

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

Office of Consumer
Advocate and Office of
Small Business Advocate,
v.
Commonwealth Telephone
Co., d/b/a Frontier
Communications
Commonwealth Telephone
Co., LLC

Initial In-Person
Evidentiary Hearing

Docket No. :
C-2023-3037574

Pages 633 - 659

Commonwealth Keystone
Building - Plaza Level
400 North Street
Harrisburg, PA

October 24, 2023
Commencing at 10:00 a.m.

INDEX TO EXHIBITS

Docket No. C-2023-3037574

Hearing Date: October 24, 2023

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
PHI Statement of Nina Yentzer	--	--
Dr. Lynn Swisher Statement	--	--
Supplemental PIH Statement of Rebecca Kleinz	--	--
Frontier Commonwealth Exhibit Statement Number 1-R Rebuttal Testimony of		

1 Paul Kirchoffer -- 653

2 INDEX TO EXHIBITS (Cont.)

3 Docket No. C-2023-3037574

4 Hearing Date: October 24, 2023

5

6 NUMBER FOR IDENTIFICATION IN EVIDENCE

7 **CONFIDENTIAL** Frontier Commonwealth Exhibit

8 Statement Number 2-R

9 Rebuttal Testimony of

10 Cassandra Knight with

11 Confidential Exhibits

12 2-R-1 through 2-R-5 -- 653

13 **CONFIDENTIAL** Frontier Commonwealth

14 Statement Number 3-R

15 Rebuttal Testimony of

16 Gwendolyn Allen with

17 Confidential Exhibit 3-R-1 -- 653

18 **CONFIDENTIAL** Frontier Commonwealth

19 Statement Number 4-R

20 Rebuttal Statement of

21 Nathan Barber with

22 Confidential Exhibits

23 NB-1, NB-2 and Public

24 Exhibit NB-3 -- 653

25

1

2

3

INDEX TO EXHIBITS (Cont.)

4

Docket No. C-2023-3037574

5

Hearing Date: October 24, 2023

6

7

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
---------------	---------------------------	--------------------

8

Frontier Commonwealth

9

Statement Number 5-R

10

Rebuttal Testimony of

11

Ken Mason

--

653

12

13

CONFIDENTIAL Joint Complainant

14

Statement Number 1

15

Direct Testimony of

16

Susan M. Baldwin with

17

Public Exhibits SMB-1,

18

SMB-2, SMB-3 and

19

Confidential Exhibits

20

SMB-C-4, SMB-C-5

--

653

21

Joint Complainant

22

OCA and OSBA Statement

23

Number 1SR

24

Surrebuttal Testimony

25

Of Susan M. Baldwin

--

653

not able to
do school work
or employee work

2 landlines - current
problem

Tickets closed out

july 19th public hearing

From: ixjNina Margusity Yentzer, Esq. (attorneyyentzer@frontier.com)

To: consumer@paoca.org

Cc: attorneyyentzer@frontier.com

Date: Tuesday, July 18, 2023 at 10:35 PM EDT

1. NINA YENTZER
2. HOME- 610-593-5204; CELL- 610-213-0596
3. attorneyyentzer@frontier.com

Frontiers customer service has been consistently horrible over the years since they came into existence in my area. The below is the latest example of their truly lack of care for their customers.

The following email was sent on January 31, 2023 to the following entities that acknowledged receipt:

I need help desperately with my internet company frontier. I have not had the internet since nov 17 2022. They sent a new modem nov 23rd but cannot get it to work. They scheduled a repair order for Dec 9th but no call no show while I remained in my home per their instruction from 12n to 5pm to wait for tech. I called and was told too bad we are rescheduling for Jan 18 2023. Again no call no show and I was to wait as before. They then rescheduled me for mid march. I begged a customer service rep for earlier date which was to be Feb 16th. I just got text they wont be out till mid march. In the mean time they continue to charge me full price for internet and late fees for not paying for internet. I do pay for my 2 landlines. The only other internet service out here is satellite and most neighbors gave up on frontier but said the satellite service is not any better. No other provider is available. I have been denied access to any supervisory persons and have called continually for help with this matter but no help has been given. I wrote to frontier to no avail. I spoke to a frontier repairman who was trying to get Quarryville internet back up and running. He has been with company 17.5yrs. He said the new modem has to have a tech come to one's home to get it up and running. He said remote start is impossible with this new type of modem. He could not help me in any way even though he was only 6min from my house. Please help
Respectfully Nina yentzer.

US rep Chrissy Houlihan- no help
Senator Carolyn Comitta- no help
PA office of the Attorney General-- resolved before they were able to intervene.
Public Utility Commissions BCS-- resolved before they were able to intervene.
Better Business Bureau- quick and rapid response with continued follow-up

Rep. John Lawrence- quick and rapid response by staff member with continued follow-up.

Resolution occurred sunday feb 6th when a repairman contacted me in the morning stating he was coming out to assist with my lack of internet. the gentleman was here for only 15min in which he connected the modem. he stated that the modem cannot be connected remotely but only via onsite. thus a 3 month of wait for my internet to be restarted took only 15 min of a repair technicians time and since this gentleman lived only 6 min from my house his total time in repairing my problem was 27 min which included his travel time to and from his house per his report to me.

NINA MARGUSITY YENTZER
ATTORNEY AT LAW
1576 Bush Road
Cochranville, PA 19220
office and fax- 610-593-8612
text only cell- 610-213-0596

7/19/23 - SAC Kearny M. Francis Devere
Office of Admin. Serv. Office

From: C. Lynn Swisher <dr.lynnswisher@gmail.com>

Sent: Thursday, July 20, 2023 9:47 AM

To: Consumer <Consumer@paoca.org>; C. Lynn Swisher <dr.lynnswisher@gmail.com>

Subject: Frontier

I was in attendance last night at the Quarryville School hearing but was unable to stay to get to testify. I want to say I have been at my residence for 16 years and a Frontier customer for that time. I have endless stories/accounts of the lack of service.

The most recent one though bring to light the ongoing incompetence of the organization and lack of customer service. Frontier needs competition and to be forced to provide services they are charging for. They have efficient billing and payment services in place as an organization.

Our internet service went out early May. The initial call was placed and a ticket opened. About a day before the technician was scheduled to arrive I got a text saying the service was restored. Text yes to confirm or no. I texted saying no the service had not been restored. I called the 800 number and found out that the ticket had been cancelled and I had to submit a new ticket, which I did and also got another service date rather than the date that was originally assigned.

I work remotely at home as part of my job and the internet being down meant an added two hour trip to the corporate office each day. You know it is bad when the IT Team at your office greets you in the morning saying "Dr. Swisher I see your internet is still out". The outage lasted several weeks.

Numerous calls were placed to get an earlier service fix date with little success. The technician finally came and fixed the internet connection but disconnected the main house phone. We were then out that service ten days before it was fixed.

During the multiple tcall imes prior trying to get the date moved up, the service phone staff phone did not have my number one time, my e-mail address was needed the other time, just crazy things that should have been on the record. This was information I had given them. I had to update the FCC as I filed a complaint with them. I had Frontier corporate folks call and did not know what had transpired from my recent call in to get the service date moved up. The right hand did not know what the left hand was doing. The inefficiency of this corporation is shocking. Most would be out of business and I say there have been no improvements from the time the organization declared bankruptcy.

The extra time for commuting, lost work hours were significant. I work for a law firm and fees are important. Thank you for taking this account and I understand it is not testimony but it is important you understand the level of inefficiency present within this organization.

Thank you! Dr. Swisher

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Consumer Advocate and
Office of Small Business Advocate

Commonwealth Telephone Company
LLC d/b/a Frontier Communications
Commonwealth Telephone Company

Docket No. C-2023-3037574

Quarryville Public Input Hearing Written Statement

Please provide the following information:

1. Name Rebecca Kleinz
2. Address 433 Liberty Lane Colerain Tp Kirkwood Pa 17530
3. Occupation Retired

Are you a current Frontier Commonwealth customer? Yes

Please provide your written statement (additional pages may be added)

See recap attached. Thank you!
3 pages attached

Testimony of Rebecca Kleinz
433 Liberty Lane
Colerain Township
Customer since 1989

- 8/1/2017 Dry weather, static on business line.
8/2 Little rain, high pitched noise on both phone lines.
8/3 Repair ticket issued by Hosea at Customer Service (hereafter CS).
8/4 Rain last night; static on business phone.
8/7 Rainy, lots of static on business phone.
8/12 Static gone.
- 11/6/2018 Can hear voices on residential phone. Per CS Rudy, there is a 30 second delay for phone to ring. These indicate a problem on line. Issued repair ticket. Problem continued.
11/12 Per CS Martina, the voices are an issue with the other person's company (in this case, Armstrong).
11/12 Called Armstrong. Transferred to Evan in Tech Support who told me it was "probably a Frontier issue".
11/15 Fax machine line is dead. CS David issued repair ticket. Issued a separate ticket for the delayed ring. Repaired 11/17.
- 6/17/2020 Inconsistent internet since beginning of June. Download 3.1, upload 0.4. CS Kingsley changed to an uncongested channel.
6/18 7:10pm, kicked off Zoom meeting.
6/20 1:50, 2:10, 2:11pm, kicked off Zoom meeting. Modem shut down and rebooted. "Internet is unstable" message on Zoom. 2:20pm, kicked off Zoom meeting. 4:10pm, no internet.
6/28 Between 11:43am & 6:00pm, internet was out 5x.
7/1 9:30am, internet out.
7/2 10:12am & 6:57pm, internet out.
7/3 10:46am, internet out. CS Joey did a "full reset" at 10:50am.
7/4&5 11:22am, 6:38pm, 6:54pm, internet out. CS David issued repair ticket for 7/5, 8-12. Internet shut down 12x, last time being 4:28pm on 7/5. Did tech do repair as promised morning of 7/5? Apparently not.
7/6 Tech Dave here 10am until 3:30pm. Worked on outside lines. Speeds before repair: DL 1.74, UL 268 kbps; after repair: DL 5.29, UL .51.
7/6 Heavy rain. Static on business & fax lines. Intermittent internet. CS Jabel issued repair ticket for 7/7, 8-12.
7/7 Internet out 8:50am. Tech arrived at 2pm (not in am) after I responded to a text to KEEP the appointment. Internet out at 7:55pm.
7/8 Intermittent internet all day. CS Michele issued repair ticket for 7/8, 8-12, but put wrong phone#, so Tech Jamie was unable to complete work.
7/9 All lines are messed up with crossovers between business & residential lines & echo on business line. Business line gets busy signal when dialing residential line. Repairs completed by Tech Tim.
- 11/24/2021 Called to report static for over a week. Third time in a month. Tech Support Enrique issued repair ticket for 11/25, 8-5. Repair completed.
- 3/21/2022 Called to report static since 2/14/22. CS Francisco issued ticket for 3/22, 1-5. Repair completed.

Testimony of Rebecca Kleinz
433 Liberty Lane
Colerain Township
Customer since 1989

Due to the unexpected death of my husband/business owner in April 2022, the business was terminated. Therefore, I wanted to change to residential internet only. Following is a recap of the nightmare I endured with Frontier.

5/13/2022 I called Frontier to keep the internet and residential line and to have the business calls forwarded to the residential phone. Also I wanted to terminate the fax line and change from the business name to my name. CS Joy told me I had the wrong department and transferred me to Shawna who transferred me to Casandra. Each time I had to tell the whole story. Basically I was told I would receive a \$30 discount/month. That didn't seem right to me. So I made no changes at that time.

Because I was involved in settling business matters and my husband's estate, plus going through the grieving process, I did nothing until September 2022.

9/6/2022 Spoke with Paul Sherello (sp?), Business Solutions. He would re-class internet to residential. I was assured no interruption in service, no early termination fee. Order #05744447 removes business lines. Phone# 529-6145 would be residential & internet only, Order# 05744452. Spoke to Edwardo in, I believe, Residential, who indicated an upgrade to 12 mg. for a cost of approx.. \$65/mo. + taxes. All effective that day.

9/26 Lost internet about 2am. Appointment was already scheduled that afternoon, 1-5. NO SHOW. Called Customer Service.

9/27 NO INTERNET. Received text that appointment was re-scheduled for 10/18, 1-5. Received text for an appointment on 9/27 (yes, that same day). Received another text for appointment on 9/29. Called Customer Service. Transferred to Tech support. Told both reps about needing to change to residential name. Tech support confirmed it's still in business name. Transferred to Damien, Business Team, who issued a Trouble Ticket #1639050 for 10/20, 8-5. Transferred to CS Residential Brian to cancel upgrade to 12 mg., which was apparently why they had to come to the property. This could now be handled in-house. Was told internet would be restored later that day or the next day.

9/28 NO INTERNET.

9/29 NO SHOW, NO INTERNET. Received text at 6:35pm for appointment on 9/30.

9/30 NO SHOW, NO INTERNET.

10/1 NO INTERNET. Bill still coming in business name. Called Customer Service, Residential. They ask if I'm business or residential? Supposed to be residential but still in business name. Residential can't help; must talk to Business. Upon transfer to Business I hear a recording: "We're closed. Call the next business day."

10/2 NO INTERNET.

10/3 NO INTERNET. Finally, after getting a local contact & relating the whole process to him, he promises to send a tech the next morning.

10/4 9:15am Chefren, a wonderful tech from Connecticut arrives. By 10:30 he has everything up and running. After 8 days with no internet, service is restored. But unfortunately he can do nothing about the name change.

11/2 Called Business Solutions & spoke with Ashley. I explain I want internet only. She will personally handle everything, including talking to residential & changing to residential billing, Order #2149178. Ashley will call me in 24 hours to make sure all has gone as it should. (That promised phone call never came, but I did receive a text in the afternoon of 11/4 that there was a successful completion. However, it is still in the business name.)

Testimony of Rebecca Kleinz
433 Liberty Lane
Colerain Township
Customer since 1989

- [This may seem like a trivial concern, but should there be an audit, if Frontier ever does that, they will see a business account being charged a residential rate.] Transferred to Miquel in Residential. Assures me there will be no change in speed (which he says is 6 mg) & no interruption in service. Price is \$54.99 + taxes. He says by 2:30pm tomorrow (11/3) everything will be completed. Internet may be out a maximum of 1 hour for changeover. Completed as promised.
- 11/14 Called Ashley about billing name, no answer. Spoke with CS Carlos & was disconnected after a long hold. Called CS Laura, who said order on 11/2 was done incorrectly; the business codes were not removed. Laura transferred me to George in Retention Dept. who said he changed the name to Rebecca Kleinz and that a proration would show on the next bill. The new charge, he said, is \$42.98 + taxes. The NAME WAS NOT CHANGED and I'm being charged \$43.98 + taxes.
- 12/1 Called about sporadic internet service since 11/27. CS Claire said a tech needed to come to the site to permanently fix the issue. Ticket #1646673 issued for 12/15, 1-5. This was not acceptable.
- 12/2 Texted local contact. Replied he would send a tech on 12/6. However, internet connection was appeared to be fixed later that night.
- 12/5 Called Customer Service to see about name change...again. CS Crystal told me still in business name. CS Odayr was checking records. Tranferred to Business Customer Service. Put on hold; I hung up after 5 minutes of waiting on hold.

The business was issued a FINAL SUSPENSION NOTICE, undated, but with a Past Due Date of 11/28/22, Final Due Date of 12/13/22, in the amount of \$110.10. Really???

For almost, if not every repair ticket issued, I was told someone had to be at the property to gain access. Obviously this meant being tied to home or having someone be there when I couldn't be. Over the course of everything in this recap, I spent many hours on the phone with Frontier, not to mention the hours I spent in person at the hearing and writing this recap.

The techs are all great. Most customer service agents are polite and patient, and likely have a script to follow. I've heard so many apologies and assurances that they would help me. Frankly, none of them did, but many times I was put on long holds. Many are very hard to understand. Obviously some I spoke with were in training. The only real help I had was from our local manager. THANK YOU BILL!

AS OF 7/28/23:

- THE ACCOUNT REMAINS IN THE BUSINESS NAME!
- INTERNET IS WEAK. I cannot watch Netflix because it kicks me off constantly. Every evening when playing games on my tablet...not high speed games, but games such as Words with Friends and CodyCross...I lose connection several times.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

REBUTTAL TESTIMONY OF

PAUL KIRCHOFFER

ON BEHALF OF
COMMONWEALTH TELEPHONE COMPANY, LLC
D/B/A FRONTIER COMMUNICATIONS TELEPHONE
COMPANY

Docket No. C-2023-3037574

TOPICS:

Frontier Commonwealth Operations

September 7, 2023

TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. DESCRIPTION OF FRONTIER COMMONWEALTH..... 2

**III. CHARACTERISTICS AND DIFFICULTIES FACING FRONTIER’S
COMMISSION’S REGULATED RLEC OPERATIONS..... 3**

**IV. STAFFING SHORTAGES BEGINNING IN SUMMER 2022 AND
ASSOCIATED CHALLENGES..... 4**

V. CONCLUSION 19

PUBLIC VERSION

1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME AND POSITION WITH THE COMPANY.**

3 A. My name is Paul Kirchhoffer. My role at Frontier is Senior Vice President for
4 Operations.

5 **Q. HOW LONG HAVE YOU HELD THIS POSITION?**

6 A. I joined Frontier in April of 2023.

7 **Q. AS IT PERTAINS TO PENNSYLVANIA, WHAT ARE YOUR JOB**
8 **RESPONSIBILITIES?**

9 A. I lead the team that installs and repairs Frontier’s voice, data, and video services in
10 Pennsylvania. We also maintain the local network and equipment that enables these
11 services.

12 **Q. PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.**

13 A. My professional career in operations began as an aircraft maintenance officer after
14 graduating from the US Air Force Academy. My experience leading crews and teams
15 engaged in F-15 maintenance and developing F-16 training systems was excellent
16 preparation for my first role in the telecommunications business as an installation and
17 maintenance supervisor for US West Communications. I have worked for US West and
18 its successor entities Qwest then CenturyLink then Lumen combined for more than 22
19 years and most recently for Ziplly Fiber for approximately 3 years. Over past 25 years in
20 telecommunications, I’ve been blessed to work with and learn from an amazing group of
21 mentors and co-workers across many different areas of the business including installation
22 and repair, central office, designed services, engineering and construction, sales
23 operations, billing systems, dispatch, and technical support.

PUBLIC VERSION

1 **Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY BEFORE THIS**
2 **COMMISSION?**

3 A. No.

4 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

5 A. I will first provide background on Frontier Commonwealth’s operations. I will then
6 discuss the following substantive areas of testimony: characteristics and difficulties facing
7 Frontier’s Commission regulated rural incumbent local exchange carrier (“RLEC”) operations;
8 staffing shortages beginning in the second half of 2022 and associated
9 challenges; Frontier’s initiatives to address staffing shortage and backlog; the status of
10 Frontier’s technician staffing today; and Frontier’s plans for improving service for the
11 future.

12 **II. DESCRIPTION OF FRONTIER COMMONWEALTH**

13 **Q. PLEASE DESCRIBE FRONTIER COMMONWEALTH.**

14 A. Frontier Commonwealth (Utility Code: 310800) is a Pennsylvania corporation with its
15 principal offices based in Dallas, Pennsylvania. It is a rural incumbent local exchange
16 carrier authorized to provide local exchange voice and related services on a jurisdictional
17 basis. It operates in all of Wyoming County and in portions of Berks, Bradford, Bucks,
18 Carbon, Chester, Columbia, Dauphin, Lackawanna, Lancaster, Lehigh, Luzerne,
19 Lycoming, Monroe, Northampton, Schuylkill, Sullivan, Susquehanna, Tioga, and York
20 Counties, across an area covering approximately 5,066.5 square miles. Frontier
21 Commonwealth’s service territory includes predominately rural areas with approximately
22 60,000 access lines (both Copper and Fiber) served by 78 wire centers across Frontier’s
23 territory.

1 **III. CHARACTERISTICS AND DIFFICULTIES FACING FRONTIER’S**
2 **COMMISSION’ REGULATED RLEC OPERATIONS**

3 **Q. PLEASE DESCRIBE THE SERVICE TERRITORY OF FRONTIER**
4 **COMMONWEALTH INVOLVED IN THIS PROCEEDING.**

5 A. This proceeding involves the northern tier of Frontier Commonwealth’s territory
6 including the Counties of Bradford, Sullivan, Susquehanna, Tioga, and Wyoming.
7 Additionally, a public input hearing was held in Lancaster County at the request of PA
8 State legislators. The northern tier counties are some, if not the most, rural counties in the
9 Commonwealth as shown by the U.S. 2020 Census data compiled below:¹

County	Population (2020)	Population Density (per sq. mile)
Bradford	59,967	52.3
Sullivan	5,840	13.0
Susquehanna	38,434	46.7
Tioga	41,045	36.2
Wyoming	26,069	65.6
State total	13,002,700	282.3

10 The total population of the five counties at issue in this proceeding represent 1.3% of the
11 state’s population as of 2020 and the population density is extremely rural, drastically
12 below the state average. This highlights the fact that often many miles exist between
13 households in these counties. For Frontier (and any other service provider), this directly
14 correlates to a significantly higher cost per customer given the dispersed population that
15 it serves.
16

17 **Q. DOES FRONTIER SERVE ALL OF THE POPULATION IN ITS SERVICE**
18 **TERRITORY?**

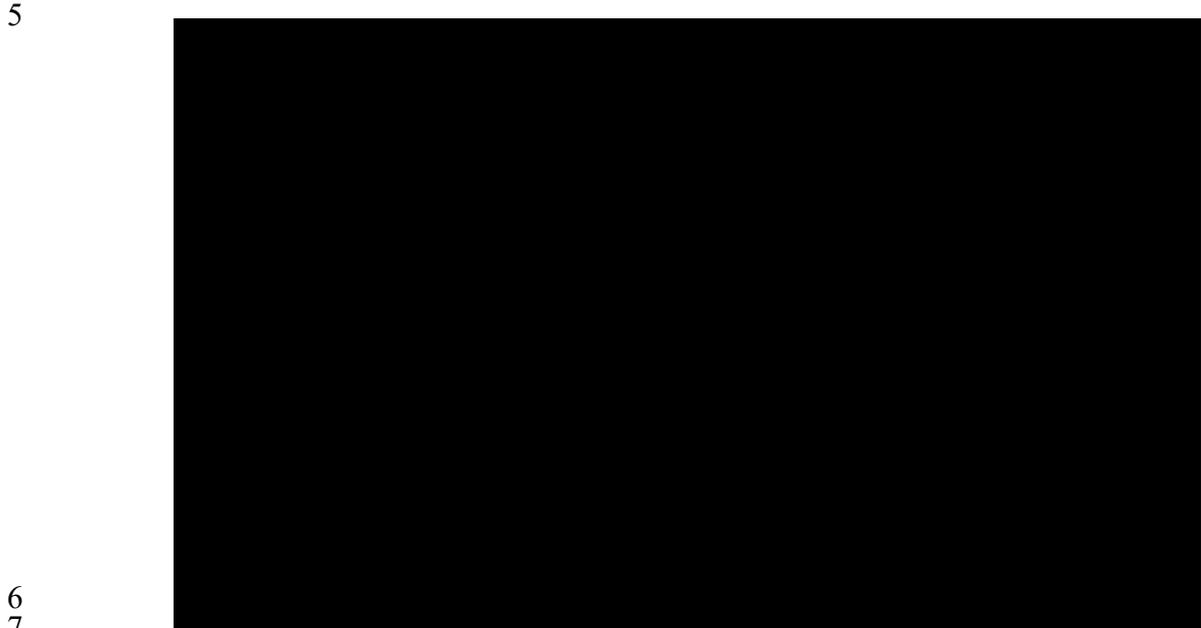
19 A. No. As explained by Frontier’s witness Ken Mason (Frontier Commonwealth St. 5-R),
20 cellular and other service providers, as a matter of overall industry trends, have gained a

¹ <https://www.census.gov/library/stories/state-by-state/pennsylvania-population-change-between-census-decade.html>

PUBLIC VERSION

1 considerable share of the voice market. Indeed, since 2018 alone, Frontier has
2 experienced a 40% decline in its access lines. Specific to Frontier, the below graph shows
3 decline in traditional telephone service over the past 5 years:

4 **[BEGIN CONFIDENTIAL]**



6
7
8 **[END CONFIDENTIAL]**

10 **IV. STAFFING SHORTAGES BEGINNING IN SUMMER 2022 AND ASSOCIATED**
11 **CHALLENGES**

12 **Q. PLEASE DISCUSS THE STAFFING SHORTAGES FRONTIER**
13 **COMMONWEALTH BEGAN EXPERIENCING IN 2022?**

14 A. Frontier Commonwealth had more than 20 technicians, an extraordinary number, retire
15 and/or leave in 2022. This negatively impacted the Company’s ability to respond quickly
16 to outages, repairs and installations in some areas as compared to others. It also resulted
17 in Frontier Commonwealth having a backlog of service and repair orders.

18 **Q. HOW DOES FRONTIER ASSIGN ITS TECHNICIANS TO GEOGRAPHIC**
19 **AREAS?**

20 A. Based on historical data and seasonal patterns, we forecast the amount of work we will
21 need to care for in each geographic area in terms of full-time equivalent technicians. As

PUBLIC VERSION

1 you might expect, the forecasted number of technicians needed rarely turns out to be a
2 nice round number. Many of the communities we serve are a significant distance away
3 from our operating locations and require less than one full-time equivalent technician.
4 This makes it challenging to position technicians in a way that balances response time
5 and keeps technicians working efficiently. While the main factor in geographic
6 assignment is workload, other factors like being able to respond to storms, third party
7 damage to our network, employee illness, and the availability of skilled labor at an
8 economically viable rate also drive geographic assignment.

9 **Q. GIVEN THE TECHNICIAN STAFFING LOSSES, HOW DOES FRONTIER**
10 **ASSIGN SPECIFIC WORK ORDERS OR JOBS TO ITS TECHNICIANS?**

11 A. In many of our community service areas, Frontier has multiple service technicians that
12 can be dispatched to cover the installation and repair workload in the geographic areas
13 they cover. In the more rural, less populated areas of our service territory, however, the
14 workload volume does not support having a technician stationed in an area on a full-time
15 basis. Our dispatch systems are designed to optimize daily routes for our technicians
16 based on factors like, appointment time, commitment time, travel time, and technician
17 skills. Where repair or installation for a single customer requires long travel times, we
18 may batch service orders and trouble tickets.

19 **Q. PLEASE ADDRESS HOW THIS PROCESS OF ASSIGNING WORK ORDERS**
20 **RESULTS IN MISSED APPOINTMENTS AND OTHER ISSUES IMPACTING**
21 **CUSTOMER SERVICE?**

22 A. As I explained above, Frontier's systems are designed to optimize daily routes for our
23 technicians based on factors like, appointment time, commitment time, travel time, and
24 technician skills. At the start of a day, a technician may be assigned to between 4 and 6
25 jobs to complete in the day depending on the expected complexity and time to address the

PUBLIC VERSION

1 customer's issues and travel time between jobs. Some percentage of jobs turn out to be
2 more complicated than expected. As a result, subsequent work may be delayed or need
3 to be rescheduled. Frontier's process is such that in these circumstances customers
4 should be notified in advance by text message or another method identified by the
5 customer if the repair/installation appointment will be missed. Frontier is working to
6 further improve its systems and options for scheduling and rescheduling service order
7 installation and repairs. However, another complexity, Frontier Commonwealth's
8 technicians frequently encounter is that they arrive at a customer's location at the time
9 scheduled with the customer only to determine that the customer was not a home and
10 therefore the repair/installation cannot be completed. This impacts all the subsequent
11 service orders in that the travel time to the customer location was wasted and the
12 technician will frequently be required to return to the customer location another time.

13 **Q. PLEASE ELABORATE ON YOUR STATEMENT THAT TECHNICIAN**
14 **STAFFING LOSSES IMPACTED SERVICE IN "SOME AREAS THE**
15 **COMPANY SERVED" MORE SIGNIFICANTLY THAN IN OTHER PARTS OF**
16 **THE FRONTIER COMMONWEALTH SERVICE TERRITORY?**

17 A. The chart below identifies the number of technicians by quarter in 2022 associated with
18 the primary service locations that Frontier Commonwealth maintains. As this chart
19 reflects, some areas like Bangor and Conyngham continued to maintain the same number
20 of (or more) technicians throughout the year whereas other areas like Wellsboro and
21 Tunkhannock experienced a significant proportional reduction in technicians assigned to
22 the area. As the chart below reflects, for example, Wellsboro lost 4 of its 7 technicians
23 which supported a large portion of the northern tier.

1 **[BEGIN CONFIDENTIAL]**



2 **[END CONFIDENTIAL]**

3 **Q. WHAT WAS THE IMPACT ON FRONTIER OF LOSING THESE**
4 **TECHNICIANS?**

5 **A.** In late 2022 and carrying into early 2023, Frontier’s diminished technician staffing levels
6 made it impossible for the Company to keep pace with the number of repair and service
7 requests which created a backlog in which customers’ appointments were delayed or
8 needed to be rescheduled. The backlog was further exacerbated by unusual storms and
9 weather events that increased the number of customer outages requiring repairs.

10 The loss of technicians and the timing of the loss were something of a “Perfect Storm.”
11 Most of the technician departures occurred just as the seasonal increase in installation and
12 repair activity that typically runs from June through October began. The number of days
13 it took to repair service for our customers expanded greatly as did the number of days it

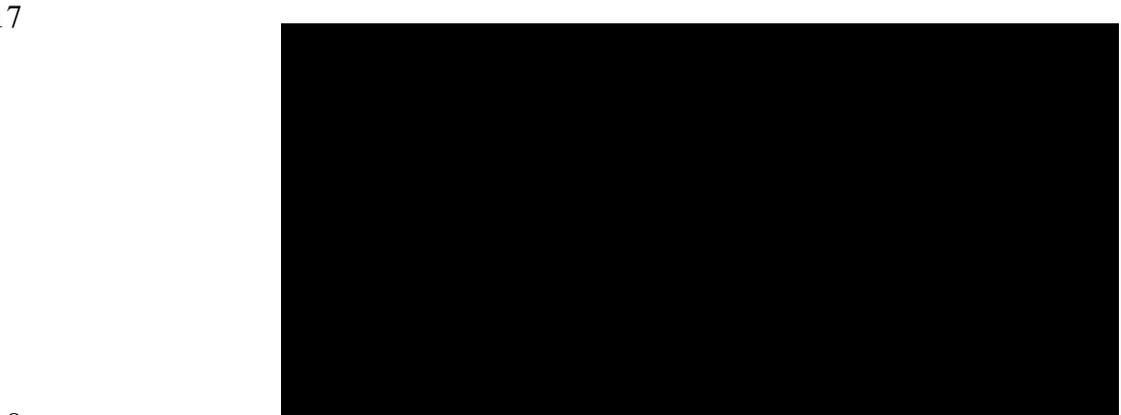
PUBLIC VERSION

1 took us to install new service. Our remaining installation and repair technicians worked
2 nearly three times as much overtime from June through December 2022 as compared to
3 the prior months of 2022 but could not keep up with daily demand. This condition
4 resulted in a service order backlog that peaked in January of 2023. During this period
5 many customers experienced delays in service, rescheduled appointments, and missed
6 appointments.

7 **Q. WHAT DID FRONTIER DO TO ADDRESS THE SHORTAGE AND BACKLOG?**

8 A. Frontier has aggressively worked to reestablish its staffing resources after losing
9 technicians in 2022 and has successfully hired additional technicians to backfill the
10 departing employees. To hire additional technicians, Frontier posted jobs for open
11 positions and actively pursues candidates to fill the vacant positions. In the first quarter
12 of 2023, Frontier identified and sought to hire additional technicians. As Frontier
13 explained in the public input hearings, in late 2022 and the first half of 2023, Frontier
14 hired eight (8) new technicians to join its workforce and focus on improving customer
15 service. The name and location for these 8 technicians is included in table below:

16 **[BEGIN CONFIDENTIAL]**



18
19 **[END CONFIDENTIAL]**

PUBLIC VERSION

1 Frontier has also more recently hired three (3) additional technicians in the following
2 areas:

3 **[BEGIN CONFIDENTIAL]**



4
5 **[END CONFIDENTIAL]**

6
7 Separate and apart from these 11 added technicians since December 2022, Frontier has
8 posted positions looking for at least six (6) additional technicians in New Holland,
9 Quarryville, Towanda, Clarks Summit, Elizabethville and Wilkes-Barre (CO Technician).

10 **Q. PLEASE EXPLAIN THE CHALLENGES FRONTIER HAS ENCOUNTERED IN**
11 **FILLING THE VACANT TECHNICIAN POSITIONS?**

12 A. Frontier is a good company to work for and is seeking to hire multiple sales and service
13 technicians to provide customer service support installing and maintaining both its copper
14 and fiber telecommunications network. Technicians at Frontier are part of the
15 Communications Workers of American (“CWA”) union and are subject to the terms and
16 conditions of the CWA collective bargaining agreement. The bargaining agreement
17 specifies the terms and compensation for technician positions and a new Frontier sales
18 and service technician with no prior experience can be expected to receive wage
19 compensation of approximately of \$50,000 per year before overtime. Technicians with
20 prior telecommunications installation and repair experience can be expected to receive
21 wage compensation closer to \$70,000 per year before overtime. Most technicians also
22 receive overtime compensation which varies with the area they service and the volume of

PUBLIC VERSION

1 work. In addition, technicians that work a certain minimum number of hours and period
2 of time are eligible for medical and certain other benefits.

3 When a technician position becomes available the position will first be posted on
4 Frontier’s internal website to allow existing employees an opportunity to apply for the
5 job. After internal posting, the position will be posted on Frontier’s external “Careers”
6 website, and other third-party websites like LinkedIn and Indeed.com. Other initiatives
7 such as outreach and posting with state and local employment agencies may also occur.
8 Given the rural locations of many of these positions, coupled with the current low
9 unemployment rate in Pennsylvania, Frontier has faced challenges to fill these positions.
10 In particular, while the northern tier counties have some of the lowest overall population
11 density in the state as I discussed above, these counties have lower than average
12 unemployment rates and minimal total unemployed persons compared to other areas of
13 the state² as shown below:

County	Unemployment rate as of June 2023 (PA Preliminary data)	Total unemployed persons as of June 2023 (PA Preliminary data)
Bradford	3.4%	1,000
Sullivan	3.9%	100
Susquehanna	3.2%	600
Tioga	3.9%	800
Wyoming	3.7%	500
State total	3.8%	246,000

14
15 In these counties, Frontier has struggled to fill positions that it has posted, despite the
16 significant compensation Frontier offers in these rural areas.

² <https://www.workstats.dli.pa.gov/Products/CountyProfiles/Pages/default.aspx>

PUBLIC VERSION

1 **Q. PLEASE EXPLAIN FRONTIER’S USE OF CONTRACTORS.**

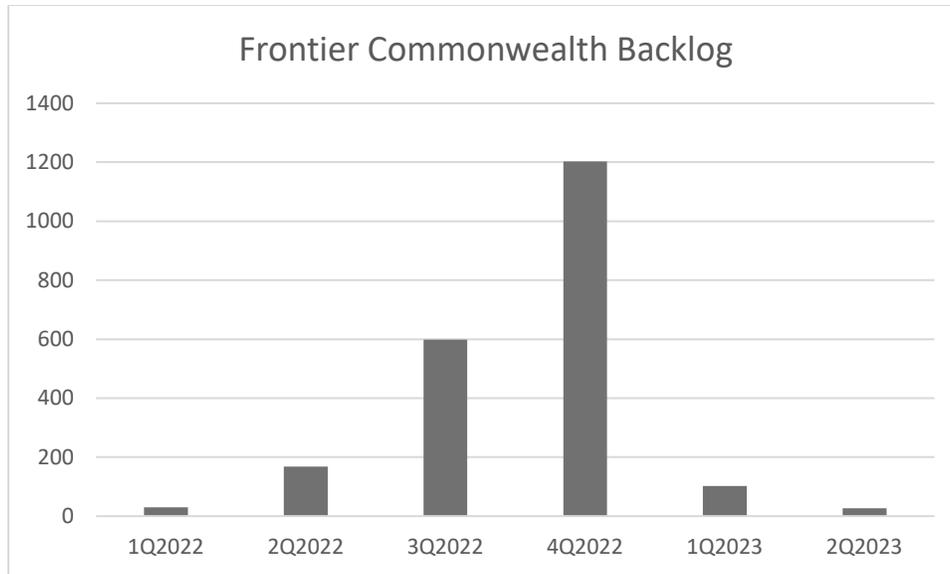
2 A. In addition to filling and seeking to fill vacant technician positions, the Company has
3 retained and utilized a significant number of outside contractors to assist with repairs and
4 reduce demand on the employee technicians and to respond to customer service issues
5 since the later part of 2022.

6 At its peak in February 2023, Frontier had [BEGIN CONFIDENTIAL] [END
7 CONFIDENTIAL] contractors in the field and [BEGIN CONFIDENTIAL] [END
8 CONFIDENTIAL] in March 2023 to reduce the repair backlog. Currently, Frontier has
9 approximately [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] contractors in
10 the field, and we expect those numbers to stay level in the near term but decrease over
11 time based on repair requests and when Frontier can fill its current technician job
12 postings as discussed below.

13 Contractors were and are strategically deployed to address problem centers for copper -
14 based service outages and repairs in the northern tier counties. The contractors were not
15 as economically efficient as in-house technicians, but Frontier saw incurring the expense
16 as a necessary effort to address and mitigate the backlog and prevent further customer
17 service interruptions during the period Frontier has been seeking to hire new technicians.

18 **Q. WHAT IS THE CURRENT STATUS OF BACKLOG FOR REPAIR TICKETS?**

19 A. During the first and second quarters of 2023, Frontier worked to alleviate the backlog of
20 telephone service orders and trouble tickets. As of July 2023, the backlog beyond what
21 Frontier experiences in the ordinary course of business was all but eliminated. Through
22 its use of employees and outside contractors Frontier has been able to maintain the
23 backlog of repair orders at ordinary levels as shown in the chart below:



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Q. PLEASE RESPOND TO WITNESS BALDWIN'S STATEMENTS THAT CUSTOMERS IN SOME AREAS EXPERIENCED FASTER REPAIR TIMES THAN CUSTOMERS IN OTHER AREAS?

A. On page 50 of her testimony, Witness Baldwin concludes that Frontier Commonwealth does not have an incentive to repair service for its customers because of the “great disparity in how long households and businesses must wait for Frontier to fix out-of-service dial tone lines depending on where they are located.” OCA St.1 at 49. I’d like to make it clear that Frontier wants to retain its customers and repair service issues for its customers quickly. The fact that customers in some areas experience different repair times than customers in other areas is not surprising and says nothing about the incentives Frontier has to address customer service issues. As I noted above, given the rural nature of some customers and the drive time to respond to service issues, it may take longer for some areas to receive service as compared to others. A low number and complexity of repairs in a particular area may further skew results in terms of longer repair times versus other areas with a small number of repairs that can be addressed quickly. The disparity

PUBLIC VERSION

1 in repair times provides no meaningful data related Frontier’s efforts to respond to
2 customer service issues.

3 **Q. WHAT ARE FRONTIER COMMONWEALTH’S PLANS FOR ENSURING**
4 **CONTINUED IMPROVEMENT IN SERVICE LEVELS?**

5 A. Frontier Commonwealth is actively seeking to hire 15 additional technicians this year to
6 augment its existing work force. The location and number of additional positions by
7 location are identified in the table below:

8

Location	Additional Positions
DALLAS	2
ELIZABETHVILLE	2
MONTROSE	1
NEW HOLLAND	3
QUARRYVILLE	3
TOWANDA	3
TUNKHANNOCK	1

9

10 Like the other technicians Frontier is seeking to hire, the expected wage compensation for
11 these positions, which are positions covered by the CWA collective bargaining unit, is
12 approximately \$50,000 per year before overtime (or \$70,000 per year with experience),
13 with eligibility for medical benefits after 90 days.

14 **Q. WILL THE CURRENT AND PLANNED STAFFING LEVELS ALLOW**
15 **FRONTIER TO MAINTAIN SERVICE QUALITY PERFORMANCE AND**
16 **AVOID FUTURE SERVICE BACKLOG?**

17 A. Yes, we are taking the necessary actions to continue to improve service levels and avoid
18 future backlog conditions by hiring additional employees and using contractor labor to
19 address employee technician staffing as needed.

PUBLIC VERSION

1 **Q. WHAT ADDITIONAL INVESTMENTS IS FRONTIER DEPLOYING?**

2 A. As explained in the accompanying testimony of Nathan Barber, Frontier plans to expand
3 its fiber-optic-network in the Commonwealth and to continue to provide voice service to
4 customers served with its fiber-optic network. In these locations, fiber will eventually
5 replace the copper facilities. Fiber, as compared to copper, is less susceptible to
6 temperature changes, severe weather, and moisture, and is expected to improve the
7 quality and reliability of voice service.

8 **Q. PLEASE RESPOND TO WITNESS BALDWIN’S TESTIMONY THAT**
9 **FRONTIER’S TELEPHONE NETWORK IS DEFICIENT?**

10 A. Frontier’s physical telephone network is currently and will remain capable of providing
11 reliable and high-quality telephone service in Pennsylvania. This is evidenced by the
12 relatively low trouble report rate of Frontier’s network. As confirmed in the testimony of
13 Witness Baldwin and described in more detail by Frontier witness Cassandra Knight,
14 every one of Frontier’s exchanges was significantly below the Commission’s trouble
15 report rate standard of 5.5 troubles per 100 lines³ during 2021, 2022 and YTD 2023.
16 This is strong evidence Frontier’s network provides consistent and reliable service to its
17 customers. The issues that we have had recently are not network deficiencies but rather
18 driven by the personnel shortage that I have described, and which are in the process of
19 being remedied.

³ 52 Pa. Code § 63.57

PUBLIC VERSION

1 **Q. DOES THE COMPANY CONSIDER MEAN TIME TO REPAIR OR OUT OF**
2 **SERVICE RESTORAL TIMES A RELIABLE INDICATOR OF NETWORK**
3 **RELIABILITY OR AREAS WHERE NETWORK IMPROVEMENTS NEED TO**
4 **BE MADE? PLEASE EXPLAIN FULLY.**

5 A. No. Some level of network troubles or outages are inevitable because of storms, third
6 parties and typical network events. However, as noted above and addressed in more detail
7 in the accompanying testimony of Frontier witness Cassandra Knight, the number of
8 network troubles experienced by Frontier Commonwealth at a company-wide level and
9 with respect to its 78 exchanges is well below the Commission’s 5.5 per 100 lines trouble
10 report rate standard for the last three years. While there will always be specific and
11 isolated issues like defective cable, broken poles, etc., the fact that Frontier consistently
12 and universally has met the Commission’s trouble report rate provides irrefutable
13 evidence that Frontier’s existing network can provide consistently reliable service
14 quality. Conversely, out of service restoral times and the mean time to repair outages are
15 driven by the number and availability of technicians – not the viability and capacity of
16 Frontier’s network.

17 **Q. DOES THE COMPANY CONSIDER REPEAT TROUBLE REPORT RATE A**
18 **RELIABLE INDICATOR OF WHERE NETWORK IMPROVEMENTS NEED TO**
19 **BE MADE? PLEASE EXPLAIN FULLY.**

20 A. While Witness Baldwin’s statement that “repeat trouble report rates can be a guidepost
21 for determining . . . under-investment in and under-maintenance”⁴ of outside copper plant
22 can be true of some cases, in my experience, trouble report rate tends to be a more
23 reliable indicator of which network segments need attention. Repeat trouble reports tend
24 to be a small fraction of total trouble reports and they include issues unrelated to outside
25 plant conditions like trouble inside a home or business as well as issues accessing a

⁴ Baldwin Testimony at 43.

PUBLIC VERSION

1 customer’s home or business. As noted above, Frontier’s trouble report rate is well
2 below the Commission standard of 5.5/100 lines. Repeat trouble rates do not necessarily
3 reflect any kind of under-investment or under-maintenance in Frontier’s network.

4 **Q. PLEASE RESPOND TO WITNESS BALDWIN’S TESTIMONY THAT THE**
5 **COMPANY DOES NOT ADEQUATELY IDENTIFY AND ADDRESS DAMAGED**
6 **FACILITIES?**

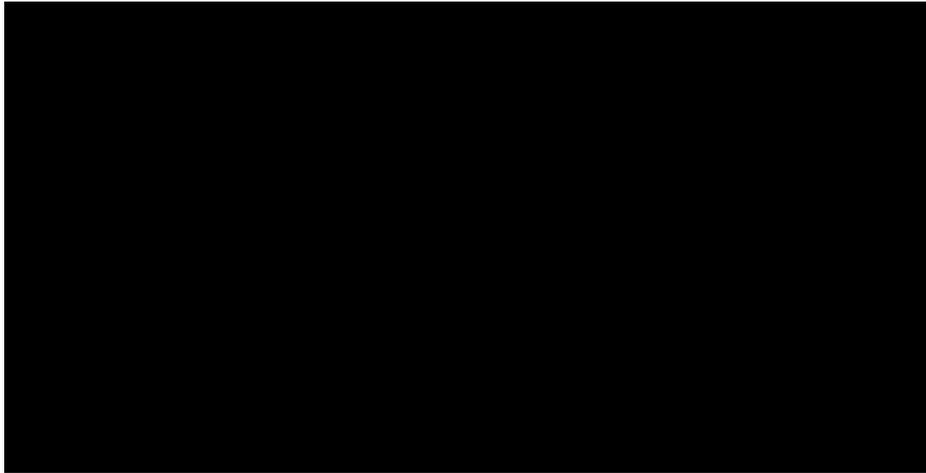
7 A. Frontier has multiple processes for identifying and addressing damaged cable, utility
8 boxes, poles and other facilities to be reviewed for repair or replacement. The processes
9 involve technicians and any Frontier employee or third party that works with outside
10 plant (engineers, local managers, contractor, etc.) identifying facilities that need repair.
11 These repair/replacement claims are categorized differently depending on the cause for
12 the repair or replacement– e.g., weather/storm versus third party damage. The reported
13 repair/replacement claims are inspected and reviewed and the scope, complexity,
14 permitting and right of way issues, costs, number of customers impacted, the extent of the
15 impact on existing customers, availability of staff and or resources to complete the
16 project and several other factors are considered in determining whether to complete the
17 project and the timing and prioritization for the repair/replacement project.

18 **Q. AT PAGE 65 OF HER TESTIMONY, WITNESS BALDWIN DISCUSSES**
19 **FRONTIER’S CAPITAL EXPENDITURES. PLEASE DISCUSS FRONTIER’S**
20 **CAPITAL EXPENDITURES.**

21 A. As Frontier provided in discovery and highlighted by Witness Baldwin, Frontier’s total
22 capital expenditures for the full year 2022 as compared to the full year 2021 are provided
23 below. For context, I have provided this data with the critical analysis of Frontier’s
24 overall capital expenditure per line in service to show that despite declining customer
25 counts, Frontier has continued to meaningfully increase investments in its network:

1
2

[BEGIN CONFIDENTIAL]



3
4
5

[END CONFIDENTIAL]

6
7
8
9
10

The above table shows that despite declining customer counts, Frontier continued to invest and improve its network in Pennsylvania in 2022. This trend has continued into 2023 and I do not agree that Frontier’s expenditures on outside plant and maintenance are inadequate considering the current competitive market, the decrease in lines in service and decline of the industry overall.

11
12

Q. PLEASE DISCUSS YOUR FAMILIARITY WITH THE FRONTIER COMMONWEALTH NETWORK.

13
14

A. Witness Baldwin’s acknowledges that she has not reviewed or inspected Frontier’s Commonwealth’s network. Baldwin Testimony at 39. She also explains that her experience is based on that as a regulator and policy advisor in Massachusetts and as a consultant since 2001. Baldwin Testimony at 1. Ms. Baldwin has not worked in network operations or worked for a telecommunications provider. Since I started at Frontier, I have spent a significant time reviewing specific information related to the configuration of Frontier Commonwealth’s network. I have had weekly meetings with my operations team in Pennsylvania, which includes Tim Allen, Director of Operations in Pennsylvania

PUBLIC VERSION

1 and the five local managers that oversee day to day operations in the state. I have toured
2 Frontier Commonwealth locations and reviewed a wide range of performance and other
3 data related to Frontier Commonwealth copper cable network and the staffing resources,
4 both employees and contractors, used to provide customer service.

5 **Q. BASED UPON YOUR PROFESSIONAL EXPERIENCE AND FAMILIARITY**
6 **WITH THE FRONTIER COMMONWEALTH NETWORK, CAN YOU PLEASE**
7 **ADDRESS WHETHER THE EXISTING FRONTIER COMMONWEALTH**
8 **NETWORK COMPRISED OF COPPER AND SOME FIBER IS CAPABLE OF**
9 **PROVIDING CONSISTENT RELIABLE SERVICE.**

10 A. Yes. Based on my more than 25 years of experience in the telecommunications industry it
11 is clear to me that the Frontier Commonwealth network provides consistently reliable
12 telephone service. As with every network there are areas that have experienced damage
13 (from storms, third parties, etc.) and require repair but the vast majority of Frontier
14 Commonwealth's network is fully capable of delivering high quality voice telephone
15 service to customers.

16 **Q. DID YOU ATTEND THE PUBLIC INPUT HEARINGS?**

17 A. Yes, I attended each of the five public input hearings the Commission scheduled and
18 listened to each of the consumers and representatives that spoke at the public input
19 hearings. I also had an opportunity to talk one on one with several of the customers in
20 attendance related to their concerns with Frontier service.

21 **Q. WHAT IS YOUR REACTION TO STATEMENTS MADE BY THE**
22 **INDIVIDUALS THAT ARE CRITICAL OF FRONTIER COMMONWEALTH**
23 **AND ITS NETWORK?**

24 A. As many customers noted in the hearings, Frontier delivered trouble-free service for
25 many years prior to this challenging recent period. I regret that, recently, we haven't
26 served them better and want them to know Frontier is working diligently to restore their
27 confidence. It's disappointing that a small percentage of the more than 55,000 customers

PUBLIC VERSION

1 we serve had such poor experiences. Many of their concerns are well-founded. Others
2 like their inability to use wireless cellular service or subscribe to competitive alternatives
3 are beyond Frontier's control. Technician staffing issues were the key cause of much of
4 the frustration that is fairly directed toward Frontier. Frontier Commonwealth is working
5 diligently to add technicians, including third party contractors, to improve service.
6 Service and customer satisfaction have already improved versus the second half of 2022,
7 and I expect those improvements to continue.

8 **V. CONCLUSION**

9 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

10 A. Yes. This concludes my rebuttal testimony. I reserve the right to file additional
11 responsive testimony. Thank you.

VERIFICATION

I, Paul Kirchhoffer, hereby state that: (1) I am the Senior Vice President for Operations for Frontier Communications Parent, Inc; (2) the facts set forth in my testimony are true and correct (or are true and correct to the best of my knowledge, information and belief); and, (3) 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: September 5, 2023



Paul Kirchhoffer
Senior Vice President for Operations
Frontier Communications Parent, Inc.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

REBUTTAL TESTIMONY OF

KEN MASON

ON BEHALF OF
COMMONWEALTH TELEPHONE COMPANY, LLC
D/B/A FRONTIER COMMUNICATIONS TELEPHONE
COMPANY

Docket No. C-2023-3037574

TOPICS:

Policy Considerations

September 7, 2023

TABLE OF CONTENTS

I. INTRODUCTION..... 1
II. COMPETITIVE SERVICE AVAILABILITY 2
III. CHAPTER 30 COMPLIANCE 19
IV. OTHER STATE SERVICE QUALITY SETTLEMENTS..... 22
V. CONCLUSION 32

1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME AND POSITION WITH THE COMPANY.**

3 A. My name is Ken Mason. I operate my own consulting company, K Mason 20 Consulting
4 Services, and am currently working as a consultant for Frontier Communications Parent,
5 Inc. and its subsidiaries (“Frontier”), including Commonwealth Telephone Company, LLC
6 d/b/a Frontier Communications Telephone Company (“Frontier Commonwealth”).

7 **Q. PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.**

8 A. I was with Frontier for over 25 years. I held a variety of positions with increasing
9 responsibility over this time, with my last position with the company as Senior Vice
10 President of Regulatory Affairs. I left Frontier at the end of August 2021. My
11 responsibilities included directing Frontier's legislative and regulatory activities at the
12 FCC as well as within a number of the state’s Frontier operates. Since 2013, I have been
13 a member of the Universal Service Administrative Company (“USAC”) Board of
14 Directors and currently am the Chair of the High Cost and Low-Income Committee and
15 Vice-Chair of the Board.

16 During my time at Frontier, I was involved in attaining the required regulatory approvals
17 from state regulatory commissions, as well as the Federal Communications Commission
18 (“FCC”) during many of Frontier's transactions, including Frontier’s acquisition of
19 Commonwealth Telephone in March 2007. I have participated on numerous industry
20 panel discussions related to intercarrier compensation, Universal Service and rural
21 broadband at the FCC, and at NARUC and other industry conferences.

22 I have a bachelor's degree from St. Bonaventure University and an MBA from the State
23 University of New York - Empire State College.

1 **Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY BEFORE THIS**
2 **COMMISSION?**

3 A. No.

4 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY IN THIS**
5 **PROCEEDING?**

6 A. The purpose of my testimony is address some of the recommendations made in Ms.
7 Baldwin’s testimony and to address why they are not appropriate in this proceeding.

8 **II. COMPETITIVE SERVICE AVAILABILITY**

9 **Q. PLEASE ADDRESS COMPETITION FACED BY INCUMBENT LOCAL**
10 **EXCHANGE CARRIERS LIKE FRONTIER COMMONWEALTH.**

11 A. The communications market in Pennsylvania, and nationwide, is intensely competitive,
12 and has been so for many years. Consumers in Pennsylvania choose every day among a
13 variety of communications options, from voice to texting to email to social media, and do
14 so based on their preferred mix of price, quality, convenience, and other attributes. They
15 make that choice from among hundreds of providers offering an unprecedented range of
16 technologies, including “incumbent local exchange carrier” (“ILEC”),¹ competitive local
17 exchange carriers (“CLECs”), wireless carriers, cable companies, and both
18 interconnected and over-the-top VoIP providers.
19 Wireless, VoIP, and broadband services have continued to improve in quality, pricing,
20 availability, and subscribership. Phone service using traditional time-division

¹ The term “incumbent” is a misnomer and, to the extent that it connotes superior market position based upon legacy operations, this is most certainly not true today, nor has it been for quite some time. The federal definition is as follows: “An Incumbent Local Exchange Carrier is an entity that was providing local exchange telephone service in a particular area on February 8, 1996, the date on which the Telecommunications Act of 1996 was enacted into law.” See 47 C.F.R. § 51.5.

1 multiplexing (“TDM”) service, by contrast, has significantly declined as consumers flock
2 to newer technologies. As the FCC observed in late 2020:²

3 The Telecommunications Act of 1996 (the 1996 Act) changed the
4 focus of telecommunications law and policy from the regulation of
5 monopolies to the encouragement of robust intermodal
6 competition....

7 In the nearly quarter-century since the passage of the 1996 Act, the
8 telecommunications marketplace has transformed from a
9 marketplace dominated by monopolies to a marketplace
10 characterized by competition and technological innovation. Former
11 monopolist incumbent LECs are now one of many intermodal
12 competitors, facing fierce competition from competitive LECs,
13 cable providers, and wireless providers, among others. And that
14 competition has itself shifted from siloed markets to the Internet, as
15 increasingly local and long-distance voice, data, video, and nearly
16 all communications technologies are delivered via broadband
17 connections. The Commission has repeatedly adjusted the
18 incumbent LEC-specific obligations in the 1996 Act to account for
19 changed circumstances.

20 **Q. IS THERE COMPETITION FOR VOICE SERVICE IN FRONTIER**
21 **COMMONWEALTH’S TERRITORY?**

22 A. Yes. There are a multitude of competitors for voice service in the Frontier
23 Commonwealth service territory. Wireless and cable are two of the most prominent, but
24 there are also networks that offer “over the top” VoIP services and satellite
25 communications. This competition existed when Frontier Communications acquired
26 Commonwealth in 2007 and has only grown more vigorous. In Table 3 of Ms. Baldwin’s
27 testimony, you see the impact of competition in the number of access lines
28 Commonwealth serves over the period of 2018-2022. At year-end 2018, the company
29 served 117,167 access lines and 74,333 customers. At the end of 2022, those numbers

² See *In the Matter of Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, FCC 20-152, Report and Order Paragraphs 1 and 2 (Released October 28, 2020). <https://docs.fcc.gov/public/attachments/FCC-20-152A1.pdf>

1 were 67,606 access lines and 45,608 customers. That represents a loss of 42% of access
2 lines and 33% of customers in just a four-year period.

3 **Q. ARE YOU FAMILIAR WITH DATA REPORTED BY THE FEDERAL**
4 **COMMUNICATIONS COMMISSION (“FCC”) SHOWING THE PERCENTAGE**
5 **OF VOICE SUBSCRIPTIONS BY VARIOUS CATEGORIES OF PROVIDERS**
6 **AND TECHNOLOGIES?**

7 A. Yes. The FCC statistics show that cell service subscription in the Commonwealth of
8 Pennsylvania has quadrupled, while the ILEC telephone market share of the voice market
9 has plummeted by almost 90% over the last twenty-three years:³

10 **(000 Omitted)**

	1999	2008	2022	% Change
12 ILEC TDM	8,872	5,233	1,061	(88%)
13 Mobile	3,349	9,895	13,866	+ 414%
14 Interconnected VoIP	n/a	n/a	3,119	

15

16 The ILEC market share has consistently been withered away by an average 4.3%
17 annually. Wireless service has exploded by over four times what it was. Interconnected
18 VoIP, which includes voice service provided by the cable companies now serve three
19 times as many voice customers compared to the ILECs’ TDM voice service. The
20 Pennsylvania ILECs’ share of the voice market continues this downtrend, tumbling from
21 virtually 100% in 1996 before wireless service became ubiquitous to an estimated 6%
22 today as it continues careening toward zero. These kinds of statistics are typical across
23 the country and observable in everyday life.

³ Voice Telephone Services: Status as of June 30, 2022, FCC Office of Economics and Analytics (Released August 2023) (“*FCC 2023 Voice Report*”); <https://www.fcc.gov/voice-telephone-services-report>; See also: <https://docs.fcc.gov/public/attachments/DOC-396138A1.pdf>; https://transition.fcc.gov/Bureaus/Common_Carrier/Reports/FCC-State_Link/IAD/trend200.pdf; <https://docs.fcc.gov/public/attachments/DOC-301823A1.pdf>; and https://www.fcc.gov/sites/default/files/vts_state_table_1.xlsx.

1 **Q. ARE THESE TRENDS CONTINUING?**

2 A. Yes. I have reviewed the FCC’s most recent Voice Telephone Services report from
 3 2023⁴ showing the breakout of consumers and businesses served by wireless and wireline
 4 service providers in Pennsylvania. This data, summarized in the chart below shows that
 5 the number of subscribers to wireless (mobile) voice service is over three (3) times the
 6 number of subscriptions to wireline voice service in the state. In addition, the percentage
 7 of wireline voice subscriptions served by ILECs like Frontier versus non-ILECs like
 8 cable and other VoIP providers has continued to decline whereas the non-ILEC
 9 subscriptions have largely remained steady and represent over 60% of the wireline voice
 10 subscriptions. This data further demonstrates the relatively small percentage and
 11 continuing decline in the number of Pennsylvania consumers that rely on ILEC voice
 12 service.

Voice Subscriptions (in Thousands) - Pennsylvania

Reference	Data element	June 2021	Dec 2021	June 2022
1	Mobile telephony	13,554	13,724	13,866
4	Wireline End-User Switched Access Lines and Interconnected VoIP Subscriptions	4,664	4,493	4,403
5	Incumbent LECs	1,786	1,674	1,584
6	Other (Non-ILECs) - Note: ILEC voice-service affiliate operating outside ILEC's study area is included here.	2,878	2,820	2,820

13 **Q. PLEASE ADDRESS THE NUMBER OF WIRELINE SERVICE PENETRATION**
 14 **IN FIVE COUNTIES.**
 15

16 A. The same FCC data shows⁵ the number of addresses in the five counties at issue in this
 17 matter compared to number of wireline subscribers for all wireline providers. This data
 18 shows that only approximately one half of households in these counties subscribe to

⁴ FCC 2023 Voice Report; https://www.fcc.gov/sites/default/files/vts_state_table_1.xlsx

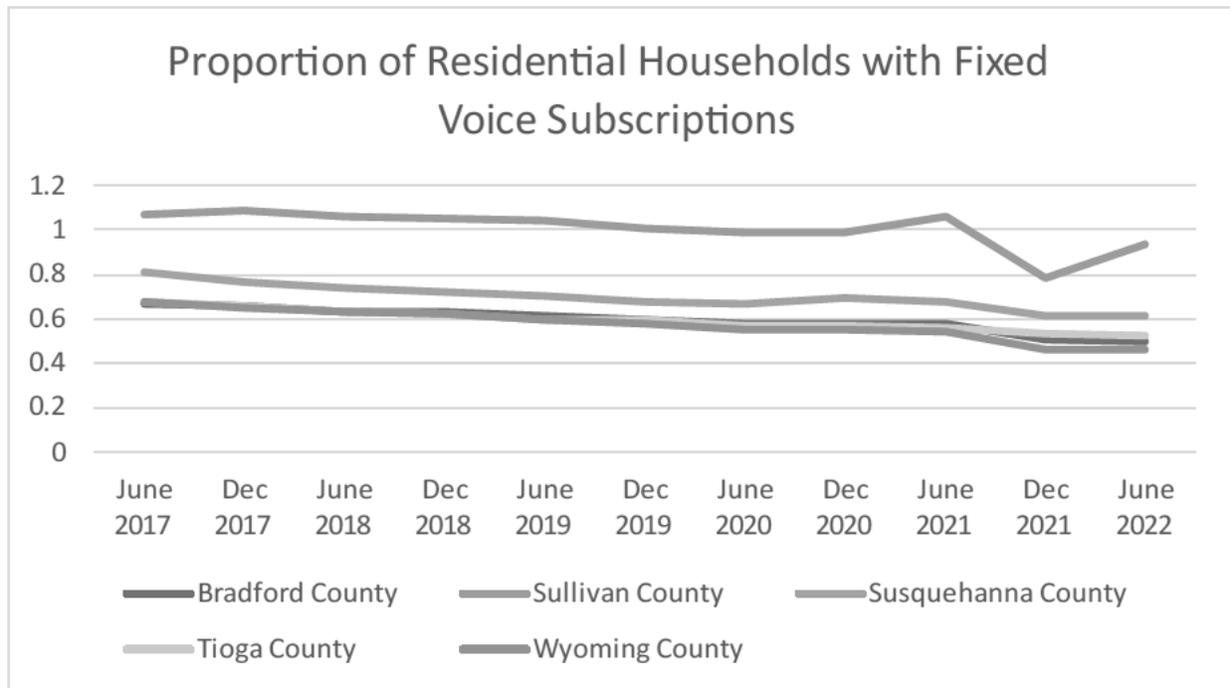
⁵ See FCC’s Count-level subscription data: https://www.fcc.gov/sites/default/files/vts_county_table_1.xlsx

1 “some” wireline voice service. The other approximately one-half of the households that
 2 do not subscribe to wireline service from Frontier or any other wireline provider. These
 3 households have completely “cut the cord.”

Supplemental Table 3. Fixed Voice Subscriptions (in Thousands) - County

Period	State	County	Residential	Business	Total	Households (in Thousands)	Ratio of Residential to Households
June 2022	PA	Bradford	12	5	18	25	0.5
June 2022	PA	Sullivan	3	1	3	3	0.94
June 2022	PA	Susquehanna	10	3	13	17	0.61
June 2022	PA	Tioga	8	4	13	16	0.52
June 2022	PA	Wyoming	5	2	7	11	0.46

4 These figures also have been decreasing over time:⁶



⁶ Data collected from: https://www.fcc.gov/sites/default/files/vts_county_table_1.xlsx. Note: This is FCC data and the variations in Sullivan County from 2021-2022 may be due to a data anomaly and impacted by Sullivan County’s small sample size of approximately only 2,000-3,000 households. The data is limited to units of “_,000s.”

1 **Q. CAN YOU BE MORE SPECIFIC ABOUT THE LEVEL OF COMPETITION IN**
2 **FRONTIER’S COMMONWEALTH’S SERVICE TERRITORY?**

3 A. Specific details of competition are hard to come by since competing carriers are reluctant
4 to publicly disclose such information. The FCC’s broadband map⁷ contains up-to-date
5 information as to the location and speed of their broadband service. I reviewed some of
6 the locations mentioned in Ms. Baldwin’s testimony and found the following service
7 providers and mobile and fixed broadband service availability:

	<u>Location</u>	<u>Mobile</u> ⁸	<u>Fixed</u> ⁹
8			
9	Le Raysville ¹⁰	46-85%	100%
10	Covington ¹¹	100%	100%
11	Susquehanna ¹²	94-100%	100%
12	Nicholson ¹³	100%	100%
13	Clarks Summit ¹⁴	100%	100%
14	Quarryville ¹⁵	100%	100%
15	Shickshinny ¹⁶	57-100%	100%
16	Towanda ¹⁷	76-100%	100%
17	Wellsboro ¹⁸	63-100%	100%

18 The FCC’s Broadband Map provides address-specific information. The footnotes list the
19 various service providers for each location and they are numerous. In addition to Frontier
20 Commonwealth, there is at least one cable company (Beaver Valley, Pencor, Comcast,
21 and/or Adams), and multiple wireless providers available, as well as satellite broadband
22 and voice. Also, municipal fixed wireless is available and growing in some places. Each
23 of these services is voice capable. Finally, more customers are choosing to drop their

⁷ <https://broadband477map.fcc.gov/#/>

⁸ 4G (5/1 Mbps) or greater.

⁹ 25/3 Mbps or greater.

¹⁰ Beaver Valley Cable, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹¹ Pencor, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹² Adams Cable, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹³ Comcast, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹⁴ Comcast, SkyPacket, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹⁵ Comcast, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹⁶ Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹⁷ Comcast, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

¹⁸ Pencor, Hughes Network, AT&T, T-Mobile, Verizon Wireless.

1 landline service and use solely wireless service, over-the-top interconnected VoIP from
2 third parties or their internet service provider.

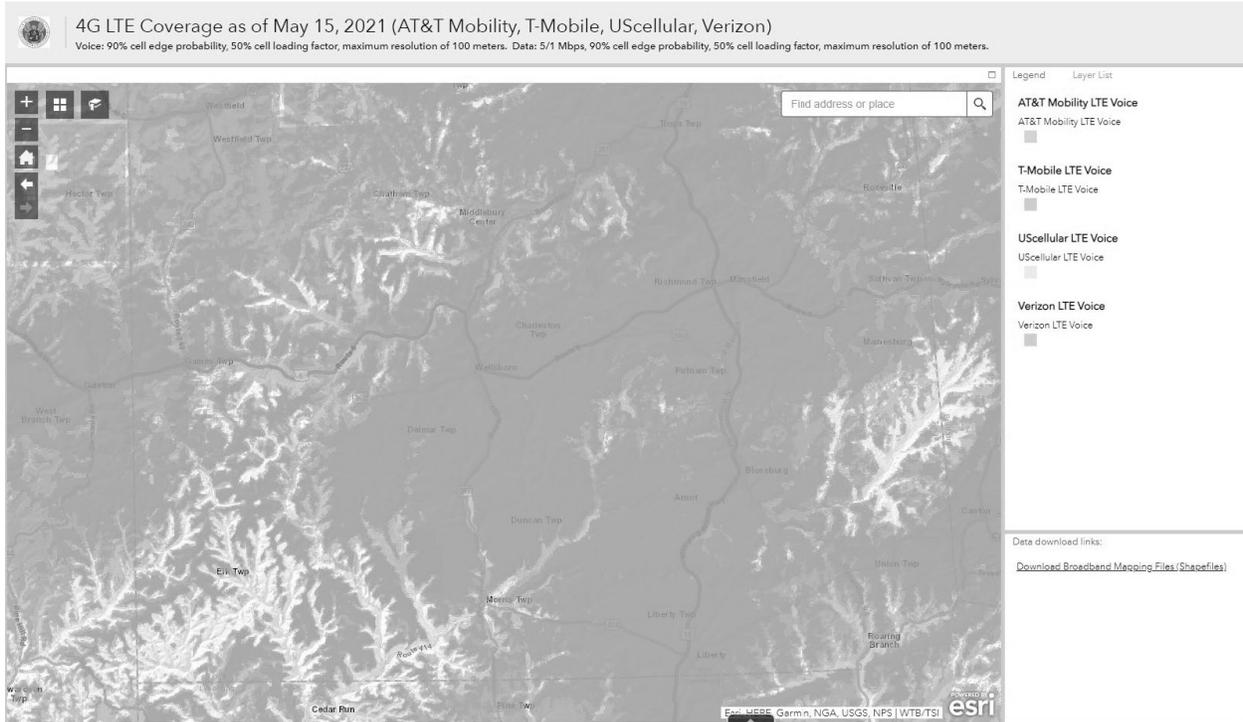
3 **Q. CAN YOU DISCUSS THE WIRELESS CELLULAR COVERAGE DATA**
4 **PUBLISHED BY THE FCC WITH A FOCUS ON THE FIVE COUNTIES AT**
5 **ISSUE IN THIS COMPLAINT?**

6 A. Yes. The FCC publishes a 4G LTE Coverage map¹⁹ showing the overall wireless
7 coverage of the four largest wireless providers in the USA: AT&T Mobility, T-Mobile,
8 UScellular, and Verizon. The FCC’s Coverage map shows where customer can expect to
9 receive 4G LTE broadband service, at a minimum user speeds of 5/1 Megabits per
10 second (“Mbps”) download/upload. The map also provides voice coverage data, which
11 shows where customers should expect to make and receive mobile voice calls and send
12 and receive texts over the 4G LTE network, without regard to thruput speed. I have taken
13 a few areas at issue in this proceeding for reference as shown below:

¹⁹ <https://www.fcc.gov/BroadbandData/MobileMaps/mobile-map>

1

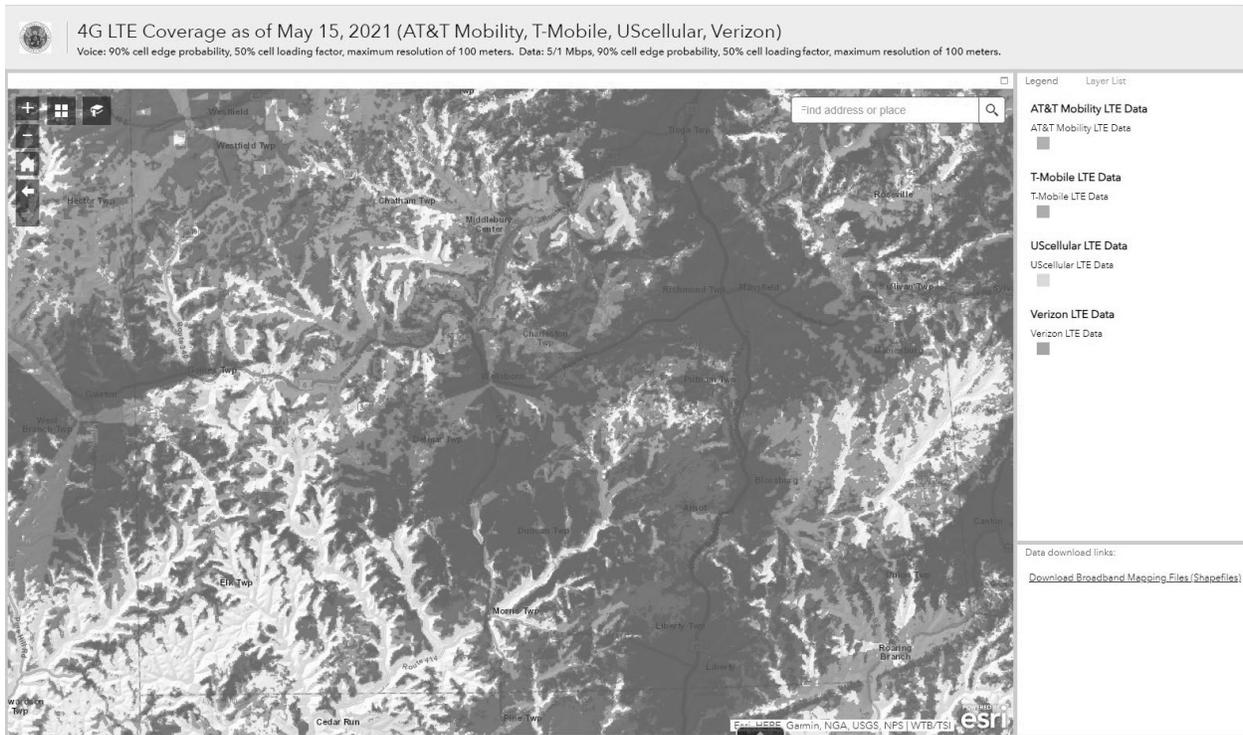
Wellsboro, PA - Wireless Voice Coverage



2

3

Wellsboro, PA - LTE Data coverage

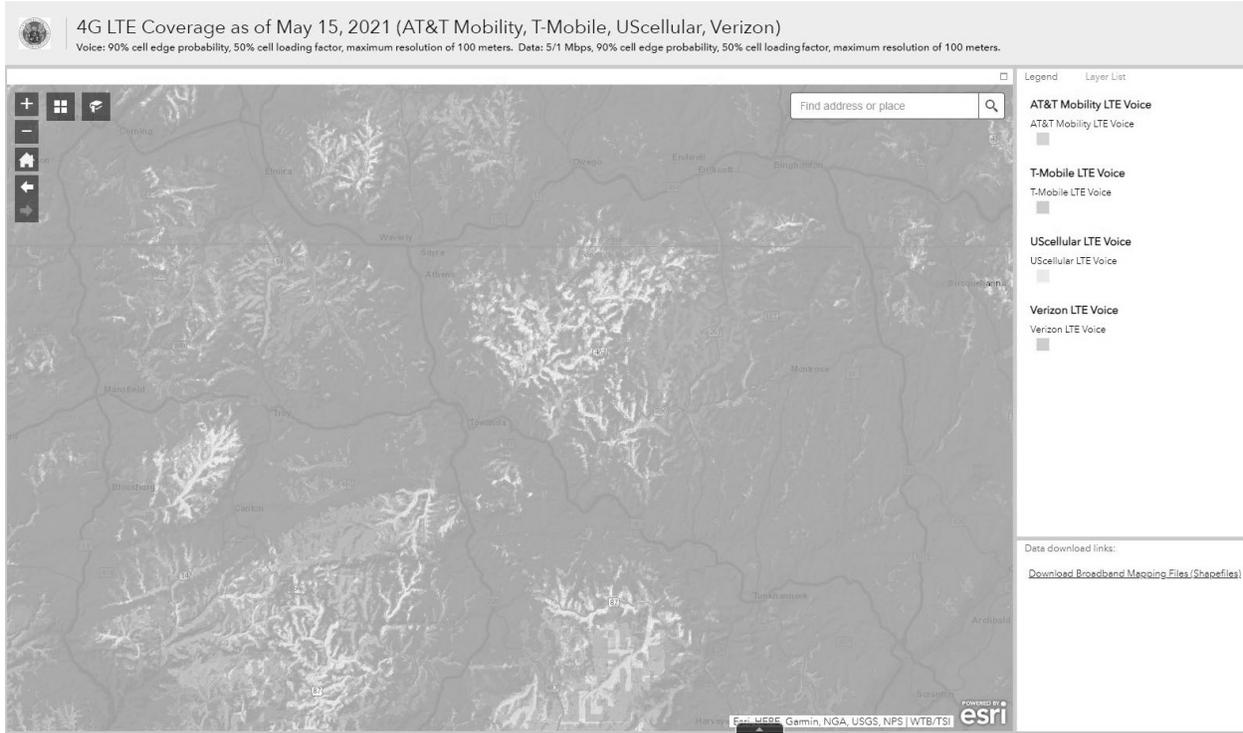


4

5

1

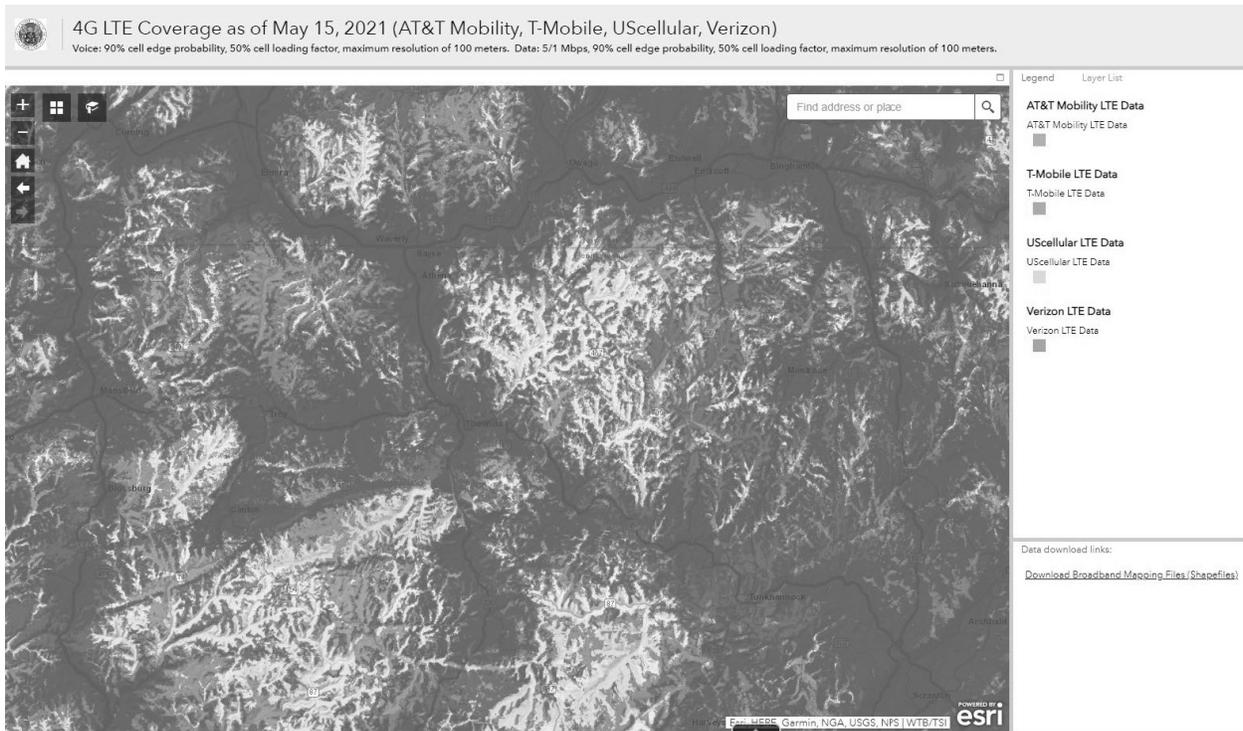
Towanda, PA – Wireless Voice Coverage



2

3

Towanda, PA - LTE Data Coverage

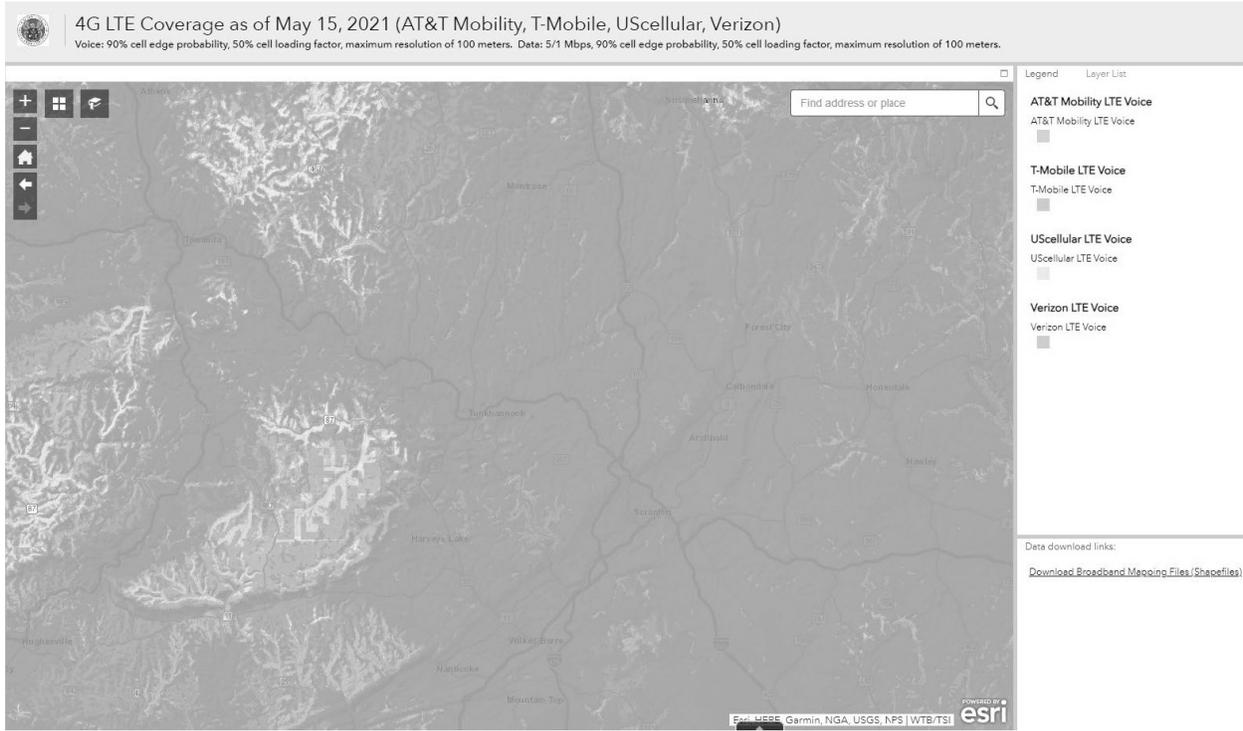


4

5

1

Tunkhannock, PA – Wireless Voice Coverage



2

3

Tunkhannock, PA - LTE Data Coverage



4

1 These maps show wireless data and voice coverage is virtually ubiquitous even at
2 significant distances from the rural population centers. Undoubtedly, there are some spots
3 of poor LTE Data Coverage as well as limited areas of poor voice coverage in the
4 Wellsboro, Towanda, and Tunkhannock regions of Frontier Commonwealth’s territory. It
5 simply depends on where you use your wireless phone. We have all experienced an issue
6 with cell service and realize how location dependent it is. But my investigation
7 concludes that wireless voice service is largely available and those without any cell
8 service, especially voice service, is a very small minority in Frontier Commonwealth’s
9 service territory.

10 **Q. WHY ISN’T THERE COMPLETE COVERAGE BY THESE CARRIERS?**

11 A. The challenges of rural deployment are well documented: lower population density and
12 higher costs per customer. All carriers, including national and regional wireless voice
13 service providers and Frontier Commonwealth, have the same challenges. The difference
14 is that Frontier Commonwealth, is expected to serve all customers in its service territory
15 regardless of the population density, costs per customer and “take rate,” while other
16 carriers do not. Many competitors have built out to the more dense and financially viable
17 portions of the communities that Frontier commonwealth serves. Frontier
18 Commonwealth, as the “carrier of last resort,” does not have that option. In many cases,
19 competition has only made the challenge of serving these high-cost, remote areas even
20 more challenging as competition has taken away the customers and revenues in the lower
21 cost areas, that helped average costs across the service territory.

1 **Q. PLEASE ADDRESS THE CONCERNS OF CUSTOMERS THAT HAVE STATED**
2 **THAT THEY DO NOT HAVE RELIABLE CELLULAR SERVICE AT THEIR**
3 **HOME TO USE IN LIEU OF FRONTIER’S VOICE SERVICE?**

4 A. As I noted above, everyone that has a cellular voice service has encountered dead zones
5 or areas where the service does not function as expected. The wireless national providers
6 and third-party equipment manufactures offer equipment that can be used to boost or
7 augment cellular service coverage at a location. This equipment often uses a directional
8 outdoor antenna to get the strongest possible signal that is connected to an antenna placed
9 inside the home. A cell phone signal booster can amplify a weak cell signal and make it
10 strong enough for reliable phone calls. It can also bypass obstacles in the way that are
11 causing a bad signal, such as concrete walls, window tinting, and metal roofs, and
12 broadcast strong, quality cell signal in the area that was lacking service before.

13 **Q. PLEASE DISCUSS THE AVAILABILITY OF WIRELESS VOICE SERVICE IN**
14 **THE FRONTIER COMMONWEALTH SERVICE AREA.**

15 A. As noted above, TDM wireline voice service has continued its steep and steady decline
16 for several years as consumers transition to wireless service. Wireless prices are down,
17 quality is up, and “consumers have benefitted greatly from the resulting increase in
18 higher data speeds, expanded network coverage, and increased network densification,”²⁰
19 as well as “device promotions, unlimited data services, bundled service offerings,
20 additional incentives, free add-ons, and more.”²¹

21 According to latest National Health Interview Survey (“NHIS”) Early Release Program,²²
22 65.8% of adults nationally live in wireless-only households, while 1.8% of adults in

²⁰ FCC 2020 Competition Report, 36 FCC Rcd. 2945, ¶ 50.

²¹ *Id.*, at ¶ 38 (internal quotation marks omitted).

²² See Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2022

1 Pennsylvania live in a household that only has a wireline phone. Table 4 in the August
2 2023 Voice Services report released by the FCC²³ shows 13,866M mobile voice
3 telephone subscriptions in Pennsylvania as of June 30, 2022. The report shows the
4 population for Pennsylvania is 12,971M, for a ratio of subscriptions to people of 1.07.
5 That would lead me to surmise that mobile service is readily available and subscribed to
6 across the state.

7 **Q. WHAT HAS BEEN THE EFFECT OF COMPETITION ON FRONTIER'S**
8 **MARKET SHARE?**

9 A. While I do not have specific market share data for the service territory, these same trends
10 have certainly been experienced by Frontier Commonwealth. When Frontier acquired
11 Commonwealth Telephone in March 2007, the company served 313,336 access lines in
12 78 exchanges. At year-end 2022, as shown in Table 3 of Ms. Baldwin's testimony, the
13 number of access lines was 67,606 still serving the same 78 exchanges. This represents a
14 78% reduction in access lines and unequivocally demonstrates the extensive force of
15 competition in the exchanges Frontier Commonwealth provides service.
16 Therefore, I disagree with Ms. Baldwin's statement that "entry by potential competitors is
17 unlikely due to high costs and low projected revenues." OCA/OSBA St. 1 at 84. I agree
18 that the costs to serve rural Pennsylvania are high, but wireless and cable competitors
19 have an overwhelming presence in our service territory. Their presence is more than
20 "likely," it is the dominant feature of the market. The access line losses experienced by
21 Frontier Commonwealth more than support that conclusion. As I discuss later in my
22 testimony, the Rural Digital Opportunity Fund ("RDOF") and Broadband Equity, Access,
23 and Deployment ("BEAD") Program will only increase this competition in certain parts

²³ <https://docs.fcc.gov/public/attachments/DOC-396138A1.pdf>

1 of the market, areas that previously may have been considered too high cost to serve by
2 other providers in the past.

3 **Q. WHAT HAS BEEN THE EFFECT OF COMPETITION ON FRONTIER'S**
4 **REVENUES?**

5 A. Frontier Commonwealth's telephone operating revenues as reported to the Commission
6 have been severely impacted and deteriorating. The following data summarizes the
7 Frontier Commonwealth revenue decline:²⁴

2007	\$222,878,452
2013	\$160,522,544
2022	\$64,179,559

8 During this 15-year period, Frontier's total jurisdictional revenues have declined by more
9 than 70%. This mix has been impacted by multiple factors, including the decline in
10 access lines and growth in Internet access, and substantial changes by the FCC in their
11 2011 Intercarrier Compensation/Universal Service Transformation Order that reduced
12 terminating switched access charges to virtually \$0 while also transforming Universal
13 Service from the legacy high-cost voice support to programs like the Rural Digital
14 Opportunity Fund. These new programs carry a voice obligation, but the support is for
15 the deployment of broadband services and is targeted to certain locations identified by the
16 FCC.

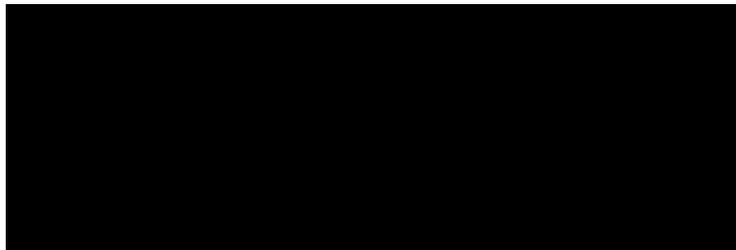
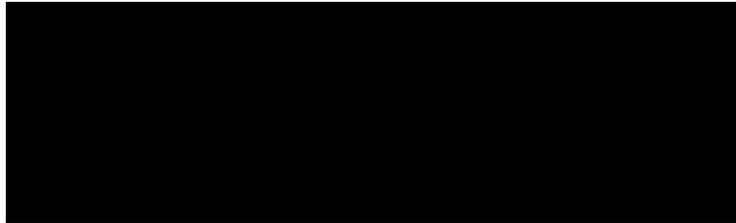
17 **Q. WHAT HAS BEEN THE EFFECT OF THESE CHANGES ON FRONTIER'S**
18 **EXPENDITURES?**

19 A. Frontier still provides service in the same large, rural area, but to substantially fewer
20 customers and with less revenues. Therefore, it is not surprising that Frontier's level of
21 outside plant expenditures (OCA/OSBA St. 1 at 69) has fluctuated over the past five-year

²⁴ Data is from PUC annual reports filed with the Commission: 2007 Report; [2013 Report](#); [2022 Report](#).

1 period, 2018-2022. Importantly, Frontier’s capital expenditures have been increasing and
2 were substantially higher in 2022 after Frontier’s emergence from Chapter 11 and
3 increased investment in fiber-to-the-premises as reflected below:

4 **[BEGIN CONFIDENTIAL]**



5

6 **[END CONFIDENTIAL]**

7 Capital is a finite resource, and, while the Company strives to meet minimum service
8 standards, using the extreme levels of capital suggested by Ms. Baldwin on copper and a
9 declining base of telephone customers would only lead to expenditures that would not be
10 recovered from voice service revenues and decreased investment in fiber broadband
11 products where Frontier sees the greatest opportunity for a reasonable return on their
12 investment and the potential for revenue growth.

13 **Q. WHAT IMPACT DOES COMPETITION HAVE ON SERVICE QUALITY?**

14 A. When there is robust competition, the marketplace ensures quality service attuned to
15 customers’ needs and desires. There is no more effective or efficient force to ensure

1 strong service quality than the risk of losing customers. Just as the competitive market
2 acts to keep prices just and reasonable in the eyes of consumers, so too does it act to keep
3 service quality at the level consumers demand, because any provider that fails to provide
4 an attractive mix of price, quality, and other attributes faces loss of business, which is the
5 most compelling incentive to respond in a market-driven economy.

6 **Q. WHAT IMPACT DOES COMPETITION HAVE ON SERVICE QUALITY**
7 **REQUIREMENTS?**

8 A. Service-quality regulation was first imposed as a pure monopoly-era tool to ensure
9 quality where the market could not. That is not the world today, where competition
10 thrives and replaces the need for prescriptive service-quality rules. Consumers continue
11 to steadily abandon TDM voice service, so it serves just a small and declining piece of
12 the market.

13 As noted above the number of wireless voice subscriptions in Pennsylvania when
14 compared to the state’s population would lead to the conclusion that almost all
15 Pennsylvania consumers have access to a wireless voice service. Wireless network
16 coverage and network density also have improved, giving consumers a range of wireless
17 choices. There are three nationwide mobile wireless providers, regional providers, and
18 “dozens of other facilities-based mobile wireless service providers.”²⁵ DISH is continuing
19 to deploy their nationwide 5G network, which will add a fourth nationwide competitor,
20 and is currently available to 70% of the US population.²⁶ In addition, consumers can
21 obtain service from many Mobile Virtual Network Operators (“MVNOs”).

²⁵ See Communications Marketplace Report, FCC-18-181, Report paragraph 6 (Released December 26, 2018).

²⁶ <https://about.dish.com/2023-06-15-The-DISH-5G-Network-is-Now-Available-to-Over-70-Percent-of-the-U-S-Population>

1 This is significant because these consumers can use and rely on their wireless service
2 when their Frontier Commonwealth TDM voice line has not yet been installed, is out of
3 service or otherwise not available. The question becomes whether and to what extent are
4 consumers really harmed when their landline telephone is not available and operating but
5 they can receive and make calls using their wireless service?

6 For example, the OOS requirement that outages be repaired in 24 hours is based on a
7 time when most consumers relied on the Plain Old Telephone Service (“POTS”). That
8 requirement is less meaningful in today’s world when most customers can rely on their
9 cellular service even when Frontier Commonwealth POTS service is not available.

10 **Q. WHAT ARE YOUR CONCLUSIONS?**

11 A. There is robust competition in Frontier Commonwealth’s service territory from a
12 multitude of carriers. Almost all of Frontier Commonwealth’s customers have one cable
13 company and at least two wireless carriers willing to serve them. There are a few areas
14 of limited wireless service but the vast majority of consumer have wireless service
15 available. This is important because it means that a very high percentage of Frontier
16 Commonwealth’s customers have the ability to use their wireless cell service or a
17 competitive alternative service as a substitute for voice services in the event of a service
18 installation delay or outages involving Frontier’s service. There are clearly some small
19 subset of consumers that may not have a meaningful and consistent service option, but
20 this a very limited, but vocal, number of consumers who are expressing their frustration
21 that they do not have the same robust selection of competitive options as other areas of
22 Pennsylvania.

1 Given the dynamic competitive marketplace and the unassailable data showing the
2 ongoing decline in traditional voice service, I disagree with Ms. Baldwin’s assertion that
3 more regulatory standards and requirements are necessary. The principle that
4 competition is more effective than regulation applies with full force to service quality.
5 Just as competition drives prices to efficient levels, a competitive market is the best
6 guarantor that providers will offer the level of service quality consumers demand because
7 the penalty – lost customers and lost profits – is instant, costly, and difficult to reverse.
8 And the marketplace feedback received by the losing carrier comes faster than any
9 regulatory mandate and allows for a faster and more consumer-focused response. The
10 market for communications services in Pennsylvania is highly competitive, and in these
11 circumstances competition, rather than regulation, should be used to ensure service
12 quality and maximize consumer welfare. Treating Frontier Commonwealth as if they are
13 still a monopoly telephone company is not just wrong, it will add costs to the business,
14 likely creating a situation in which Frontier Commonwealth or any provider cannot
15 continue to offer traditional voice service, and potentially create disincentives for Frontier
16 and other companies choosing Pennsylvania as a state for further fiber and strategic
17 investments.

18III. CHAPTER 30 COMPLIANCE

19 **Q. CAN YOU PLEASE DESCRIBE CHAPTER 30?**

20 A. Yes. First, let me preface this with the fact that I am not an attorney, and this is a
21 layman’s view. Chapter 30, passed by the General Assembly in 1994 and renewed in
22 2004 enlisted the ILECs to make available: “A communication channel using any
23 technology and having a bandwidth equal to or greater than 1.544 Mbps in the
24 downstream direction and equal to or greater than 128 kilobits per second (“Kbps”) in the

1 upstream direction”²⁷ in exchange for the promise of lessened regulation and to
2 “recognize that the regulatory obligations imposed upon the incumbent local exchange
3 telecommunications companies should be reduced to levels more consistent with those
4 imposed upon competing alternative service providers.”²⁸ The language in Chapter 30
5 contains no restrictions on the technology that may be used or the price that may be
6 charged. Additionally, the use of third parties to meet the requirement such as a satellite
7 broadband carrier, are perfectly acceptable. Other than the requirement that this
8 minimum speed be made available to a requesting customer within 10 days, all other
9 matters of Internet access including pricing and service standards are the purview of the
10 FCC.

11 **Q. HAS FRONTIER MEET THAT COMMITMENT?**

12 A. Yes. Commonwealth Telephone certified to the Commission in 2008 that we were
13 capable of providing 1.544 Mbps within 10 days throughout its service territory. Frontier
14 Commonwealth has maintained that status of capability.

15 **Q. SPECIFICALLY, WHAT CAPABILITIES DOES FRONTIER OFFER?**

16 A. Frontier Commonwealth’s federal and state tariffs and Interstate Price Guide specifically
17 offers DS1 (or sometimes referred to as a “T1” service) service, a communications
18 transmission service that can transmit data at a speed of 1.544 Mbps compared to
19 standard telephone lines that used a modem to transfer voice and data at 56 kbps. A T1 is
20 a digital data transmission medium capable of handling 24 simultaneous connections
21 running at a combined 1.544 Mbps. T1 combines these 24 separate connections, called
22 channels or time slots, onto a single link. T1 is also called DS1. A DS1 is a dedicated

²⁷ 66 Pa.C.S. § 3012.

²⁸ See generally 66 Pa. C.S. §§ 3011-3019

1 private line service. It provides a high-speed dedicated line capable of transmitting
2 multiple streams of information, which means it does not have the same impact from
3 network sharing during busy times that services such as digital subscriber lines (“DSL”)²⁹
4 do. The fact that Chapter 30 requirement was set at 1.544Mbps at a time when other
5 alternatives, such as DSL were in their beginning stages, would support that the
6 legislature was specifically considering a DS1 as a means of fulfilling the speed and
7 availability obligation.

8 For the purposes of broadband access, which is an information service, Frontier’s federal
9 tariff filed with the FCC identifies the price for DS1 service that would fulfill the Chapter
10 30 requirement to make broadband available. Frontier Commonwealth is covered under
11 Frontier’s FCC Tariff 10.

12 DS1 service is designed specifically to meet Chapter 30 and Frontier is required to meets
13 its Chapter 30 obligation by providing DS1 service within ten days of request to any
14 customer in its service territory.

15 In addition to and separate from its Chapter 30 obligation to provide broadband service
16 capable of 1.544 Mbps download and 128 kilobits per second (Kbps) upload Frontier
17 Commonwealth offers service other speeds via digital subscriber lines (“DSL”) over
18 copper or symmetrical broadband service of 2+Gig over fiber in some areas where FTP
19 has been deployed by Frontier. I am advised by counsel, that these other broadband
20 services with higher speeds are not jurisdictional to the Commission.

21 Frontier Commonwealth also offers customers the option of satellite Internet service
22 through a partnership with HughesNet. The current arrangement with HughesNet has the

²⁹ DSL is a networking technology that provides broadband (high-speed) Internet connections over conventional, copper telephone lines.

1 customer's service installed and billed by HughesNet. HughesNet offers speeds of up to
2 25 Mbps with an offer for up to 15 Mbps for a price of \$49/month.
3 Customers make the choice whether to select and subscribe to DSL, satellite or other
4 broadband services instead of the T1 service Frontier Commonwealth offers to satisfy the
5 Chapter 30 requirements. In my opinion, the fact that one or more of these services do
6 not always satisfy the Chapter 30 requirements of 1.544 Mbps one hundred percent
7 (100%) of the time (e.g., the speed available may be less than 1.544) when a T1 service
8 or HughesNet satellite service is available to fulfill the Chapter 30 requirements does not
9 mean that Frontier Commonwealth has failed to satisfy its Chapter 30 requirements
10 related to that service.

11 **IV. OTHER STATE SERVICE QUALITY SETTLEMENTS**

12 **Q. DOES OCA/OSBA WITNESS BALDWIN RELY UPON SETTLEMENT IN**
13 **OTHER JURISDICTIONS TO SHAPE REMEDIES IN THIS CASE?**

14 A. Yes, she does, and she takes many of these commitments or conditions out of context to
15 what was agreed to or why it was required to justify her recommendations.

16 **Q. CAN YOU RESPOND TO WITNESS BALDWIN'S PROPOSED USE OF THE**
17 **WEST VIRGINIA PUBLIC SERVICE COMMISSION REQUIRING VERIZON**
18 **TO ESTABLISH AN ESCROW FUND OF \$72.4 MILLION TO ADDRESS**
19 **SERVICE QUALITY PROBLEMS AS SOMETHING THE COMMISSION**
20 **SHOULD CONSIDER... PAGE 88.**

21 A. During the approval process of Frontier's 2010 acquisition of Verizon properties in 14
22 states, including West Virginia, the West Virginia PSC issued an Order in an open
23 service quality proceeding requiring the seller, Verizon, to establish a \$72.4M escrow
24 upon closing of the transaction, and, as a condition of the transaction approval, required it
25 to be funded prior to closing of the transaction. These funds were then available to
26 Frontier as the buyer to help fund projects targeted at improving service quality. The fact

1 that it was the seller funding the escrow is important, as it was a vehicle for the WV PSC
2 to ensure payment from Verizon, an entity the PSC would no longer have jurisdiction
3 over as an ILEC once the transaction closed.

4 **Q. CAN YOU RESPOND TO WITNESS BALDWIN'S PROPOSED USE OF THE**
5 **\$72.4M THE WEST VIRGINIA PUBLIC SERVICE COMMISSION REQUIRED**
6 **FROM VERIZON TO SET A BASELINE FOR INCREMENTAL "ABOVE**
7 **BASELINE CAPITAL EXPENDITURES" FOR FRONTIER**
8 **COMMONWEALTH?**

9 A. While I do not believe that the use of a 2010 Order is overly relevant today, the
10 discussion of calculating a per access line amount that was spread across a substantial
11 number of access lines WV under the assumption that the \$72.4M in WV was an annual
12 number is incorrect. In fact, the funds from this escrow were spent by Frontier over two
13 years (from the 2nd half of 2010 through the first half of 2013).³⁰ This would, in effect,
14 take the calculations of Witness Baldwin to determine an amount "above Frontier's
15 "business-as usual"" and cut it by approximately one-third. Using Witness Baldwins
16 math, this would equate to \$39.11 access line each year, not \$117. Today, that \$39.11
17 would be \$54.80.³¹ Multiplying that per-line amount by 58,000 lines in Pennsylvania
18 yields \$3,178,400 each year, not the \$9,489,960 amount Witness Baldwin recommends.

³⁰ See generally: *Frontier West Virginia Inc.*, WV PSC Case No. 11-0370-T-PC, Commission Order (July 29, 2011) (\$9.7 million second half 2010); *Frontier West Virginia Inc.*, WV PSC Case No. 11-1802-T-PC, Commission Order (May 16, 2012) (\$15.1 million first half 2011); *Frontier West Virginia Inc.*, WV PSC Case No. 12-0939-T-PC, Commission Order (Nov. 2, 2012) (\$23.7 million second half 2011); *Frontier West Virginia Inc.*, WV PSC Case No. 13-0115-T-PC, Commission Order (June 6, 2013) (\$14.7 million first half 2012); *Frontier West Virginia Inc.*, WV PSC Case No. 13-1237-T-PC, Commission Order (November 26, 2013)(\$9.3 million second half 2012 and first half 2013).

³¹ <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=39.11&year1=201005&year2=202307>

1 **Q. CAN YOU RESPOND TO WITNESS BALDWIN'S PROPOSED USE OF THE**
2 **CALIFORNIA PUBLIC UTILITY COMMISSION DIRECTING AN**
3 **INDEPENDENT EXAMINATION OF THE NETWORK OF CALIFORNIA'S**
4 **TWO LARGEST INCUMBENT LOCAL EXCHANGE CARRIERS AS A**
5 **FRAMEWORK FOR A REQUIREMENT BY THE COMMISSION.**³²

6 A. Ten years ago, the CPUC ordered a review of the networks of the two largest ILECs,
7 AT&T and Verizon (now Frontier). While the audits utilized data and some field visits,
8 the two phases of the Examination led to CPUC findings and recommendations, but they
9 did not require any changes in terms of either AT&T or Frontier. Further, the time lag
10 between conducting the audit and the auditor generating any findings in California was
11 such that that the audit results were no longer relevant by the time the audit report was
12 issued and commented upon. Undertaking an audit of Frontier's network in Pennsylvania
13 would similarly result in an unnecessary, costly and lengthy process to review during a
14 period when the Frontier Commonwealth network is in the process of changing,
15 including investments in fiber, and will continue to do so over the period of the review.
16 Limited data reporting, as part of an annual filing of capital and operating expenses by
17 category is sufficient for the Commission to review how Frontier Commonwealth is
18 investing in and maintaining its network.

19 **Q. CAN YOU RESPOND TO WITNESS BALDWIN'S PROPOSED USE OF A**
20 **CAPITAL COMMITMENT IN OHIO, WHERE PURSUANT TO A**
21 **SETTLEMENT APPROVED BY THE PUBLIC UTILITIES COMMISSION OF**
22 **OHIO IN AUGUST 2020, FRONTIER COMMITTED TO ANNUAL CAPITAL**
23 **EXPENDITURES OF \$25 MILLION IN EACH OF THE YEARS 2021 THROUGH**
24 **2023.**³³

25 A. Ms. Baldwin references the 2019 settlement Frontier entered into with the Public Utilities
26 Commission of Ohio Staff and the capital expenditure commitment Frontier made to

³² See OCA/OSBA St. No. 1 at 39, 85.

³³ See OCA/OSBA St. No. 1 at 86-87.

PUBLIC VERSION

1 resolve a service quality investigation in that state. In that settlement Frontier did agree
2 to a minimum \$25M capital expenditure commitment (less any Connect America
3 Funding capex) for 2021 through 2023. This was the total capital that company
4 committed to, regardless of where the capital was spent. There was a secondary
5 commitment as a subset of the \$25M capital expenditure commitment - \$1M each year
6 for the three years would be spent on defective plant and/or battery replacement. In
7 reference to the PUCO settlement, Ms. Baldwin suggests that the \$25M capital
8 expenditure commitment could be extrapolated to the Frontier Commonwealth territory
9 and recommends that after setting a starting point “in today’s dollars, the corresponding
10 amount would be approximately \$29 million” and “the ratio of the number of Frontier
11 lines in Pennsylvania to the number of Frontier lines in Ohio is approximately 1.16
12 (Table 3, above, shows that there are approximately 58,000 lines in Frontier’s territory; at
13 the time of the Ohio settlement, there were approximately 50,000 Frontier lines in Ohio).
14 Multiplying this ratio of 1.16 by \$29 million yields approximately \$34 million.” This
15 analysis and extrapolation is incorrect in that Witness Baldwin understated the number of
16 access lines in Ohio, as the Public Utilities Commission of Ohio press release, she cites to
17 says “Frontier serves approximately 50,000 customers across Ohio” not access lines. I
18 asked Frontier for Ohio access lines for year-end 2018 through 2022, in a similar format
19 to Table 3 in Ms. Baldwin’s testimony, which is shown below:

PUBLIC VERSION

Year	Residence		Business			Total (Excluding Official Lines)		
	POTS	Customers	POTS	All lines (including POTS)	Customers	POTS	All lines (including POTS)	Customers
2022	64,146	62,886	25,777	29,524	13,798	89,923	93,670	76,684
2021	74,423	72,982	28,808	33,216	15,704	103,231	107,639	88,686
2020	84,533	82,901	32,760	37,766	17,652	117,293	122,299	100,553
2019*	95,744	93,637	37,986	43,977	27,830	133,730	139,721	121,467
2018*	111,045	108,769	44,079	51,163	30,978	155,124	162,208	139,747

*2018 and 2019 data used 2020 company official lines as proxy

1 As this data shows, Frontier had 133,730 “plain old telephone” (“POTS”) access lines in
2 Ohio at the end of December 2019, the year the PUCO service quality settlement was
3 entered into by Frontier. The \$25M capital expenditure commitment at PUCO equated to
4 \$25 million per year for three years or \$186.94 per year of capital expenditure per access
5 line. Using the data from Table 3 in Ms. Baldwin’s testimony, Frontier Commonwealth
6 had 58,449 POTS access lines at the end of 2022. Applying a similar per access line
7 expenditure in Frontier Commonwealth would equate to \$10,926.681. Even conceding
8 that this amount should be adjusted into today’s dollars,³⁴ that amount would be \$221.96
9 per line each year and \$12,973,340, which is less than half of what is being recommended
10 in Ms. Baldwin’s testimony. Accordingly, there is no basis whatsoever to rely on the
11 Frontier service quality settlement in Ohio to support Witness Baldwin’s capital
12 expenditure recommendation that Frontier spend \$26 to \$34 million in each of the years
13 2023 through 2025.

³⁴ <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=186.94&year1=201912&year2=202306>

1 **Q. CAN YOU DISCUSS WITNESS BALDWIN’S DISCUSSION OF THE WEST**
2 **VIRGINIA PUBLIC SERVICE COMMISSION’S ORDER FOR FRONTIER TO**
3 **FILE AN ACTION PLAN TO ADDRESS SERVICE QUALITY CONCERNS OF**
4 **IT’S COPPER NETWORK?**

5 A. In West Virginia in 2022, the PSC required Frontier to file an action plan, with 60-day
6 reports updating status. This report focused on steps that the company would take
7 surrounding the maintenance and service levels in its copper network in West Virginia,
8 particularly in more rural areas. As Witness Baldwin points out, the Action Plan was
9 intended to focus on:

- 10 (a) reducing extended outages on its copper network to a more reasonable
11 level;
- 12 (b) reducing the increased number of customer complaints to a more
13 reasonable level;
- 14 (c) reducing battery-related issues, including ensuring batteries in remote
15 terminals are kept in working order; and,
- 16 (d) addressing installation of new batteries to resolve current issues in its
17 service areas.

18 In response to the West Virginia PSC order, Frontier’s reporting focused on battery
19 replacement and inventory, copper T1 to fiber uplinks at remotes and the number of
20 rehab and preventative maintenance ticket opened by technicians. While some level of
21 reporting may be appropriate for Frontier Commonwealth, as discussed in the testimony
22 of Frontier’s other witnesses, the real issue here is not state of network, as the customer
23 trouble report rate data validates, but instead an issue of staffing challenges that have
24 resulted longer than ideal installation and repair intervals.

1 **Q. CAN YOU DISCUSS WITNESS BALDWIN’S REFERENCE TO VERIZON TO**
2 **BB ACCELERATION IN NJ AND NY SETTLEMENTS WITH VERIZON**
3 **(OCA/OSBA ST. 1 AT 92)?**

4 A. While I cannot speak to specifics of these settlements which involved Verizon and not
5 Frontier, as discussed earlier, Frontier Commonwealth does provide broadband of at least
6 1.544 Mbps to 100% of the locations in the footprint. The available speeds are faster to a
7 number of the locations as Ms. Baldwin points out. Additionally, as part of their Chapter
8 11 reorganization Frontier has already committed to the Commission to build fiber out to
9 15,000 locations in PA. As witness Nathan Barber explain, Frontier has already
10 surpassed this commitment.

11 **Q. CAN YOU PROVIDE A BRIEF OVERVIEW OF RDOF PHASE I AND**
12 **FRONTIER’S AWARDED LOCATIONS IN PENNSYLVANIA?**

13 A. The RDOF Phase I auction, which began on October 29, 2020, and ended on November
14 25, 2020, awarded support to bring broadband to over five million homes and businesses
15 in census blocks that were entirely unserved by voice and broadband with download
16 speeds of at least 25 Mbps/3Mbps.³⁵ Given the high-cost nature of the majority of the
17 locations, providers that were awarded locations in the auction will receive 10 years of
18 RDOF support after they are authorized by the FCC. Given the lack of any provider
19 within the census block offering the minimum speed prior to the auction, these are some
20 of the more remote and challenging locations to support broadband deployment without
21 any government funding in Frontier Commonwealth’s footprint. As explained in the
22 testimony of Nathan Barber, Frontier’s Pennsylvania Companies were awarded RDOF
23 funding to deploy 1 Gbps capable broadband service to approximately 14,000 locations

³⁵ <https://www.fcc.gov/auction/904>

1 identified by the FCC. Over 12,000 locations are in the Frontier Commonwealth
2 footprint.

3 **Q. ARE YOU AWARE OF ANY OTHER PROVIDERS THAT WILL BE USING**
4 **RDOF FUNDS TO BUILD IN THE COMMONWEALTH FOOTPRINT.**

5 A. Other parties were awarded funding as part of the RDOF Phase 1 Auction within
6 Frontier’s footprint. For example, Claverack Communications was awarded over \$3M
7 annually over 10-years, with much of their award covering locations within Frontier
8 Commonwealth’s footprint. Claverack was authorized by the FCC on February 14, 2022
9 in DA 22-151 and has received both CLEC and eligible telecommunications carrier
10 (“ETC”) authority from the Commission.³⁶ The below is a listing of Census Block
11 Groups (“CBG”) and exchange names where Claverack will be providing service in the
12 Frontier Commonwealth footprint. Their obligation to provide voice service as an ETC
13 exists today,³⁷ whether or not they have completed their network build to provide 1 Gbps
14 capable broadband to all locations in each census block group.

15 **Bradford County CBGs**

16	9501002	Ulster, Rome
17	9501003	CT Leraysville, CT Rome, CT Rush
18	9501004	CT Leraysville, CT Rush
19	9502002	CT Ulster, CT Rome
20	9502003	CT Ulster, CT Rome
21	9502004	CT Ulster, CT Rome
22	9509001	CT Towanda, CT New Albany, CT Troy
23	9509004	CT Troy, CT Towanda
24	9509005	CT Troy, CT Towanda
25	9511002	CT Towanda, CT New Albany
26	9512001	CT Towanda CT New Albany, CT Laceyville

³⁶ See *Petition of Claverack Communications, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania*, Docket No. P-2021-3023996, Order (July 15, 2021) (Docket [Link](#)).

³⁷ [In the Matter of Rural Digital Opportunity Fund Connect, FCC 20-5, Report and Order at Paragraph 139 \(Released February 7, 2020\)](#) (“Thus, the new provider receiving Rural Digital Opportunity Fund support should be prepared to provide voice service throughout its service areas, either through its own facilities or a combination of its own and other ETC’s facilities, on the first day of that month.”).

1	9512002	CT Towanda, CT New Albany
2	9512003	CT Towanda, CT New Albany
3	9513001	CT Troy, CT Towanda
4	9514002	CT Troy, CT Towanda
5	Susquehanna County CBGs	
6	0320002	CT Lawsville, CT Rush, CT St. Joseph's
7	0320003	CT Lawsville, CT Rush
8	0321001	CT Lawsville
9	0321002	CT Lawsville
10	0321003	CT Montrose
11	0326001	CT Montrose
12	0327001	CT Rush, CT Montrose
13	0328001	CT Springville, CT Montrose, CT Brooklyn
14	0328002	CT Springville, CT Montrose, CT Brooklyn
15	0328003	CT Brooklyn, CT Springville
16	0328004	CT Brooklyn, CT Springville
17		
18	Wyoming County CBGs	
19	4001002	CT Laceyville
20	4002001	CT Tunkhannock
21	4002003	CT Laceyville, CT Noxen
22	4003003	CT Nicholson
23	4006001	CT Tunkhannock, CT Noxen
24	4007001	CT Noxen

25 Another provider, Tri-Co Connections, has been authorized by the FCC to receive RDOF
26 support in parts of Liberty, Morris, Troy, Ulster and Wellsboro in the Frontier
27 Commonwealth footprint, and received authorization in Pennsylvania.³⁸ Further, Time
28 Warner has been authorized in parts of Lawrenceville and Middlebury Center.³⁹
29 Windstream also received authorization in PA, including the census block groups in the
30 Frontier Commonwealth footprint included in Appendix A of the Commission's

³⁸ See *Petition of Tri-Co Connections, LLC, to Amend its Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania*, Docket No. P-2018-3005127, Order (July 15, 2021) (Docket [Link](#)).

³⁹ See *Petition of Time Warner Cable Information Services (Pennsylvania), LLC for Designation as an Eligible Telecommunications Carrier*, Docket No. P-2021-3023594, Order (July 15, 2021) Docket [Link](#).

1 November 2021 approval of Windstream’s ETC expansion into RDOF areas won outside
2 of their ILEC footprint.⁴⁰

3 This is a substantial number of new competitors, each carrying an ETC requirement to
4 provide voice service today to the locations that were part of their RDOF awards. Each of
5 these providers also have an obligation to offer and deliver broadband capable of 1 Gbps
6 download and 500 Mbps upload⁴¹ to 100% locations in the awarded area by the end of
7 the 6th year after being authorized for support (if the location count is higher than the
8 original model at the end of year 6, providers will have until the end of the 8th year to
9 build to additional locations).⁴² As a result, consumers in these service areas today have a
10 competitive alternative to voice service beyond Frontier and will have access to
11 broadband at a minimum speed of 1 Gbps/500 Mbps.

12 **Q. CAN YOU SPEAK TO THE POTENTIAL IMPACT OF THE FUNDING**
13 **PENNSYLVANIA WILL RECEIVE AS PART OF THE FEDERALLY**
14 **APPROPRIATED BEAD PROGRAM.**

15 A. Today, to the extent broadband of at least 25/3 Mbps is lacking today, Pennsylvania is
16 targeted to receive approximately \$1.162 billion⁴³ in federal funding to expand
17 broadband in unserved and underserved areas through \$42.5M Broadband Equity,
18 Access, and Deployment (“BEAD”) Program. The program being administered through
19 the Pennsylvania Broadband Development Authority, is expected to begin awarding
20 grants before year-end 2024. Under the program, areas lacking available service at speeds

⁴⁰ See *Petition of Windstream Communications, Inc. for Designation as an Eligible Telecommunications Carrier*, Docket No. P-2021-3025445, Order (November 18, 2021) (Docket [Link](#)).

⁴¹ [In the Matter of Rural Digital Opportunity Fund Connect, FCC 20-5, Report and Order at Paragraph 31 \(Released February 7, 2020\).](#)

⁴² *Id.* at paragraph 45.

⁴³ [Biden-Harris Administration Announces State Allocations for \\$42.45 Billion High-Speed Internet Grant Program as Part of Investing in America Agenda, June 26, 2023.](#)

1 of at least 25/3 Mbps are considered unserved and areas lacking service at speeds of at
2 least 100/20 Mbps are considered underserved. Both are eligible for BEAD funding.
3 While final locations have not yet been released, I would anticipate that a number of
4 these eligible locations will be within the Frontier Commonwealth footprint. I expect
5 Frontier to evaluate whether to submit bids for some portion of the eligible locations in
6 their footprint.⁴⁴ However, it is also likely that other entities will submit bids and that
7 locations that currently do not have broadband at the 25/3 Mbps speeds (or 100/20 Mbps
8 if underserved) required by the program will have access to these speeds after the funding
9 has been awarded and the deployment work is completed. This will further enhance
10 competition and options for consumers in the Frontier Commonwealth service territory.

11
12 **V. CONCLUSION**

13 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

14 A. Yes. This concludes my rebuttal testimony. I reserve the right to file additional
15 responsive testimony. Thank you.

⁴⁴ The most recent FCC National Broadband Map shows 8.3M locations nationwide that are unserved. This number was a factor in the BEAD allocations to each state. <https://www.fcc.gov/national-broadband-map-it-keeps-getting-better>

PUBLIC VERSION

VERIFICATION

I, Ken Mason, hereby state that: (1) I am a Consultant for Frontier Communications Parent, Inc.; (2) the facts set forth in my testimony are true and correct (or are true and correct to the best of my knowledge, information and belief); and, (3) 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: September 5, 2023



Ken Mason
Consultant
Frontier Communications Parent, Inc.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Office of Consumer Advocate and
Office of Small Business Advocate**

v.

**Commonwealth Telephone Company, LLC
d/b/a Frontier Communications
Commonwealth Telephone Company**

Docket No. C-2023-3037574

**SURREBUTTAL TESTIMONY OF
SUSAN M. BALDWIN
ON BEHALF OF PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE
AND PENNSYLVANIA OFFICE OF SMALL BUSINESS ADVOCATE**

Dated: October 5, 2023

TABLE OF CONTENTS

I. INTRODUCTION 1

 Qualifications 1

 Scope of Testimony 1

 Summary of Testimony..... 2

II. FRONTIER REBUTTAL TESTIMONY 3

 Overview and Response to Frontier’s Rebuttal Testimony 3

 Testimony of Paul Kirchoffer 4

 Testimony of Cassandra Knight..... 7

 Testimony of Gwendolyn Allen..... 9

 Testimony of Nathan Barber..... 10

 Testimony of Ken Mason..... 13

III. CONCLUSION..... 22

1 **I. INTRODUCTION**

2 *Qualifications*

3 **Q: Please state your name.**

4 A: My name is Susan M. Baldwin.

5 **Q: Are you the same Susan M. Baldwin who submitted testimony on July 19, 2023?**

6 A: Yes.

7 *Scope of Testimony*

8 **Q: On whose behalf is this testimony being submitted?**

9 A: This testimony is being submitted on behalf of the Pennsylvania Office of Consumer
10 Advocate (OCA) and the Pennsylvania Office of Small Business Advocate (OSBA). The
11 OCA and OSBA are joint parties to a formal complaint against Commonwealth
12 Telephone Company, LLC d/b/a Frontier Communications Commonwealth Telephone
13 Company (“Frontier” or “Company”).

14 **Q: What is the scope of your testimony?**

15 A: The OCA requested that I review the rebuttal testimony submitted by Frontier on
16 September 7, 2023 with the Public Utility Commission (“Commission”). Since
17 submitting my initial testimony, I have now also read the transcript from the July 19th
18 evening public hearing in Quarryville. This surrebuttal testimony supplements my direct
19 testimony, OCA/OSBA Statement 1, and therefore I do not repeat the many analyses and
20 recommendations that my direct testimony includes.

1 *Summary of Testimony*

2 **Q: Does your review of Frontier’s rebuttal testimony and your review of the transcript**
3 **from the July 19th public hearing cause you to modify your initial testimony?**

4 A: No. In this surrebuttal testimony I demonstrate why my initial analyses and
5 recommendations continue to be well-founded. Frontier does not rebut persuasively my
6 analyses and recommendations, and often, its rebuttal testimony is not directly related to
7 the core issues in this case.

8 **Q: Please summarize your surrebuttal testimony.**

9 A: Frontier’s five witnesses have not persuasively rebutted my direct testimony. The core
10 of Frontier’s testimony addresses current efforts made by the Company to provide
11 service, and explanations as to why service has been poor. The findings I presented in
12 Direct Testimony remain valid.

13 **Q: Please summarize your key findings as detailed in your Direct Testimony.**

14 A: My overall conclusion is that Frontier has not complied with its obligation under Section
15 1501 and related regulations to provide telephone service and public utility service of
16 sufficient quality and reliability for the benefit of Frontier consumers and the public.
17 Consumers have been enduring Frontier’s inadequate service quality for years.
18 Unreliable dial tone service jeopardizes public safety, consumers’ access to medical
19 services, and the financial viability of small rural businesses. Frontier’s failure to repair
20 its network in a timely manner and to meet its repair and installation commitments is
21 harming consumers. As evidenced by Frontier’s performance relative to various
22 telephone service quality metrics, the quality of Frontier’s service varies throughout its
23 service territory, with some areas receiving far worse service quality than others.

1 Frontier’s network includes copper lines to the home that are line powered. Frontier has
2 also deployed fiber in its network in some areas, including some fiber to the premises.
3 The choice of how to provision telephone service broadly lies with Frontier. However,
4 Frontier’s legal obligations to provide reliable, adequate telephone service and utility
5 service extend to all Frontier customers and the public.

6 **Q: How is your surrebuttal testimony organized?**

7 A: First, I identify Frontier’s five rebuttal witnesses and their respective subjects. I then
8 address each witness’s testimony separately, and finally conclude my surrebuttal
9 testimony.

10 **Q: Does your surrebuttal testimony include any tables or exhibits?**

11 A: No. However, my direct testimony includes numerous tables and exhibits, which, in my
12 view, continue to be relevant to the Commission’s deliberations in this proceeding.
13

14 **II. FRONTIER REBUTTAL TESTIMONY**

15 *Overview and Response to Frontier’s Rebuttal Testimony*

16

17 **Q: Please identify Frontier’s rebuttal witnesses and their respective topics.**

18 A: On September 7, 2023, Frontier submitted rebuttal testimony of the following witnesses:

- 19 • Paul Kirchoffer, Senior Vice President for Operations (regarding Frontier
20 Commonwealth Operations) (Frontier St. 1-R);
- 21 • Cassandra Knight, Vice President of Regulatory Reporting (regarding quality of
22 service issues) (Frontier St. 2-R);

- 1 • Gwendolyn Allen, Director Customer Relations, Government Relations and
2 Compliance, Executive Support (regarding customer service issues and response)
3 (Frontier St. 3-R);
- 4 • Nathan Barber, Director of Outside Plant Engineering and Construction (regarding
5 fiber deployment) (Frontier St. 4-R); and
- 6 • Ken Mason, consultant for Frontier (regarding policy considerations) (Frontier St. 5-
7 R).¹

8 *Testimony of Paul Kirchoffer*

9
10 **Q: Did you review the testimony of Mr. Kirchoffer?**

11 A: Yes. Generally, Mr. Kirchoffer addresses issues concerning the Company’s outside plant
12 and operations.

13 **Q: Please describe your general understanding of Mr. Kirchoffer’s response to your**
14 **testimony.**

15 A: Mr. Kirchoffer’s primary point appears to be that Frontier has been experiencing severe
16 staffing shortages, and, in that regard, he states that more that more than 20 technicians,
17 “an extraordinary number,” retired or left in 2022.²

¹ Mr. Mason previously worked 25 years for Frontier, most recently as Senior Vice President of Regulatory Affairs. Frontier St. 5-R at 1.

² Frontier St. 1-R at 4.

1 **Q: Please respond to this statement.**

2 A: Mr. Kirchoffer does not persuasively rebut my analysis of Frontier’s staffing challenges,³
3 where, among other things, I state:

4 If Frontier lacks a sufficient number of technicians, it should take steps
5 promptly (and should have already taken steps promptly) to remedy the
6 situation. Frontier’s delay in addressing technician shortages caused and
7 will continue to cause consumer harm. While it is of course important for
8 Frontier to deploy fiber, it is unfair to those consumers in fiber-lacking
9 communities to endure poor service quality because technicians have been
10 deployed in other communities.⁴

11 Frontier’s obligation to provide adequate service implicitly includes an obligation for
12 Frontier to prepare for work force retirements.⁵ Moreover, staffing shortages during
13 2022 do not explain the poor service quality consumers have been experiencing for many
14 years.⁶
15

³ OCA/OSBA St. 1, *see, e.g.*, at 78.

⁴ OCA/OSBA St. 1 at 79.

⁵ 66 Pa.C.S. § 1501. Frontier’s responsibility was readily perceived by at least one consumer. The consumer did not fault the repair technicians for doing their job, as allowed. “The people who are arranging the work are the people who the issue is with.... Because decision makers are making decisions based on what they think is the right thing to do for them and the company and not the consumer ...” (Towanda) TR 256 at 21 to TR 257 at 10. The same consumer, who is a nurse by profession, did not accept Frontier’s position that staffing is to blame, analogizing it to a health care worker’s obligation to provide necessary care. TR 261.

⁶ *See, e.g.*, (Wellsboro), TR. 56-58 (Four years ago, witness experienced a nine-day outage of telephone and internet. Frontier’s first repair restored service for only four hours, followed by an additional nine-day outage. Second repair of corroded and chewed through wires needed. Witness testified to other subsequent outages.) *See, also* (Towanda) TR 249; TR 255-256; TR. 261 (Scratchy landline connection, particularly due to rain or wind, over last number of years.); TR. 319 (Witness noted that technicians who did show could not always fix the service outage on first or next repair appointment. Additionally, “it’s not just a question of not having the help, because the whole ticket and service scheduling system seems to be a complete mess of confusion.”); TR. 403-405 (Consumer describes sequence of outages, repair appointments spanning almost four months in 2020 “to get the appropriate technician on site to repair the problem.”)

1 **Q: Mr. Kirchoffer also asserts that “another complexity” is that “Frontier**
2 **Commonwealth’s technicians *frequently* encounter is that they arrive at a**
3 **customer’s location at the time scheduled with the customer only to determine that**
4 **the customer was not a[t] home and therefore the repair/installation cannot be**
5 **completed.”⁷ Please address this point.**

6 A. First, Mr. Kirchoffer fails to quantify or substantiate the frequency with which the
7 Company’s technicians encounter customer locations where customers are not home, and
8 this absence prevents the Company from completing a repair or installation. Mr.
9 Kirchoffer’s testimony could be more meaningful if he had provided numbers and
10 percentages of instances where the fact that a customer was not home prevented Frontier
11 from completing repairs and installations. The vagueness of “frequently” makes Mr.
12 Kirchoffer’s reason for failing to repair and install lines in a timely manner unpersuasive.
13 Regardless, as consumers repeatedly testified during public input hearings, they
14 frequently waited for technicians that could not keep their appointments. ⁸

⁷ Frontier St. 1-R at 6 (emphasis added).

⁸ See, e.g. (Wellsboro) TR 101, 103, 107, 108, 111, 112; (Towanda) TR 319, 343, 344; (Quarryville) TR 569, 600, 602, 625, 626.

1 ***Testimony of Cassandra Knight***

2

3 **Q: Did you review the testimony of Ms. Knight?**

4 A: Yes. Ms. Knight discusses service quality metrics as well as the Company's reports and
5 compliance with Frontier Voluntary Commitments 1, 2, 3, and 4.⁹

6 **Q. Please comment on Ms. Knight's discussion of these Frontier Voluntary
7 Commitments?¹⁰**

8 A. According to Ms. Knight, to comply with Frontier Voluntary Commitment 1, the
9 Company "evaluated and identified specific geographic areas, based upon complaints,
10 that would benefit from network enhancements and maintenance."¹¹ The Company's
11 complaint-based service improvement plan was filed in July 2021 and the Company
12 reported June 30, 2023 to the Commission that it was completed.¹² This complaint-based
13 service improvement process that the Company volunteered in 2021 to undertake is
14 similar to my Direct Testimony recommendations.

15 **Q. Please explain.**

16 A. I have recommended that Frontier take steps – voluntarily or by PUC order – to improve
17 its network, maintenance and service quality. My recommendations are guided by the

⁹ Frontier St. 2-R at 21-22; see, *Joint Application of Frontier Communications Corp., et al. for Approval of a Change in Control*, Docket Nos. A-2020-3020004, et al, Secretarial Letter and Exhibit 1 (Jan. 19, 2021), available at <https://www.puc.pa.gov/pcdocs/1691067.docx> Exhibit 1 to the January 2021 Secretarial Letter contains the "Frontier Voluntary Commitments."

¹⁰ Frontier St. 2-R at 21-22.

¹¹ Frontier St. 2-R at 21-22.

¹² Frontier St. 2-R at 21-22.

1 hundreds of informal complaints collected by legislators and OCA and shared with
2 Frontier, plus the public input hearing testimony, as well as my analysis of Frontier's
3 performance under various metrics on a Company-wide and wire center basis support.¹³

4 **Q. Do you agree with Frontier's commitment to continue reporting data of the type**
5 **and in the format contained in the current Frontier Voluntary Commitments for**
6 **three more years?**¹⁴

7 A. Yes, this is a good start to assure that there continues to be data collected and reported by
8 Frontier that will allow for comparison between recent years and aspects of Frontier's
9 service quality in the future. In my Direct Testimony, I recommended continuation of
10 reporting by Frontier on a quarterly basis of metrics that Frontier has been reporting to
11 the Bureau of Consumer Services (BCS).¹⁵ As part of the outcome of this case, Frontier
12 should report this information to the OCA and OSBA, as well as the Commission for
13 three more years.¹⁶

14 **Q. Does Frontier's prospective three-year reporting commitment go far enough?**

15 A. No. I agree that three more years is reasonable. However, Ms. Knight and I have both
16 analyzed additional Frontier performance measures at the wire center level, although with
17 different goals.¹⁷ Frontier's future reporting obligations to the Commission, OCA, and

¹³ OCA/OSBA St. 1 at 27-31, 35, 63-64, 81-84.

¹⁴ Frontier St. 2-R at 23.

¹⁵ OCA/OSBA St. 1 at 58-62, 93, Confidential Exh. SMB-5.

¹⁶ *Id.* at 93-94.

¹⁷ *See, e.g.* Frontier. St. 2-R at 6 (Customer trouble report rate); OCA/OSBA St. 1 at 34-35 (overview of metrics reviewed at Company level and disaggregated at the wire center level).

1 OSBA should also include the information provided at the wire center level that Frontier
2 provided in discovery for three more years, which I have listed in my Direct Testimony at
3 page 94.¹⁸

4 **Q. Do you have any other comments regarding Frontier’s reporting of performance**
5 **information?**

6 A. Yes, the Company’s reporting should also address the timeliness of broadband
7 installation. As addressed in my Direct Testimony, this is an ongoing concern based upon
8 both consumer testimony and my Confidential Table 15, Percentage of Broadband
9 Internet Installation Commitments Met.¹⁹

10 *Testimony of Gwendolyn Allen*

11
12 **Q: Did you review the testimony of Ms. Allen?**

13 A: Yes. Ms. Allen discusses the Company’s customer service.

14 **Q: How do you respond to her rebuttal testimony?**

15 A: I am hopeful that Frontier’s focused customer service efforts will continue after this
16 proceeding ends. The regulatory spotlight now on Frontier – as a result of consumers’
17 concerns, legislators’ concerns, OCA’s concerns, and OSBA’s concerns – has likely
18 motivated Frontier to expend more effort than it might have otherwise to address service

¹⁸ *Id.* at 58-62, 94, see also, Confidential Exhibit SMB-C-5.

¹⁹ OSA/OSBA St. 1 at 62 (Table 15), 80-81.

1 quality problems. It is important to ensure that Frontier’s efforts to improve its service
2 quality continue after the proceeding ends, and the regulatory spotlight dims.

3 *Testimony of Nathan Barber*

4
5 **Q: Did you review the testimony of Mr. Barber?**

6 A: Yes. Mr. Barber discusses the Company’s fiber deployment. Predictably, Frontier
7 objects to any implication that the Commission has oversight over Frontier’s broadband
8 services.²⁰ I am not testifying as a legal witness, but it is my understanding that
9 Frontier’s various broadband-related commitments, which are part of Frontier’s
10 “Voluntary Commitments,” place broadband service squarely within the Commission’s
11 jurisdiction. It is my understanding that the Commission has the authority to enforce
12 these commitments because they were among the conditions associated with the
13 Commission’s granting a certificate of public convenience to the post-bankruptcy
14 Frontier.

15
16 Moreover, the Section 3012 definition of “broadband” does not cap the service at the
17 download speed of 1.544 Mbps as Mr. Barber implies but rather defines broadband as a
18 “communications channel using any technology and having a bandwidth equal to or
19 greater than 1.544 megabits per second (Mbps) in the downstream direction and equal or
20 greater than 128 kilobits per second (Kbps) in the upstream direction.” Section 3012

²⁰ See, e.g., Frontier St. 4-R at 1, 2. See also Frontier St. 5-R at 21.

1 further defines broadband availability as “[a]ccess to broadband service by a retail
2 customer of [an ILEC].” The Commission’s jurisdiction, in my view, justifies the
3 Commission’s imposition of credits relating to broadband service quality problems.²¹

4 **Q: More generally, how does the Company’s fiber deployment, which Mr. Barber**
5 **describes,²² relate to the Company’s service quality?**

6 A: It is well-recognized that fiber is more reliable than copper²³ and therefore its deployment
7 enhances the Company’s service quality. However, new subscriptions for copper-based
8 lines continue, and of course many existing local telephone lines are copper-based. As I
9 stated in my direct testimony:

10 Replacing copper with fiber is of course an effective way to render the
11 network more reliable, but I am concerned about service quality for
12 households and businesses (1) located in those parts of Frontier’s territory
13 where Frontier is *not* deploying fiber, (2) located in areas where such
14 deployment is planned but may not be completed for several years; and
15 (3) who, regardless of the availability of fiber, continue to be connected
16 over copper lines.²⁴

17
18 **Q: Did you review Mr. Barber’s Exhibit NB-3?**

19 A: Yes. He explains that this exhibit includes the Company’s current estimated numbers of
20 locations for construction by census block group.²⁵ Because the Company’s fiber

²¹ OCA/OSBA St. 1 at 100.

²² Frontier St. 4-R at 2-7.

²³ *See, e.g.*, Frontier St. 1-R at 14, li 5-7, which states: “Fiber, as compared to copper, is less susceptible to temperature changes, severe weather, and moisture, and is expected to improve the quality and reliability of voice service.”

²⁴ OCA/OSBA St. 1 at 26.

²⁵ Frontier St. 4-R at 6.

1 deployment plans affect the quality of service it provides, I recommend that the
2 Commission request that Frontier submit an annotated version of Exhibit NB-3 that
3 shows separately for each census block group shown, the name of the associated wire
4 center and municipality. This information would assist the Commission in its
5 comprehensive monitoring of the Company's service quality.

6 **Q: What is the significance of the Company's fiber deployment as described by Mr.**
7 **Barber?**

8 A: The Company's fiber deployment will provide an unambiguous benefit to some but not
9 all consumers. But, because a community's density affects the profitability of potential
10 fiber deployment,²⁶ it is especially important to establish adequate oversight of the
11 Company's copper-based services and to protect consumers in the portions of the
12 Company's service territory that are not part of the Company's build-out plans.
13 Regardless of the Company's fiber build-out plans, Section 1501 service obligations
14 continue to apply.

²⁶ See, Frontier St. 5-R at 16 (emphasis added):

Capital is a finite resource, and, while the Company strives to meet minimum service standards, using the extreme levels of capital suggested by Ms. Baldwin on copper and a declining base of telephone customers would only lead to expenditures that would not be recovered from voice service revenues and decreased investment in fiber broadband products *where Frontier sees the greatest opportunity for a reasonable return on their investment and the potential for revenue growth.*

1 **Q: Please elaborate.**

2 A: The problem stems from the fact that over the years, Frontier (and its predecessor) failed
3 to maintain the network adequately. This underinvestment is now catching up with
4 Frontier. Each year that passes with Frontier failing to invest adequately leads to the
5 need for yet more remediation and yet higher levels of capital expenditures. At the same
6 time, Frontier's ability to derive fiber-based revenues is linked directly to its historic
7 incumbency and customer base. Isolating copper-related investment and revenues,
8 therefore, is inappropriate. Over the years, its customer base and ubiquitous network has
9 enabled it to now leverage that ubiquity into new (fiber) areas.

10 *Testimony of Ken Mason*

11

12 **Q: Did you review the testimony of Mr. Mason?**

13 A: Yes. Mr. Mason discusses the level of competition that exists in local markets,²⁷ the
14 Company's Chapter 30 compliance,²⁸ and Frontier's settlements in other states.²⁹

15 **Q: Please respond to Mr. Mason's assertion that the scope of this proceeding is limited**
16 **to five counties.³⁰**

17 A: Consumer testimony during the public information hearings clearly demonstrates that
18 service quality problems also exist in other portions of the Company's service territory in

²⁷ Frontier St. 5-R at 2.

²⁸ Frontier St. 5-R, at 19- 22.

²⁹ Frontier St. 5-R at 22-32.

³⁰ Frontier St. 5-R at 5.

1 Pennsylvania.³¹ Moreover the OCA/OSBA Formal Complaint is not as geographically
2 limited as Mr. Mason's testimony implies.

3 **Q: Why do you state that the OCA/OSBA Formal Complaint is not limited to five**
4 **counties?**

5 A: It is my understanding that the OCA/OSBA Formal Complaint is not geographically
6 constrained. Although Paragraph 4.d. of the OCA/OSBA Formal Complaint refers to
7 informal complaints from customers with addresses in Bradford, Sullivan, Susquehanna,
8 Tioga, and Wyoming Counties, it is my understanding that the OCA-OSBA Formal
9 Complaint is framed as focusing on Frontier's compliance with its numerous legal
10 obligations.

11 All consumers, regardless of where they live, should receive reliable dial tone service
12 offered with adequate service quality. Accordingly, I recommend that the Commission
13 reject Mr. Mason's attempt to limit the geographic scope of this proceeding. Indeed, if
14 the Commission were to accept Mr. Mason's narrow view of the geographic scope, this
15 could create an economic incentive for the Company to redeploy resources from one part
16 of the Company's service territory to another part, meaning that the improvement in some
17 customers' service quality could come at the expense of the service quality of others.

³¹ See OCA/OSBA St. 1, Exh. SMB-1 (Map of Frontier ILECs service territory), Exh. SMB-2 (Map of Pennsylvania counties), Exh. SMB-3 (List of Frontier wire centers and municipalities served). Individual consumers, small business owners, public officials, and public safety representatives presented testimony during the public input hearings in Wellsboro (Tioga County), Towanda (Bradford County), and Tunkhannock (Wyoming County). Another 10 consumers and small business owners with addresses in Lancaster and Chester County testified at the Quarryville public input hearing in Lancaster County.

1 **Q: Please explain further the potential consequence of unduly limiting this proceedings’**
2 **geographic scope.**

3 A: Consumers, legislators, OCA, and OSBA have identified long-running service quality
4 problems, and without these efforts, it is entirely possible that Frontier would not have
5 begun to take steps to remedy its service quality deficiencies.³² Commitments by the
6 Company for capital expenditures, to repair and replace defective outside plant, and to fix
7 troubles and install lines in a timely manner are essential to remedy these service quality
8 deficiencies. It would be unfortunate if consumers outside of the five counties needed to
9 first endure poor service quality and then replicate the extensive efforts that led to this
10 proceeding in order to get relief. Frontier’s obligation to provide adequate service
11 pertains to its entire territory.

12 **Q: In your view, is the availability of competitive alternatives to Frontier’s service**
13 **relevant to this proceeding?**

14 A: No. It is my understanding that the purpose of this proceeding is to examine whether
15 Frontier provides adequate service, and, if not, to identify appropriate remedies. The
16 presence or absence of reasonable substitutes for any particular customer has no bearing
17 on whether Frontier is fulfilling its obligation to provide adequate service. As an aside,

³² See, e.g., (Tunkhannock) TR. 472, 474 (Resolution of December 2022 landline outage involved Representative Pickett’s assistance, February 2023 meeting in Wysox hosted by legislators and consumer’s contact with Frontier, followed by Frontier March 20, 2023 repair appointment, with ultimate result of repair to line and service restoration); (Quarryville) TR. 601 (Late June and early July 2023 contacts with Frontier, state legislator, OCA to obtain restoration of service). Frontier witness Allen’s summary identifies the time and resolution of this Quarryville witness’s landline out of service problem, subsequent to the Quarryville public input hearing. See, Frontier St. 3-R, Confidential Exh. 3-R-1, p. 8.

1 as I observed in my direct testimony, many consumers stated that if they had alternatives
2 to Frontier, they would choose such alternatives. But again, the option for or lack of a
3 substitute does not in any way alter Frontier’s obligation to provide service.

4 **Q: If, contrary to your view, the Commission considers factors relating to competition**
5 **to be relevant to this proceeding, do you have any further observations regarding**
6 **Mr. Mason’s testimony?**

7 A: Yes. The data Mr. Mason includes that show ILECs’ dwindling share of the market do
8 not address the fact that in rural communities, reasonable substitutes may be lacking (that
9 is, the fact that most people in Pennsylvania can rely on wireless service is meaningless
10 for the consumer who lives in a sparsely populated community with unreliable or
11 unavailable wireless service and who needs to be able to reach 911 service reliably and at
12 inherently unpredictable times).³³ Moreover, in past years, errors have been found with

³³ See, e.g. (Towanda) TR. 255 (The consumer has no cell service at home and instead relies on Frontier service “for EMS calls and any type of emergency that I may have or communication with my family.”); TR at 263, 264 (Consumer relies on Frontier landline. Without landline, no access to 911. Consumer experienced a landline outage from April 22, 2023 through May 22, 2023. Due to the landline outage, consumer had to cancel hospital surgery for a spinal procedure, because she would not have been able to be in touch with doctor once discharged and at home.); TR at 276, 277 (No cell service at home, landline outage started November 15, 2022 and lasted 54 days. Consumer asked Frontier for prompt repair because member of household had health issues and needed ability to call 911. Frontier set initial repair date three weeks later); TR. 317-321 (Frontier customer age 92, dependent on landline and medical alert service to contact 911, medical care, and family. No cell service at home. No Frontier dial tone line February 11, 2023. Family reported outage to Frontier, including info about elderly father’s dependence on landline for medical alert button to work. About four weeks before service restored by Frontier. Lack of landline worried the customer, who felt vulnerable and isolated.); TR. 326-328 (Consumer resides in cell dead zone. Has disabilities and depends a medical alert button linked to landline. Reliable internet also important for: a) transmitting daily information from CPAP device to doctors and b) to schedule home health aide.); TR. 360 (Consumer was without landline service and would need to drive half mile away from home to receive cell service connection. Need landline because if implanted medical device fails, consumer would need to obtain immediate repair of health device.)

1 wireless carriers' maps of coverage.³⁴ Moreover, consumers testified to unreliable and
2 non-existent wireless service during the public hearings.³⁵

3 **Q: Please address Mr. Mason's discussion of cord-cutting (that is, discontinuing a**
4 **subscription to wireline voice service).**

5 A: I do not dispute the continuing trend of cord-cutting. But it is important to consider these
6 factors:

7 1. Consumers in sparsely populated areas – precisely the areas where Frontier is least
8 likely to deploy fiber and where Frontier may lack the economic incentive to replace
9 and repair defective copper plant – are also the areas where lack of reliable wireless
10 service is most likely to pertain.

11 2. The report upon which Mr. Mason relies for his cord-cutting testimony,³⁶ includes
12 relevant data about which Mr. Mason's rebuttal testimony is silent. Older adults
13 disproportionately rely on wireline, a fact which Mr. Mason fails to observe.³⁷ See,
14 e.g.:

³⁴ *Government Technology*, "FCC Report: Mobile Service Maps Often Overstate Coverage," Cassidy Vavra, December 06, 2019. <https://www.govtech.com/network/fcc-report-mobile-service-maps-often-overstate-coverage.html>; *Ars Technica*, "At least one major carrier lied about its 4G coverage, FCC review finds," Jon Brodtkin, December 10, 2018. <https://arstechnica.com/tech-policy/2018/12/at-least-one-major-carrier-lied-about-its-4g-coverage-fcc-review-finds/>

³⁵ See, e.g., (Wellsboro) TR 56, 57, 59, 73, 79, 93, 105, 108, 109, 110, 125, 134, 175, 186, 202; (Towanda) TR. 322, (To report her landline outage, the consumer would need "to go three miles up the hill and sit along the road and get on my cell phone" to call Frontier), TR. 327, 405; (Tunkhannock) TR 472, 473, 483-485, 513, 531, 535, 538; (Quarryville) TR. 601, 619, 630.

³⁶ Frontier St. 5-R at 13-14.

³⁷ "Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2022," Stephen J. Blumberg, Ph.D., and Julian V. Luke, Division of Health Interview Statistics, National Center for Health Statistics, released May 2023, <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202305.pdf>

- 1 • “The percentage of adults who were wireless-only decreased as age increased
2 beyond 35 years: 83.3% for those 35–44; 71.2% for those 45–64; and 47.8% for
3 those 65 and over.”³⁸
- 4 • Across all adults, between 2.9 and 3.6 percent are “landline-mostly” and yet
5 among adults 65 and older, 10.3 to 12.6 percent are “landline-mostly.”³⁹
- 6 • Across all adults, 1.8-2.3 are “landline-only” and among adults 65 and older, 6.1
7 to 7.7 percent are “landline-only.”⁴⁰

8 I recommend that the Commission consider Mr. Mason’s conclusion “that mobile service
9 is readily available and subscribed to across the state”⁴¹ as irrelevant to the experiences of
10 the many consumers receiving inadequate service quality. It also must be viewed in the
11 context that many consumers, especially older ones and ones in areas with spotty
12 coverage, do not subscribe to mobile service as well as in the context of many
13 consumers’ public hearing testimony describing unavailable or unreliable wireless
14 service.⁴²

³⁸ *Id.*, at 3.

³⁹ *Id.*, at 7.

⁴⁰ *Id.*

⁴¹ Frontier St. 5-R at 14.

⁴² *See*, Footnote 35, *supra*. One witness testified that her elderly neighbor with a medical problem would need her help to contact Frontier whenever the neighbor lost telephone service. Frontier routinely asked for a cell number to use for a call back. The witness expressed frustration because “they [Frontier] think everybody in the world has good cell service. If we had good cell service, we would not need Frontier.” (Wellsboro), TR 178,179. *See, also* (Towanda) TR 311 (Consumer called Frontier to request removal of downed Frontier lines in hay field. Frontier customer service and then supervisor insisted the consumer provide a cell number for call back, before Frontier could complete and submit service request. Consumer did not have a cell number to give Frontier).

1 **Q: Recognizing that, in your view, regardless of the level of competition, Frontier has**
2 **an obligation to provide adequate service quality, please address generally the link**
3 **between competition and service quality in this proceeding.**

4 A: I urge the Commission to afford more weight to consumers' actual experiences than to
5 Mr. Mason's depiction of competition. Specifically, I disagree that there is sufficient
6 competition to yield adequate service quality. Mr. Mason's depiction of competition is
7 belied by the testimony of Frontier witness Kirchoffer, who acknowledges that service
8 quality problems exist. Effective competition should translate into adequate service
9 quality. In any event, I am not convinced that without the regulatory scrutiny that this
10 proceeding is providing Frontier would be addressing its service quality problems.

11 **Q: How does Mr. Mason respond to your recommendation for an independent audit of**
12 **Frontier's Pennsylvania network?**

13 A: Mr. Mason asserts that such an audit would "result in an unnecessary, costly and lengthy
14 process to review during a period when the Frontier Commonwealth network is in the
15 process of changing, including investments in fiber, and will continue to do so over the
16 period of the review." He proposes instead the use of "[l]imited data reporting, as part of
17 an annual filing of capital and operating expenses by category" to enable the Commission
18 to monitor Frontier's investment and maintenance of its network.⁴³

⁴³ Frontier St. 5-R at 24.

1 **Q: Do you agree?**

2 A: I agree that there is value in an annual filing along the lines he describes. However, as I
3 discuss below, Mr. Mason and I propose very different levels of annual capital
4 expenditures by Frontier. Ultimately, an independent, objective audit would better enable
5 the Commission to assess the magnitude of the dollars (and the specific remediation
6 projects) necessary for the Company to provide adequate service to its Pennsylvania
7 consumers.

8 **Q: Mr. Mason rebuts your extrapolation based on the Ohio settlement in which you**
9 **derive a recommended annual capital expenditure. Please respond.**

10 A: Several factors are relevant to the Commission's determination of the appropriate level of
11 annual capital expenditures that Frontier should make to address long-running service
12 quality problems. Importantly, the capital expenditure in the Ohio settlement
13 corresponded with Frontier's network as of year-end 2019, almost four years ago. One
14 could reasonably assume that in Pennsylvania, there have been another several years of
15 underinvestment by Frontier. Therefore, a reasonable estimate of the annual expenditures
16 necessary would need to address more years of underinvestment in Pennsylvania than the
17 Ohio settlement addressed.

1 **Q: Please address Mr. Mason’s assertion that staffing challenges, and not the condition**
2 **of the network, have resulted in “longer than ideal installation and repair**
3 **intervals.”⁴⁴**

4 A: First, whether “longer than ideal installation and repair intervals” result from staffing
5 challenges or from Frontier’s failure to maintain its network adequately (or some
6 combination of the two), it is Frontier’s responsibility to manage its operations such that
7 its customers receive adequate service.

8 Second, technicians are required to fix and to replace defective outside plant. Put
9 differently, if the outside plant were in good condition, visits by technicians would be less
10 frequently required. As I explain earlier, an independent audit of Frontier’s network
11 would shed light on the actual condition of its network. Absent this information, it is
12 reasonable for the Commission to conclude that Frontier should expend more monies to
13 repair and replace its copper network so as to prevent consumers’ frustration with out-of-
14 service lines and lengthy repair intervals.

15 **Q: What do you conclude based on your review of Mr. Mason’s testimony?**

16 A: Section 1501 requires Frontier to provide “reasonable and adequate” service quality
17 obligations to both customers and the public. When Frontier fails to meet this obligation,
18 not only is the subscribing customer harmed, but so too are others who seek to
19 communicate with the subscriber customer (family members, friends, business

⁴⁴ Frontier St. 5-R at 24.

1 acquaintances, health care providers, teachers, potential employers, etc.). Inadequate
2 customer service leads to negative externalities – not only is the consumer harmed, but so
3 too is a broader web of people, institutions, and commercial enterprises that derive
4 benefit from calling to and being called by the consumer with the non-functioning dial
5 tone line.

6 **Q. Mr. Mason discusses the impact of regulatory change and increased competition on
7 Frontier service (Mason pp. 2-19). Do you have any response?**

8 A. Yes. The OCA-OSBA Complaint is about the service quality provided by Frontier to its
9 customers and which impacts the public. It is not about rates and revenues. Future
10 broadband spending does not help existing consumers experiencing unreasonable service.

11
12 ***III. CONCLUSION***
13

14 **Q: Please summarize your conclusions based on your analysis and review of the
15 testimony submitted by the Company's five witnesses.**

16 A: The Company raises various issues that in my view are tangential to the core issues in
17 this proceeding (such as competition). But of greatest significance is the fact that the
18 Company's rebuttal testimony in no way alters the harm that consumers have been
19 experiencing, and which consumers articulated so persuasively during the five public
20 hearings and their hundreds of complaints. The key takeaway for the Commission is that
21 without its oversight and directives for timely measures as well as plans for
22 accountability by the Company, past consumer harm will not be remedied and consumer

1 harm will continue in the future. The Company lacks economic incentive to repair and
2 install lines in a timely manner, especially in those parts of its service territory where
3 local telephone service is provided over an aging copper network.

4
5 The harm of delayed repair is substantial. When unpredictable events occur, such as a
6 family member experiencing a stroke or heart attack, a non-functioning Frontier access
7 line has dire consequences, especially for those lacking reliable alternatives. Discussions
8 of Frontier's line loss, etc. simply don't address the risk to public safety and well-being
9 that Frontier's neglect of its outside plant presents, nor the harm to small businesses that
10 depend on Frontier's broadband service for the businesses' financial viability. Frontier's
11 fiber deployment will help some consumers and communities, but it will not help those
12 consumers not reached by Frontier's fiber network.

13
14 I continue to support the recommendations I discuss in detail in my initial testimony.
15 Moreover, as I discuss in my initial testimony, reporting will enhance the Company's
16 accountability.

17 **Q: Does this conclude your surrebuttal testimony?**

18 **A: Yes.**

19 4863-1735-3091, v. 5

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

VERIFICATION

I, Susan M. Baldwin, hereby state that the facts set forth in my Surrebuttal Testimony, OCA Statement 1SR, are true and correct (or 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).

DATED: October 5, 2023
*4867-4749-8884

Signature: *Susan Baldwin*
Susan M. Baldwin

Consultant Address: SMBaldwin Consulting
45 Acorn Path
Groton, MA 01450