

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560

FAX (717) 783-7152
consumer@paoca.org

May 6, 2016

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 171020

Re: Office of Small Business Advocate
v.
Frontier Communications of
Breezewood, LLC, Canton, LLC,
Lakewood, LLC, Oswayo River, LLC,
And Pennsylvania, LLC
Docket Nos. C-2016-2534365
R-2016-2524540
P-00951005F1000

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum, Notice of Intervention and Public Statement in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Barrett C. Sheridan
Barrett C. Sheridan
Assistant Consumer Advocate
PA Attorney I.D. # 61138
E-Mail: BSheridan@paoca.org

Attachment

cc: Honorable Elizabeth H. Barnes, ALJ
Certificate of Service

220709

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Small Business Advocate	:	
	:	
v.	:	C-2016-2534365
	:	R-2016-2524540
Frontier Communications of Breezewood,	:	P-00951005F1000
LLC, Canton, LLC, Lakewood, LLC, Oswayo	:	
River, LLC, and Pennsylvania, LLC	:	

I hereby certify that I have this day served a true copy of the following documents, the Office of Consumer Advocate's Prehearing Memorandum, Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 6th day of May 2016.

SERVICE BY E-MAIL and FIRST CLASS MAIL

Steven C. Gray, Esquire
Office of Small Business Advocate
300 North Second Street, Suite 202,
Harrisburg, PA 17101

Jim Warta
Frontier Communications
37 Diller Avenue
New Holland, PA 17557

Charles E. Thomas III, Esquire
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101

/s/ Barrett C. Sheridan
Barrett C. Sheridan
Assistant Consumer Advocate
PA Attorney I.D. # 61138
E-Mail: BSh Sheridan@paoca.org

220714

Counsel for
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-504
Fax: (717) 783-7152

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office of Small Business Advocate	:	
	:	
v.	:	C-2016-2534365
	:	R-2016-2524540
Frontier Communications of Breezewood, LLC, Canton, LLC, Lakewood, LLC, Oswayo River, LLC, and Pennsylvania, LLC	:	P-00951005F1000
	:	
Office of Small Business Advocate	:	
	:	
v.	:	C-2016-2534366
	:	R-2016-2524592
Frontier Communications Commonwealth Telephone Company	:	P-00961024F1000
	:	

**PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE**

Pursuant to Section 333 of the Public Utility Code, 66 Pa.C.S. §333, and the Prehearing Order of Administrative Law Judge Elizabeth H. Barnes dated April 28, 2016, the Pennsylvania Office of Consumer Advocate (“OCA”) hereby submits this Prehearing Memorandum:

I. PROCEDURAL HISTORY

On January 29, 2016, Frontier Communications Commonwealth Telephone Company (Frontier Commonwealth) and Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, and Frontier Communications of Pennsylvania, LLC (the Frontier Companies), each filed separately with the Commission a 2016 Price Stability Index (PSI) filing pursuant to the respective Price Stability Mechanisms (PSM) in their Chapter

30 Plans. On February 2, 2016, Frontier Commonwealth and the Frontier Companies filed proposed tariffs, effective April 17, 2016. Frontier Commonwealth's proposed tariffs would increase residential rates by up to \$1.00 per month and business rates up to \$2.00 per month. The Frontier Companies proposed varying increases of up to \$1.00 per month for residential and business rates.

After preliminary review of the materials filed by the Companies in support of their 2016 PSI filings, the Office of Small Business Advocate (OSBA) filed Formal Complaints against the respective PSI filings and proposed tariffs and rate changes. In its Formal Complaints, the OSBA averred that the materials filed in support of Frontier Commonwealth's and the Frontier Companies' filings may be insufficient to justify the rate increases requested, and that the proposed rates, rules, and conditions of services may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law.

On May 6, 2016, the OCA filed Notices of Intervention and Public Statements formally entering the proceedings involving OSBA's Formal Complaints. The OCA determined that the OSBA has raised important issues in its Formal Complaints and intervened into the proceeding to protect the interest of the Companies' residential consumers. The OCA has engaged in informal discovery.

On April 27, 2016, the Commission sent Notice of an Initial Pre-hearing Conference for May 11, 2016 before Administrative Law Judge Elizabeth H. Barnes. On April 28, 2016, the ALJ issued a Prehearing Conference Order directing the parties, among other things, to prepare and distribute a prehearing memo. In response to the Prehearing Conference Order, the OCA submits as follows:

II. ISSUES

The OCA has identified the following list of issues:

1. Whether the rates charged by Frontier Commonwealth and the five individual Frontier Companies are just and reasonable and in accordance with all applicable laws, including any banked amounts;
2. Whether the Frontier Commonwealth and the five individual Frontier Companies January 29 PSI filings and February 2 proposed tariff filings are consistent with the Companies' Chapter 30 plans as well as applicable precedent;
3. Whether Frontier Commonwealth's and the five individual Frontier Companies' proposed increases for non-competitive services will result in rates which are just and reasonable and within the Federal Communications Commission's benchmark.

The OCA reserves the right to address or respond to whatever issues may be raised by other parties in this proceeding. The OCA intends to participate in this investigation. If any additional issues arise as a result of this investigation, the OCA will address them at that time.

III. WITNESSES

The OCA does not anticipate that it will require expert testimony to address the issues raised above. If it is determined that a witness is necessary, the OCA is able to present testimony from Dr. Robert Loube. Dr. Loube's contact information is:

Robert Loube
Vice President
Rolka Loube
10601 Cavalier Drive
Silver Spring, MD 20901
Tel. 301 681-0338
Fax 301 681-0339
bobloube@earthlink.net

Dr. Loube will address the issues articulated above as well as any other issues that may arise throughout this proceeding. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be served directly upon Dr. Loube, both in electronic and hard copy form, in addition to serving a copy of such documents on counsel for the OCA.

The OCA specifically reserves the right to call additional witnesses, as necessary. As soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case, all parties of record will be notified.

IV. PROPOSED SCHEDULE

The OCA will cooperate with the ALJ and other parties in establishing a schedule for this proceeding.

V. MISCELLANEOUS

The OCA will be represented in this case by Assistant Consumer Advocate Barrett C. Sheridan. The OCA requests one copy of all documents be served on the OCA as follows:

Barrett C. Sheridan, Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, Forum Place, 5th Floor
Harrisburg, PA 17101-1923
Telephone: (717) 783-5048
Fax: (717) 783-7152
E-mail: BSheridan@paoca.org

VI. SETTLEMENT

The OCA is amenable to settlement discussions and will participate in such settlement discussions as may be scheduled or convened by the parties.

Respectfully Submitted,

/s/ Barrett C. Sheridan
Barrett C. Sheridan
Assistant Consumer Advocate
PA Attorney I.D. # 61138
E-Mail: BSheridan@paoca.org

Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

May 6, 2016
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