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Thomas J. Sniscak
717.703.0800
tjsniscak@hmslegal.com

501 Corporate Circle, Suite 302, Harrisburg, PA 17110 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

January 3, 2025

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.; **BHLA PREHEARING CONFERENCE MEMORANDUM**

Dear Secretary Chiavetta:

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

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
January 3, 2025
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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

*Pro Bono Counsel for
Broad Horizons Lotowners' Association*

TJS/das
Enclosures

cc: Administrative Law Judge Steven K. Haas (sthaas@pa.gov)
Administrative Law Judge Erin L. Gannon (egannon@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.	:	

**PREHEARING CONFERENCE MEMORANDUM OF
THE BROAD HORIZONS LOTOWNERS’ ASSOCIATION**

TO THE HONORABLE STEVEN K. HAAS AND HONORABLE ERIN L. GANNON:

Pursuant to Your Honors’ December 23, 2024 Prehearing Conference Order and 52 Pa. Code § 5.222(d), The Broad Horizons Lotowners’ Association (“BHLA”) submits this Prehearing Conference Memorandum.

I. HISTORY OF PROCEEDING

On October 31, 2024, the above-captioned Joint Application of wholly-owned subsidiaries regulated by this Commission (together “Joint Applicants” comprising the “Frontier” companies 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.

On November 1, 2024, a Secretarial Letter was issued notifying Joint Applicants that a notice will be published in the *Pennsylvania Bulletin* on November 16, 2024 and directing interested parties to file protests and petitions to intervene by Monday, December 2, 2024.

On November 14, 2024, a Secretarial Letter was issued directing Verizon to file responses to the Bureau of Technical Utility Services’ data requests by November 28, 2024.

On November 13, 2024, the Office of Consumer Advocate filed a Notice of Intervention and Public Statement.

On November 26, 2024, the Office of Small Business Advocate filed a Notice of Appearance, Notice of Intervention, Public Statement and Verification.

On November 27, 2024, the Office of Consumer Advocate filed a Protest and Public Statement.

On December 2, 2024, the Broad Horizons Lotowners’ Association filed a Protest.

On December 19, 2024, the Pennsylvania Public Utility Commission issued a Call-In Telephone Prehearing Conference Notice scheduling this matter for a prehearing conference on Monday, January 6, 2025.

On December 23, 2024, Presiding Administrative Law Judges Steven K. Haas and Erin L. Gannon issued a Prehearing Conference Order.

On the morning of December 26, 2024, Joint Applicants via pending *pro hac vice* counsel filed a letter with the Commission's Secretary regarding its electronic service that morning of Set 1 Interrogatories and Requests for Production of Documents upon and addressed to BHLA, purportedly containing 7 discovery requests but in actuality containing 20 separate Interrogatory Questions or Requests for Documents.

II. ACCEPTANCE OF SERVICE

Counsel *pro bono* for BHLA listed below consents to electronic service and proposes the parties to agree to accept service of all documents by email by 4:30 PM as satisfying in-hand delivery. Service of documents in this proceeding shall be accepted on behalf of BHLA by:

Thomas J. Sniscak, Esquire
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
717.236.1300
Email: tjsniscak@hmslegal.com

BHLA requests that any electronic service list utilized by the parties in this proceeding include Thomas J. Sniscak (tjsniscak@hmslegal.com). BHLA is willing to extend the same courtesy upon request of any other party for any e-mails or electronic service to the parties.

III. PRIMARY SPEAKER

Thomas J. Sniscak will be the primary speaker for BHLA.

IV. ISSUES

Whether under Section 1103 of The Public Utility Code, 66 Pa.C.S. §1103, approval of the Joint Application 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 is a preponderance of substantial affirmative benefits adequately explained and defined due to

the transaction. The Joint Application must also meet all legal requirements of the Public Utility Code,¹ applicable Commission rules and regulations, and Pennsylvania law.

V. WITNESSES

The Joint Applicants, who bear the burden of proof, did not file Initial Testimony or Exhibits along with their Applications. Collectively, the Applications of the Joint Applicants are essentially a contested pleading not evidence given or sponsored by witnesses regarding issues relative to meeting the Section 1103 and *City of York* standards. Consequently, it is premature at this procedural stage of the case for BHLA to identify exactly what witnesses it will present until it reviews and evaluates the Initial testimony and exhibit evidence of witnesses for the Joint Applicants in this matter. Depending upon what Joint Applicants present and after initial review and analysis, BHLA will identify whether it will be filing testimony, and of course if it files written testimony and exhibits, its witnesses will be identified in the next round of testimony and exhibits due from Protestants and Intervenors.

VI. PROPOSED LITIGATION AND PROCEDURAL SCHEDULE

At this point BHLA supports the OCA proposed schedule but is willing to continue to work with all parties to develop a consensus schedule.

VII. DISCOVERY

At this point the parties are developing modifications for discovery and BHLA will continue to work toward a modified discovery procedure. BHLA will support a consensus discovery modification provided it is not retroactive in application and that all discovery

¹ While BHLA acknowledges that Verizon as a previously certificated utility is entitled to a presumption of fitness, that presumption alone or having fitness itself is not conclusive of whether Commission approval of the Joint Application is warranted. The question remains one of Verizon providing specifics as to how Verizon will provide substantial benefits including with respect to investing and improving service to customers generally and rural customers in particular.

productions, if qualifying, are subject to protections via a Protective Order submitted by the parties and adopted and approved by the Presiding Administrative Law Judges.

VIII. SETTLEMENT

As BHLA stated in its Protest, it is willing to participate in settlement discussions. BHLA acknowledges the Commission's stated policy to promote and encourage settlements.

Respectfully submitted,

/s/ Thomas J. Sniscak
Thomas J. Sniscak, Esq.
Attorney I.D. No. 33891
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
Phone: 717-236-1300
E-mail: tjsniscak@hmslegal.com

Dated: January 3, 2025

*Attorney for the Broad Horizons Lot
Owners' Association*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

BY ELECTRONIC SERVICE ONLY

Nancy J. Victory, Esq.
Michael B. Hazzard, Esq.
DLA Piper LLP (US)
500 Eighth Street NW
Washington, DC 20004
Nancy.Victory@us.dlapiper.com
Mike.Hazzard@us.dlapiper.com

Counsel for Verizon

Suzan D. Paiva, Esq.
Verizon
900 Race Street, 6th Floor
Philadelphia, PA 19107
Suzan.d.paiva@verizon.com

Counsel for Verizon

Barrett C. Sheridan, Esq.
Katie Kennedy, Esq.
Ryan Morden, Esq.
Office of Consumer Advocate 555
Walnut Street
5th Floor, Forum Place Harrisburg,
PA 17101-1923
BSheridan@paoca.org
KKennedy@paoca.org
RMorden@paoca.org

Steven C. Gray, Esq.
Commonwealth of Pennsylvania
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov

Norman J. Kennard, Esq.
Bryce R. Beard, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
nkennard@eckertseamans.com
bbeard@eckertseamans.com

Counsel for Frontier

/s/ Thomas J. Sniscak

Thomas J. Sniscak, Esq.

Dated: January 3, 2025

*Attorney for the Broad Horizons Lot
Owners' Association*