



COMMONWEALTH OF PENNSYLVANIA

January 9, 2023

E-FILED

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

RE: (Rural ILECS') 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-2018-3001863; 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 please find the Answer and Verification, on behalf of the Office of Small Business Advocate ("OSBA"), to The Rural ILECS' Motion to Consolidate, filed October 11, 2022, in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, 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
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Joseph Gillan
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office of Consumer Advocate	:
	:
v.	:
	:
	:
North Eastern Pennsylvania Telephone Company	: R-2018-3001197 - C-2018-3001915
	: R-2019-3009237 - C-2019-3009896
Consolidated Communications of Pennsylvania, Inc.	: R-2018-3001104 - C-2018-3001863
	: R-2019-3009336 - C-2019-3009897
Hickory Telephone Company	: R-2018-3001217 - C-2018-3001917
Lackawaxen Telecommunications Services, Inc.	: R-2018-3001199 - C-2018-3001913
	: R-2019-3009233 - C-2019-3009881
Windstream Buffalo Valley, Inc.	: R-2018-3001132 - C-2018-3001865
	: R-2019-3010106 - C-2019-3010150
Windstream Conestoga, Inc.	: R-2018-3001135 - C-2018-3001864
	: R-2019-3010097 - C-2019-3010148
Windstream D&E, Inc.	: R-2018-3001133 - C-2018-3001870
	: R-2019-3010100 - C-2019-3010149
Windstream Pennsylvania, LLC	: R-2018-3001150 - C-2018-3001871
	: R-2019-3010101 - C-2019-3010152
Bentleyville Communications Corporation	: R-2018-3001213 - C-2018-3001916
	: R-2019-3009230 - C-2019-3009899
Marianna & Scenery Hill Telephone Company	: R-2018-3001201 - C-2018-3001912
	: R-2019-3009241 - C-2019-3009894
Ironton Telephone Company	: R-2019-3007261 - C-2019-3007887
	: R-2020-3016018 - C-2020-3018500
Citizens Telephone Company of Kecksburg	: R-2019-3007258 - C-2019-3007888
	: R-2020-3016016 - C-2020-3018508
TDS Telecom/Mahanoy & Mahantango Telephone Company	: R-2019-3007949 - C-2019-3008487
	:
TDS Telecom/Sugar Valley Telephone Company	: R-2019-3007948 - C-2019-3008478

**OFFICE OF SMALL BUSINESS ADVOCATE’S
ANSWER TO
THE RURAL ILECS’ MOTION TO CONSOLIDATE**

Pursuant to 52 Pa. Code §§ 5.61 and 5.103(c), the Office of Small Business Advocate (“OSBA”) submits this Answer to *The Motion of the Rural ILECs’*

Motion to Consolidate (“*Motion to Consolidate*”) that was filed by 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”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) and Administrative Law Judge (“ALJ”) Steve Haas on October 11, 2022.

The RLECs’ *Motion to Consolidate* should be denied.

Responses to the *Motion to Consolidate*’s Numbered Paragraphs

1. Admitted in part. By way of further response, the OSBA was served with the 2018, 2019, and 2020 Annual Price Stability Index (“PSI”) and Stability Price Index (“SPI”) filings of each of the RLECs. The Annual PSI/SPI Filings are required by each RLEC’s Chapter 30 Plan. Specifically, the OSBA denies that the RLECs have “identical for our purposes here” Chapter 30 Plans. Therefore, absent strict proof that each RLEC has an effectively “identical” Chapter 30 Plan, that averment of Paragraph 1 is denied.

2. Admitted in part. By way of further response, the various Office of Consumer Advocate (“OCA”) complaints, as well as the Tax Cut and Jobs Act (“TCJA”), speak for themselves.

3. Admitted in part. By way of further response, the issues raised by the TCJA/PSI dockets listed in Paragraph 3 have been incorporated into subsequent PSI/SPI Filings submitted by the various RLECs. For example, the Commission recently stated, as follows:

The OCA did not file a complaint against the Company’s 2022 PSI/SPI filing on the basis of the 2017 Tax Cuts and Jobs Act (TCJA). However, since OCA complaints remain pending against the Company’s 2019 and 2018 PSI/SPI filings on that basis, and the effects of the TCJA will transcend our action today, we are approving this 2022 filing as procedurally consistent only, subject to final resolution of the OCA’s pending complaints. *See Office of Consumer Advocate v. Lackawaxen Telecommunications Services, Inc.*, Docket Nos. C-2019-3009881 and R-2019-3009233; *Office of Consumer Advocate v. Lackawaxen Telecommunications Services, Inc.*, Docket Nos. C-2018-3001913 and R-2018-3001199.

Lackawaxen Telecommunications Services, Inc. 2022 Annual Price Stability Index/Service Price Index Report Filing, Docket R-2022-3031892 (Order entered June 16, 2022), at footnote 4.

4. Paragraph 4 contains summaries of the Rural ILECs’ request for relief to which no response is required. By way of further response, the Rural ILECs that are presenting this *Motion to Consolidate* vary greatly in terms of size and service area. Furthermore, several of the Rural ILECs are under a single holding company (e.g., Windstream).

5. Paragraph 5 contains summaries of the Rural ILECs' request for relief and conclusions of law to which no response is required. By way of further response, 52 Pa. Code § 5.81(a) speaks for itself.

6. Paragraph 6 contains summaries of the Rural ILECs' request for relief and conclusions of law to which no response is required. By way of further response, the PUC Order cited in Paragraph 6 speaks for itself. Furthermore, considering the 8 elements set forth in Paragraph 6, element (d) and element (8) (h?) appear to argue against consolidation of cases that involve large RLECs with cases that involve small RLECs.

7. Paragraph 7 contains summaries of the Rural ILECs' request for relief and conclusions of law to which no response is required. By way of further response, the OSBA denies that the Rural ILECs' Chapter 30 Plans are "substantially the same" and demands strict proof thereof.

8. Paragraph 8 contains summaries of the Rural ILECs' request for relief and conclusions of law to which no response is required.

Conclusion

For all the reasons stated above, the Office of Small Business Advocate respectfully requests that Administrative Law Judge Steve Haas deny the Rural ILECs' *Motion to Consolidate*.

In the alternative, the OSBA would entertain consolidation of Rural ILECs of equal size and service territory.

Alternatively, the OSBA would entertain consolidation of Rural ILECs based upon their holding company status.

Respectfully submitted,

/s/ Steven C. Gray

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate

For:

NazAarah Sabree
Small Business Advocate

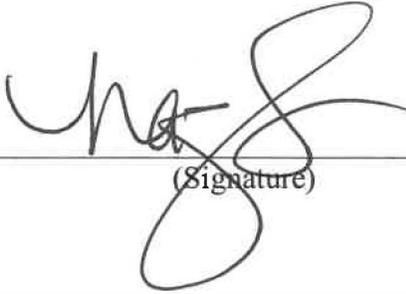
Office of Small Business Advocate
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Forum Place, 1st Floor
Harrisburg, PA 17101
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Dated: January 9, 2023

VERIFICATION

I, NazAarah Sabree, hereby state that the facts set forth herein above 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).

Date: 01/09/23



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office of Consumer Advocate	:
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v.	:
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	: R-2019-3010106 - C-2019-3010150
Windstream Conestoga, Inc.	: R-2018-3001135 - C-2018-3001864
	: R-2019-3010097 - C-2019-3010148
Windstream D&E, Inc.	: R-2018-3001133 - C-2018-3001870
	: R-2019-3010100 - C-2019-3010149
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	: R-2019-3009230 - C-2019-3009899
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	: R-2020-3016016 - C-2020-3018508
TDS Telecom/Mahanoy &	: R-2019-3007949 - C-2019-3008487
Mahantango Telephone Company	:
TDS Telecom/Sugar Valley Telephone Company	: R-2019-3007948 - C-2019-3008478

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Steven K. Haas
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DATE: January 9, 2023

/s/ Steven C. Gray

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