

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Public Meeting held June 13, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Ralph V. Yanora  
Kathryn L. Zerfuss  
John F. Coleman, Jr.

Windstream Pennsylvania, LLC 2024 Annual Price  
Stability Index / Service Price Index Report Filing and  
Supplement No. 91 to Tariff Telephone PA P.U.C. No. 7

R-2024-3048434

Windstream Pennsylvania, LLC Amended Alternative  
Regulation and Network Modernization Plan

P-00981423F1000

**ORDER**

**BY THE COMMISSION:**

**I. BACKGROUND**

Before us for disposition is the Windstream Pennsylvania, LLC (Windstream PA or Company) annual 2024 Price Stability Index (PSI) / Service Price Index (SPI) Report and accompanying Supplement No. 91 to its Tariff Telephone PA P.U.C. No. 7. The Company's annual PSI/SPI Report was filed under the provisions of Act 183 of 2004, P.L. 1398 (66 Pa.C.S. §§ 3011-3019) (Chapter 30) and pursuant to the Company's amended Alternative Regulation and Network Modernization Plan (Amended Chapter 30 Plan) that this Commission approved at Docket Number P-00981423F1000.<sup>1</sup>

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<sup>1</sup>*Petition for Amended Alternative Regulation and Network Modernization Plan of ALLTEL Pennsylvania, Inc.*, Docket No. P-00981423F1000 (Order entered June 23, 2005).

As a result of the passage of Act 183 of 2004, companies that had filed initial Chapter 30 Plans with the Commission were entitled to significantly lower inflation offset values within their respective price cap formulas in exchange for a commitment to accelerated broadband deployment. Inflation offsets previously ranging from 2% to 2.93% in these initial Chapter 30 Plans were reduced to either 0% or 0.5%, depending on each company's Amended Chapter 30 Plan. In Windstream PA's case, the inflation offset was reduced from 2% to 0%. Accordingly, annual Price Stability Plan (PSP or Plan) filings have the potential for substantial revenue and rate impacts on end-user consumers.

Under the Company's PSP, the Price Stability Index (PSI) calculates the allowable change (increase or decrease) in rates for noncompetitive services based, in part, on the Gross Domestic Product Price Index (GDP-PI). The Service Price Index (SPI) tracks the prior changes for noncompetitive services related to PSI. The PSP also contains special provisions for protected services and addresses revenue neutral rate adjustments to the rates for noncompetitive services. The PSP set forth in the Company's Amended Chapter 30 Plan is a complete substitution of rate base/rate of return regulation. Noncompetitive services are defined as regulated services or business activities that have not been determined or declared to be competitive. Further, the Company's Amended Chapter 30 Plan acknowledges that nothing in its Plan shall be construed to limit the requirement under 66 Pa.C.S. § 1301 that rates shall be just and reasonable.

## **II. COMPANY'S FILING**

Pursuant to the Plan, Advance Notice was issued on April 15, 2024, informing the Commission of the forthcoming filing. On April 30, 2024, Windstream PA filed an annual PSI/SPI report with proposed revenue rate increases and tariff changes. The effective date of the accompanying tariff supplement and corresponding proposed rate increase is July 1, 2024.

The Company filed its annual PSI/SPI Report using the change in 2022 and 2023 third-quarter GDP-PI, which equates to a 3.204% increase in the PSI. When applied to the previous PSI of 1.565956 this produces a new PSI of 1.616128. Applying this change to current noncompetitive revenues of \$14,458,496 yields a maximum allowed noncompetitive revenue increase of \$463,236.

In its 2024 filing, the Company proposes to implement a total of \$18,149 in actual rate increases. The revenues to fund the proposed rate increases are being drawn from the Company’s 2021 banked revenue amount, reducing that 2021 banked amount from \$218,918 to \$200,769. The SPI indicates the cumulative price changes from current and prior years and tracks the actual total price changes for noncompetitive services. Applied to its current SPI of 1.106667, the Company’s proposed rate changes produce a new SPI of 1.108056.

Consistent with the Commission approved Protective Order entered June 25, 2008, at P-2008-2040472 and pursuant to 52 Pa. Code § 5.365, the Company has marked specific information in its PSI/SPI Report as proprietary.

The Company served a copy of its PSI/SPI Report on the Office of Small Business Advocate (OSBA), the Office of Consumer Advocate (OCA), and the Bureau of Investigation and Enforcement. No complaints were filed and no hearings were held.

As noted in more detail in the following table, in its 2024 filing, the Company proposes to increase monthly recurring charges for local residential dial tone line rates. The monthly rate increase is \$0.19. The Company’s proposed rate increases will be implemented through Supplement No. 91 to its Tariff Telephone PA P.U.C. No. 7, which carries an effective date of July 1, 2024.

<b>Windstream Pennsylvania, LLC</b>			
<u>Service</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Rate Increase</u>
Residential Access Line – Bands 1-9	\$19.75	\$19.94	\$0.19

**III. DISCUSSION**

1. Plan Provisions

Part 3.A.8 - 10 of the Company’s Amended Chapter 30 Plan states the following regarding its annual PSI/SPI filings:

On or before the anniversary date of the Plan (or the closest Commission working day thereafter) and annually thereafter, the Company shall file with the Commission a PSI and SPI Report. Each such annual filing may be accompanied by tariffs to implement any required or authorized rate changes.... A Commission Order must be entered within sixty (60) days of the filing (or such other time as may be otherwise provided herein), otherwise the tariff(s) shall become effective as filed.... Such rates shall be deemed Commission approved.

Further, part 3.A.7 of the Amended Company's Chapter 30 plan contains the following provision regarding banking:

If the Company elects not to increase its rates by the full amount allowed under the terms of the Plan, including exogenous events in a given year, the Company may increase its rates in future years to reflect the full amount of the allowable increase previously deferred. The Company may bank increases for a period not to exceed four (4) consecutive years.”

## 2. PSI/SPI Calculations

The annual Windstream PA PSI/SPI Report submissions under Chapter 30 laws must conform to its Commission-approved Amended Chapter 30 Plan. Our review of the calculations submitted by Windstream PA indicates that they are procedurally consistent with the terms of the Company's Price Stability Plan formula approved in its Amended Chapter 30 Plan.

## 3. Banked Revenues

The banking methods the Company uses in its 2024 PSI/SPI Report are also procedurally consistent with its Amended Chapter 30 Plan. The Company will bank the entire \$463,236 available in its current filing for future use. The Company is retiring the unused banked amount of \$301,160 authorized to it under its 2020 PSI/SPI filing in accordance with the banking terms outlined in its Amended Chapter 30 Plan.

The Company's previous cumulative banked revenues totaled \$2,578,217. After the reduction for the proposed rate increases, the reduction for the retired 2020 banked amount, and the addition of the 2024 banked revenue amount, the Company has a cumulative banked revenue amount of \$2,722,144 to be carried forward. We note that in accordance with the Company's Amended Chapter 30 Plan, deferred increases shall carry no interest. The following table shows the breakdown of the Company's cumulative bank:

<b>Windstream Pennsylvania, LLC Banking Summary</b>	
Banked annual revenue increase from 2021 PSI/SPI Report	\$ 200,769
Banked annual revenue increase from 2022 PSI/SPI Report	\$ 864,027
Banked annual revenue increase from 2023 PSI/SPI Report	\$ 1,194,112
Banked annual revenue increase from 2024 PSI/SPI Report	\$ 463,236
<b>Total</b>	<b>\$ 2,722,144</b>

#### **IV. CONCLUSION**


Our review of the Company's 2024 PSI/SPI Report indicates the PSI/SPI calculations, the banked revenue calculations, and the proposed rate increases are procedurally consistent with the terms of its Amended Chapter 30 Plan.; **THEREFORE,**

#### **IT IS ORDERED:**

1. That the Windstream Pennsylvania, LLC's 2024 PSI/SPI Report is accepted as being procedurally consistent with its Commission-approved Amended Chapter 30 Plan.
2. That Windstream Pennsylvania, LLC's Supplement No. 91 to Tariff Telephone PA P.U.C. No. 7 be permitted to go into effect on July 1, 2024.
3. That a copy of this Order be served on Windstream Pennsylvania, LLC, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement.

4. That the case be marked closed.

**BY THE COMMISSION,**



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: June 13, 2024

ORDER ENTERED: June 13, 2024