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October 2, 2020

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov)

In Re: PaPUC Docket Nos. A-2020-3020004; A-2020-3020005; A-2020-3020006; A-2020-3020007; A-2020-3020009; A-2020-3020010; A-2020-3020011; A-2020-3020012; A-2020-3020013; and A-2020-3020014

Joint Application of Frontier Communications Corporation, *et al.*, for Expedited Waiver of Approval of Administrative Change in Control Or, In the Alternative, Approval of a Pro Forma Transaction

Dear Secretary Chiavetta:

We are counsel to Frontier Communications Corporation, *et al.*, in the above matter and are submitting, with this letter via electronic filing, Responses to the Bureau of Technical Utility Services Additional Data Requests 1 and 2.

Please contact with me with any questions or if anything further is required in regard to this matter.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

Enclosure

cc: Marc Hoffer, TUS (via email, w/encl.)  
Frederick Thomas, Esq. (via email, w/encl.)  
Scott J. Rubin, Esq. (via email, w/encl.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Joint Application of:**

**Frontier Communications Corporation;  
Frontier Subsidiary Telco LLC;  
Commonwealth Telephone Enterprises LLC;  
Commonwealth Telephone Company LLC d/b/a  
Frontier Communications Commonwealth  
Telephone Company;  
Frontier Communications of Breezewood, LLC;  
Frontier Communications of Canton, LLC;  
Frontier Communications of Lakewood, LLC;  
Frontier Communications of Oswayo River LLC;  
Frontier Communications of Pennsylvania, LLC;  
Citizens Telecommunications Company of New  
York, Inc.;  
CTSI, LLC d/b/a Frontier Communications CTSI,  
LLC;  
CTE Telecom, LLC d/b/a Frontier  
Communications CTE Telecom Company; and  
Frontier Communications of America, Inc.**

**For Waiver of Approval of Administrative Change  
in Control Associated with the Chapter 11 Plan of  
Reorganization of Frontier Communications  
Corporation and Its Subsidiaries Or, In the  
Alternative, Approval of a *Pro Forma* Transaction  
Associated with the Plan of Reorganization**

**Docket Nos. A-2020-3020004, A-  
2020-3020005, A-2020-3020006, A-  
2020-3020007, A-2020-3020009,  
A-2020-3020010, A-2020-3020011,  
A-2020-3020012, A-2020-3020013,  
A-2020-3020014**

**JOINT APPLICANTS' RESPONSES  
TO STAFF INQUIRIES FOR REVIEW OF TRANSACTIONS**

**UNDER 52 PA. CODE §§ 63.321 – 63.325**

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The above-captioned Joint Applicants (collectively, "Frontier") hereby respond to Staff Inquiries for Review of Transactions under 52 Pa. Code §§ 63.321 – 63.325 ("Requests") dated September 18, 2020.

## GENERAL OBJECTIONS

Frontier makes the following General Objections. Nothing contained in Frontier's responses is intended to be, or in any way constitutes, a waiver of Frontier's objections or right to object to any additional, supplemental, or further Request. These General Objections are incorporated by reference and made part of Frontier's responses to each Request as if fully repeated there.

1. Frontier objects to each Request to the extent it is overbroad, unduly burdensome, and/or not reasonably calculated to lead to the discovery of admissible evidence. In particular, and without limitation, Frontier objects to each Request to the extent it seeks documents or information beyond the relevant subject matter of this proceeding or its geographic or temporal scope.

2. Frontier objects to each Request to the extent it seeks documents or information beyond Frontier's knowledge, possession, custody, or control. Frontier responds on behalf of Frontier only, and Frontier's responses are limited to information and documents within Frontier's knowledge, possession, custody, or control.

3. Frontier objects to each Request to the extent it is vague or ambiguous, and to the extent it seeks documents or information not identified with reasonable particularity.

4. Frontier objects to each Request to the extent it seeks documents or information not collected or maintained by Frontier in the normal course of business.

5. Frontier objects to each Request to the extent it requires Frontier to undertake legal analyses or provide legal interpretations or conclusions.

6. Frontier objects to each Request to the extent it seeks documents or information (a) on services or business activities not subject to the jurisdiction of the Pennsylvania Public Utility

Commission (“Commission”), (b) from an entity not subject to its jurisdiction, and/or (c) otherwise unrelated to the entities and assets that are the subject of this proceeding.

7. Frontier objects to each Request to the extent it seeks documents or information protected from discovery by the attorney-client privilege, the work-product doctrine, the community of interest doctrine, a joint defense agreement, or any other applicable privilege or immunity. Frontier specifically reserves the right to request the return of such documents or information, without prejudice to any claim of privilege, in the event any such document or information is inadvertently produced. Nothing contained in these responses is intended to be, or in any way constitutes, a waiver of any applicable privilege or immunity.

8. In responding, Frontier does not waive and expressly preserves: (a) all objections as to competency, relevance, materiality, privilege, or admissibility; (b) all rights to object on any grounds to the use of any objections, responses, or answers; and (c) the right at any time to amend, correct, supplement, or clarify any of the responses, objections, or answers found herein.

9. Any confidential or proprietary information or documents produced by Frontier shall be subject to the terms of an appropriate confidentiality agreement or protective order of the Commission.

### **SPECIFIC RESPONSES**

The following responses are subject to and without waiver of the foregoing General Objections, which are specifically incorporated into each response as if fully set forth therein.

#### **Commission Request 1:**

Provide a summary and the updated status of the following complaints made to the Bureau of Consumer Services (BCS): BCS Case Numbers 3679147, 3718496, 3727684, 3733590, 3759301, 376544, 3584890, 3626668 and 3631806.

**Response to Commission Request 1:**

A summary and updated status of these complaints is set forth in the “Summary and Update Report” attached hereto as **Exhibit 1**.

**Commission Request 2:**

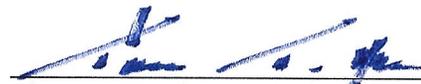
Verify that each Frontier ILEC is committed to providing broadband per its chapter 30 obligation. Each ILEC shall file an acknowledgement that it has to make broadband available, it has to provide broadband at the Chapter 30 minimum speeds and honor them, and it has and will continue to provide broadband service on a 10-day turn around upon request.

**Response to Commission Request 2:**

Each Frontier ILEC acknowledges and agrees to comply with the applicable Chapter 30 requirements to make broadband available, to provide broadband at the Chapter 30 minimum speeds and honor them, and to provide broadband service on a 10-day turn around upon request.

*[Signature page follows.]*

Dated: October 2, 2020  
Harrisburg, Pennsylvania



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*Counsel for Joint Applicants*

**EXHIBIT 1**

## Exhibit 1

### Summary and Updated Status Report Regarding Bureau of Consumer Services (“BCS”) Complaints

1. **BCS Case No.: 3679147**

- Dated February 22, 2019
- Christiana, PA

Customer complaint: “I called Frontier to: 1) cancel my landline service and 2) upgrade my internet service from 8 mbps to 12 mbps. The agent at Frontier said the earliest a technician could come out to make the internet service upgrade would be Feb. 12 ... no tech showed up and nobody contacted me to inform me of that or provide an explanation.”

Frontier original response in 2019: Frontier advised that due to a heavy workload in Customer’s area the order to upgrade the Internet speed and cancel the second phone number was delayed. Frontier further advises Customer’s contact number was not updated correctly causing all due date changes to be modified without notification to the correct contact number. Frontier successfully completed the cancellation of phone number 6105933381 and the upgrade of the Internet on March 11, 2019. Frontier issued a credit for the difference in the service requested opposed to the service charged over the prior three months.

BCS Allegation: Broadband service must be made available to a customer within ten business days after the customer's request for broadband service - customer received the confirmation for the internet service on 1/10/2019, but it was NOT made available/installation was NOT completed for the customer until 3/11/2019.

Frontier further response: The Customer was provisioned for a service speed in excess of the Chapter-30 requirement when the customer’s upgrade request was inadvertently misdirected (Customer was upgraded to a 12 Mbps plan and is provisioned at 19 Mbps download and 1.92 Mbps upload). Frontier identified the issue impacting the customer’s service request (including the miscommunication about the customer’s contact number) and has taken necessary corrective action to avoid further problems of this nature. Frontier also utilized the review of the complaint as an opportunity to review and confirm the manner of responses for such requests.

2. **BCS Case No.: 3718496**

- Dated July 18, 2019
- Tunkhannock, PA

Customer complaint: “The speed of the broadband service that is currently being provided by Frontier Communications does not meet the minimum speed requirements that are specified by the Pennsylvania Public Utility Commission of 1.544 megabits per second download and 0.128 megabits per second upload.”

FTR original response in 2019: Frontier advised that the Customer subscribes to Internet Lite (speeds as fast as 1 Mbps). Frontier also advised that the actual Internet speed at the service address, and the ability to access various Internet services will vary as a result of various factors including connecting via WiFi, multiple users or devices on the same account, distance to serving facilities, the capacity, performance or limitations of inside wiring and personally owned equipment. A Frontier technician was dispatched and performed a speed test from Customer’s network interface device. The speed tested at that time was .828 Mbps. Frontier advised Customer about available options should the Customer wish to upgrade to that service tier and offered to assist the Customer with changing his Internet to Frontier’s satellite partner for additional bandwidth. Frontier also noted it is continually working to improve its network and its customers’ experience; however, Frontier has no specific plans to offer service in Customer area at this time.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier further response: The Customer subscribed to Frontier’s basic tier of service—Internet Lite—and was provisioned to receive 1.536 Mbps download and .896 Mbps upload. Frontier has offered the customer an alternative higher speed broadband option through Frontier’s third-party satellite provider partner. Frontier also notified Customer that under Chapter 30 of the Pennsylvania Public Utility Code, Frontier has a continuing obligation to make Internet service of 1.544 Mbps download speed and 0.128 Mbps upload speed available to consumers in its service territory.

3. **BCS Case No.: 3727684**

- Dated August 21, 2019
- Kingsley, PA

Customer complaint: “Customer is disputing that her internet speed is only 0.2 speed and it should be between 1.0-3.0. The internet has been out since Aug 17th and still not working.”

FTR response in 2019: Frontier advised that Internet service speeds are based upon many factors, including customer location, customer equipment, and WiFi network interference. Frontier also advised that Customer speeds may vary over time and that Frontier is continually working to improve its network and its customers’ experience; however, Frontier has no specific plans for upgrades in Customer’s area. Frontier is providing the fastest landline Internet speeds that it can provide to this location at the current time. Frontier applied an adjustment to Customer’s account for time out of service.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier further response: The Customer was provisioned to receive Chapter 30-compliant 1.544 Mbps service (1.544 Mbps download / .384 Mbps upload). Frontier has also notified the customer that under Chapter 30 of the Pennsylvania Public Utility Code, Frontier has a continuing obligation to make Internet service of 1.544 Mbps download speed and 0.128 Mbps upload speed available to consumers in its service territory.

4. **BCS Case No.: 3733590**

- Date September 12, 2019
- Little Meadows, PA

Customer complaint: “Customer is disputing the low internet speeds and continue disconnect issues with the internet. Customer stated she received only speed for 0.03 on the internet.”

FTR response in 2019: Frontier advised that Internet speeds are based on multiple variables including limitations of the computer, wiring inside the home, time of day, and distance from Frontier’s equipment. Frontier also noted that Customer Internet speeds may vary over time and that Frontier is continually working to improve its network and its customers’ experience. Frontier also noted at the time that it had no specific plans for upgrades in Customer’s area. Frontier dispatched a technician on September 17, 2019 and repaired Customer’s Internet programming. Frontier has issued a credit for the service concerns experienced by Customer.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier further response: The Customer is no longer a Frontier broadband customer. Frontier has, since the date of customer’s broadband service disconnection, offered the Customer an alternative higher speed broadband service option through Frontier’s third-party satellite provider partner. Frontier also utilized the review of the complaint as an opportunity to review and confirm the manner of responses for service calls.

5. **BCS Case No.: 3759301**

- Dated February 18, 2020
- Friendsville, PA

Customer complaint: “#1 no landline service during power outage. #2 Have been paying for 6MB download internet speed. Consistently receive much less than 1.0. Usually about .06MB.”

FTR response in 2020: Frontier noted that internet speeds are based on multiple variables including limitations of the customer’s computer, time of day, and distance from the central office. A Frontier technician was dispatched to the Customer’s location and no issues were found. Frontier noted it would continue to work toward a solution that will improve Customer’s service and it was Frontier’s expectation that Frontier would add facilities / equipment.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier further response: Frontier added additional equipment / facilities in customer’s area. The customer was provisioned to receive Chapter 30-compliant 1.544 Mbps service (Customer is on an 18 Mbps / 1 Mbps plan and is provisioned at over 26 Mbps download / 1.5 Mbps upload). Frontier also utilized the review of the complaint as an opportunity to review and confirm the manner of responses for trouble reports.

6. **BCS Case No.: 3765441**

- Dated May 28, 2020
- Quarryville, PA

Customer complaint: “Poor or lack of high speed internet service. According to PA Broadband Bill of Rights the telecommunications companies are to be providing an internet speed of 1.544mbps download speed yet I average 0.5 mbps on average.”

FTR response in 2020: Frontier issued a repair ticket to address Customer’s Internet speed concerns. The repair was scheduled for June 22, 2020. Frontier records show that a Frontier technician was dispatched to Customer’s location on June 19, 2020. The technician replaced the Internet modem. Once the repair was completed, the technician confirmed properly working Internet service. The Internet service was confirmed to provide an Internet speed of 3.71 Mbps. Frontier records show that Customer is subscribed to Broadband Max (up to 6 Mbps). As stated in Frontier’s terms and conditions, actual Internet speeds may vary, and any speed advertised is not a guarantee. Frontier’s promotional materials also clearly state that actual speeds may vary and are not guaranteed and service is subject to availability. Frontier advises that it is continually working to improve its network and its customers’ experience; however, Frontier has no specific plans for upgrades in Customer’s area at this time.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier further response: The customer was provisioned to receive Chapter 30-compliant 1.544 Mbps service (over 3.5 Mbps down / .5 Mbps up). Frontier has also offered the customer an alternative higher speed broadband option through its third-party satellite provider partner.

7. **BCS Case No: 3584890**

- Dated January 16, 2018
- Laporte, PA

Customer complaint: “First, we are very appreciative of the fact that we can even get broadband Internet access in our relatively remote location, provided by Frontier Communications. And, as they've tried to help us through our situation, they've been nothing but polite and helpful, doing the best they know how. But we've exhausted all our channels there, and they say there is nothing they can do to help us. But the problem is that we are not reliably receiving anywhere near the Internet access speed/bandwidth what we are paying for (\$72/mo for Broadband Max "...as fast as 6Mbps!"), nor what is guaranteed (1.544 Mbps down) by the "PA Broadband Bill of Rights". Much of the time it is even functional, when I use Frontier's own bandwidth test tool, it registers somewhere between 100-500 kbps down.”

FTR response in 2018: Internet speeds are based on multiple variables including limitations of the computer, wiring inside the home, time of day, distance from Frontier's equipment, etc. Frontier is providing the fastest landline Internet speeds that it can provide to this location at the current time. Unfortunately, Frontier has no landline upgrade projects currently scheduled for this area.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier further response: Customer is no longer a Frontier broadband customer. Frontier has, since the date of customer's broadband service disconnection, offered the customer an alternative higher speed broadband option through Frontier's third-party satellite provider partner.

**8. BCS Case No.: 3626668**

- Dated June 21, 2018
- Susquehanna, PA

Customer complaint: “Customer has kept a speed log for 10 months, since knowledge of Chapter 30, requiring download speed of at least 1.54 Mbps and upload speed of 128 kbps. Average speed is 0.112 mbps down and 80 kbps up.”

FTR response in 2018: Frontier advises that internet service speeds are based upon many factors, including customer location, customer equipment, and WiFi network interference. Customer speeds may vary over time. response: Frontier also advised that the available internet speed depends on the distance from Frontier’s closest facilities. Mr. Peterson’s location is over 23423 feet from the nearest Frontier facilities. As stated in Frontier’s terms and conditions, actual internet speeds may vary, and any speed advertised is not a guarantee. Frontier’s promotional materials also clearly state that “Actual speeds may vary and are not guaranteed” Service subject to availability” In order to assist the customer, Frontier’s local engineering/operations staff has advised that equipment on Customer’s line is in the process of being upgraded in order to boost signal strength and speed; A member of Frontier’s local management team will follow-up with the customer once the equipment has been installed.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier update / compliance response: Frontier added additional facilities / equipment and the Customer was provisioned to receive Chapter 30-compliant 1.544 Mbps service (1.664 Mbps down / .512 Mbps up). Frontier has also notified the Customer that under Chapter 30 of the Pennsylvania Public Utility Code, Frontier has a continuing obligation to make Internet service of 1.544 Mbps download speed and 0.128 Mbps upload speed available to consumers in its service territory.

9. **BCS Case No.: 3631806**

- Dated July 11, 2018
- Dushore, PA

Customer complaint: “Customer states that she is receiving very slow internet service. The customer says her download speed is 0.01 to 0.31. The upload speed is 0.19.”

FTR response in 2018: Frontier advises that Internet service speeds are based upon many factors, including, customer location, customer equipment, and WiFi network interference. Customer speeds may vary over time. Frontier also advises that the available Internet speed depends on the distance from Frontier’s closest facilities. Customer’s location is over 16,000 feet from the nearest Frontier facilities. Frontier is providing the fastest Internet speed that it can provide at this location at this time. Customer is provisioned at more than 1.544 Mbps Frontier advises that it is continually working to improve its network and its customers’ experience; however, Frontier has no specific plans for upgrades in Ms. Richard’s area at this time. Frontier advises that Customer pays \$19.99 per month for his Frontier Internet service, the lowest price available.

BCS Allegation: Company failed to provide the customer with a bandwidth equal to or greater than 1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction.

Frontier further response: The customer was provisioned to receive Chapter 30-compliant 1.544 Mbps service (1.664 Mbps download / .512 Mbps upload). Frontier has also notified the customer that under Chapter 30 of the Pennsylvania Public Utility Code, Frontier has a continuing obligation to make Internet service of 1.544 Mbps download speed and 0.128 Mbps upload speed available to consumers in its service territory.

## VERIFICATION

I, Allison Ellis, Senior Vice President, Regulatory Affairs of Frontier Communications Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



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Allison Ellis  
Senior Vice President  
Regulatory Affairs  
Frontier Communications Corporation

Dated: October 2, 2020