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December 2, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Joint Application of Frontier Communications Parent, Inc., Commonwealth Telephone Enterprises LLC, Commonwealth Telephone Company LLC d/b/a Frontier Communications Commonwealth Telephone Company, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River LLC, Frontier Communications of Pennsylvania, LLC, Citizens Telecommunications Company of New York, Inc., CTSI, LLC d/b/a Frontier Communications CTSI, LLC, CTE Telecom, LLC, d/b/a Frontier Communications CTE Telecom Company, Frontier Communications of America, Inc. And Verizon Communications Inc., France Merger Sub Inc., For any Approvals Required Under the Public Utility Code for a Transfer of Control of Frontier Communications Parent, Inc. and its Pennsylvania subsidiaries to Verizon Communications Inc.; Docket Nos. A-2024-3051925, et al.; **PROTEST**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Broad Horizons Lotowners' Association's Protest in the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
December 2, 2024
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If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

/s/ Thomas J. Sniscak

Thomas J. Sniscak

*Counsel for
Broad Horizons Lotowners' Association*

TJS/das
Enclosures

cc: Paul Diskin, Director, TUS (pdiskin@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|----------------------------|
| Joint Application of Frontier | : | |
| Communications Parent, Inc., | : | Docket Nos. A-2024-3051925 |
| Commonwealth Telephone Enterprises | : | A-2024-3051926 |
| LLC, Commonwealth Telephone Company | : | A-2024-3051927 |
| LLC d/b/a Frontier Communications | : | A-2024-3051929 |
| Commonwealth Telephone Company, | : | A-2024-3051931 |
| Frontier Communications of Breezewood, | : | A-2024-3051932 |
| LLC, Frontier Communications of Canton, | : | A-2024-3051933 |
| LLC, Frontier Communications of | : | A-2024-3051934 |
| Lakewood, LLC, Frontier Communications | : | A-2024-3051935 |
| of Oswayo River LLC, Frontier | : | A-2024-3051936 |
| Communications of Pennsylvania, LLC, | : | |
| Citizens Telecommunications Company of | : | |
| New York, Inc., CTSI, LLC d/b/a Frontier | : | |
| Communications CTSI, LLC, CTE | : | |
| Telecom, LLC, d/b/a Frontier | : | |
| Communications CTE Telecom Company, | : | |
| Frontier Communications of America, Inc. | : | |
| And Verizon Communications Inc., France | : | |
| Merger Sub Inc., For any Approvals | : | |
| Required Under the Public Utility Code for | : | |
| a Transfer of Control of Frontier | : | |
| Communications Parent, Inc. and its | : | |
| Pennsylvania subsidiaries to Verizon | : | |
| Communications Inc. | : | |
| | : | |

PROTEST OF THE BROAD HORIZONS LOTOWNERS' ASSOCIATION

1. On October 31, 2024, the above-captioned Joint Application of wholly-owned subsidiaries regulated by this Commission (together, "Frontier") and Verizon Communications Inc. ("Verizon") for approval of certain transactions to transfer control of Frontier to Verizon, was filed. A protest or intervention deadline was set by the Commission of on or before December 2, 2024. This Protest is submitted in accordance with said deadline.
2. Protestant Broad Horizons Lotowners' Association ("BHLA") is a Pennsylvania non-profit Corporation having an address of 33 Pine Drive, Muncy Valley, Sullivan County,

Pennsylvania, 17758. BHLA has an elected Board of Trustees to represent BHLA members. The Broad Horizon's residential development community is located in Shrewsbury Township, Sullivan County, Pennsylvania, along and adjacent Edkin Hill Road and is roughly midway between Muncy Valley and Eagles Mere, Sullivan County. BHLA has 17 residential dwellings in addition to 6 developable lots in its rural community. Telecommunications in BHLA was originally provided by the former Commonwealth Telephone Company ("CTC") since approximately 1972 and after CTC was sold BHLA presently is served by Frontier Commonwealth Telephone Enterprises LLC, Commonwealth Telephone Company LLC d/b/a Frontier Communications ("Frontier"). Telecommunication and electricity service is provided through underground facilities. BHLA owns its roads which are maintained gravel ones and has granted easements for utility services.

3. The name and address of counsel for Protestant BHLA in this matter to whom communications and service should be provided and addressed is:

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4. BHLA customers served by Frontier continue to have frequent outages of telephone or broadband service. In particular, broadband service is marginal and is provided by antiquated Digital Subscriber Line ("DSL") copper wire service and on a rare, good day, the speed for downloads is approximately 4 or 5Mbps and uploads is a mere .5 Mbps. It often is lower. On weekends, early mornings or evenings when residents are home, and use increases, the speeds are lower. Screen freezing and stuttering are

common. The low upload speed impairs or at times prevents Zoom or Microsoft Teams video conferencing.¹

5. On June 7, 2024, (Attached hereto and hereby made a part of this protest as “**Attachment 1**”, Frontier issued to a BHLA customer a letter specifying a range of speeds under the customer’s plan. It stated speeds “may be slower” and “most video applications require at least 5Mbps or more of dedicated bandwidth to consistently stream video content.” It next states that “connecting to Wi-Fi”, having “multiple users or devices on the same account,” affect (presumably lower) the “actual internet speed at your service address.” BHLA respectfully submits that this acknowledgement, if not admission, by Frontier coupled with its marginal and limited service, history of outages, and the letter’s suggested unreasonable service restrictions limiting access and use to the rural BHLA customers and users, is inconvenient, inadequate, and rural-discriminatory in today’s broadband world in violation of the Public Utility Code.
6. The letter next pivots to state or justify its marginal service today: “Under Chapter 30 of the Pennsylvania Public Utility Code, Frontier has a continuing obligation to make internet service of 1.544 Mbps download speed and 0.128 Mbps upload speed available to consumers in its service territory.” What the letter does not mention is that Chapter 30 was enacted in 1993, along with its definition of “Broadband,” and that the Legislature intended to stimulate continuing Broadband expansion and technological innovation for the benefit of the public and offered as a *quid pro quo* to free telephone companies from facing traditional cost of service rate or return regulation. It is nonsensical that BHLA customers, some of whom are elderly, some of whom have

¹ Similar problems with these services, including public input statements by customers as to their internet service or phone service, are referenced in the Initial Decision and Final Commission Order of May 9, 2024 approving the settlement in *Office of Consumer Advocate, Office of the Small Business Advocate v. Commonwealth Telephone Company, LLC d/b/a Frontier Communications Telephone Company.*, at Docket No. C-2023-3037574.

young children or grandchildren, some of whom are educators, some of whom are a first responder, and some who try to work from home, should be tethered to 1993 technology or conditions, and it doubts those at Frontier are driving 1993 cars, using a 1993 cell flip-phone, 1993 computers, 1993 floppy disks or cassette tapes. And, while it is odd that the Legislature has not updated its 1993 definition of “Broadband” in Chapter 30, it is notable that the Federal Communications Commission (“FCC”) defines today’s Broadband as download speeds of at least 100 Mbps and upload speeds of at least 200 Mbps. In short, BHLA has been left behind from having evolving and modern broadband service norms for the last 20 or more years.

7. Ironically, Frontier has marketed to BHLA customers by advertising by text, phone call, email or flyer announcing modern-time broadband levels far in excess what it can provide at BHLA, and when a BHLA customer attempts to subscribe, after going through the ordering process, is told “sorry, it is not available at your location.” When asked when it would be available the answer was, they were unsure.
8. Section 1103 of The Public Utility Code, 66 Pa.C.S. §1103, states that Applications for Certificates of Public Convenience, such as the Joint Application, should only be granted if it is “necessary or proper for the service, accommodation, convenience, or safety of the public.” Our Supreme Court, in addressing this language, in *City of York v. Pa. P.U.C.*, 295 A.2d 825, 828 (Pa. 1973) (*City of York*), found that Applicants must prove that there are substantial benefits adequately explained and defined due to the transaction. The Joint Application must also meet all legal requirements of the Public Utility Code, applicable Commission rules and regulations, and Pennsylvania law.

9. The Public Utility Code at 66 Pa.C.S §1304 and 66 Pa.C.S. §1502 prohibits, respectively, rate discrimination and service discrimination. The status quo of service at BHLA customers illustrates discrimination toward this rural section of Sullivan County.
10. While Verizon is a fine company and telecommunications giant and innovator, and the Joint Application states it will make improvements to the Frontier network it seeks to acquire. However, these generalities are no substitute for the specifics and details of the who, what, how, where and when it will address and modernize service to BHLA customers and at what price. Consequently, there is insufficient information in the Joint Application at this juncture to warrant and support approval under the Public Utility Code and the *City of York*.
11. BHLA customers should (a) have access to modern distance learning, teleconferencing, (b) not be saddled by the absurd Attachment 1 letter implication to preserve or have these marginal speeds users in the dwelling shuttle or take turns for their use of smartphones, tablets or computers, (c) experience frequent outages, (d) have bandwidth for security systems, (e) be able to work from home, and (f) enjoy what modern telecommunications technology that's commonly available to the most of Pennsylvania.
12. BHLA notes that House Bill 2071, now Act 96 of 2021, which Sullivan County House Representative Tina Pickett² sponsored, has established The Pennsylvania Broadband Development Authority to receive an expected \$100 million of federal funding. BHLA finds it regrettable that any customer has to fight for better connectivity or for basic levels of service commonly available in the Commonwealth.

² Representative Pickett was quoted as follows in the Sullivan Review (the county paper): "This is a great day for all of us who have been fighting for broadband access in the most rural areas of the Commonwealth...Broadband infrastructure is as vital to our communities and our economy as our utilities and transportation infrastructure. I look forward to better connectivity for everyone in the Northern Tier." BHLA applauds this statement as it needs better connectivity.

13. The Commission has the power to impose conditions to ensure that Section 1103 convenience and accommodation requirements and the *City of York* substantial benefits are sufficiently detailed and happen. Accordingly, BHLA requests that the Commission impose the following conditions if the Commission decides to approve the Joint Application: (1) that Verizon provide detailed and specific information as to the who, what, how, where and when it will address, improve and modernize service to BHLA customers; (2) and that given the inordinate delay for 20 or more years of adequate, convenient, continuous and reasonable broadband service being provided to BHLA, Verizon provide and upgrade service on an expedited basis to BHLA customers no less than 120 days after any approval of the Joint Application.
14. BHLA is hopeful its Protest can be settled consonant with the Commission's stated policy to encourage settlements, and that BHLA customers will sooner than later receive modern adequate service from Verizon.

Respectfully submitted,

/s/ Thomas J. Sniscak
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Dated: December 2, 2024.

*Attorney for the Broad Horizons Lot
Owners' Association*

ATTACHMENT 1



FRONTIER

IMPORTANT UPDATES

ABOUT YOUR INTERNET SPEED

P1 T2 B2 177 JUN1_06072024 34536pa3_jun24_c PA_B9a_PSM_DM_PA1460c



[Redacted]

JUNE 7, 2024

Dear [Redacted]

At Frontier®, we work hard to be sure you get the most out of your internet experience. In our commitment to clarity, we have some key information about your wired internet speeds based on your order.

Account details:

Customer Name: [Redacted]
Account Number: [Redacted]
Service Address: [Redacted] BROAD HORI
Your Plan: 12.000 Mbps
Download Provisioned Speed: 19.136 Mbps
Upload Provisioned Speed: 1.920 Mbps
Expected Range of Speed: 50% to 100% of provisioned speeds

Frontier has provisioned¹ or set the maximum speed for your internet service at the download and upload speeds shown above. A few items for you to consider regarding your service performance: (1) this provisioned speed is the highest wired speed you will receive; (2) the average speed may be slower; and (3) most video applications require at least 5 Mbps or more of dedicated bandwidth to consistently stream video content. The actual internet speed at your service address and your ability to access various internet services/sites (e.g., streaming or gaming) will vary as a result of factors like: (a) connecting to Wi-Fi; (b) multiple users or devices on the same account; (c) the capacity, performance or limitations of your inside wiring, computer, equipment, device(s) or modem; and/or (d) congestion and other traffic on our network or the Internet.

Under Chapter 30 of the Pennsylvania Public Utility Code, Frontier has a continuing obligation to make internet service of 1.544 Mbps download speed and 0.128 Mbps upload speed available to consumers in its service territory. We are providing you with this information so you have a complete understanding of your service and circumstances that will (or may) impact performance.

Additional information regarding internet service is available on Frontier's Pennsylvania Internet Disclosure page located at Frontier.com/PAInternetDisclosures. Please also see our terms and conditions for residential internet services located at Frontier.com/ResInternetTerms.

If you have additional questions, please contact Customer Care at 1-888-596-8493.

Thank you,

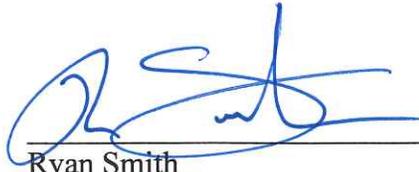
Mark Levy

Mark Levy
VP, Customer Experience

¹ "Provision" refers to the network setting of the maximum speed at which a consumer's service will be set to ensure a stable and reliable internet connection, i.e. the maximum speed a consumer's service will be capable of achieving.
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VERIFICATION

I, Ryan Smith, President of Broad Horizons Lotowners' Association (BHLA) and member of its Board of elected Trustees, hereby state that the facts set forth in the foregoing Protest and its Attachment are true and correct to the best of my knowledge, information, and belief, and I or BHLA witnesses expect to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Ryan Smith

President and Board of Trustees member
Broad Horizons Lotowners' Association

Dated: December 2, 2024

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the Protest of the Broad Horizons Lot Owners' Association, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

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/s/ Thomas J. Sniscak
Thomas J. Sniscak, Esq.

Dated: December 2, 2024

*Attorney for the Broad Horizons Lot
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