

Sarah C. Stoner
717.237.6026
sstoner@eckertseamans.com

October 11, 2022

Via Electronic Filing

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

Re: The North Eastern Pennsylvania Telephone Company et al., PSI/SPI Filing for Year 2018
Docket Nos. R-2018-3001197; R-2018-3001104; R-2018-3001217; R-2018-3001199;
R-2018-3001132; R-2018-3001135; R-2018-3001133; R-2018-3001150; R-2018-
3001213; R-2018-3001201

Office of Consumer Advocate v. The North Eastern Pennsylvania Telephone Company,
et al., Docket Nos. C-2018-3001915; C-2018-3001915; C-2018-3001863; C-2018-
3001917; C-2018-3001913; C-2018-3001865; C-2018-3001864; C-2018-3001870; C-
2018-3001871; C-2018-3001916; C-2018-3001912

The North Eastern Pennsylvania Telephone Company et al., PSI/SPI Filing for Year 2019
Docket Nos. R-2019-3009237; R-2019-3009336; R-2019-3007261; R-2019-3009233; R-
2019-3010106; R-2019-3010097; R-2019-3010100; R-2019-3010101; R-2019-3009230;
R-2019-3009241; R-2019-3007258; R-2019-3007949; R-2019-3007948

Office of Consumer Advocate v. The North Eastern Pennsylvania Telephone Company,
et al., Docket Nos. C-2019-3009896; C-2019-3009897; C-2019-3007887; C-2019-
3009881; C-2019-3010150; C-2019-3010148; C-2019-3010149; C-2019-3010152; C-
2019-3009899; C-2019-3009894; C-2019-3007888; C-2019-3008487; C-2019-3008478

Citizens Telephone Company of Kecksburg et al., PSI/SPI Filing for Year 2020
Docket Nos. R-2020-3016016 and R-2020-3016018

Office of Consumer Advocate v. Citizens Telephone Company of Kecksburg, et al.,
Docket Nos. C-2020-3018508 and C-2020-3018500

Dear Secretary Chiavetta:

Enclosed for electronic filing please find North Eastern Pennsylvania Telephone Company (“NEPTC”), Consolidated Communications of Pennsylvania, Inc. (“CCPA”), Hickory Telephone Company (“HTC”), Lackawaxen Telecommunications Services, Inc. (“Lackawaxen”), Windstream Buffalo Valley, Inc. (“Windstream Buffalo Valley”), Windstream Conestoga, Inc. (“Windstream Conestoga”), Windstream D&E, Inc. (“Windstream D&E”), Windstream Pennsylvania, LLC (“Windstream Pennsylvania”), Bentleyville Communications Corporation (“Bentleyville”), Marianna & Scenery Hill Telephone Company (“Marianna”), Ironton Telephone Company (“Ironton”), Citizens Telephone Company of Kecksburg (“Kecksburg”), TDS Telecom/Mahanoy & Mahantango Telephone Company (“TDS M&M”), and TDS Telecom/Sugar Valley Telephone Company (“TDS SV”) (collectively, the “Rural ILECs”) Motion to Consolidate with regard to the above-referenced matters. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

Sarah C. Stoner
Sarah C. Stoner, Esq.

SCS/lww

Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the Motion to Consolidate upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

Hon. Steven Haas
Administrative Law Judge
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
sthaas@pa.gov

Steven C. Gray, Esq.
Sharon E. Webb, Esq.
Office of Small Business Advocate
Forum Place Building
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov
swebb@pa.gov

Barrett C. Sheridan, Esq.
Office of Consumer Advocate
Forum Place Building
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
bsheridan@paoca.org

Dated: October 11, 2022

/s/ Sarah C. Stoner

Sarah C. Stoner, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The North Eastern Pennsylvania Telephone Company PSI/SPI Filing for Year 2018	:	Docket Nos.	R-2018-3001197
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	:		
Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001915
The North Eastern Pennsylvania Telephone Company,	:		
Respondent	:		
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Consolidated Communications of Pennsylvania, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001104
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001863
Consolidated Communications of Pennsylvania Inc.	:		
Respondent	:		
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Hickory Telephone Company PSI/SPI Filing for Year 2018	:		R-2018-3001217
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001917
Hickory Telephone Company	:		
Respondent	:		

Lackawaxen Telecommunications Services, Inc. PSI/SPI Filing for Year 2018	:	Docket Nos.	R-2018-3001199
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001913
Lackawaxen Telecommunications Services, Inc.	:		
Respondent	:		
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Windstream Buffalo Valley, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001132
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001865
Windstream Buffalo Valley, Inc.	:		
Respondent	:		
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Windstream Conestoga, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001135
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001864
Windstream Conestoga, Inc.	:		
Respondent	:		
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Windstream D&E, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001133
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001870
Windstream D&E, Inc.	:		
Respondent	:		
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Windstream Pennsylvania, LLC PSI/SPI Filing for Year 2018	:	Docket No.	R-2018-3001150
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001871
Windstream Pennsylvania, LLC	:		
Respondent	:		
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Bentleyville Communications Corporation PSI/SPI Filing for Year 2018	:		R-2018-3001213
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001916
Bentleyville Communications Corporation	:		
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Marianna & Scenery Hill Telephone Company PSI/SPI Filing for Year 2018	:		R-2018-3001201
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001912
Marianna & Scenery Hill Telephone Company	:		
Respondent	:		
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The North Eastern Pennsylvania Telephone Company PSI/SPI Filing for Year 2019	:		R-2019-3009237
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2019-3009896
The North Eastern Pennsylvania Telephone Company,	:		
Respondent	:		
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Consolidated Communications of Pennsylvania, Inc. PSI/SPI Filing for Year 2019	:	Docket No.	R-2019-3009336
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2019-3009897
Consolidated Communications of Pennsylvania Inc.	:		
Respondent	::		
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Ironton Telephone Company PSI/SPI Filing for Year 2019	:		R-2019-3007261
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2019-3007887
Ironton Telephone Company	::		
Respondent	:		
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Lackawaxen Telecommunications Services, Inc. PSI/SPI Filing for Year 2019	:		R-2019-3009233
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Office of Consumer Advocate	:		
Complainant	:		
v.	::		C-2019-3009881
Lackawaxen Telecommunications Services, Inc.	:		
Respondent	:		
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Windstream Buffalo Valley, Inc. PSI/SPI Filing for Year 2019	:		R-2019-3010106
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Office of Consumer Advocate	::		
Complainant	:		C-2019-3010150
v.	:		
Windstream Buffalo Valley, Inc.	:		
Respondent	:		
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Windstream Conestoga, Inc. PSI/SPI Filing for Year 2019	:	Docket No.	R-2019-3010097
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Windstream Conestoga, Inc.	:		C-2019-3010148
	:	Respondent	
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Windstream D&E, Inc. PSI/SPI Filing for Year 2019	:		R-2019-3010100
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Windstream D&E, Inc.	:		C-2019-3010149
	:	Respondent	
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Windstream Pennsylvania, LLC PSI/SPI Filing for Year 2019	:		R-2019-3010101
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Windstream Pennsylvania, LLC	:		C-2019-3010152
	:	Respondent	
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Bentleyville Communications Corporation PSI/SPI Filing for Year 2019	:		R-2019-3009230
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Bentleyville Communications Corporation	:		C-2019-3009899
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Marianna & Scenery Hill Telephone Company PSI/SPI Filing for Year 2019	:	Docket No. R-2019-3009241
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3009894
Marianna & Scenery Hill Telephone Company	:	
Respondent	:	
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Citizens Telephone Company of Kecksburg PSI/SPI Filing for Year 2019	:	R-2019-3007258
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3007888
Citizens Telephone Company of Kecksburg	:	
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TDS Telecom/Mahanoy & Mahantango Telephone Company PSI/SPI Filing for Year 2019	:	R-2019-3007949
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3008487
TDS Telecom/Mahanoy & Mahantango Telephone Company	:	
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TDS Telecom/Sugar Valley Telephone Company PSI/SPI Filing for Year 2019	:	R-2019-3007948
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3008478
TDS Telecom/Sugar Valley Telephone Company	:	

NOTICE TO PLEAD

To: Parties of Record

You are hereby notified that an Answer to the enclosed **Motion to Consolidate** of the Rural ILECs must be filed within 20 days of the date of service. All pleadings, such as an Answer to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for the Authority and the Office of Administrative Law Judge.

File with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
<https://efiling.puc.pa.gov/Login>

With a copy to:

Deanne M. O'Dell
Sarah C. Stoner
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dodell@eckertseamans.com
sstoner@eckertseamans.com

Lauren M. Burge
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
lburge@eckertseamans.com

/s/ Sarah C. Stoner

Sarah C. Stoner

Counsel for the Rural ILECs

Date: October 11, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The North Eastern Pennsylvania Telephone Company PSI/SPI Filing for Year 2018	:	Docket Nos.	R-2018-3001197
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	:		
Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001915
The North Eastern Pennsylvania Telephone Company,	:		
Respondent	:		
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Consolidated Communications of Pennsylvania, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001104
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001863
Consolidated Communications of Pennsylvania Inc.	:		
Respondent	:		
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Hickory Telephone Company PSI/SPI Filing for Year 2018	:		R-2018-3001217
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001917
Hickory Telephone Company	:		
Respondent	:		

Lackawaxen Telecommunications Services, Inc. PSI/SPI Filing for Year 2018	:	Docket Nos.	R-2018-3001199
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001913
Lackawaxen Telecommunications Services, Inc.	:		
Respondent	:		
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Windstream Buffalo Valley, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001132
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001865
Windstream Buffalo Valley, Inc.	:		
Respondent	:		
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Windstream Conestoga, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001135
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001864
Windstream Conestoga, Inc.	:		
Respondent	:		
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Windstream D&E, Inc. PSI/SPI Filing for Year 2018	:		R-2018-3001133
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001870
Windstream D&E, Inc.	:		
Respondent	:		

Windstream Pennsylvania, LLC PSI/SPI Filing for Year 2018	:	Docket No.	R-2018-3001150
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001871
Windstream Pennsylvania, LLC	:		
Respondent	:		
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Bentleyville Communications Corporation PSI/SPI Filing for Year 2018	:		R-2018-3001213
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001916
Bentleyville Communications Corporation	:		
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Marianna & Scenery Hill Telephone Company PSI/SPI Filing for Year 2018	:		R-2018-3001201
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2018-3001912
Marianna & Scenery Hill Telephone Company	:		
Respondent	:		
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The North Eastern Pennsylvania Telephone Company PSI/SPI Filing for Year 2019	:		R-2019-3009237
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2019-3009896
The North Eastern Pennsylvania Telephone Company,	:		
Respondent	:		
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Consolidated Communications of Pennsylvania, Inc. PSI/SPI Filing for Year 2019	:	Docket No.	R-2019-3009336
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2019-3009897
Consolidated Communications of Pennsylvania Inc.	:		
Respondent	::		
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Ironton Telephone Company PSI/SPI Filing for Year 2019	:		R-2019-3007261
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Office of Consumer Advocate	:		
Complainant	:		
v.	:		C-2019-3007887
Ironton Telephone Company	::		
Respondent	:		
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Lackawaxen Telecommunications Services, Inc. PSI/SPI Filing for Year 2019	:		R-2019-3009233
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Office of Consumer Advocate	:		
Complainant	:		
v.	::		C-2019-3009881
Lackawaxen Telecommunications Services, Inc.	:		
Respondent	:		
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Windstream Buffalo Valley, Inc. PSI/SPI Filing for Year 2019	:		R-2019-3010106
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Office of Consumer Advocate	::		
Complainant	:		C-2019-3010150
v.	:		
Windstream Buffalo Valley, Inc.	:		
Respondent	:		

Windstream Conestoga, Inc. PSI/SPI Filing for Year 2019	:	Docket No.	R-2019-3010097
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Windstream Conestoga, Inc.	:		C-2019-3010148
	:	Respondent	
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Windstream D&E, Inc. PSI/SPI Filing for Year 2019	:		R-2019-3010100
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Windstream D&E, Inc.	:		C-2019-3010149
	:	Respondent	
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Windstream Pennsylvania, LLC PSI/SPI Filing for Year 2019	:		R-2019-3010101
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Windstream Pennsylvania, LLC	:		C-2019-3010152
	:	Respondent	
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Bentleyville Communications Corporation PSI/SPI Filing for Year 2019	:		R-2019-3009230
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Office of Consumer Advocate	:		
	:	Complainant	
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	:	v.	
Bentleyville Communications Corporation	:		C-2019-3009899
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Marianna & Scenery Hill Telephone Company PSI/SPI Filing for Year 2019	:	Docket No. R-2019-3009241
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3009894
Marianna & Scenery Hill Telephone Company	:	
Respondent	:	
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Citizens Telephone Company of Kecksburg PSI/SPI Filing for Year 2019	:	R-2019-3007258
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3007888
Citizens Telephone Company of Kecksburg	:	
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TDS Telecom/Mahanoy & Mahantango Telephone Company PSI/SPI Filing for Year 2019	:	R-2019-3007949
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3008487
TDS Telecom/Mahanoy & Mahantango Telephone Company	:	
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TDS Telecom/Sugar Valley Telephone Company PSI/SPI Filing for Year 2019	:	R-2019-3007948
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2019-3008478
TDS Telecom/Sugar Valley Telephone Company	:	

Citizens Telephone Company of Kecksburg PSI/SPI Filing for Year 2020	:	Docket No. R-2020-3016016
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2020-3018508
Citizens Telephone Company of Kecksburg	:	
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Ironton Telephone Company PSI/SPI Filing for Year 2020	:	R-2020-3016018
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Office of Consumer Advocate	:	
Complainant	:	
v.	:	C-2020-3018500
Ironton Telephone Company	:	
Respondent	:	

**THE RURAL ILECS’
MOTION TO CONSOLIDATE**

Pursuant to 52 Pa. Code § 5.81(a), North Eastern Pennsylvania Telephone Company (“NEPTC”), Consolidated Communications of Pennsylvania, Inc. (“CCPA”), Hickory Telephone Company (“HTC”), Lackawaxen Telecommunications Services, Inc. (“Lackawaxen”), Windstream Buffalo Valley, Inc. (“Windstream Buffalo Valley”), Windstream Conestoga, Inc. (“Windstream Conestoga”), Windstream D&E, Inc. (“Windstream D&E”), Windstream Pennsylvania, LLC (“Windstream Pennsylvania”), Bentleyville Communications Corporation (“Bentleyville”), Marianna & Scenery Hill Telephone Company (“Marianna”), Ironton Telephone Company (“Ironton”), Citizens Telephone Company of Kecksburg (“Kecksburg”), TDS Telecom/Mahanoy & Mahantango Telephone Company (“TDS M&M”), and TDS Telecom/Sugar Valley Telephone Company (“TDS SV”) (collectively, the “Rural ILECs”)

submit this Motion to Consolidate the above-captioned matters. In support of this Motion, the Rural ILECs aver as follows:

1. In 2018, 2019, and 2020, the Rural ILECs filed their Annual Price Stability Index (“PSI”) and Stability Price Index (“SPI”) Reports pursuant to their applicable Chapter 30 Plans, all of which contain similar, identical for our purposes here, language regarding operation of their price cap form of regulation.

2. The Office of Consumer Advocate (“OCA”) filed formal complaints in each of the dockets listed in Paragraph 3 below. The OCA’s complaints uniformly claimed that the PSI Reports did not include a “Z factor” adjustment as part of the Price Stability Mechanism (“PSM”) formulas to account for the savings in tax expense resulting from the federal Tax Cuts and Jobs Act (“TCJA”), which was signed into law on December 22, 2017.

3. The OCA filed formal complaints against the Rural ILECs’ PSI/SPI filings at each of the dockets listed below. The complaints filed in these dockets raise the same issues regarding the effect of the TCJA on the Companies’ filings. The tables below list the relevant docket numbers by year, including the C-dockets assigned to the OCA’s formal complaints.

2018 PSI/SPI Proceedings	
Company	Docket Numbers
North Eastern Pennsylvania Telephone Company	R-2018-3001197 C-2018-3001915
Consolidated Communications of Pennsylvania, Inc.	R-2018-3001104 C-2018-3001863
Hickory Telephone Company	R-2018-3001217 C-2018-3001917
Lackawaxen Telecommunications Services, Inc.	R-2018-3001199 C-2018-3001913
Windstream Buffalo Valley, Inc.	R-2018-3001132 C-2018-3001865
Windstream Conestoga, Inc.	R-2018-3001135 C-2018-3001864
Windstream D&E, Inc.	R-2018-3001133 C-2018-3001870

Windstream Pennsylvania, LLC	R-2018-3001150 C-2018-3001871
Bentleyville Communications Corporation	R-2018-3001213 C-2018-3001916
Marianna & Scenery Hill Telephone Company	R-2018-3001201 C-2018-3001912

2019 PSI/SPI Proceedings	
Company	Docket Numbers
North Eastern Pennsylvania Telephone Company	R-2019-3009237 C-2019-3009896
Consolidated Communications of Pennsylvania, Inc.	R-2019-3009336 C-2019-3009897
Ironton Telephone Company	R-2019-3007261 C-2019-3007887
Lackawaxen Telecommunications Services, Inc.	R-2019-3009233 C-2019-3009881
Windstream Buffalo Valley, Inc.	R-2019-3010106 C-2019-3010150
Windstream Conestoga, Inc.	R-2019-3010097 C-2019-3010148
Windstream D&E, Inc.	R-2019-3010100 C-2019-3010149
Windstream Pennsylvania, LLC	R-2019-3010101 C-2019-3010152
Bentleyville Communications Corporation	R-2019-3009230 C-2019-3009899
Marianna & Scenery Hill Telephone Company	R-2019-3009241 C-2019-3009894
Citizens Telephone Company of Kecksburg	R-2019-3007258 C-2019-3007888
TDS Telecom/Mahanoy & Mahantango Telephone Company	R-2019-3007949 C-2019-3008487
TDS Telecom/Sugar Valley Telephone Company	R-2019-3007948 C-2019-3008478

2020 PSI/SPI Proceedings	
Company	Docket Numbers
Citizens Telephone Company of Kecksburg	R-2020-3016016 C-2020-3018508
Ironton Telephone Company	R-2020-3016018 C-2020-3018500

4. Through this Motion, the Rural ILECs respectfully request that the dockets listed in Paragraph 3 above be consolidated for purposes of evidentiary hearings and disposition.

5. Section 5.81(a) of the Commission’s regulations states that “[t]he Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer [also] may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.” 52 Pa. Code § 5.81(a).

6. Other considerations in ruling on a consolidation include the following: (a) whether additional issues exist that could cloud the determination of common issues; (b) whether consolidation will reduce litigation costs and decision-making for the parties and the Commission; (c) whether the issues in one proceeding go to the heart of an issue in the other proceeding; (d) whether consolidation will unduly protect a hearing or produce a disorderly or unwieldy record; (e) whether different statutory and legal issues are involved; (f) whether the party with the burden of proof differs in the proceedings; (7) whether consolidation will unduly delay the resolution of one of the proceedings; and (8) whether supporting data in both proceedings will be repetitive.¹ As stated in that order, no single consideration, nor group of these considerations, is dispositive of consolidation. Rather, all factors must be evaluated, and a balancing of those favoring and disfavoring consolidation is required.²

7. A balancing of the considerations referenced in the *Lancaster Sewer Fund Prehearing Order* support consolidation of these proceedings. Specifically, consolidation will reduce costs of litigation and decision-making for the parties and the Commission; the issues

¹ See *PUC v. City of Lancaster Sewer Fund*, Docket No. R-2012-2310366, Second Prehearing Order at 3-4 (Nov. 26, 2012) (“*Lancaster Sewer Fund Prehearing Order*”).

² *Id.* at 3.

raised by the OCA's formal complaints – the effect of the TCJA on the price cap formulas continued in their Chapter 30 Plans – are substantially the same across each of the twenty-five separate dockets listed above; consolidation will produce an orderly record; and consolidation will not unduly delay the resolution of any individual proceeding.

8. Consolidating these proceedings would promote judicial economy and conserve valuable resources of the parties and the Commission. Since the proceedings involve the same statutory and legal issues, no reason exists to have them litigated separately.

WHEREFORE, the Rural ILECs respectfully request that the Administrative Law Judge consolidate the foregoing dockets into one proceeding.

Respectfully submitted,

/s/ Sarah C. Stoner

Deanne M. O'Dell, Esquire (I.D. No. 81064)
Sarah C. Stoner, Esquire (I.D. No. 313793)
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101
(717) 237-6000
dodell@eckertseamans.com
sstoner@eckertseamans.com

Lauren M. Burge, Esquire (I.D. No. 311570)
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-2146
lburge@eckertseamans.com

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*Counsel for
The Rural ILECs*