

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Nina Shahin,
Complainant,
v.
Verizon,
Respondent.
File No. EB-12-MD-001

ORDER ON RECONSIDERATION

Adopted: January 10, 2013

Released: January 10, 2013

By the Market Disputes Resolution Division, Enforcement Bureau:

I. INTRODUCTION

1. This Order denies a Petition, filed by Nina Shahin (Shahin), seeking review of a February 24, 2012, Letter Ruling by the Market Disputes Resolution Division (MDRD). The February 24 Letter Ruling dismissed, without prejudice, a complaint Shahin filed against Verizon under section 208 of the Act. Having reviewed Shahin's arguments, we find there is no basis to alter the February 24 Letter Ruling, and we therefore deny her Petition. Because the February 24 Letter Ruling dismissed Shahin's Complaint without prejudice, she is free to refile a complaint that complies with the Commission's formal complaint rules.

II. BACKGROUND

2. On March 21, 2011, Shahin filed her Complaint against Verizon alleging that technical and billing problems associated with a fax line to her home caused, among other things, a malfunction in her home security system and other economic loss. After reviewing the

1 See Petitioner's Appeal Filed Under Provisions of 47 C.F.R. § 1.276 With Exceptions to the Decision of the Federal Communications Commission Issued on February 24, 2012, File No. EB-12-MD-001 (filed Mar. 22, 2012) (Petition). See also Appellant's Brief In Support of Her Appeal With the Exceptions to the Initial Decision of the Federal Communications Commission Filed Under Provisions of 47 C.F.R. § 1.276, File No. EB-12-MD-001 (filed Mar. 22, 2012) (Brief). Shahin's filing incorrectly invoked section 1.276 of the Commission's rules, which applies to Commission hearings. See 47 C.F.R. § 1.726 (Appeal and review of initial decision). Rather than requiring Shahin to re-file, we treat her request as a Petition for Reconsideration (Petition) under section 1.106 of the Commission's rules. See 47 C.F.R. § 1.106 (Petitions for reconsideration in non-rulemaking proceedings).

2 Letter from Market Disputes Resolution Division, FCC Enforcement Bureau, to Nina Shahin, File No. EB-12-MD-001 (Feb. 24, 2012) (February 24 Letter Ruling).

3 47 U.S.C. § 208. See Petition-Complaint, File No. EB-12-MD-001 (filed Mar. 21, 2011) (Complaint).

4 See 47 C.F.R. §§ 1.720-1.736.

5 Complaint at 3-4.

Complaint, MDRD issued the February 24 Letter Ruling, which identified eight respects in which the Complaint was deficient and dismissed it without prejudice.<sup>6</sup> In the Petition, to which Verizon did not respond, Shahin argues that the February 24 Letter Ruling is of “questionable legal validity.”<sup>7</sup>

### III. DISCUSSION

3. We find no reason to reconsider the conclusions in the February 24 Letter Ruling. The Commission’s formal complaint rules require fact-based pleadings that incorporate, as part of the initial filing, a legal analysis as well as supporting documentation and affidavits.<sup>8</sup> In other words, complaints, *standing alone*, must contain all of the factual and legal support that the complainant can muster.<sup>9</sup>

4. As documented in the February 24 Letter Ruling,<sup>10</sup> the deficiencies of Shahin’s Complaint were numerous, significant, and would have made it impossible for Verizon to adequately respond to Shahin’s allegations and for the Commission to render a decision on her claims. MDRD appropriately dismissed the Complaint for these reasons.<sup>11</sup>

### IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i), 154(j), 405, and section 1.106 of the Commission’s Rules, 47 C.F.R. § 1.106, that the Petition IS DENIED.

FEDERAL COMMUNICATIONS  
COMMISSION

Market Disputes Resolution Division  
Enforcement Bureau

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<sup>6</sup> February 24 Letter Ruling at 1-2 (noting that the Complaint violated the following Commission rules: 1.720(a), (d); 1.721(a)(5), (6), (8), (9); 1.722(a); and 1.723(b)).

<sup>7</sup> Appeal at 1.

<sup>8</sup> See 47 C.F.R. § 1.720 (b)-(c). See also *Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures to Be Followed When Formal Complaints Are Filed Against Common Carriers*, Report and Order, 12 FCC Rcd 22497, 22520, paras. 70-71, 81-82 (1997) (*Report and Order*) (contrasting fact-based pleadings filed with the Commission to notice pleadings filed with federal courts).

<sup>9</sup> *Report and Order*, 12 FCC Rcd at 22605, para. 267. See also 47 C.F.R. § 1.721(a)(13).

<sup>10</sup> February 24 Letter Ruling at 1.

<sup>11</sup> See 47 U.S.C. § 4(j) (“The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice.”). See also 47 U.S.C. § 4(i) (“The Commission may ... make such rules and regulations ... as may be necessary in the execution of its functions.”).