



**THOMAS, NIESEN & THOMAS, LLC**

*Attorneys and Counsellors at Law*

CHARLES E. THOMAS, III  
Direct Dial: 717.255.7611  
cet3@tntlawfirm.com

June 22, 2018

***Via Hand Delivery***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Re: OCA Formal Complaints related to PSI/SPI Filings for Year 2018  
Docket Nos. C-2018-3001863/R-2018-3001104, C-2018-3001865/R-2018-3001132, C-2018-3001864/R-2018-3001135, C-2018-3001870/R-2018-3001133, C-2018-3001871/R-2018-3001150, C-2018-3001916/R-2018-3001213, C-2018-3001917/R-2018-3001217, C-2018-3001913/R-2018-3001199, C-2018-3001912/R-2018-3001201, and C-2018-3001915/R-2018-3001197

Dear Secretary Chiavetta:

Enclosed for filing are ten (10) copies of a Joint Procedural Stipulation for Stay of Complaint Proceedings in connection with each of the above-referenced matters. Although these matters are not consolidated, the Stipulation pertains to all of these proceedings, and, therefore, a copy of the Stipulation is being provided for each docket.

Thank you for your assistance, and please contact me should you have any questions.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Charles E. Thomas, III

Enclosure

- cc: Honorable Charles E. Rainey Jr., Chief Administrative Law Judge (via first class)
- Certificate of Service
- Cesar Caballero, Esq. (via email)
- Ann Morrison (via email)
- Brian Jeffers (via email)
- Jim Kail (via email)
- Rick Swiderski (via email)

RECEIVED  
PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

2018 JUN 22 AM 9:49

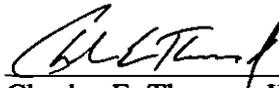
**CERTIFICATE OF SERVICE**

I hereby certify that I have this 22<sup>nd</sup> day of June, 2018, served a true and correct copy of the foregoing document upon the upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54:

**Via Email and First Class Mail**

Barrett C. Sheridan, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101  
[BSheridan@paoca.org](mailto:BSheridan@paoca.org)

Steven C. Gray, Esquire  
Sharon E. Webb, Esquire  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
[sgray@pa.gov](mailto:sgray@pa.gov)  
[swebb@pa.gov](mailto:swebb@pa.gov)



Charles E. Thomas, III (PA ID # 201014)

RECEIVED  
2018 JUN 22 AM 9:49  
PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

RECEIVED

JUN 22 2018

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Consolidated Communications of Pennsylvania Company PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001104
	:	
	:	
Windstream Buffalo Valley, Inc. PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001132
	:	
	:	
Windstream Conestoga, Inc. PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001135
	:	
	:	
Windstream D&E, Inc. PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001133
	:	
	:	
Windstream Pennsylvania, LLC PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001150
	:	
	:	
Bentleyville Communications Corporation PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001213
	:	
	:	
Hickory Telephone Company PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001217
	:	
	:	
Lackawaxen Telecommunications Services, Inc. PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001199
	:	
	:	
Marianna & Scenery Hill Telephone Company PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001201
	:	
	:	
The North-Eastern Pennsylvania Telephone Company PSI/SPI Filing for Year 2018	:	Docket No. R-2018-3001197
	:	
	:	
Office of Consumer Advocate	:	
v.	:	
Consolidated Communications of Pennsylvania Co.	:	Docket Nos. C-2018-3001863
Windstream Buffalo Valley, Inc.	:	C-2018-3001865
Windstream Conestoga, Inc.	:	C-2018-3001864
Windstream D&E, Inc.	:	C-2018-3001870
Windstream Pennsylvania, LLC	:	C-2018-3001871
Bentleyville Communications Corporation	:	C-2018-3001916
Hickory Telephone Company	:	C-2018-3001917
Lackawaxen Telecommunications Services, Inc.	:	C-2018-3001913
Marianna & Scenery Hill Telephone Company	:	C-2018-3001912
North-Eastern Pennsylvania Telephone Company	:	C-2018-3001915

---

**JOINT PROCEDURAL STIPULATION  
FOR STAY OF COMPLAINT PROCEEDINGS**

---

AND NOW, come Consolidated Communications of Pennsylvania Company (“CCPA”), Windstream Buffalo Valley, Inc. (“WBV”), Windstream Conestoga, Inc. (“WC”), Windstream D&E, Inc. (“WDE”), Windstream Pennsylvania, LLC (“WPA”), Bentleyville Communications Corporation (“BCC”), Hickory Telephone Company (“HTC”), Lackawaxen Telecommunications Services, Inc. (“LTS”), Marianna & Scenery Hill Telephone Company (“M&SH”), and The North-Eastern Pennsylvania Telephone Company (“NEP”), each a rural incumbent local exchange carrier (collectively the “RLECs”), the Office of Consumer Advocate (“OCA”), and the Office of Small Business Advocate (“OSBA”), by their respective attorneys, and submit this Stipulation in connection with the above-captioned proceedings, as follows:

**I. BACKGROUND**

1. These proceedings concern the 2018 annual Chapter 30 Price Stability Index/Service Price Index (“PSI/SPI”) filings of the RLECs which were filed on or before May 1, 2018. With the limited exception of the LTS filing which proposed to implement a nominal annual rate increase of \$312, none of the PSI/SPI filings will result in any actual rate increases.

2. The OCA filed Formal Complaints against all the 2018 PSI/SPI filings of the RLECs, generally alleging that the RLECs’ PSI/SPI filings fail to contain any “Z factor” adjustments to recognize, as an exogenous event, the effect of any savings in tax expenses resulting from the enactment of the federal Tax Cuts and Jobs Act of 2017 (“TCJA”).

3. The OSBA has formally intervened in each of these proceedings.

4. By separate Secretarial Letters dated May 24, 2018, the Commission granted

extensions until June 25, 2018 for each of the RLECs to file an Answer and/or any other responsive pleading to the OCA's Formal Complaints.

5. At its public meeting of June 14, 2018, the Commission unanimously approved a Motion by Vice Chairman Place which accepted the RLECs' annual PSI/SPI filings as being procedurally consistent with the RLECs' corresponding Chapter 30 plans and permitted them to go into effect, including the rate increase proposed by LTS, subject to the adjudication of the corresponding Formal Complaints. The Motion also assigned the Formal Complaints to the Office of Administrative Law Judge for adjudication and directed the preparation of appropriate Orders consistent with the Motion.<sup>1</sup>

6. The Formal Complaints notwithstanding, the Commission is actively investigating the impact of the TCJA on Pennsylvania telecommunications carriers for 2018 and future years in a separate proceeding at Docket No. M-2018-2641242.<sup>2</sup> In addition to directing data requests to Pennsylvania's incumbent local exchange carriers addressing the effects of the TCJA, the Commission also solicited comments from interested parties on: (1) all provisions, under either Chapter 30, the telecommunications carriers' alternative regulation plans, or any other provision of the Public Utility Code and Commission regulations addressing the carriers' or the Commission's ability to adjust customer rates to account for the tax changes, including the rate reductions in the TCJA; (2) whether the Commission should adjust current retail and wholesale rates to reflect the effect of the tax rate reductions; (3) if so, the appropriate negative surcharge or other methodologies that would permit immediate modifications to consumer rates; and (4) whether the surcharge or other methodology should provide that any refunds to customers due to these tax rate reductions be effective as of January 1, 2018. The investigation

---

<sup>1</sup> As of the date of this Stipulation, an Order has only been entered at Docket No. R-2018-3001199 (relating to LTS).

<sup>2</sup> See *The Tax Cuts and Jobs Act of 2017*, Docket No. M-2018-2641242 (Sec. Letter issued Mar. 2, 2018).

at Docket No. M-2018-2641242 remains pending, but its outcome could impact and potentially resolve some or all of the matters at issue in the Formal Complaints.

## **II. STIPULATION**

7. The parties have engaged in discussions aimed at reducing the burden of the Commission and the parties related to litigating the issues raised in the OCA's Formal Complaints. Accordingly, the parties hereby jointly stipulate and agree as follows:

a. Adjudication of the OCA's Formal Complaints shall be immediately stayed until all formal and informal discovery in these cases has concluded.

b. The current deadline of June 25, 2018 for the submission of the RLECs' respective answers and/or other responsive pleadings to the Formal Complaints shall be immediately suspended and held in abeyance until further notice.

c. The parties shall reconvene upon completion of discovery to discuss, *inter alia*, (i) the appropriate procedure and protocol to be followed for the adjudication of these complaints, including the adoption of a proposed schedule that would include the establishment of a new deadline for the RLECs' Answers and/or other responsive pleadings; (ii) whether any of the Formal Complaints should be terminated; (iii) the possible means for limiting the scope of procedural and substantive issues in dispute between the parties; (iv) the possible consolidation of the Formal Complaints; and (v) the impact and, if applicable, outcome of the Commission's investigation at Docket No. M-2018-2641242 on these cases.

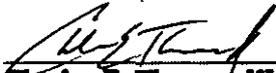
d. After reconvening, the parties shall report back to the Commission on the status of the stay and these Complaints.

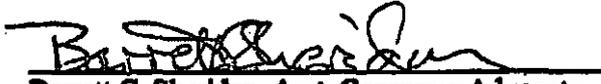
e. The parties agree that by entering this Stipulation, no party waives its

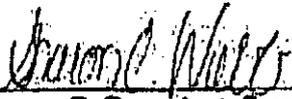
rights to raise any procedural or substantive legal or factual issue that could have been raised by the party had a stay not been granted, and the parties retain all substantive and procedural rights, responsibilities, remedies, arguments, positions, obligations, and responsibilities that would have been available to them irrespective of whether a stay had been granted in these cases.

WHEREFORE, in accordance with the terms of this Stipulation, the parties respectfully request a stay of each of the above-captioned complaint proceedings pending the completion of discovery and adoption of the foregoing procedural modifications with respect to the adjudication of these matters.

Respectfully submitted,

  
Charles E. Thomas, III, Esq.  
THOMAS, NIESEN & THOMAS, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101  
Tel: 717.255.7611  
[cet3@tntlawfirm.com](mailto:cet3@tntlawfirm.com)  
*Counsel for the RLECs*

  
Barrett C. Sheridan, Asst. Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101  
Tel: 717.783.5048  
[BSheridan@paoca.org](mailto:BSheridan@paoca.org)  
*Counsel for Office of Consumer Advocate*

  
Steven C. Gray, Asst. Small Business Advocate  
Sharon E. Webb, Asst. Small Business Advocate  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
Tel: 717.783.2525  
[sgray@pa.gov](mailto:sgray@pa.gov)  
[swebb@pa.gov](mailto:swebb@pa.gov)  
*Counsel for Office of Small Business Advocate*

DATED: June 21, 2018

RECEIVED

2018 JUN 22 AM 9:50

PA PUC  
SECRETARY'S BUREAU  
FRONT DESK