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November 23, 2016

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

Office of Small Business Advocate v. Frontier Communications  
Commonwealth Telephone Company;  
Docket Nos. C-2016-2534366, R-2016-2524592 & P-00961024F1000

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Joint Petition for Settlement in the above-referenced consolidated proceeding. Copies of the Joint Petition are being served in accordance with the certificate of service attached to it.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Charles E. Thomas, III

Enclosure

cc: Honorable Elizabeth H. Barnes (w/encl.)  
Certificate of Service (w/encl.)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Office of Small Business Advocate	:	Docket Nos. C-2016-2534365
v.	:	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	:	Docket Nos. C-2016-2534366
v.	:	R-2016-2524592
Frontier Communications Commonwealth Telephone Company	:	P-00961024F1000

**CERTIFICATE OF SERVICE**


I hereby certify that I have this 23rd day of November, 2016, served a true and correct copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54:

VIA EMAIL AND FIRST CLASS MAIL

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Charles E. Thomas, III  
Pa. Bar ID # 201014

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

Office of Small Business Advocate	:	
	:	Docket Nos. C-2016-2534366
v.	:	R-2016-2524592
	:	P-00961024F1000
Frontier Communications Commonwealth	:	
Telephone Company	:	

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**JOINT PETITION FOR SETTLEMENT**

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TO THE HONORABLE ELIZABETH H. BARNES, ADMINISTRATIVE LAW JUDGE:

Frontier Communications of Breezewood, LLC (“Frontier Breezewood”), Frontier Communications of Canton, LLC (“Frontier Canton”), Frontier Communications of Lakewood, LLC (“Frontier Lakewood”), Frontier Communications of Oswayo River, LLC (“Frontier Oswayo River”), and Frontier Communications of Pennsylvania, LLC (“Frontier Pennsylvania”) (collectively referred to herein as the “Frontier Companies”), Frontier Communications Commonwealth Telephone Company (“Frontier Commonwealth”)<sup>1</sup>, the Office of Small Business Advocate (“OSBA”), and the Office of Consumer Advocate (“OCA”), all of the parties to the above-captioned consolidated proceeding (collectively referred to as the “Joint Petitioners”), hereby file this Joint Petition for Settlement (“Joint Petition”) and respectfully request that Administrative Law Judge (“ALJ”) Elizabeth H. Barnes and the Pennsylvania Public Utility

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<sup>1</sup> The Frontier Companies and Frontier Commonwealth will be referred to collectively as “Frontier.”

Commission (“Commission”) approve this settlement of the above-captioned consolidated proceeding under the terms and conditions set forth in the Joint Petition. In support thereof, Joint Petitioners state as follows:

**I. BACKGROUND**

1. On January 29, 2016, the Frontier Companies jointly filed with the Commission their annual Price Stability Index/Service Price Index (“PSI/SPI”) Reports pursuant to the provisions of Act 183 of 2004, P.L. 1398, 66 Pa.C.S. § 3011-3019 (“Chapter 30”) and their joint Amended Streamlined Regulation and Network Modernization Plan (“Amended Chapter 30 Plan”) at Docket No. P-00951005F1000. The Frontier Companies’ combined PSI/SPI filing proposed a \$1.00 increase to existing residential and business dial tone rates. Frontier Pennsylvania subsequently filed a revised 2016 PSI/SPI Report on February 23, 2016, to reflect an annual change in revenue resulting from a \$0.60 proposed rate increase rather than the \$1.00 rate increase as originally proposed. Through their combined 2016 PSI/SPI filing, as revised, the Frontier Companies proposed annual aggregate revenue increases to residential and business customers ranging from \$3,192 to \$26,429.

2. Also on January 29, 2016, Frontier Commonwealth filed its PSI/SPI Report with the Commission pursuant to Chapter 30 and its Amended Chapter 30 Plan at Docket No. P-00961024F1000. Through its 2016 PSI/SPI filing, Frontier Commonwealth proposed an annual aggregate revenue increase to residential and business customers totaling \$396,474.

3. On March 17, 2016, OSBA filed two separate formal Complaints against the rates, terms, and other provisions of the Frontier Companies’ and Frontier Commonwealth’s respective 2016 PSI/SPI filings.

4. By Orders entered April 7, 2016, the Commission approved the 2016 PSI/SPI filings and concluded that the PSI/SPI calculations, banked revenue calculations and proposed rate increases were reasonable and consistent and in conformance with the terms of the Frontier Companies' and Frontier Commonwealth's respective Commission-approved Amended Chapter 30 Plans. The Commission also assigned the OSBA's Complaints to the Office of Administrative Law Judge for adjudication, but permitted the filings and corresponding revenue and individual service rate element increases to go into effect, subject to refund, during the pendency of the adjudication.

5. The approved rate increases went into effect on April 17, 2016, pursuant to following tariff supplements: Tariff Supplement No. 126 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Breezewood); Tariff Supplement No. 119 to Tariff Telephone-PA P.U.C. No. 3 (Frontier Canton); Tariff Supplement No. 121 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Lakewood); Tariff Supplement No. 128 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Oswayo River); Tariff Supplement No. 133 to Tariff Telephone-PA P.U.C. No. 14 (Frontier Pennsylvania), and Supplement No. 125 – Telephone PA P.U.C. No. 23 (Frontier Commonwealth).

6. On April 20, 2016, the Frontier Companies and Frontier Commonwealth filed separate Answers to each Complaint.

7. On May 6, 2016, the OCA filed Notices of Intervention in each complaint proceeding.

8. An Initial Prehearing Conference was held before ALJ Barnes on May 11, 2016, with counsel for all parties attending. The parties established a litigation schedule and addressed various other procedural issues, including an agreement to consolidate the matters for purposes

of a hearing and briefing. On May 16, 2016, ALJ Barnes issued a Procedural Order which memorialized the litigation schedule and other actions taken at the Prehearing Conference.

9. On June 28, 2016, the OSBA served the direct testimony and exhibits of Joseph P. Gillan (OSBA St. No. 1). On August 11, 2016, the Frontier Companies and Frontier Commonwealth each served the rebuttal testimony and exhibits of Carl Yastremski (Frontier Companies St. No. 1; Frontier Commonwealth St. No. 1) and Gregory J. Sale (Frontier Companies St. No. 2; Frontier Commonwealth St. No. 2). Also on August 11, 2016, the OCA served the rebuttal testimony and exhibits of Robert Loube (OCA St. No. 1-R). On September 7, 2016, the OSBA served the surrebuttal testimony of Mr. Gillan (OSBA St. No. 1-S).

10. An evidentiary hearing was held on September 14, 2016 before ALJ Barnes. All parties waived cross-examination and stipulated to the admission of the previously served testimony and exhibits. The ALJ directed the parties to file main briefs by October 7, 2016, and reply briefs by October 21, 2016, consistent with the previously issued Procedural Order.

11. The parties engaged in settlement discussions prior to and following the evidentiary hearing. The briefing schedule was subsequently modified several times to provide the parties with additional time to continue their efforts to reach a settlement resolution.

12. On October 26, 2016, the parties advised the ALJ that they had achieved a settlement resolving all issues. By Order the ALJ agreed to suspend the revised briefing schedule pending submission of the Joint Petition on November 16, 2016.

## **II. TERMS AND CONDITIONS**

13. The Joint Petition consists of the following terms and conditions:

a. The Frontier Companies' and Frontier Commonwealth's respective 2016 PSI/SPI filings are accepted, as filed. The rate increases proposed by the Frontier Companies

and Frontier Commonwealth and included in the following tariff supplements shall be deemed just and reasonable and shall remain in effect as previously filed and without refund: Tariff Supplement No. 126 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Breezewood); Tariff Supplement No. 119 to Tariff Telephone-PA P.U.C. No. 3 (Frontier Canton); Tariff Supplement No. 121 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Lakewood); Tariff Supplement No. 128 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Oswayo River); Tariff Supplement No. 133 to Tariff Telephone-PA P.U.C. No. 14 (Frontier Pennsylvania), and Supplement No. 125 – Telephone PA P.U.C. No. 23 (Frontier Commonwealth).

b. For their next annual PSI/SPI filings, to be filed on or before February 1, 2017, the Frontier Companies and Frontier Commonwealth will be permitted to increase residential and business dial tone rates up to the level of rates set forth in the exhibit annexed hereto as Appendix A (hereinafter the “2017 Settlement Rates”). The 2017 Settlement Rates shall remain subject to Chapter 30, and must comply with, all rules, procedures, and parameters set forth in the Frontier Companies’ and Frontier Commonwealth respective Amended Chapter 30 Plans. The OSBA and the OCA agree that they will not challenge or file complaints against the 2017 Settlement Rates, terms, or other provisions of the 2017 PSI/SPI filings of the Frontier Companies and Frontier Commonwealth so long as the 2017 PSI/SPI filings comply with the terms of the Joint Petition.

c. Joint Petitioners agree to convene during the last quarter of calendar year 2017 to discuss the Frontier Companies’ and Frontier Commonwealth’s 2018 PSI/SPI filings which are due on or before February 1, 2018.

d. The Frontier Companies and Frontier Commonwealth agree that any rate increases proposed in connection with their annual PSI/SPI filings will be evaluated on a per-

company basis and will not be evaluated by “blending” the rate increases across one or more companies.

### **III. THE JOINT PETITION IS IN THE PUBLIC INTEREST**

14. Commission policy encourages settlements. 52 Pa. Code § 5.231. Settlements lessen the time and expense the parties must expend litigating a case and, at the same time, conserve administrative resources. The Commission has indicated that settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. 52 Pa. Code §§ 5.231 and 69.401. To accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm’n v. York Water Co., Docket No. R-00049165 (Order entered Oct. 4, 2004); Pa. Pub. Util. Comm’n v. C.S. Water and Sewer Assocs., 74 Pa. P.U.C. 767 (1991).*

15. The Frontier Companies/Frontier Commonwealth, the OSBA, and the OCA have each prepared Statements in Support, attached hereto and identified as Appendices B, C, and D respectively, setting forth the bases upon which they believe that the Joint Petition is fair, just, reasonable, non-discriminatory, lawful and in the public interest.

16. Joint Petitioners submit that the Joint Petition is in the public interest for the following additional reasons:

a. The Joint Petition resolves all issues in this consolidated proceeding without the need for further litigation.

b. The Joint Petition recognizes and addresses concerns raised by OSBA.

c. Approval of the Joint Petition will conserve administrative resources and avoid the necessity of further administrative and possible appellate proceedings at a substantial cost to Joint Petitioners.

d. The Joint Petition allows for rate increases proposed by the Frontier Companies and Frontier Commonwealth as part of their respective 2016 PSI/SPI filings to remain in effect.

e. The 2017 Settlement Rates state the maximum rate increases for the Frontier Companies' and Frontier Commonwealth's respective 2017 PSI/SPI filings in a manner which is just, reasonable, and non-discriminatory in light of the positions of all parties and will avoid potential cost-prohibitive litigation and administrative burden with respect to next year's annual filings.

#### **IV. ADDITIONAL TERMS AND CONDITIONS**

17. The Joint Petitioners acknowledge that this Joint Petition reflects a carefully balanced compromise of the interests of all Joint Petitioners and is being presented only in the context of this consolidated proceeding in an effort to resolve all issues in the instant complaint cases in a manner which is fair and reasonable. The Joint Petition does not necessarily reflect any Joint Petitioner's position with respect to any issues raised in this proceeding and is made without any admission against, or prejudice to, any position which any Joint Petitioner might adopt during subsequent litigation.

18. The Joint Petition is conditioned upon the Commission's approval of the terms and conditions contained herein without modification. If the Commission should disapprove the Joint Petition or modify the terms and conditions herein, the Joint Petition may be withdrawn upon written notice to the Commission and all active parties within five (5) business days following entry of the Commission's Order by any of the Joint Petitioners. In such event, the Joint Petition shall be of no force and effect. In the event that the Commission denies the Joint Petition or any Joint Petitioner elects to withdraw as provided above, the Joint Petitioners reserve

their respective rights to fully litigate this case, including but not limited to presentation of legal arguments through submission of Briefs, Exceptions, and Replies to Exceptions.

19. If the ALJ in her Recommended Decision recommends that the Commission adopt the Joint Petition without modification as herein proposed, the Joint Petitioners agree to waive their rights to file Exceptions. However, the Joint Petitioners do not waive their right to file Exceptions with respect to any modifications to the terms and conditions of this Joint Petition, or any additional matters, proposed by the ALJ in her Recommended Decision. The Joint Petitioners reserve their rights to file Replies to any Exceptions which may be filed.

## **V. CONCLUSION**

WHEREFORE, the Joint Petitioners, by their respective counsel, respectfully request as follows:

(1) That Administrative Law Judge Elizabeth H. Barnes and the Commission approve the Joint Petition, including all terms and conditions thereof;

(2) That the Commission find that the revenue and individual service rate element increases set forth in the following tariff supplements are just and reasonable and shall be permitted to remain in effect as previously filed and without refund: Tariff Supplement No. 126 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Breezewood); Tariff Supplement No. 119 to Tariff Telephone-PA P.U.C. No. 3 (Frontier Canton); Tariff Supplement No. 121 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Lakewood); Tariff Supplement No. 128 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Oswayo River); Tariff Supplement No. 133 to Tariff Telephone-PA P.U.C. No. 14 (Frontier Pennsylvania), and Supplement No. 125 – Telephone PA P.U.C. No. 23 (Frontier Commonwealth); and

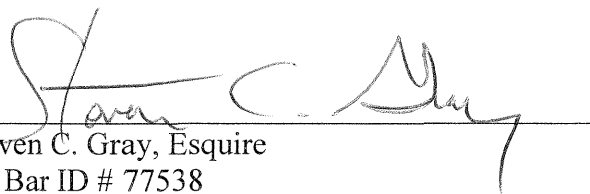
(3) That the OSBA's Complaints at Docket Nos. C-2016-2534365 and C-2016-2534366 be dismissed consistent with this Joint Petition and marked closed.

Respectfully submitted,



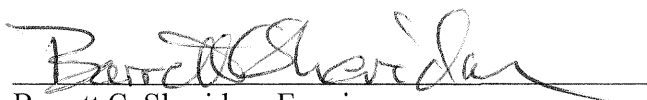
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*Counsel for the Office of Consumer Advocate*

DATED: November 23, 2016

# **APPENDIX A**

**APPENDIX A**

<b>Tariffed Item by Legal Entity</b>	<b>S&amp;E Codes</b>	<b>Current Rate (eff. 4/17/16)</b>	<b>2017 Increase Amount</b>	<b>2017 Proposed Rate</b>	<b>Percent Increase</b>
<b>FC Commonwealth Telephone (PCI)</b>					
R1 Measured Service	R1USS	\$15.25	\$0.75	\$16.00	4.92%
R1 Metered Service	R1LMS	\$15.25	\$0.75	\$16.00	4.92%
Flat Rate R1					
RG 1	R1G1	\$18.99	\$1.00	\$19.99	5.27%
RG 2	R1G2	\$18.99	\$1.00	\$19.99	5.27%
RG 3	R1G3	\$18.99	\$1.00	\$19.99	5.27%
RG 4	R1G4	\$19.74	\$0.25	\$19.99	1.27%
RG 5	R1G5	\$19.74	\$0.25	\$19.99	1.27%
RG 6	R1G6	\$19.74	\$0.25	\$19.99	1.27%
Second Line					
RG 1	R1A1	\$14.34	\$1.00	\$15.34	6.97%
RG 2	R1A2	\$14.34	\$1.00	\$15.34	6.97%
RG 3	R1A3	\$14.34	\$1.00	\$15.34	6.97%
RG 4	R1A4	\$15.09	\$0.25	\$15.34	1.66%
RG 5	R1A5	\$15.09	\$0.25	\$15.34	1.66%
RG 6	R1A6	\$15.09	\$0.25	\$15.34	1.66%
Business Lines:					
B1 Measured Service	B1USS	\$16.13	\$0.87	\$17.00	5.39%
B1 Metered Service	B1LMS	\$16.13	\$0.87	\$17.00	5.39%
Flat Rate B1					
RG 1	B1G1	\$20.20	\$1.75	\$21.95	8.66%
RG 2	B1G2	\$20.20	\$1.75	\$21.95	8.66%
RG 3	B1G3	\$20.20	\$1.75	\$21.95	8.66%
RG 4	B1G4	\$24.45	\$1.25	\$25.70	5.11%
RG 5	B1G5	\$24.45	\$1.25	\$25.70	5.11%
RG 6	B1G6	\$25.70	\$0.00	\$25.70	0.00%
PBX Trunk					
RG 1	PBXT1	\$24.27	\$1.75	\$26.02	7.21%
RG 2	PBXT2	\$24.27	\$1.75	\$26.02	7.21%
RG 3	PBXT3	\$26.27	\$0.75	\$27.02	2.85%
RG 4	PBXT4	\$32.27	\$1.75	\$34.02	5.42%
RG 5	PBXT5	\$33.27	\$0.75	\$34.02	2.25%
RG 6	PBXT6	\$38.27	\$0.00	\$38.27	0.00%
COCOT	PAYC1	\$18.53	\$1.70	\$20.23	9.17%
COCOT	PAYC2	\$19.03	\$1.20	\$20.23	6.31%
COCOT	PAYCO	\$37.45	\$0.00	\$37.45	0.00%
<b>FC of Breezewood (BRE)</b>					
Flat Rate R1	R1G1, R1G2	\$21.42	\$0.73	\$22.15	3.41%
Flat Rate B1	B1G1, B1G2	\$23.31	\$1.00	\$24.31	4.29%
COCOT	PAYC1	\$22.39	\$1.25	\$23.64	5.58%
PBX Trunk	PTKG1	\$23.31	\$1.00	\$24.31	4.29%

**APPENDIX A**

<b><u>FC of Canton (CAN)</u></b>					
Flat Rate R1					
Canton	R1G1	\$21.42	\$0.73	\$22.15	3.41%
Leroy	R1G2	\$21.42	\$0.73	\$22.15	3.41%
Flat Rate B1					
Canton	B1G1	\$29.51	\$1.00	\$30.51	3.39%
Leroy	B1G2	\$34.39	\$0.00	\$34.39	0.00%
<b><u>FC Lakewood (LKW)</u></b>					
Flat Rate R1	R1	\$21.55	\$0.60	\$22.15	2.78%
Flat Rate B1	B1	\$26.66	\$0.60	\$27.26	2.25%
PBX Trunk	PTK	\$31.91	\$0.50	\$32.41	1.57%
Ground Start Trunk		\$38.55	\$0.00	\$38.55	0.00%
Semi-Pub	SPPS	\$25.74	\$1.25	\$26.99	4.86%
<b><u>FC of Oswayo River (OSW)</u></b>					
Flat Rate R1	R1	\$21.42	\$0.73	\$22.15	3.41%
Flat Rate B1	B1	\$33.36	\$1.03	\$34.39	3.09%
<b><u>FC Pennsylvania (ENT)</u></b>					
Flat Rate R1 (RGs 1, 2, and 3)	R1	\$20.65	\$1.00	\$21.65	4.84%
Message Rate Service	R1M	\$12.25	\$1.00	\$13.25	8.16%
Total Resi					
Measured B1	B1	\$24.25	\$1.00	\$25.25	4.12%
Measured PBX	PTK	\$24.25	\$1.00	\$25.25	4.12%
Measured Key	K1	\$24.25	\$1.00	\$25.25	4.12%
COCOT	PAYCO	\$22.73	\$1.50	\$24.23	6.60%
Semi-Public Telephone	SPPS	\$22.73	\$1.50	\$24.23	6.60%

# **APPENDIX B**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Office of Small Business Advocate	:	Docket Nos. C-2016-2534365
v.	:	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	:	Docket Nos. C-2016-2534366
v.	:	R-2016-2524592
Frontier Communications Commonwealth Telephone Company	:	P-00961024F1000

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**JOINT STATEMENT OF  
THE FRONTIER COMPANIES AND FRONTIER COMMONWEALTH  
IN SUPPORT OF THE JOINT PETITION FOR SETTLEMENT**

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TO THE HONORABLE ELIZABETH H. BARNES, ADMINISTRATIVE LAW JUDGE:

Frontier Communications of Breezewood, LLC (“Frontier Breezewood”), Frontier Communications of Canton, LLC (“Frontier Canton”), Frontier Communications of Lakewood, LLC (“Frontier Lakewood”), Frontier Communications of Oswayo River, LLC (“Frontier Oswayo River”), and Frontier Communications of Pennsylvania, LLC (“Frontier Pennsylvania”) (collectively the “Frontier Companies”), and Frontier Communications Commonwealth Telephone Company (“Frontier Commonwealth”)<sup>1</sup> respectfully submit the following joint statement in support of the Joint Petition for Settlement (“Joint Petition”) filed with the Pennsylvania Public Utility Commission (“Commission”) by the Frontier Companies, Frontier Commonwealth, the Office of Small Business Advocate (“OSBA”), and the Office of Consumer Advocate (“OCA”) in the above-captioned consolidated proceeding.

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<sup>1</sup> The Frontier Companies and Frontier Commonwealth are collectively referred to herein as “Frontier.”

## I. OVERVIEW

This consolidated proceeding involves formal Complaints filed by the OSBA against the rate increases proposed by the Frontier Companies and Frontier Commonwealth in connection with their respective annual Price Stability Index/Service Price Index (“PSI/SPI”) Reports for the Year 2016, which were filed with the Commission pursuant to the provisions of Act 183 of 2004, P.L. 1398, 66 Pa.C.S. §§ 3011-3019 (“Chapter 30”), and their respective Amended Streamlined Regulation and Network Modernization Plans (“Amended Chapter 30 Plans”). The Frontier Companies proposed annual aggregate revenue increases for residential and business customers ranging from \$3,192 to \$26,429 as part of their combined 2016 PSI/SPI filing, and Frontier Commonwealth proposed an annual aggregate revenue increase for residential and business customers totaling \$396,474 in its 2016 PSI/SPI filing.

The Frontier Companies and Frontier Commonwealth are incumbent local exchange carriers operating in various portions of the Commonwealth of Pennsylvania and serving principally rural territory and a rural customer base. Frontier Breezewood operates in Bedford and Fulton Counties. Frontier Canton operates in Bradford, Lycoming, and Tioga Counties. Frontier Lakewood operates in Schuylkill County. Frontier Oswayo River operates in McKean and Potter Counties. Frontier Pennsylvania operates in Lancaster and Berks Counties. Frontier Commonwealth operates in all of Wyoming County and in portions of Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Lackawanna, Lancaster, Lehigh, Luzerne, Lycoming, Monroe, Northampton, Schuylkill, Sullivan, Susquehanna, Tioga, and York Counties.

By Orders entered April 7, 2016, the Commission approved the Frontier 2016 PSI/SPI filings<sup>2</sup> and allowed the proposed rate increases to go into effect, as filed, and remain in effect

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<sup>2</sup> 2016 Joint Price Stability Index/Service Price Index Report Filing of Frontier Communications of Breezewood, LLC; Canton, LLC; Lakewood, LLC; Oswayo River, LLC; and Pennsylvania, LLC, Docket Nos. R-

subject to refund pending the outcome of the adjudication of the OSBA's Complaints. Frontier subsequently implemented the rate increases effective April 17, 2016.

The Frontier Companies, Frontier Commonwealth, the OSBA, and the OCA (collectively the "Joint Petitioners") have agreed that this consolidated proceeding can be settled without further litigation under the terms and conditions set forth in the Joint Petition. In particular, the Joint Petition provides for the acceptance of the Frontier Companies and Frontier Commonwealth 2016 PSI/SPI filings, as filed, and allows the various rate increases to remain in effect without refund. The Joint Petition contains additional terms designed to facilitate the filing and review of subsequent annual PSI/SPI reports filed with the Commission. These additional terms include: (i) a limitation on the specific increases which may be proposed by the Frontier Companies and Frontier Commonwealth in connection with their respective 2017 PSI/SPI filings to be filed on February 1, 2017; (ii) a voluntary agreement for Joint Petitioners to meet and confer prior to the filing of the 2018 PSI/SPI filings; and (iii) an agreement by the Frontier Companies and Frontier Commonwealth that any rate increases proposed as part of a future PSI/SPI filing are to be evaluated on per company basis only.

## **II. THE SETTLEMENT IS IN THE PUBLIC INTEREST**

It is the Commission's policy to encourage parties in contested proceedings to enter into settlements. 52 Pa. Code § 5.231(a). The Commission, moreover, has stated that the results

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2016-2524540 *et al.* (Order entered April 7, 2016), at 6 ("*Frontier Companies Order*") (wherein the Commission concluded: "Our review of the Companies' combined 2016 PSI/SPI Report indicates the PSI/SPI calculations, banked revenue calculations and proposed rate increases are reasonable, consistent and in conformance with the terms of the Companies' Commission-approved Amended Joint Chapter 30 Plan."); *Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company 2016 Price Stability Index/Service Price Index Report Filing*, Docket Nos. R-2016-2524592 *et al.* (Order entered April 7, 2016), at 6 ("*Frontier Commonwealth Order*") (wherein the Commission concluded: "Our review of the Company's 2016 PSI/SPI Report indicates the PSI/SPI calculations, banked revenue calculations and proposed rate increases are reasonable, consistent and in conformance with the terms of the Company's Commission-approved Amended Chapter 30 Plan.").

achieved from a negotiated settlement or stipulation in which the interested parties have had an opportunity to participate are often preferable to those achieved at the conclusion of a fully litigated proceeding. 52 Pa. Code § 69.401. To accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pa. P.U.C. v. York Water Co.*, Docket No. R-00049165 (Order entered Oct. 4, 2004); *Pa. P.U.C. v. C.S. Water and Sewer Assocs.*, 74 Pa. P.U.C. 767 (1991).

The Joint Petition proposes a settled resolution of all issues in this proceeding and reflects a carefully balanced compromise of the competing interests of the Joint Petitioners. The Joint Petitioners unanimously agree that the Joint Petition is in the public interest.

**A. The Settlement Minimizes Cost-Prohibitive Litigation And Administrative Burden**

Settlements lessen the time and expense the parties must expend litigating a case and, at the same time, conserve administrative resources. Here, a settlement allows Joint Petitioners to avoid the substantial costs and time related to preparing and serving main briefs, reply briefs, exceptions, and replies to exceptions, as well as potential briefing and preparation for oral argument that would be necessitated by any appeal of a Commission final decision, thus yielding significant expense savings. These savings directly benefit the individual parties to the proceeding, the Commission, and all customers of Frontier, who otherwise might have to bear the financial burden of such litigation through a future rate increase. The avoidance of further litigation and concomitant conservation of administrative resources is in the public interest.

**B. The Joint Petition Permits The Existing Rate Increases To Remain In Effect**

The Commission has already approved the Frontier 2016 PSI/SPI filings and, in doing so, concluded that the PSI/SPI calculations, bank revenue calculations, and proposed rate increases

were reasonable and in compliance with the Amended Chapter 30 Plans.<sup>3</sup> As such, the final calculations and data submitted by the Frontier Companies and Frontier Commonwealth with their 2016 filings support the original, as-filed-for annual increases.

The Joint Petition affirms the Commission’s decisions by accepting the 2016 PSI/SPI filings, as filed, and allows the existing rate increases implemented thereunder through the respective tariff supplements<sup>4</sup> to remain in effect without refund.<sup>5</sup> The annual aggregate revenue increases to residential and business customers for each company will therefore remain as follows:<sup>6</sup>

Frontier Breezewood	\$ 5,840
Frontier Canton	\$ 6,420
Frontier Lakewood	\$ 3,192
Frontier Oswayo River	\$ 3,684
Frontier Pennsylvania	\$ 26,429
Frontier Commonwealth	\$ 396,474

Frontier submits that acceptance of the 2016 PSI/SPI filings and rate increases is reasonable and appropriate. The additional revenues from the increases will provide the Frontier Companies and Frontier Commonwealth with additional and necessary cash flow that is critical to ensure the continued provision of reasonable and adequate service. Moreover, leaving the existing rate increases in effect will enable Frontier Commonwealth to continue its efforts to consolidate and streamline rates within respective residential and business rate band groups. Consolidation and standardization of pricing provides a number of administrative and product

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<sup>3</sup> *Frontier Companies Order* at 6; *Frontier Commonwealth Order* at 6.

<sup>4</sup> Tariff Supplement No. 126 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Breezewood); Tariff Supplement No. 119 to Tariff Telephone-PA P.U.C. No. 3 (Frontier Canton); Tariff Supplement No. 121 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Lakewood); Tariff Supplement No. 128 to Tariff Telephone-PA P.U.C. No. 5 (Frontier Oswayo River); Tariff Supplement No. 133 to Tariff Telephone-PA P.U.C. No. 14 (Frontier Pennsylvania), and Supplement No. 125 – Telephone PA P.U.C. No. 23 (Frontier Commonwealth).

<sup>5</sup> Joint Petition for Settlement, ¶ 13.a.

<sup>6</sup> See Frontier Companies Exhibit CY-3 (CONFIDENTIAL & PROPRIETARY) and Frontier Commonwealth Exhibit CY-3 (CONFIDENTIAL & PROPRIETARY).

management benefits, including helping to minimize customer confusion and eliminating administrative complexity in pricing associated with maintaining different price points for the same service based on physical location only. By eliminating the need for Frontier Commonwealth to maintain and communicate different rates based on exchange information, these changes also provide operational efficiencies that reduce the costs associated with ordering, billing, and customer service.<sup>7</sup>

**C. The Joint Petition Establishes An Agreement With Respect To 2017 Rate Increases**

As part of the settlement, Joint Petitioners have agreed that the Frontier Companies and Frontier Commonwealth may increase residential and business dial tone rates by amounts not to exceed those set forth in Appendix A to the Joint Petition as part of their 2017 PSI/SPI filings to be filed on February 1, 2017 (the “2017 Settlement Rates”).<sup>8</sup> The pricing differential between residential and small business rates and the percentage increases proposed to those rates was a central issue in this consolidated case and subject to extensive discussion among the Joint Petitioners. The 2017 Settlement Rates which have been agreed to by the Joint Petitioners reflect a carefully balanced compromise by the Joint Petitioners on this issue for the next annual PSI/SPI filings and provide a fair, reasonable, and non-discriminatory allocation of the revenue increases among the customer classes and various rate groups. In addition, the 2017 Settlement Rates are consistent with Frontier’s goals of consolidating and standardizing pricing across rate groups and achieving administrative synergies by simplifying the ordering, billing and customer service systems.

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<sup>7</sup> See Frontier Commonwealth St. No. 2 at 4.

<sup>8</sup> Joint Petition for Settlement, ¶ 13.b.

By agreeing to the specific structure and design for rate increases at this time, Joint Petitioners are facilitating the orderly filing and review of the 2017 PSI/SPI filings and circumventing the potential need for costly and burdensome litigation and unnecessary waste of administrative resources in connection with those filings. Significantly, however, nothing in this settlement provision takes away the Commission's authority with respect to its review and consideration of the 2017 PSI/SPI filings. The 2017 Settlement Rates, moreover, will still remain subject to Chapter 30 and must comply with, all rules, procedures, and parameters set forth in the respective Frontier Amended Chapter 30 Plans.

**D. Joint Petitioners' Commitment To Meet To Discuss The 2018 PSI/SPI Filings**

To further facilitate future annual PSI/SPI filings, Joint Petitioners have voluntarily agreed to convene during the last quarter of calendar year 2017 to discuss Frontier's 2018 PSI/SPI filings which are to be filed on or before February 1, 2018.<sup>9</sup> This meeting is expected to result in a more efficient review process for the statutory advocates in conjunction with the 2018 annual filings and should minimize cost-prohibitive litigation and administrative burden in connection therewith.

**E. Frontier's Agreement Regarding The Evaluation Of Proposed Rate Increases**

As part of the settlement, the Frontier Companies and Frontier Commonwealth have also agreed that any rate increases sought as part of their annual PSI/SPI filings must be proposed and evaluated on a per-company basis and not by "blending" the rate increases across one or more companies.<sup>10</sup> This provision addresses one of the direct concerns raised by the OSBA during the course of this proceeding. It also ensures that Frontier's annual PSI/SPI filings are prepared consistent with the provisions of Chapter 30 and the respective Amended Chapter 30 Plans.

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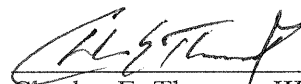
<sup>9</sup> Joint Petition for Settlement, ¶ 13.c.

<sup>10</sup> Joint Petition for Settlement, ¶ 13.d.

### **III. CONCLUSION**

Joint Petitioners have resolved all issues in this consolidated proceeding pursuant to terms and conditions set forth in the Joint Petition. The Frontier Companies and Frontier Commonwealth submit that the Joint Petition represents a fair and reasonable compromise of the competing interests of the Joint Petitioners and is in the public interest. Notably, the Joint Petition avoids the cost and uncertainty of litigation, addresses concerns raised by the statutory advocates, allows rates to remain in effect without refund, facilitates Frontier's rate consolidation and standardization efforts, and provides procedures to assist future annual PSI/SPI filings made by Frontier. Accordingly, the Frontier Companies and Frontier Commonwealth respectfully request that Administrative Law Judge Elizabeth H. Barnes and the Pennsylvania Public Utility Commission accept the foregoing in support of the Joint Petition and that Administrative Law Judge Barnes recommend approval, and the Commission approve, the Joint Petition without modification.

Respectfully submitted,



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*Counsel for the Frontier Companies  
and Frontier Commonwealth*

DATED: November 23, 2016

# **APPENDIX C**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PA PUBLIC UTILITY COMMISSION</b>	:	
	:	
<b>v.</b>	:	<b>Docket Nos. R-2016-2524540</b>
	:	<b>P-00951005F1000</b>
<b>Frontier Communications of Breezewood LLC, Canton LLC, Lakewood LLC, Oswayo River LLC, and Pennsylvania LLC</b>	:	

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<b>PA PUBLIC UTILITY COMMISSION</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. R-2016-2524592</b>
<b>Frontier Communications Commonwealth Telephone Company</b>	:	<b>P-00961024F1000</b>

**STATEMENT OF  
THE OFFICE OF SMALL BUSINESS ADVOCATE  
IN SUPPORT OF THE  
JOINT PETITION FOR APPROVAL OF SETTLEMENT AGREEMENT**

**Introduction**

The Small Business Advocate is authorized and directed to represent the interests of the small business consumers of utility services in the Commonwealth of Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50. Pursuant to that statutory authority, the Office of Small Business Advocate (“OSBA”) filed a complaint against the annual Price Stability Index/Service Price Index (“PSI/SPI”) filings submitted by 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 (collectively the “Frontier Companies”) to the Pennsylvania Public Utility Commission (“Commission”) on January 29, 2016.

The OSBA also filed a complaint against the PSI/SPI filing submitted by Frontier Communications Commonwealth Telephone Company (“Frontier Commonwealth”) to the Commission on January 29, 2016.<sup>1</sup>

The OSBA actively participated in the negotiations that led to the proposed settlement and is a signatory to the Joint Petition for Settlement Agreement (“*Joint Petition*”). The OSBA submits this statement in support of the *Joint Petition*.

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<sup>1</sup> The Frontier Companies and Frontier Commonwealth will be referred to collectively as “Frontier.”

### **The Joint Petition**

The *Joint Petition* sets forth a comprehensive list of issues that were resolved through the negotiation process. The following issues were of particular significance to the OSBA when it concluded that the *Joint Petition* was in the best interests of Frontier's small business customers.

**The 2016 PSI Filings** – Frontier's PSI filings proposed a wide range of rate increases to noncompetitive local exchange service. For example, the Frontier Companies proposed rate increases of 60 cents or \$1.00 to the various "Flat Rate R1" (residential) or "Flat Rate B1" (business) rates. However, for Frontier Commonwealth, the proposed rate increases for Flat Rate R1 ranged up to \$1.00, whereas rate increases for Flat Rate B1 ranged up to \$2.00. The OSBA was concerned that the noncompetitive business customers were receiving rate increases that were excessive when compared to the residential rate increases.

However, Frontier Commonwealth splits its residential and business rates over six different rate groups (RG1 through RG6), which each rate group (in both the residential and business rate classes) receiving various possible rate increases. Thus, there is no uniformity between the residential and business rate increases. After serving testimony, conducting discovery, and holding settlement discussions with Frontier, the OSBA does not believe that Frontier is attempting to make its business customers a "payor of last resort" in its 2016 PSP filing.

**The 2017 PSI Filings** - Furthermore, the settlement rates for the Frontier 2017 PSI filings, agreed to as part of the *Joint Petition*, confirm this assessment. The *Joint Petition*, as set forth in the Appendix, proposes rate increases to Frontier Commonwealth's business customers up to 8.66%, whereas the residential customers are receiving a 5.27% increase. That is a relatively small difference between rate increases between the business and residential customer

classes. Again, for the OSBA, this confirms that Frontier is not attempting to make its business customers a “payor of last resort.”

In addition, the *Joint Petition* proposes to provide a degree of rate protection for small business customers in the Frontier service territory. This will allow a period of relatively stable rates for Frontier’s small business customers during 2017.

**Rate Blending Across Companies** – The OSBA was initially concerned that Frontier was analyzing its local exchange rate increases by averaging (or “blending”) them across all seven companies. For example, by averaging the business rate increases proposed by the Frontier Companies (which were either 60 cents or \$1.00) with the higher rate increases proposed by Frontier Commonwealth, the \$2.00 increase on Frontier Commonwealth business customers would get “lost in the details” and that \$2.00 amount would be effectively de-emphasized.

The *Joint Petition* addresses this concern by explicitly stating that no such averaging shall be permitting in the future. *See Joint Petition*, at Paragraph 13.d.

**Future Meeting** - The *Joint Petition* also proposes that Frontier, the OCA, and the OSBA meet in late 2017 to discuss the 2018 PSI filings. *Joint Petition*, at Paragraph 13.c. Meeting with Frontier and the statutory advocates prior to the 2018 PSI filings will enable the parties to fully address the economic and market conditions that cannot be accurately predicted at this time.

**Conclusion**

For the reasons set forth in the *Joint Petition*, as well as the additional factors that are enumerated in this statement, the OSBA supports the proposed *Joint Petition* and respectfully requests that the ALJ and the Commission approve the *Joint Petition* in its entirety.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven C. Gray", written over a horizontal line.

Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Dated: November 22, 2016

# **APPENDIX D**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Small Business Advocate	:		
	:		
v.	:	Docket No.	C-2016-2534365
	:		R-2016-2524540
Frontier Communications of Breezewood, LLC	:		P-00951005F1000
Canton, LLC, Lakewood, LLC, Oswayo River,	:		
LLC, and Pennsylvania, LLC	:		
	:		
Office of Small Business Advocate	:		
	:		
v.	:	Docket No.	C-2016-2534366
	:		R-2016-2524592
Frontier Communications Commonwealth	:		P-00961024F1000
Telephone Company	:		

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STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
IN SUPPORT OF SETTLEMENT

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The Office of Consumer Advocate (OCA), one of the signatory parties to the Joint Petition for Settlement (Settlement) of the formal complaints of the Office of Small Business Advocate (OSBA) against the 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 (collectively Frontier Companies), and Frontier Communications Commonwealth Telephone Company (Frontier Commonwealth) 2016 Price Stability Index/Service Price Index (PSI/SPI) Reports filings, finds the terms and conditions of the Settlement to be in the public interest for the following reasons:

## **I. Introduction**

On January 29, 2016, the Frontier Companies jointly filed with the Public Utility Commission their annual PSI/SPI Reports, pursuant to the Frontier Companies' Amended Alternative Regulation Plan (Chapter 30 Plans). The Frontier Companies also filed proposed tariffs to increase basic residential and business local service rates by up to \$1.00 per month.

On January 29, 2016, Frontier Commonwealth filed its PSI/SPI Report pursuant to the Company's Amended Chapter 30 Plan. Frontier Commonwealth filed proposed tariffs to increase residential and business rates to produce \$396,474 in additional annual revenues from non-competitive services.

On March 17, 2016, the OSBA filed formal complaints against the Frontier Companies and Frontier Commonwealth PSI/SPI filings and proposed rate increases. The OCA filed a Notice of Intervention in each case on May 6, 2016.

The Commission entered Orders on April 7, 2016 which deemed the Frontier Companies and Frontier Commonwealth PSI/SPI filings as in compliance with their respective Chapter 30 Plans. The Commission allowed the Frontier Companies and Frontier Commonwealth increases to non-competitive services to take effect, subject to resolution of the pending OSBA complaints.

The OSBA formal complaints were assigned to the Office of Administrative Law Judge and further assigned to Administrative Law Judge Elizabeth Barnes. Pursuant to established procedural schedule, the OSBA served the pre-filed Direct testimony of its witness, Joseph Gillan. The OCA submitted the pre-filed Rebuttal testimony of its witness Dr. Robert Loube. The Frontier Companies and Frontier Commonwealth submitted Rebuttal testimony by witnesses Carl Yastremski and Gregory Sales. The OSBA filed Surrebuttal testimony by Mr. Gillan. The

parties agreed to the admission of all testimony and exhibits into the evidentiary record, without cross-examination.

In accordance with the Commission's Rules and Regulations at 52 Pa. Code § 5.231, the parties undertook discussions in an attempt to reach a settlement. Based on these efforts, ALJ Barnes agreed to suspend the procedural schedule. On October 26, 2016, the parties informed ALJ Barnes that a settlement in principle had been reached on all issues.

The OCA submits that the terms and conditions of the Settlement are in the public interest and should be approved. The OCA addresses the key provisions of the Settlement as set forth below.

## **II. Settlement**

### **A. Frontier Companies and Frontier Commonwealth 2016 PSI/SPIs**

The OCA supports the Settlement provision which would allow the rate changes implemented pursuant to the Frontier Companies and Frontier Commonwealth 2016 PSI/SPIs to continue, without modification. The Commission previously deemed the PSI/SPI filings and proposed rates as compliant with the respective Amended Chapter 30 Plans.

### **B. Frontier Companies and Frontier Commonwealth 2017 PSI/SPIs**

As part of the Settlement, the Frontier Companies and Frontier Commonwealth, the OSBA and the OCA have agreed that the Frontier Companies and Frontier Commonwealth may propose increases for residential and business basic local exchange service as part of each Company's 2017 PSI/SPI filing, on or about February 1, 2017. The Settlement Rates set forth in Appendix A to the Joint Petition for Settlement reflect the maximum levels of increases and resulting rates which each Company may propose. The actual 2017 PSI/SPI filing and proposed rate changes by each Frontier Company and Frontier Commonwealth will depend on the allowed

revenue increase calculated by each PSI/SPI Report, banked amounts, and other considerations. Upon receipt of the filings, the OCA will have an opportunity to review each PSI/SPI filing and any proposed rate increases for compliance with Chapter 30 and the respective Amended Chapter 30 Plan. Pursuant to the Joint Petition for Settlement, the OCA agrees that if the PSI/SPI filing and any proposed rate increase are within the bounds of Chapter 30, the Amended Chapter 30 Plan and increase individual rates no higher than the Settlement Rates for the particular Frontier Company, then the OCA will not oppose or otherwise file a complaint against the PSI/SPI filing.

The OCA submits that the Settlement Rates will serve as a cap on increases to residential and other local exchange service rates for each of the Frontier Companies, as they each prepare their 2017 PSI/SPI Reports and proposed tariffs for filing. The OCA submits that the Joint Petition for Settlement is in the public interest because it adds another constraint on the potential for rate increases to residential basic local service rates which each Company may propose as part of the upcoming 2017 PSI/SPI Reports.

C. Frontier Companies and Frontier Commonwealth 2018 PSI/SPIs

The Settlement provides that the Frontier Companies and Frontier Commonwealth will meet with the OCA and OCA during the last quarter of calendar year 2017 to discuss the Companies' 2018 PSI/SPI filings. Such a meeting may be beneficial, without binding the OCA.

### III. Conclusion

The Office of Consumer Advocate submits that the terms of the Settlement are in the public interest and in the interest of the ratepayers of the individual Frontier Companies and Frontier Commonwealth. Based on the above reasons, the Office of Consumer Advocate submits that the proposed Settlement should be approved.

Respectfully Submitted,

A handwritten signature in black ink that reads "Barrett C. Sheridan". The signature is written in a cursive style with a long horizontal flourish at the end.

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November 22, 2016  
227442