



COMMONWEALTH OF PENNSYLVANIA

June 10, 2022

E-FILED

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Pennsylvania Public Utility Commission v. Windstream Conestoga /
Docket No. R-2022-3031746**

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

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

Sincerely,

/s/ Steven C. Gray

Steven C. Gray
Senior Supervising Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Joseph Gillan
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2022-3031746
	:	
Windstream Conestoga	:	

**COMPLAINT OF THE
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

The Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

2. The name and address of the attorney for the Office of Small Business Advocate (“OSBA”) is:

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

3. The respondent utility is:

Windstream Communications
4001 Rodney Parham Road
Little Rock, AR 72212

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. This Complaint is filed against the rates, terms, and other provisions of 2022 Price Stability Index/Service Price Index (“PSI/SPI”) filing of Windstream Conestoga (“Windstream Conestoga” or the “Company”) which was filed with the Commission on May 20, 2022. The Company’s 2022 PSI/SPI filing proposes significant rate increases for small businesses in Windstream Conestoga’s service territory.

6. After preliminary review of the materials filed by the Company in support of the proposed rate increases, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increases requested and that the Company’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

7. Complainant believes, and therefore avers, that the Company’s proposed rate increases may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa. C.S. §§1301 and 1304, contrary to appropriate public policy and sound ratemaking considerations, and in violation of Windstream Conestoga’s Chapter 30 Plan.

8. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

A. Suspend and investigate Windstream Conestoga’s 2022 PSI/SPI filing;

- B. At the conclusion of such investigation, reject any proposed new rates that are not found to be lawful, just, reasonable, and not unduly discriminatory to small business customers; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Steven C. Gray

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

Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: June 10, 2022

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the 2022 Price Stability Index/Service Price Index (“PSI/SPI”) filing of Windstream Conestoga (“Windstream Conestoga” or the “Company”) which was filed with the Commission on April 28, 2022. The Company’s 2022 PSI/SPI filing proposes significant rate increases for small businesses in Windstream Conestoga’s service territory.

The Small Business Advocate files this formal complaint against the Company’s proposed rate increases in order to protect the interests of Windstream Conestoga’s small business customers. A thorough inquiry by the Commission into all elements of the Company’s proposed rate increase is necessary to ensure that any increases are lawful, just, reasonable, and not unduly discriminatory to Windstream Conestoga’s small business customers.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed rate increases. The Small Business Advocate will ask the Commission to deny any proposed rate increases that apply to small business customers that are not proven by Windstream Conestoga to

be lawful, just, reasonable, and not unduly discriminatory to the Company's small business customers.

Dated: June 10, 2022

