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December 26, 2023

Via Electronic Filing

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

Re: Office of Consumer Advocate, Office of Small Business Advocate v. Commonwealth Telephone Company, LLC d/b/a Frontier Communications Telephone Company
Docket No. C-2023-3037574

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Commonwealth Telephone Company, LLC d/b/a Frontier Communications Telephone Company's Reply Comments in the above-referenced matter submitted in compliance with the October 25, 2023 Supplemental Settlement Order.

Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

Bryce R. Beard

Bryce R. Beard

BRB/red
Enclosure

cc: Hon. Stephen K. Hass w/enc. (via email only)
Hon. John Coogan w/enc. (via email only)
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of Frontier Commonwealth's **Reply Comments** upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

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Dated: December 26, 2023

Bryce R. Beard
Bryce R. Beard, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office of Consumer Advocate,	:	
Office of Small Business Advocates,	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2023-3037574
	:	
Commonwealth Telephone Company, LLC	:	
d/b/a Frontier Communications Telephone	:	
Company,	:	
Respondent.	:	

**COMMONWEALTH TELEPHONE COMPANY, LLC D/B/A
FRONTIER COMMUNICATIONS TELEPHONE COMPANY’S
REPLY TO PUBLIC COMMENTS TO
JOINT PETITION FOR SETTLEMENT**

Commonwealth Telephone Company, LLC d/b/a Frontier Communications Telephone Company (“Frontier Commonwealth”) hereby submits these replies to public comments on the Joint Petition for Settlement (“Joint Petition” or “Settlement Agreement” or “Settlement”) entered into between Frontier Commonwealth and the Office of Consumer Advocate (“OCA”) and the Office of Small Business Advocate (“OSBA”) (collectively, “the Parties”) in the above-captioned proceeding. This reply is submitted in compliance with the October 25, 2023, Order of Administrative Law Judge Steven K. Haas and John M. Coogan, Ordering Paragraph 4.

I. BACKGROUND ON PUBLIC COMMENT PROCESS.

On October 25, 2023, the Parties submitted the Joint Petition which contains substantial and measurable service commitments and network investment pledges from Frontier Commonwealth to continue improving its performance, network reliability and remedy the unanticipated and sudden shortage of technical field personnel as was discussed in Frontier Commonwealth’s Statement in Support. The extraordinarily wide range of commitments in the

Settlement include terms that address both the past service issues and future compliance and improvement.

In light of the fact that this proceeding generated a significant amount of community input, Provision P of the Settlement Agreement included a request for “Community Input on Settlement” which included seeking comments from Commission’s Bureau of Investigation and Enforcement and members of the public who are Frontier Commonwealth customers on whether the Settlement “is in the public interest.” In particular, the Settlement provided:

The parties recognize that this case has generated significant community input at the 5 public input hearings as well as involvement by various members of the General Assembly. The parties agree to serve a copy of the Settlement on the Commission’s Bureau of Investigation and Enforcement (“BI&E”) and that the parties will ask the ALJs to allow the Joint Petition for Settlement to be publicly posted on the OCA’s website for a period of 45 days after it is submitted for approval and BI&E and members of the public who are Frontier Commonwealth customers may submit comments to the ALJs with their views about whether the settlement is in the public interest within 45 days. Frontier Commonwealth, the OCA and the OSBA will have an opportunity to file a response to any submitted comments within 15 days after the close of the comment period. The parties agree that the ALJs will consider any written submission concerning the settlement solely for the purpose of determining whether the Settlement is in the public interest.

The Parties received over 135 unique comments, and Frontier Commonwealth appreciates those customers who specifically addressed whether they support the Settlement as being in the public interest. Regarding public comments not addressing the Settlement, but rather raising service concerns, Frontier Commonwealth is investigating each customer comment related to service issues and is committed to responding to any current pending customer issue. Frontier Commonwealth will also continue to address any new customer service issues or complaints that are directed to Frontier.

II. PUBLIC COMMENTS THAT DID NOT ADDRESS THE “PUBLIC INTEREST” OF THE SETTLEMENT DIRECTLY.

Of the over 135 unique comments received, approximately 90 did not directly address whether the Settlement is “in the public interest.” These comments primarily focused on individual commentors service issues and experiences. These comments are similar to the testimony from the public input sessions, and some commentors indicated they provided testimony at those hearings. In general, commentors expressed concerns with regulated telephone service with an emphasis on delayed or missed repairs. Other commentors submitted comments related to the unavailability of faster broadband speeds as well as broadband reliability related issues over intermittent periods of time. Frontier Commonwealth has reviewed each comment and notes that these comments ultimately show that approval of the Settlement, and the Company’s commitments, is in the public interest.

For instance, certain commentors expressed concerns for Frontier Commonwealth’s missed repair tickets and repeat troubles (*see e.g. A. Zemel 11/1/2023 Comment; J. Ziegler 11/8/2023 Comment; R. Ross 11/12/2023 Comment*). The Settlement will remedy these concerns by providing credits to customers for Out of Service (Provision A(a) – (c)), credits for same or “repeat” trouble for telephone service reported within 30 days (Provision A(d)), and monetary remedies for when Frontier misses a repair ticket without 8-hour prior notices (Provision A(f)). These comments ultimately support that the Settlement is in the public interest because the Settlement provides a mechanism, that otherwise would not exist, to provide a monetary remedy to customers that experience delays, repeat issues or missed appointments.

Another instance of commentors concerns included customer service and support (*see e.g. J. Kocher 11/3/2023 Comment; R. Ross 11/12/2023 Comment; K. Carver 12/2/23 Comment; L. Boyden 12/6/2023 Comment*) primarily focused on wait times, online chat features, or other

issues related to when a commentor had to contact Frontier Commonwealth’s customer service. The Settlement will address many of these concerns with customers contacting Frontier’s customer support as Provision L will provide a “Consumer Hotline” for expedited repair/resolution. This will provide these customers with resolution of their issues, which additionally includes oversight and monthly reporting to OCA, OSBA, and BCS during the settlement period.

Commentors also expressed concerns with their personal health related issues and the need to have their trouble tickets and service repaired as quickly as possible after an outage (*see e.g. B. Higley 11/1/2023 Comment; B. Davis 11/14/2023 Comment; P. Lepley 11/29/23 Comment; T. Delovich 12/4/2023 Comment*). These concerns are also addressed in Provision D – Medical Certification Process, whereby customers can submit information to allow their account to be flagged with a “medical indicator” to allow Frontier Commonwealth to prioritize that customer’s trouble tickets. The process for Medical Certification will be publicized to Frontier Commonwealth’s customers through both bill inserts and on Frontier Commonwealth’s website under the Settlement.

Lastly, one commentor on behalf of the Shinglehouse Volunteer Fire Department expressed concerns with fire personnel having to remain at the station house in case of another emergency occurring during an outage. *See J. Mindeler 11.21.2023 Comment*. The Settlement provides direct relief for First Responders under Provision A(e) – Emergency First Responder Credits for instances where first responders experience out-of-service, repeat troubles and other areas even where an outage does not directly impact the Emergency First Responder’s telephone service. This comment, therefore, also supports a finding that the Settlement is in the public interest.

Frontier Commonwealth’s Statement in Support highlighted the concerns expressed by customers addressed by the Settlement includes:

- Customer and emergency first responder credits for telephone out-of-service lasting more than 24 hours or later agreed upon in service date; impaired conditions lasting more than 72 hours; and repeat troubles.
- Customer credits for missed telephone service installation and repair appointments and delayed installation time periods.
- Remedies for prior telephone service issues experienced retroactive back to July 2022 as credits/refunds.
- Monitoring of remote terminal batteries.
- Detailed survey and remediation as needed of the plant conditions in the “most troublesome” wire centers with reports to the Commission and Parties.
- Development and filing of a detailed Maintenance Plan for outside plant with quarterly reports to the Commission and Parties.
- The establishment of a Consumer Hotline.
- Detailed service quality reporting requirements and performance standards to provide improved visibility into Frontier’s telephone service quality and ensure good service quality going forward.
- Service quality metrics and presentation of a remediation plan should the metric not be met with penalties for failure to meet the agreed upon metrics, which go beyond the metrics in the Commission’s rules.
- Rate cap for business customers through 2024.
- \$100 million in capital expenditure to improve Frontier Commonwealth’s network reliability through fiber deployment and defective copper plant repair and battery replacements, with annual reports to the Commission and Parties.

Approval of the Settlement will address all of these matters and directly benefit Frontier Commonwealth customers.

III. NUMEROUS PUBLIC COMMENTS SUPPORT THE SETTLEMENT AS BEING IN IN THE PUBLIC INTEREST.

Numerous public commenters stated that they support or agree with the terms of Settlement. Support for the Settlement ranged from general support to specific agreement. Overall, the public commenters in support agree that the Settlement addresses the concerns raised by customers and the OCA/OSBA in their complaint and testimony, as highlighted below:

- *G. Doran* 10/31/2023 Comment (“The proposal is a step forward...”);
- *ivesranchandwoodworking@gmail.com* - 10/31/2023 Comment (“I believe the settlement should most certainly take place...”);
- *K. Carlin* 11/5/2023 Comment (“This is a fine settlement and I totally agree with it.”);
- *C. Barber* 11/5/2023 Comment (“After reading over this agreement, I do feel that it is a fair settlement as to the issues encountered over the past several years. Though we are not Frontier customers at this time, we were for near 42 years. If the outcome of this settlement is followed..., then I feel our past issues with them will still be handled in a fair manner.”);
- *J. Thomas & B. Yarnall* 11/8/2023 Comment (“Thank you for taking on this issue and negotiating this settlement.”);
- *B. Harvey* 11/9/2023 Comment (“My wife and I have numerous Frontier cable pedestals on our property (our house is about a quarter mile up from the road) that need maintenance and/or upgrades. We are glad to see this point addressed in the agreement...overall we think the agreement is good.”);
- *R. Nice* 11/11/2023 Comment (“After reading the proposal, I am hopeful that there will be changes and improvements in the coming months. I have already noticed an improvement on billing website with easier to navigate and better explanation of charges. I feel that we need to give Frontier a chance to make the proposed upgrades and to take accountability for poor customer services, as well as reimbursement to the consumer of lost service days.”);
- *R. Jones* 11/12/2023 Comment (“I have looked over the proposed settlement with Frontier and feel the settlement sounds to be fair.”);
- *T. Wales* 11/13/2023 Comment (“Settlement looks good to me. Seems very fair.”);
- *E. Tokarz* 11/30/2023 Comment (“I very much appreciate the OCA becoming involved in this problem, and I very much appreciate the plan for the future. Money must be invested, infrastructure must be updated and maintained, and personnel must be hired and trained.”);
- *R. Bresett* 12/3/2023 Comment (“In regards to the settlement, I do appreciate, as well as in favor of, what has been laid out as far as Frontier actually being held accountable for the services they are supposed to supply and the monetary refund to customers.”);
- *S. McCormack* 12/3/2023 Comment (“I have skimmed the proposed settlement[sic] (Docket C-2023-3037574) and agree with it.”);

- *N. Buck* 12/5/2023 Comment (“As for the settlement I agree with it and feel it is long overdue to hold Frontier accountable for continuing to bill people for poor service and outdated equipment. I hope you will move forward with this settlement and make Frontier prove they can be a viable telecommunications provider in this area.”);
- *L. Doud* 12/5/2023 Comment (“Regarding the agreement: I think it could work. I am glad to see them being held accountable.”);
- *B. Bowser* 12/6/2023 Comment (“Proposal looks good! Thank you for all your hard work on this matter.”);
- *C. Lear* 12/6/2023 Comment (“We believe the proposed settlement covers all of the issues that we have had with Frontier over the past several years.”); and
- *Laurie Wilber* 12/8/2023 Comment (“I feel anything to improve Frontiers service will benefit the public.”).

IV. PUBLIC COMMENTS THAT DO NOT SUPPORT THE SETTLEMENT.

A limited number of public commentors stated that they do not support the Settlement Agreement. These public commentors identify issues with the Settlement, including:

- enforcement, oversight, and compliance;¹
- perceived inadequacy of customer compensation and refunds for out of service issues;²
- that the Settlement does not require Frontier Commonwealth to expedite its fiber optic infrastructure buildout;³
- perceived inadequacy of physical plant remedies;⁴

¹ *J. Bockus* 11/4/2023 Comment; *S. Murray* 11/1/2023 Comment; *themillpond@icloud.com* 11/2/2023 Comment; *J. & K. Reilly* 11/14/2023 Comment; *W. Bayne Jr.* 12/11/2023 Comment.

² *D. Scrimshaw* 10/31/2023 Comment; *S. Cavanaugh-Perrins* 11.1.2023 Comment; *J. & E. Wise* 11/16/2023 Comment; *J. & L. Conoscenti* 11/17/2023 Comment; *T. Sumner* 11/20/2023 Comment; *K. Finan* 11/20/2023 Comment; *L. Gioia* 12.6.2023 Comment; *D. Baker* 12.8.2023 Comment; *K. Hadaway-Patton* 12.4.2023 Comment; *L. Aiello Jr.* 12/11/2023 Comment.

³ *D. Scrimshaw* 10/31/2023 Comment; *themillpond@icloud.com* 11/2/2023 Comment; *E. Miles* 11/6/2023 Comment; *B. Thomas* 11/20/2023 Comment; *M. Histan* 11/15/2023 Comment.

⁴ *D. Scrimshaw* 10/31/2023 Comment; *S. Murray* 11/1/2023 Comment; *themillpond@icloud.com* 11/2/2023 Comment; *E. Miles* 11/6/2023 Comment; *M. Histan* 11/15/2023 Comment.

- concerns that the Settlement does not impose penalties on Frontier Commonwealth;⁵ and
- other matters unrelated to service provided by Frontier Commonwealth (i.e. lack of cell service or ownership of cell phones, transfer of Frontier Commonwealth assets to other entities; etc..).⁶

Overall, while Frontier Commonwealth appreciates the public comments which raised concerns, these comments do not show that the Settlement Agreement is *not in the public interest*. Indeed, as highlighted above, the Settlement provides significant and substantial provisions which the parties and many other public commentators agree remedy the issues raised in the Joint Complaint and will bring meaningful relief to customers. These provisions were overlooked in the opposing comments.

Regarding customer's concern for the enforcement and oversight, the Commission, the OCA, and the OSBA have the ongoing oversight and authority to ensure that Frontier Commonwealth is complying with all terms of the Settlement including annual compliance reporting. The Proposed Settlement calls for multiple periodic reports specifically addressing a number of performance and service quality metrics regarding Frontier's service, including potential monetary penalties if the Company fails to meet certain metrics. In particular, Provision I – Quarterly wire center reporting, Provision J – Metrics/Benchmarks, Provision N – Meetings, Provision O – Scope of Settlement and Reopening, and Provision Q – Miscellaneous all address the various reporting and enforcement oversight that Frontier Commonwealth is subject to ensure compliance with the Settlement terms. The public comments have not presented

⁵ E. Blais 11/2/2023 Comment; G. Lockett 11/7/2023 Comment; B. Bernhardt 12/11/2023 Comment

⁶ D. Scrimshaw 10/31/2023 Comment; S. Murray 11/1/2023 Comment; M. Histan 11/15/2023 Comment; J. & L. Conoscenti 11/17/2023 Comment; T. Sumner 11/20/2023 Comment.

a substantial reason or concern that the Commission, the OCA, or the OSBA will not oversee and ensure compliance by Frontier Commonwealth, and these comments do not warrant any modification to the Settlement agreement or show that the Settlement Agreement is *not* in the public interest.

Regarding customer compensation for out-of-service, the Settlement is in the public interest as it provides both retrospective and prospective relief and refunds to customers who are impacted, and those refunds are substantial to ensure Frontier Commonwealth's compliance with out-of-service repairs. Specifically, Provision A – Customer Remedies and Credits, Provision B – Customer Refunds, and Provision C – Chapter 30 Credits all address and provide meaningful compensation and refunds for customer who experienced outages, service impairment, repeat troubles, emergency responder credits, and more. The public comments have not presented a substantial reason that these provisions should be rejected or modified. While customers may want to receive larger refunds or credits, there is no indication that the credits and refunds contained in the Settlement are insufficient, or that the Settlement is *not* in the public interest.

Regarding the demand for Frontier Commonwealth to increase its fiber buildout, Frontier Commonwealth is continuing to accelerate its fiber deployment in the state in a highly competitive market.⁷ Frontier Commonwealth has commenced fiber buildout, including fiber deployment in the northern tier, and has expressly committed to \$100 million in capital expenditures over four years. With this commitment, Frontier Commonwealth will evaluate upgrading its copper infrastructure to fiber based on many factors, including, but not limited to, location, number and concentration of customers and potential customers, potential growth in the area, competition, engineering project assessments, estimated costs and complexity of replacing

⁷ Frontier Commonwealth St. 2-R at 6.

copper facilities, field inspections, and condition of the copper network and number of service impacting outages as a result of the condition of the entirety of the copper network facilities serving a geographic area.⁸ Additionally, Frontier Commonwealth will evaluate opportunities to use a portion of the \$1.16B Pennsylvania is set to receive under the federal Broadband Equity, Access, and Deployment (*BEAD*) Program to further accelerate fiber deployment to eligible locations in the Company footprint. Important to this proceeding, the Settlement Agreement focuses on providing immediate relief to customers most impacted through necessary copper plant maintenance, technician availability/hiring, and more. While fiber-based service would be desirable to these public commenters, this does not show that the Settlement Agreement is *not* in the public interest, and importantly fiber deployment itself will increase substantially in Frontier Commonwealth's service territory under the Settlement.⁹

Regarding the comments on outside plant remedies being inadequate, these issues are directly addressed by the Settlement's requirement that, in addition to the substantial capital expenditure commitment, Frontier evaluate, develop and file detailed plans addressing aspects of its operational procedures. Specifically, outside plant concerns are addressed by Provision E – Batteries, Provision F – Most Troublesome Wire Center review, Provision G – Capital Investment and Copper Repair, Provision H – Maintenance Plan, and Provision M – Workforce Development. These public comments have not presented a substantial reason to find that these provisions are inadequate or should be rejected or modified in anyway and do not show that, as related to outside plant repairs, the Settlement agreement is *not* in the public interest.

Regarding the comments that the Settlement does not impose significant monetary penalties on Frontier Commonwealth, the focus of the settling parties has been on providing

⁸ Frontier Commonwealth St. No. 4-R at 4.

⁹ Frontier Commonwealth St. No. 5-R at 3.

remedies (including directly to customers) and service improvements for customers and, admittedly, not penalties. As noted above, the Settlement Agreement provides for customer remedies for prior issues and on a going forward basis. In addition, Frontier Commonwealth will be investing \$100 million in its facilities over the next 4-years as provided in Provision G – Capital Investment and Copper Repair. This significant investment will bring meaningful relief to Frontier Commonwealth’s customers, and the Settlement Agreement’s focus on this relief rather than the imposition of a penalty on Frontier Commonwealth was a driving factor that parties sought. Frontier Commonwealth offers that money spent on the network is a much more pragmatic and helpful resolution than penalties paid to the Commonwealth General Fund. Moreover, the public comments seeking greater penalties do not consider the significant refunds and financial expenditures the Settlement requires of Frontier Commonwealth, and they have not presented a substantial reason to find that the Settlement is *not* in the public interest for lack of monetary penalties through civil penalties or fines. On the contrary, the substantial refunds, credits and capital expenditures serve the public interest by benefiting the customers of Frontier Commonwealth.

Lastly, some commenters raised concerns that the Settlement Agreement does not address cellphone coverage, forced changes in ownership of Frontier Commonwealth’s assets, and other matters. Overall, these comments are unrelated to Frontier Commonwealth’s public utility service, and do not address whether the Settlement Agreement is in the public interest.

In summary, while Frontier Commonwealth appreciates those comments that do not support the Settlement Agreement, Frontier Commonwealth avers that the Settlement *is in the public interest* and should be approved by the Commission without modification.

V. CONCLUSION

The Settlement provides a reasonable means of resolving all of the issues raised by this proceeding and was reached through negotiations of the Parties to the proceedings. Frontier Commonwealth has reviewed and considered each comment submitted by members of the public. Where appropriate, Frontier Commonwealth has or is in the process of investigating specific customer issues raised in public comments unrelated to whether the Settlement is in the public interest.

As to those comments that do address the Settlement itself, Frontier Commonwealth appreciates the public comments in support, and as discussed above, the comments received opposing do not merit a finding that the Settlement Agreement between Frontier Commonwealth and the OCA/OSBA should be rejected or modified in anyway. Accordingly, for the reasons set forth above and in the Settlement Agreement, Frontier Commonwealth submits that the Settlement is in the public interest and should be approved without modification by the Commission.

Respectfully submitted,

/s/ Norman J. Kennard

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Dated: December 26, 2023