



COMMONWEALTH OF PENNSYLVANIA

January 27, 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:

I am delivering for filing today the Prehearing Memorandum, on behalf of the Office of Small Business Advocate ("OSBA"), 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

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory

duty, the Small Business Advocate deems it necessary to participate as a party to these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in this matter as follows:

Steven C. Gray, Esq.
Senior Supervising
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street
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Harrisburg, PA 17101
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(717) 783-2831 (fax)
sgray@pa.gov

II. RECENT PROCEDURAL BACKGROUND

On January 4, 2023, Administrative Law Judge Steven K. Haas issued a Prehearing Conference Order.

On January 20, 2023, ALJ Haas issued an Order addressing a Motion to Consolidate.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case in this proceeding will be:

Joseph Gillan
Gillan Associates
2819 Joseph Circle
Oviedo, FL 32765
(386) 405-2751
joseph@gillanassocaites.com

The OSBA will participate in this proceeding to assure that the interests of small business customers are adequately represented and protected.

The OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether the Tax Cut and Jobs Act ("TCJA"), which was signed into law on

December 22, 2017, and reduced the U.S. federal corporate income tax rate from 35 percent to 21 percent, is an exogenous event as defined by the various Rural Local Exchange Carriers' ("RLECs") individual Alternative Regulation Plan.

2. Whether TCJA requires the various RLECs to provide rate relief to their small business customers.

3. Whether reducing the banked revenue of the various RLECs, coupled with a freeze on the rates for non-competitive services during this economically difficult time, would serve as a just and reasonable substitute for rate relief for the RLECs' ratepayers.

The OSBA reserves the right to pursue additional issues that may arise throughout this proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. At the time of this writing, hard copy delivery of documents to the OSBA is not possible. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. DISCOVERY

The OSBA does not propose any discovery modifications.

VI. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

VII. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the various parties are discussing a proposed procedural schedule.

In light of the ongoing Public Health Emergency due to the COVID-19 Pandemic, the OSBA requests that evidentiary hearings be held telephonically or via an Internet service such as Microsoft Teams.

Respectfully submitted,

/s/ Steven C. Gray

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

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555 Walnut Street
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Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: January 27, 2023

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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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
Administrative Law Judge
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DATE: January 27, 2023

/s/ Steven C. Gray

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