be available
4 for sale?

5 MR. ROBINSON: Well, are you
6 talking about residents now?

7 COUNCILMAN SQUILLA: Residents.

8 COUNCILMAN O'NEILL: Or
9 businesses.

10 MR. ROBINSON: They may have
11 what's considered service availability,
12 but if there's an exception, then they
13 would not be available for sale, that is
14 correct.

15 COUNCILMAN SQUILLA: It's hard
16 to comprehend. I'm just going to say
17 it's hard to comprehend, because we're
18 the ones that are going to decide if it
19 was done completely or not, right, the
20 City? So we decide if it's going to be
21 done, but if we could say it was passed
22 but there's still some exceptions out
23 there, so -- I mean, is there a number of
24 exceptions that we could say that's a
25 reasonable number of exceptions if it's

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2 passed? Residential should not have the
3 exceptions, right, as you go down a
4 street? Everybody should have that
5 access.

6 MR. ROBINSON: Right. Once
7 permitting issues are resolved --

8 COUNCILMAN SQUILLA: And we'll
9 help them with that also.

10 MR. ROBINSON: Right. Then
11 yes. Single-family units universally
12 should have access. Now, you do have and
13 I think they mentioned some private
14 right-of-way issues. That's the
15 residents themselves deciding that they
16 don't want access, because they control
17 the property. It's kind of the process.

18 COUNCILMAN SQUILLA: Right.
19 And that could be documented and you
20 would --

21 MR. ROBINSON: Right. That's
22 correct. And that's what OIT and we are
23 doing. We're documenting every time --
24 we've run into these instances already in
25 the first half of our certification

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2 effort, and we're documenting that.

3 Again, Steve Robertson sent a five-page
4 letter to Verizon requesting information
5 on specific addresses that were part of
6 the random sample, and we will get that
7 and we will determine whether that's an
8 actual exception or not.

9 On the multi-dwelling unit,
10 it's going to take a fair amount of work
11 to determine the status of those
12 exceptions. As I think Verizon indicated
13 in its testimony, 10 percent of the
14 households in the City, the total number
15 of households -- and I think you
16 mentioned that that was around 60,000 --
17 they indicate that they have denial of
18 access. So that's a large number of
19 properties and a large number of units.
20 So literally in order to verify that,
21 we're going to have to get the three
22 letters that were sent, we're going to
23 have to find out what it is, and then I
24 think, as you indicated, then there may
25 be a way of assisting Verizon in

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2 providing service to those.

3 COUNCILMAN SQUILLA: Right.

4 And I think it's our job to assist them.

5 We want to make this as easy as possible.

6 We want everybody to have access.

7 When they go through and
8 actually do the service -- and I think
9 now I got a better understanding what the
10 pass-by is -- that's still our City's
11 responsibility to decide if that pass-by
12 was considered they went past this area
13 but yet not everybody is still available
14 for sale. Why? Is that included in the
15 exception? Is it not included in the
16 exception? And then you could be able to
17 come out with a number that says is
18 this complete.

19 MR. ROBINSON: That is correct.

20 COUNCILMAN SQUILLA: So it's
21 going to take some time once you get
22 these numbers from Verizon to do that.

23 MR. ROBINSON: Especially on
24 the MDUs, yes. On the single-family
25 units, that's the smaller portion of

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2 what's affected and, as you indicated,
3 the permitting issues between Streets and
4 OIT and Verizon, those can be determined
5 what the issues are and those can be
6 resolved. Private right-of-way issues
7 can be delineated. And so they'll move
8 more quickly, I think, in determining
9 service -- saleable service versus
10 service available but an exception. The
11 MDUs will take some time, yes.

12 COUNCILMAN SQUILLA: Because as
13 part of the resolution was to help. So
14 we want to help, you guys want to help,
15 Streets Department wants to help, and the
16 workers want to help. So we want to get
17 it done and hopefully get this off our
18 plate in the meantime.

19 But the last question, at some
20 point we're going to make a decision if
21 it was fit out or not.

22 MR. ROBINSON: That's correct.

23 COUNCILMAN SQUILLA: And we
24 don't have a date yet, right? This
25 started -- the process of finalizing that

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2 started when?

3 MR. ROBINSON: Of actually
4 reviewing the data?

5 COUNCILMAN SQUILLA: Yes.

6 MR. ROBINSON: We started
7 reviewing the data actually the day
8 before the build was finished. We met
9 with Verizon and started reviewing what
10 they had up to that point.

11 COUNCILMAN SQUILLA: February
12 25th?

13 MR. ROBINSON: February the
14 25th. And then the first set of testing
15 was actually the week of March the 14th,
16 so literally two weeks after. As
17 Councilman Henon said, I believe it would
18 have been completed by now, but the field
19 testing, as I think all these gentlemen
20 have indicated, in order to do it
21 properly, you --

22 COUNCILMAN SQUILLA: But does
23 the work stoppage change what the numbers
24 are?

25 MR. ROBINSON: Well, no. You

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2 mean as far as the total numbers that
3 were reported by Verizon and those kinds
4 of things?

5 COUNCILMAN SQUILLA: Right.

6 MR. ROBINSON: No. The flow of
7 information should continue, that is
8 correct. It's the field verification and
9 us being able to -- yeah, that stops
10 until we have the -- right.

11 COUNCILMAN SQUILLA: So we
12 should still be receiving those numbers,
13 and at some point, we'll have an actual
14 number of issues caused by permits,
15 issues for access, issues because of the
16 multi-dwelling units?

17 MR. ROBINSON: Right.

18 COUNCILMAN SQUILLA: So are
19 there any other exceptions that would add
20 a large number of people not having
21 availability?

22 MR. ROBINSON: I don't believe
23 there are, no.

24 COUNCILMAN SQUILLA: Okay.

25 MR. ROBINSON: It's those three

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2 major categories that make up the bulk of
3 them.

4 COUNCILMAN SQUILLA: All right.
5 Thank you.

6 COUNCILMAN HENON: The Chair
7 recognizes Chairman O'Neill.

8 COUNCILMAN O'NEILL: Thank you,
9 Councilman.

10 The one thing I want to leave
11 with today and leave the hearing with on
12 the record is that if we were here and
13 the entire verification was done because
14 there was no strike and timetables were
15 met and we were hearing a final, this is
16 what our final was, 100 percent build-out
17 with 15 percent exceptions, or whatever
18 that might be, I don't think we'd be real
19 satisfied with the end result at this
20 point. So I think the analysis that we
21 have to do and OIT has to do -- and maybe
22 with this Administration we can do it in
23 conjunction as opposed to being
24 separate -- is some of this random
25 sampling -- I mean, a random sampling --

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2 and it doesn't have to the union hall.

3 It could be any business on that block or

4 in any other location that has somebody

5 across the street with FiOS and they

6 can't get it. A random sampling doesn't

7 do that. I know it's a lot cheaper to do

8 it that way, but there has to be

9 something that's more in-depth. I'm not

10 saying it has to be door to door, but we

11 need more information.

12 For instance, if there are

13 60,000 -- and it's probably somewhere in

14 the ball park of that -- on the

15 multi-family, we have to know what

16 location didn't let you have access.

17 Because that's wrong, and we can deal

18 with that. As a government, we can deal

19 with that.

20 Secondly, did you verify a

21 loophole that they have, as we've heard

22 described today, with the federal

23 government while it no longer allows that

24 build-out monopoly that Councilman Domb

25 referred to as an apartment owner,

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2 because they used to do that all the
3 time. But what if that is the only thing
4 they're not allowing you in for, is
5 because of something that violates
6 federal law? Let us know that. It could
7 be 1,000 units. It could be five units.
8 It doesn't matter. We need more
9 information than that's an MDU, or
10 whatever they're calling it. Then we can
11 quantify how many households are being
12 deprived of FiOS as a competitor and as a
13 service because of what seems to be a
14 real mistake on the part of the federal
15 government if they're allowing something
16 in the back door through an exclusive
17 marketing agreement with a landlord or a
18 building that they don't allow directly
19 with Comcast, Verizon, or whatever, that
20 exclusive agreement. We need more
21 information on that.

22 I think we need more
23 information on this idea of if a block
24 has fiber in it, has terminals, how do we
25 know -- again, if there's 50 houses on

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2 the block, you don't have to check all
3 50, but that's where you get into the
4 level of random. We're going to do
5 random checking on that block, but not
6 random citywide where we take a sample, a
7 sample, a sample, because there's too
8 many units involved that could be passed
9 over. And this isn't -- this is our --
10 it's your job as the contractor, but it's
11 really our responsibility to do this at
12 the highest level of accuracy possible
13 and within reason of expense, and I'm not
14 sure we're there or maybe not even close.

15 Thank you, Mr. Chairman.

16 (Applause.)

17 COUNCILMAN HENON: Thank you,
18 Chair.

19 MR. GARDLER: Councilman, let
20 me just state that the request that I
21 believe you put out there to Verizon
22 asking for that map or the maps of the
23 City that would identify streets -- and I
24 would expect addresses too -- would
25 probably be the best way to identify

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2 this. And I'd like to offer the services
3 of the CWA and working with you and
4 Verizon to verify that that information
5 is correct, because the men and women you
6 see here today are the ones that are out
7 there doing that work every single day,
8 installing the terminals, installing the
9 cables and providing the service to the
10 customers and businesses. So we'd be
11 more than happy to help you verify that
12 information when that time comes
13 providing that information.

14 I can tell you from firsthand
15 experience -- and I somewhat sympathize
16 with OIT for the fight they're having
17 getting information from Verizon. I know
18 how difficult they could be at times, but
19 I appreciate all the work you guys are
20 doing to push them to get that
21 information to make sure that they live
22 up to what they committed to in the City.

23 COUNCILMAN O'NEILL: Thank you.

24 (Applause.)

25 COUNCILMAN HENON: And we're

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2 near the end of this hearing, but I think
3 it's in everybody's best interest to have
4 everything verified, to move the
5 agreement and conclude the verification
6 process for 100 percent fit-out,
7 build-out of the City of Philadelphia and
8 the access. I mean, just by the numbers
9 from the questioning of smart
10 Councilmembers that are here, I mean,
11 they're great questions. Between the
12 three exceptions, you could have over
13 100,000 residents and/or businesses that
14 do not have access to FiOS. I mean,
15 that's a little alarming. So, I mean,
16 there's a lot of skepticism that I can
17 hear in the members' questioning, looking
18 for the information that's been
19 requested, as I requested the maps for
20 the exceptions on the 18th of March and
21 here we are and apparently that meeting
22 never happened. But I really do hope
23 that everybody can really work together,
24 provide the information necessary so we
25 can provide the residents, the homeowners

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2 and residents of the City of Philadelphia
3 and the people who choose to invest in
4 the businesses here in the City of
5 Philadelphia a competitive service, a
6 good product, delivered by great
7 employees that you represent.

8 So I want to thank you for all
9 those who have testified here today and
10 spoke here today. Council will do
11 everything in its power to make sure that
12 the laws on our books will be enforced.
13 And make no mistake, the Verizon
14 franchise deal was not just an agreement
15 between Verizon and the City, but a law
16 that will require continuing and
17 continuous enforcement. The citizens of
18 Philadelphia deserve a competitive market
19 at every address throughout the City of
20 Philadelphia. And we asked many
21 important questions here today. Some
22 we'll be waiting for a response, and I
23 imagine that there's going to be more to
24 come in the future. So as I stated in my
25 opening remarks, I fully expect

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2 outstanding data requests or unresolved
3 questions to be handled in the immediate
4 and proper attention that this Committee
5 requires.

6 Before I close for the record,
7 the Philadelphia Federation of Teachers
8 has submitted a letter with regard to
9 this issue, which will be attended and
10 extended to the record and made part of
11 the record here today.

12 And with that, we will --
13 unless you have any final remarks.

14 MR. GARDLER: I just want to
15 thank Councilman Squilla, Chairman
16 O'Neill, and Chairman Henon for giving me
17 the opportunity to present this testimony
18 today. Thank you.

19 COUNCILMAN HENON: Thank you
20 very much.

21 (Applause.)

22 COUNCILMAN HENON: Thank you
23 for your time. Thank you for your time
24 and your testimony and answering
25 questions.

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2 We will now go to our public
3 comment portion of this public hearing.

4 So, Clerk, would you read the
5 first panel of public comments, please.

6 THE CLERK: Bryan Mercer, Helyx
7 Chase, Daniel Bauder, and Ed Mooney. Can
8 you approach the witness table, please.

9 COUNCILMAN HENON: And before
10 we start with our public comment, for the
11 sake of redundancy and time, could you
12 please limit your remarks to three
13 minutes, please. Thank you for your
14 courtesy and consideration.

15 (Witnesses approached witness
16 table.)

17 COUNCILMAN HENON: If you can
18 state your name for the record and
19 proceed with your public comment. Thank
20 you.

21 MR. MERCER: Hi. Good morning,
22 Council. My name is Bryan Mercer. I'm a
23 Philadelphia resident in the West
24 Philadelphia neighborhood and Executive
25 Director of the Media Mobilizing Project.

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2 At Media Mobilizing Project, we believe
3 that every Philadelphian has a right to
4 Internet access. And with options for
5 broadband on the decline, we think it's
6 even more important that we get this
7 right. And so we're really thankful that
8 Council is hosting this hearing today and
9 that you're asking the tough questions of
10 Verizon on this issue.

11 We've worked hard with this
12 body in the past to make sure that
13 community voices were heard on the
14 Comcast franchise agreement, and we're
15 going to do the same on these Verizon
16 issues. And we're deeply concerned with
17 what we're seeing Verizon's practices be
18 in communities. Over the last two
19 months, we've been asking people to share
20 their issues with Verizon service, and
21 we've identified alone --

22 COUNCILMAN HENON: Excuse me
23 for a minute.

24 Can you keep it quiet. Thank
25 you.

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2 MR. MERCER: Thank you,
3 Councilman.

4 We've identified 226 locations
5 over those last two months where people
6 have attempted to sign up for service and
7 were not able to. Those cases, they
8 stretch every neighborhood of the City,
9 and our City has some of the worst rates
10 of Internet adoption and poverty. And so
11 Verizon really is not helping.

12 What Verizon offers as an
13 alternative to FiOS is a more expensive
14 lower-quality service. They offer a
15 service at \$20 a month for one megabit
16 per second, and for all the issues we saw
17 with Comcast, they're offering something
18 ten times faster for less.

19 So what we think -- we think
20 it's really urgent that Council hold
21 Verizon accountable, that these hearings
22 continue, that Verizon has to keep coming
23 back until they reach 100 percent
24 build-out, and that the -- we think what
25 Verizon is doing is an attack on the fine

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2 men and women of the CWA who have been on
3 strike because Verizon is trying to get
4 out of offering this FiOS service.

5 (Applause.)

6 MR. MERCER: We think that
7 Verizon should commit to connect every
8 home in Philadelphia and that it should
9 do it with union labor and protect
10 consumers and workers alike.

11 COUNCILMAN HENON: Thank you.

12 (Applause.)

13 COUNCILMAN HENON: Mr. Mercer,
14 in your testimony, you stated that you
15 conducted a survey, over 300 subscribers
16 who were looking to subscribe to FiOS and
17 Verizon. If you can provide that to the
18 Chair here, and we'll coordinate with the
19 City just for verification, I'd
20 appreciate that.

21 MR. MERCER: That's right. We
22 absolutely can do that.

23 COUNCILMAN HENON: Next
24 witness, if you state your name for the
25 record and proceed with your testimony.

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2 MS. HORWITZ: Hello. My name
3 is Helyx Chase Searce Horwitz and I live
4 in West Philadelphia. When I first moved
5 into my current apartment almost three
6 years ago, we had Verizon's,
7 quote/unquote, high-speed Internet
8 service served over a DSL line and tops
9 out at about 7 megabits a second. At the
10 time, I was working primarily as a
11 freelance video editor and needed my
12 in-home Internet connection to both
13 receive materials and deliver completed
14 projects to clients. At the speeds I was
15 getting through Verizon, I once waited
16 three days for a 3 to 4 gigabyte file to
17 upload to Dropbox. Most of the time in
18 order to deliver projects, the clients
19 had to leave my house and go to places
20 with actual high-speed connections in
21 order to upload.

22 I've always been wary of
23 Comcast corporate practices and attempted
24 to avoid becoming a customer whenever
25 possible. When after a few months it

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2 became clear that the Internet speeds
3 Verizon was serving up were untenable to
4 my work situation, I searched for
5 high-speed options that would not land us
6 in a devil's contract with Comcast, and
7 unfortunately there were no other options
8 available. We signed up for an account
9 with Comcast within a year of moving into
10 our apartment.

11 I'd prefer to return to Verizon
12 as a customer, but three years later and
13 after submitting numerous requests
14 through the online system, my current
15 address still does not receive FiOS
16 services, despite many houses within
17 blocks of mine being able to obtain FiOS.

18 For young people working in
19 communications and technology like
20 myself, having an at-home high-speed
21 Internet connection is critical for our
22 ability to work and live in the City of
23 Philadelphia, and it's essential that
24 Verizon follows through on its promise to
25 make high-speed Internet available to all

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2 of us.

3 Thank you.

4 COUNCILMAN HENON: Thank you
5 for your testimony.

6 (Applause.)

7 MR. BAUDER: Good morning,
8 Mr. Chairman, members of the Committee.
9 My name is Daniel Bauder and I serve as
10 Campaign Manager for the Philadelphia
11 Council AFL-CIO, and our Council
12 represents over 100 different unions
13 representing over 150,000 working men and
14 women here in Philadelphia, including our
15 sisters and brothers in the CWA.

16 Our Labor Council depends on
17 fast Internet connections to do the work
18 that we do representing our unions and
19 our members. More and more our
20 communications have moved online, e-mail
21 blasts, video, social media, et cetera.
22 The way that we communicate has moved
23 into the digital age.

24 When I learned that Verizon was
25 building an all-fiber network throughout

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2 the City of Philadelphia, we were excited
3 that the Council wanted to be signed up
4 for it. We have called Verizon
5 repeatedly. We've used Verizon's website
6 many times to try and obtain the FiOS
7 service, and the message that we keep
8 getting back from Verizon is that it is
9 not available at our address.

10 Now, it is my understanding
11 that Verizon signed a franchise agreement
12 with the City of Philadelphia. We heard
13 plenty about that today during the
14 various testimony. It was over seven
15 years ago, and the agreement was supposed
16 to be completed by February of this year.

17 Now, to the Committee and to
18 the Chairman I say, February has come and
19 gone, and to Verizon I say, where's my
20 FiOS?

21 (Applause.)

22 MR. BAUDER: Because we don't
23 have it on 22nd Street. So I'm looking
24 to City Council to hold Verizon's feet to
25 the fire to make good on their promises

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2 to this City.

3 Thank you.

4 (Applause.)

5 COUNCILMAN O'NEILL: Thank you

6 for your testimony.

7 Could you call up the next

8 panel.

9 THE CLERK: Richard Minter,

10 Gabriel Spiller, Deborah Kodish, and June

11 Cohen.

12 MR. MOONEY: Do you want to

13 just let me finish before they get up

14 here? I'll be quick, I promise.

15 COUNCILMAN O'NEILL: No. We'll

16 get them up and just ask you to adhere to

17 the three-minute testimony.

18 MR. MOONEY: Why don't we let

19 them go first and I can go last.

20 COUNCILMAN O'NEILL: Okay.

21 MR. MOONEY: That would be

22 great.

23 MR. MINTER: Hello, and thank

24 you. It's a pleasure to be here before

25 you. My name is Richard Minter. I'm the

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2 Assistant Business Manager for the
3 Philadelphia Joint Board of Workers
4 United here in Philadelphia. We
5 represent over 3,000 members.

6 This issue is centric to our
7 work as trade unionists. You know, we
8 deal with our membership database, our
9 health and welfare benefit funds, and
10 then our multi-media access back and
11 forth between our members, including the
12 proactive ability to service our members,
13 often through the use of high-speed
14 Internet. I was appalled when after
15 finding out about FiOS supposedly being
16 available across this City, I was
17 appalled when our office called and found
18 out that in fact our building wasn't
19 covered, that we had no access. Our
20 address is 22 South 22nd Street. And
21 we're asking immediately that the City
22 take action, whatever is necessary, to
23 remedy this situation and hold Verizon
24 accountable and take care of the men and
25 women that service those accounts.

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2 The CWA members, we stand with
3 you.

4 And thank you for your time.

5 COUNCILMAN O'NEILL: Thank you.

6 (Applause.)

7 MR. SPILLER: Good afternoon.

8 It's an honor to be here before you,
9 Councilman, Chairman, and beautiful
10 workers of CWA Philadelphia.

11 As Verizon scurries away, it is
12 nice to know they are just as accessible
13 as their FiOS network.

14 COURT STENOGRAPHER: Can you
15 state your name, please.

16 MR. SPILLER: Yes. Sorry. My
17 name is Gabriel Wolf Cohen Spiller. I am
18 a resident and born and raised in
19 Philadelphia. I'm here on behalf of
20 Media Mobilizing and the rest of
21 Philadelphia.

22 With one of the deepest levels
23 of poverty in the country, one of the
24 poorest big cities, Philadelphia has one
25 of the largest digital divides. We're

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2 almost one of every three citizens,
3 primarily the poor, are offline.

4 As of Thursday, the 25th of
5 this past February, the Federal
6 Communications Commission ruled that
7 broadband access is a utility, like
8 water, like electricity. It is a
9 necessity and a right we as citizens here
10 in Philadelphia have.

11 I'm not really here, though, to
12 ask you to provide Internet access.
13 That's something that the contract you
14 already signed demands. I'm actually
15 here to ask that you provide affordable,
16 low-cost Internet, something even the
17 monotonous entity, your corporate
18 comrade, Comcast, offers with their
19 Internet Essentials program. And with
20 thousands of skilled workers on strike
21 and the noble act of unity behind me, you
22 undoubtedly have the workforce to deliver
23 broadband access to our entire City, and
24 Verizon with the billions of profits you
25 attain monthly, I know you can also

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2 afford to offer affordable, low-cost
3 Internet options.

4 So, Verizon, wherever you are,
5 I know you have a contract, but I want to
6 know do you have a conscience?

7 Thank you.

8 (Applause.)

9 MS. KODISH: Hi. My name is
10 Deborah Kodish. I'm here as a community
11 member and really to speak to what it
12 feels like to be on the other side of the
13 issues that the communications workers
14 are raising about the terrible service
15 that Verizon provides because of
16 continuing to cut the workforce.

17 We have -- I live in West
18 Philadelphia for 35 years. We have a
19 noisy landline, really slow Internet.
20 We're part of the 15 percent that doesn't
21 have FiOS. The signal interrupted and
22 dies in our house. I don't know if
23 that's because Comcast came through in
24 the back and now their signal comes up
25 fine on our WiFi, but we're not on

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2 Comcast.

3 But the biggest problem for us
4 is that there's a total disincentive to
5 try to get any of this fixed. It's
6 terrible, terrible customer service.
7 People call it Verizon hell when you have
8 to call up and wait and wait and wait.
9 But it's torturous experience if you try
10 to call for help. It used to be that
11 somebody who actually knew about
12 MacIntosh computers would be on the line
13 if you had Internet problems, but now
14 it's someone following a set of prompts,
15 which don't apply to Macs and which send
16 you off doing things that don't work.

17 The last time our Internet
18 wasn't working, a tech person came to our
19 house, didn't fix it, tried to, but left
20 a modem, which turned out not to be for
21 our system, something I had to figure out
22 for myself, and then Verizon sent a
23 replacement modem to the wrong address
24 and finally sent a third modem, which
25 also didn't work. I got it working when

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2 I learned from a neighbor on SEPTA that I
3 should try to upgrade the software for my
4 initial modem. That worked, but the
5 problem every time any of the workers
6 came, they were told they were only
7 allowed to do certain things.

8 The worst thing is feeling like
9 really we have no choice. As a recently
10 retired person, having to spend as much
11 money as we have to to be able to get the
12 landline or Internet is really
13 outrageous. I'm just really asking you
14 all to try to do something that's a
15 better protection for -- a real option
16 for working people on all sides of the
17 issue.

18 Thanks.

19 COUNCILMAN HENON: Thank you
20 for your testimony.

21 (Applause.)

22 COUNCILMAN HENON: And we will
23 continue to push for information and data
24 to provide for the City of Philadelphia.

25 Clerk.

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2 THE CLERK: Ed Mooney.

3 MR. MOONEY: If I hurry up, I
4 could still say good morning. So thank
5 you, Councilmembers, for holding this
6 hearing, and as you can see, when you got
7 to the public comment portion, Verizon
8 chose to walk out the door. So before I
9 get started, I want to point out
10 something to be very simple for all of
11 you guys -- oh, Edward Mooney,
12 International Vice President of the
13 Communication Workers of America.

14 (Applause.)

15 MR. MOONEY: And the
16 representative of these fine ladies and
17 gentlemen here who are sitting in the
18 audience listening to a similar line that
19 we get at a bargaining table that you
20 just got from them, where they can't
21 answer anything, can't provide anything,
22 and heard it all.

23 I do want to just point out for
24 you real clearly what you want to ask and
25 I suggested to the representatives of the

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2 City when you're dealing with these
3 individuals, the question you want to ask
4 them pertaining to this FiOS build-out is
5 this: Not homes passed. Homes available
6 for sale. Because I can pass your house
7 with a 50,000 watt electrical cable, but
8 if I don't run the wire to your home,
9 you're in darkness. That is the point.

10 You want to ask them: What is available
11 for sale? So if they run that cable from
12 one end of Broad Street to the other, but
13 nothing branches off of it, they are
14 telling you that all those homes from the
15 Navy Yard to City Hall are homes passed,
16 but none of them are available for sale.

17 So we will communicate that in writing to
18 the City representatives and for you guys
19 who are still here. That is the question
20 you want to ask. How many are available
21 for sale, not how many have you passed.

22 They could pass 100,000 and not stop the
23 cable once, because they'll pass 100,000
24 to run it to one of their executive's
25 homes, but they won't run it to either

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2 yours or mine. That's the question you
3 want to ask.

4 (Applause.)

5 MR. MOONEY: Now, for some
6 last, best and final comments, which is
7 the term they're used to using. I want
8 to mention some things to you about the
9 negotiation since it was brought up and
10 why myself and these fine people you see
11 here are on strike today and have been.
12 I'm sorry that Mr. Smith, the arrogant
13 person that he is, chose to leave the
14 room, because in his comments, while he
15 mentioned to you the wages and benefits
16 that we enjoy -- which we are not ashamed
17 of. We are proud to, myself having
18 fought for them for over 28 years and
19 these individuals fight for them every
20 day in this labor movement against this
21 corporation, who lied to your face and
22 lies to ours daily, as they lie to their
23 customers. We are proud of that, of the
24 wages and benefits that we have that we
25 are fighting for now. And as you can

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2 tell, it's emotional to me.

3 So let me compose myself and
4 introduce you to the high school
5 graduates in this room that he demeaned
6 in a response to Councilman Henon when he
7 said our wages and benefits that they
8 provide, which is inaccurate, is that we
9 fight for year after year. We are proud
10 of that, being the high school graduates
11 that we are, and it's through the labor
12 movement and organized labor and
13 collective bargaining that we have that.
14 Okay? I myself am a high school
15 graduate. I went to five high schools in
16 five years in two states. So as far as
17 I'm concerned, I have a Master's Degree
18 in high school education.

19 (Applause.)

20 MR. MOONEY: And these lowly
21 high school graduates who make this
22 fabulous network work day in and day out,
23 apparently way better than the college
24 graduates they have or the scabs they
25 have trying to replace us today if you

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2 look anywhere out there, we are damn
3 proud of that, and we'll continue
4 fighting for it.

5 (Applause.)

6 MR. MOONEY: So I want to
7 comment on why we're on strike, because
8 they've been making some comments, and we
9 did get a proposal from them last night.
10 Their proposals are absolutely insulting
11 to every working person in the United
12 States of America. When they want to
13 take 5,000 call center jobs that are
14 generated right here in the footprint in
15 the Northeast United States and send them
16 to Mexico, to the Philippines or India
17 rather than employ people right here,
18 some God awful high school graduates who
19 could get into a labor union and make a
20 good middle-class living for their
21 families for the rest of their lives.
22 That's why we're on strike here in the
23 Northeast and why they have no one
24 available to do this work. It happens
25 not to be the reason why it isn't

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2 completed.

3 We in the union as well as City
4 Council have been trying for years to
5 work with them to help them obtain the
6 permits. Their arrogance and their
7 ignorance and their refusal to accept the
8 workforce that they have that does this
9 work for them every day is the reason
10 that it isn't completed and it's the
11 reason that they can't grow the City of
12 Philadelphia. It's their blatant refusal
13 to use these ladies and gentlemen you see
14 here, as well as the assistance of this
15 union to complete this build-out. They
16 are busy doing other things, which is
17 investing their money in other areas or
18 other countries rather than investing in
19 the City of Philadelphia and all the
20 local communities across the Northeast
21 footprint where they derive their
22 customer base from. They are now limited
23 to only the Northeast United States.
24 This is where they derive their customer
25 base, and we believe this is where they

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2 should derive their workforce and this is
3 where they should be reinvesting in these
4 communities so that we don't hear people
5 sitting here saying in one area of the
6 City, My child who wants to go to school
7 can't get access to this, while in other
8 area we can and certainly in their areas
9 or -- I don't know about the one area.

10 I'm not very good at a Boston accent, but
11 it sounded to me like he wasn't from the
12 Navy Yard, he was from some other yard.
13 Okay? So bring somebody here who can say
14 Navy Yard, not Boston Yard.

15 (Applause.)

16 MR. MOONEY: So we appreciate
17 City Council and the City of Philadelphia
18 for everything you are doing to hold them
19 accountable and hold their feet to the
20 fire, and we can assure you we appreciate
21 all of your support, as well as the
22 gentleman's support standing at that
23 railing there, who is from some of the
24 finest police squads in the United States
25 of America, who helps us enforce our

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2 rights to be on strike and to protest
3 against this corporation who refuses to
4 sit down and negotiate a contract to
5 continue good, family-sustaining
6 middle-class jobs in this community and
7 across the Northeast for high school
8 graduates. And we're proud of it.

9 Thank you very much.

10 (Standing ovation.)

11 COUNCILMAN HENON: The Chair
12 recognizes Councilman Squilla.

13 COUNCILMAN SQUILLA: Thank you.

14 And thank you, Mr. Mooney, on
15 that emotional response. I just want to
16 say that as a Councilperson here
17 representing a lot of the workers out
18 there, I mean, it's refreshing to see the
19 support and the will to actually go out
20 there and work and make this thing
21 happen. And I think from Council's
22 perspective, I know with the gentlemen
23 here and all of the members of Council,
24 we'll continue to work to make sure that
25 we get this project done, we do the right

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2 thing, and hopefully at the end of the
3 day, I believe that the workers will be
4 happy to go back to work and make sure
5 that we do provide a good sustaining
6 family wage that we can be proud of.

7 So thank you.

8 (Applause.)

9 COUNCILMAN O'NEILL: If every
10 high school graduate could get you guys
11 to represent them, there probably
12 wouldn't be many people in college.

13 But on a more serious note,
14 this hearing has been extremely helpful,
15 and the helpful information didn't come
16 from our witnesses in the beginning. It
17 came from the answers to questions and
18 from our last witness, last witness
19 before the comment, your successor or one
20 of your successors in the local union.

21 MR. MOONEY: They pushed me
22 over to the national union --

23 COUNCILMAN O'NEILL: If you
24 really want to find out what is going on,
25 ask the people that are actually doing

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2 the work. And so we know a lot more than
3 we knew walking in here, and I think it
4 will go a long way to this being a more
5 honest process and a more verifiable
6 process.

7 Whether you are or aren't built
8 out has taken on a whole new meaning for
9 me. It seems like it's a simple term,
10 but everything is definitional as to how
11 you define something. And I think our
12 interest is in a broader definition, more
13 specific definition rather than the
14 looser definition that has many loopholes
15 in it.

16 Thank you.

17 MR. MOONEY: Thank you.

18 COUNCILMAN HENON: Thank you.

19 (Applause.)

20 MR. MOONEY: I want to
21 compliment you, Councilman. You have a
22 fine employee from your office who sat
23 back there in the hearing, who was very
24 attentive. She did a fine job.

25 COUNCILMAN O'NEILL: Thank you.

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2 COUNCILMAN HENON: Thank you,
3 Chairman.

4 And, Mr. Mooney, thank you for
5 your testimony.

6 I want to thank all of you who
7 are here today. And no wonder -- as I
8 look around this room, a lot of friends
9 and family. You guys are the fabric.
10 You guys and girls are the fabric of the
11 City of Philadelphia, working to stay
12 middle-class America. No wonder Verizon
13 is experiencing the \$36 billion profit.
14 It's on the backs of you. So I want to
15 thank you --

16 (Applause.)

17 COUNCILMAN HENON: I want to
18 thank you. I want to thank you for what
19 you do every day, and you can count on
20 our support of this body in the support
21 of fair wages and fair benefits, because
22 you live it every day. And I want to
23 thank you for being here to help clear up
24 a lot of misinformation that has been put
25 out there when it comes to data requests

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2 and when it comes to the insults that I
3 know you share with dealing with this
4 company. But I think at the end of the
5 day, we all want to make sure that what
6 you do every day, working on our 911
7 system and our first responders, I mean,
8 that's important to the City of
9 Philadelphia. It's important to our
10 country. So we appreciate that, and
11 we're going to push for the information
12 so you could do your job respectfully and
13 you can retire respectfully and you can
14 have healthcare to provide for your
15 family. So we will not give up.

16 This Committee is about -- the
17 hearing is about to end. Is there anyone
18 else here that wishes to testify on
19 Resolution No. 160156 today?

20 (No response.)

21 COUNCILMAN HENON: That being
22 none, this concludes our joint meeting
23 today, and I want to thank you all again.

24 This hearing will be recessed
25 at the call of the Chair.

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2 (Applause.)

3 (Committee on Public Property

4 and Public Works and Technology and

5 Information Services concluded at 12:15

6 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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