**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Office of Consumer Advocate  Office of Small Business Advocate  v.  Commonwealth Telephone Company, LLC  d/b/a Frontier Communications Telephone Company | :  :  : : : : : | C-2023-3037574 |

**SETTLEMENT ORDER**

On January 9, 2023, the Office of Consumer Advocate (“OCA”) and the Office of Small Business Advocate (“OSBA”) filed a Joint Complaint against Commonwealth Telephone Company, LLC d/b/a Frontier Communications Telephone Company (“Frontier”). In its Complaint, the OCA and the OSBA allege a variety of service quality problems related to telephone and broadband internet service from Frontier, and that Frontier has or may have violated the Public Utility Code and Commission regulations. As relief, the OCA and the OSBA requested that the Commission require Frontier to: promptly remediate all existing outages and other service quality complaints; assess and improve its staffing and resources to better maintain its network and be prepared to respond and promptly clear outages; provide credits for service outage; comply with all provisions of the Public Utility Code, the Commission’s regulations, Frontier’s Amended Chapter 30 Plan, and Commission orders including the Frontier Voluntary Commitments. The OCA and the OSBA also requested that the Commission impose civil penalties for failure to comply with provisions of the Public Utility Code, the Commission’s regulations, Frontier’s Amended Chapter 30 Plan, and Commission orders including the Frontier Voluntary Commitments.

On February 21, 2023, Frontier filed an Answer to the Joint Complaint, admitting or denying the various averments of the Joint Complaint.

A Prehearing Conference was held on April 11, 2023. During the Prehearing Conference, parties agreed on dates for public input hearings, submission of written testimony, and in-person evidentiary hearings. A Scheduling Order was issued on April 27, 2023, memorializing matters discussed and agreed to during the Prehearing Conference. In accordance with the Scheduling Order, In-Person Public Input Hearings were held on June 6, 7, 8, 2023, in Wellsboro, PA; Wysox, PA; and Tunkhannock, PA; respectively. Due to public interest, another In-Person Public Input Hearing was held on July 19, 2023, in Quarryville, PA. The OCA and the OSBA filed direct testimony on July 19, 2023. Frontier filed rebuttal testimony on September 7, 2023. The OCA and the OSBA submitted surrebuttal testimony on October 5, 2023. In-Person Evidentiary Hearings are scheduled for October 24 and 25, 2023.

On September 14, 2023, Frontier filed a Motion for Protective Order. An order was issued on September 15, 2023, granting the Motion for Protective Order.

On October 3, 2023, we received an e-mail from the parties, reporting that the parties had reached a settlement agreement in principle. In its e-mail, parties proposed a status call be held to discuss, among other things, how to proceed with scheduled hearings, admission of evidence, and submission of settlement documents.

A status call was held on October 11, 2023. During the status call and follow-up communications, the parties stated that the settlement includes a comment period to provide the Commission’s Bureau of Investigation and Enforcement (I&E) and the public an opportunity to review and comment on the Joint Petition for Settlement. Specifically, parties proposed that the Joint Petition for Settlement would be served on I&E and publicly posted on the OCA’s website. I&E and the public would then have 45 days from the date the settlement was filed to submit comments about whether the settlement is in the public interest. Public comments would be sent to the OCA, who would then file them with the Commission at the end of the 45-day period. The OCA, the OSBA, and Frontier may file reply comments within 15 days after the end of the 45-day comment period. Additionally, the evidentiary hearing scheduled for October 25, 2023, would be cancelled, and the admission of evidence would occur during the evidentiary hearing scheduled for October 24, 2023.[[1]](#footnote-1)

We concur with the parties proposed procedures for the submission of the Joint Petition for Settlement and the purpose of this order is to memorialize the procedures agreed to by the parties.

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**IT IS ORDERED THAT:**

1. The evidentiary hearing for October 25, 2023, is cancelled.
2. Admission of evidence will occur during the evidentiary hearing scheduled for October 24, 2023.
3. Parties shall file a Joint Petition for Settlement by no later than October 31, 2023. The Joint Petition for Settlement shall include detailed Statements in Support from the OCA, the OSBA, and Frontier.
4. The Joint Petition for Settlement shall be served on I&E and publicly posted on the OCA’s website for a period of 45 days after it is filed.
5. Within 45 days after the Joint Petition for Settlement is filed, I&E and members of the public may submit comments with their view of whether the proposed settlement is in the public interest.
6. The OCA will gather the comments from the public and, after the conclusion of the 45-day comment period, the OCA will file all comments with the Commission within three business days.
7. Frontier, the OCA, and the OSBA may file a response to any submitted comments within 15 days after the close of the 45-day comment period.
8. Comments will be considered only for the purpose of determining whether the proposed settlement is in the public interest.

Dated: October 13, 2023 \_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Steven K. Haas

\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John M. Coogan

**C-2023-3037574 - OFFICE OF CONSUMER ADVOCATE AND OFFICE OF SMALL BUSINESS ADVOCATE v. COMMONWEALTH TELEPHONE CO TA FRONTIER COMMUNICATIONS COMMONWEALTH TEL CO LLC**

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1. All parties agreed to waive cross-examination of all witnesses. [↑](#footnote-ref-1)