

COMMONWEALTH OF PENNSYLVANIA



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January 9, 2023

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

Re: Pennsylvania Public Utility Commission
v.
Commonwealth Telephone Company, LLC d/b/a Frontier
Communications Commonwealth Telephone Company
Docket No. C-2023-_____

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate and the Office of Small Business Advocate Joint Formal Complaint and Public Statements in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Barrett C. Sheridan
Barrett C. Sheridan
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PA Attorney I.D. # 61138
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Enclosures:

cc: The Honorable Charles E. Rainey, Jr. (**email only:** crainey@pa.gov)
Paul Diskin, TUS (**email only:** pdiskin@pa.gov)
Office of Special Assistants (**email only:** ra-OSA@pa.gov)
Certificate of Service

*339417

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. C-2023-_____
	:	
Commonwealth Telephone Company,	:	
LLC d/b/a Frontier Communications	:	
Commonwealth Telephone Company	:	

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate and the Office of Small Business Advocate’s Joint Formal Complaint and Public Statements, 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:

Dated this 9th day of January 2023.

SERVICE BY E-MAIL ONLY

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FORMAL COMPLAINT
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

1. COMPLAINANTS

Patrick M. Cicero, Consumer Advocate Office of Consumer Advocate 555 Walnut Street, 5 th Floor, Forum Place Harrisburg, PA 17101-1923 Dauphin County Phone – (717) 783-5048 Fax – (717) 783-7152	NazAarah Sabree, Small Business Advocate Office of Small Business Advocate 555 Walnut Street, 1 st Floor, Forum Place Harrisburg, PA 17101 Dauphin County Phone – (717) 783-2525 Fax – (717) 783-2831
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2. UTILITY NAME

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

3. TYPE OF UTILITY

Telephone

4. COMPLAINT

A. Commonwealth Telephone Company, LLC d/b/a Frontier Communications
Commonwealth Telephone Company (Company) is a certificated public utility authorized to provide local exchange telecommunications services to the public in all of Wyoming County and in portions of Berks, Bradford, Bucks, Centre, Chester, Columbia, Dauphin, Lackawanna, Lancaster, Lehigh, Luzerne, Lycoming, Monroe, Northampton, Schuylkill, Sullivan, Susquehanna, Tioga, Wyoming, and York Counties. As of 2020, the Company served approximately 104,000 access lines in 79 exchanges. Joint Application of Frontier Communications Corporation,

et al. for Approval of a Change in Control, Dockets A-2020-3020004, et al., PUC Secretarial Letter at 4 (Jan. 19, 2021). This “January 2021 Secretarial Letter” is available at <https://www.puc.pa.gov/pcdocs/1691067.docx>.

- B. The Company is covered by the “Frontier Voluntary Commitments” as described in Exhibit 1 of the January 2021 Secretarial Letter. The Public Utility Commission (Commission) accepted the Frontier Voluntary Commitments as support for approval of the post-bankruptcy reorganization and change of control of the Company, as well as other Frontier rural local exchange companies (RLECs), and affiliates. The Frontier Voluntary Commitments “include the following in Pennsylvania: (1) \$50 million in capital expenditures by the end of 2024; (2) fiber based broadband access services to 15,000 locations by the end of 2027, and (3) numerous reporting and process-oriented changes regarding customer service as well as complaints.” January 2021 Secretarial Letter at 10, Exhibit 1.
- C. Over several months, customers of the Company filled out forms with their State Representatives’ offices. Approximately 300 customers of the Company have written informal complaints to legislators stating dissatisfaction with the quality of services provided by the Company in recent years, including current and persistent concerns that are not being addressed. The Office of Consumer Advocate (OCA) received these informal complaints from Representative Tina Pickett, Representative Clinton Owlett, and Representative Martin Causer. Complaints of small business customers of Frontier were forwarded to the Office of Small Business Advocate (OSBA).

- D. The informal complaint forms address telephone service and/or internet service provided by the Company. The informal complaints are from customers with addresses in Bradford, Sullivan, Susquehanna, Tioga, and Wyoming Counties.
- E. Over 150 of the informal complaints describe a variety of service quality problems related to their telephone service from the Company. Examples of the service problems include, but are not limited to:
 - a. Outages that last days, even weeks;
 - b. Outages which recur;
 - c. Noise on the line which impairs the quality of a telephone call;
 - d. Difficulty in reaching a Company customer service representative;
 - e. Difficulty in obtaining a satisfactory response from a Company customer service representative when reporting an outage;
 - f. Appointments scheduled for a technician repair visit are made based upon the Company's convenience and resources, not the needs of the consumer;
 - g. When a repair or dispatch of a technician is needed, the Company scheduled appointment date is days or even weeks away, leaving the consumer without reliable telephone service in the interim;
 - h. Scheduled repair appointments which are not honored;
 - i. A lack of notice to the consumer, when a scheduled repair appointment is changed;
 - j. Dissatisfaction with Company bills and efforts to obtain an explanation and/or adjustment from a Company customer service representative;

- k. Reports of Company network facilities and wires which are damaged, poorly maintained, or of insufficient capacity;
 - l. Service quality which threatens public safety.
- F. The informal complainants include:
- a. Senior citizens and other residents who need reliable access to 911, other first responders, their family, and medical caregivers;
 - b. Residents in rural areas who cannot rely upon a neighbor for prompt access to telephone service;
 - c. Consumers who do not have wireless cell phone service available in their home;
 - d. Small businesses, including a police department, and a community organization.
- G. Many customers of the Company have also written informal complaints to legislators in recent months which describe a variety of service quality problems related to Frontier broadband internet service, including but not limited to:
- a. Denial of broadband service;
 - b. Outages which result in a loss of broadband internet access service;
 - c. Outages which last days;
 - d. Outages which recur;
 - e. Outages which result in the loss of wireless cell phone service as a communications alternative, due to the need for a WiFi signal to access wireless;
 - f. The connection speed experienced drops below the Chapter 30 minimum of 1.544 Mbps down;

- g. The connection speed experienced is slow, compared to the tier purchased;
 - h. Customer service and repair scheduling issues;
 - i. Billing issues.
- H. Pursuant to Section 1501 of the Public Utility Code, as a public utility the Company shall provide service that is “reasonably continuous and without unreasonable interruptions or delay.” 66 Pa. C.S. § 1501.
- I. Section 1501 imposes an obligation on the Company to comply with Commission regulations. 66 Pa. C.S. § 1501. The Commission’s Chapter 63 regulations govern telephone service quality. 52 Pa. Code, Chapter 63. The Commission’s Chapter 64 regulations set forth residential local telephone service standards. 52 Pa. Code, Chapter 64. The Commission amended portions of the Chapter 63 and Chapter 64 regulations, effective August 13, 2022. *See, Rulemaking, General Review of Regulations 52 Pa.C.S., Chapter 53, Chapter 63, and Chapter 64, Final Rulemaking Order, Docket No. L-2018-3001391, 52 Pa.B. 5049 (pub. Aug. 13, 2022) (Final Rulemaking Order).*
- J. The quality of service provided by the Company prior to August 13, 2022 is subject to the earlier version of Chapter 63 and Chapter 64 regulations then in effect. The Commission amended certain Chapter 63 and Chapter 64 regulations, effective August 13, 2022. (Final Rulemaking Order).
- K. The Company is subject to regulation pursuant to an Amended Final Alternative Regulation Plan or “Chapter 30 Plan,” last revised June 5, 2015, Docket No. P-00961024. Copy available at <https://www.puc.pa.gov/pcdocs/1365204.pdf>. The Company’s Amended Chapter 30 Plan acknowledges the ongoing obligation to

comply with “all provisions of Title 66 regarding safety, adequacy and reliability of telecommunications services. 66 Pa. C.S.A. § 1501.” Additionally, the Company has committed to continue “to monitor service quality in compliance with Commission regulations in Chapter 63. 52 Pa. Code §§63.1 *et seq.*” *See*, Company Chapter 30 Plan, Part 4, A.

- L. The Company has an obligation to make available to each telephone customer a broadband connection providing a download speed equal or greater than 1.544 Mbps and 128 kps up stream. *See*, Frontier Commonwealth Chapter 30 Plan, Part 1, 66 Pa.C.S. § 3014(b)(1).
- M. The Commission has designated the Company as an Eligible Telecommunications Carrier (ETC). As an ETC, the Company has an obligation to make local calling service available in compliance with both federal and state requirements, within its service territory. *See*, 47 U.S.C. § 214(e)(1), (2). As an ETC, the Company does or may have an obligation to make broadband internet access service available at certain minimum speeds in certain areas tied to the receipt of federal universal service support, such as Connect America Fund Phase II funding.
- N. The Frontier Voluntary Commitments set forth in Exhibit 1 to the January 2021 Secretarial Letter apply to the Frontier operating companies, including the Company (collectively Frontier). The “Service Improvements” commitments require Frontier to assess customer complaint volume by geographic area and an obligation to report to Commission staff Frontier’s plans “to improve service quality, including broadband access on the basis of Chapter 30 ... or other

applicable federal broadband deployment obligations...” in certain areas. See, January 2021 Secretarial Letter, Exhibit 1, Service Improvement, ¶¶ 1-4.

- O. The Frontier Voluntary Commitments also set forth Frontier’s “Customer Complaint Handling” improvement plans. Those commitments include review and changes to the Company’s customer service protocols and training, as well as the Company’s handling of informal complaints received by the Commission’s Bureau of Consumer Services. The covered customer service issues include broadband service availability and speed test complaints. See, January 2021 Secretarial Letter, Exhibit 1, Customer Complaint Handling, ¶¶ 5-9.
- P. The Consumer Advocate is empowered to represent the interests of consumers before the Pennsylvania Public Utility Commission, pursuant to Act 1976-161 of the General Assembly, as amended. 71 P.S. §§ 309-1 et seq. (Purdon’s Supp. 1990).
- Q. The Small Business Advocate is authorized and directed to represent the interests of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”).
- R. After initial review of the over 300 informal complaints collected by legislators and forwarded to the OCA and the OSBA, the Consumer Advocate and the Small Business Advocate have determined:
 - a. The informal complaints raise serious concerns regarding telephone service quality and whether broadband internet access service is available. The Company’s management of its network, staffing resources, and response to consumer outage reports suggest a broad failure to meet the Company’s legal obligations. The Company’s failure to promptly clear telephone and/or internet

service outages, as reported in recent months, harm both the consumer and their communities.

- b. The Company has or may have violated its obligations to furnish and maintain adequate, efficient, safe, and reasonable services and facilities in compliance with Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501. Based upon available information, the Company has not provided telephone service that is reasonably continuous, that is of sufficient quality to allow customers to make and receive telephone calls, and that promotes public safety. Further, based upon available information, the Company has not made repairs and maintained its network and facilities as necessary for the accommodation, convenience, and safety of its customers and the public, including those who need to call or be called by the Company's telephone service customers. Consumers perceive the Company's service and repair operations as understaffed. The informal complaints also report that the Company's call center, business center, and service offices have not provided reasonable service when customers have attempted to report outages, request prompt dispatch of technicians for repairs, or sought to discuss and resolve billing questions.
- c. Since August 13, 2022, the Company has or may have violated Chapter 63 telephone service quality standards: Section 63.14 Emergency Equipment and Personnel; Section 63.22 Service Records; Section 63.23 Construction and Maintenance Safety Standards for Facilities; Section 63.57 Customer Trouble Reports; and Section 63.59 Call Answering Measurements. 52 Pa. Code §§ 63.14, 63.22, 63.23, 63.57, 63.59.

- i. Available information suggests that the Company has not met its obligation to maintain and operate its network and facilities for the benefit of consumers and the public as described in Section 63.14. Section 63.14(a) requires the Company to “take reasonable measures to ensure the continuous operation of its telecommunications service in all geographic areas...” 52 Pa. Code § 63.14(a). This “continuous functionality” of telecommunications infrastructure requirement “will allow for robust communication and information sharing across all levels of government, within communities, and between public and private organizations during emergencies” Id.
- ii. Available information demonstrates a failure by the Company to comply with the Section 63.57(b), (c), (d) obligation to “respond to out of service reports within 24 hours unless a different period of time is agreed to by the customer,” to “keep commitments made to its customers and applicants...,” and “[i]f unusual repairs or are required or other factors preclude the prompt clearing of reported trouble” the Company then must make reasonable efforts to notify affected customers. 52 Pa. Code § 63.57(b), (c), (d). Informal complaints describe requests to the Company for prompt resolution of outages in Fall 2022 as met by a Company reply that the repair appointment will be ‘a week’ or even several weeks hence.
- iii. Available information suggests that the Company’s provision of service does not conform with Section 63.22(a)(2)(i) which requires the

Company to “provide for the receipt of trouble reports at all hours and to make a full and prompt investigation of, and response to, complaints....” 52 Pa. Code § 63.22(a)(2)(i). The informal complaints express dissatisfaction with the Company’s process for receipt of trouble reports as well as the Company’s slow investigation and response.

iv. The available information shows that the Company’s call center or business offices have or may have failed to promptly answer customer calls without delay or dropped calls, a performance measure addressed by Section 63.59. 52 Pa. Code § 63.59.

v. Available information such as reports of a fallen tree on a line, cables left exposed or above ground, and other stated concerns for the condition, maintenance, and safety of the Company’s facilities suggest that the Company has or may have failed to comply with Sections 63.14 and 63.23. Section 63.14(a) requires the Company to “take reasonable measures to ensure the continuous operation of its telecommunications service in all geographic areas...” 52 Pa. Code § 63.14(a). Section 63.23 requires “[o]verhead and underground equipment or facilities....” of the Company to be constructed and maintained in accordance with National Electrical Safety Code. 52 Pa. Code § 63.23.

d. Prior to August 13, 2022, the Company has or may have violated the Chapter 63 telephone service quality standards then in effect. The prior version of Chapter 63 set forth a framework of more detailed service quality standards and

performance obligations, including but not limited to: Section 63.12 Minimizing Interference and Inductive Effects; Section 63.13 Periodic Inspections; 63.14 Emergency Equipment and Personnel; Section 63.15 Complaint Procedures; Section 63.15 Traffic Measurements; Section 63.22 Service Records; Section 63.23 Construction and Maintenance Safety Standards for Facilities; Section 63.24 Service Interruptions; Section 63.53 General Provisions; 63.56 Measurements; Section 63.57 Customer Service Reports; Section 63.58 Installation of Service; Section 63.59 Operator-Handled Calls; Section 63.61 Local Dial Service; Section 63.63 Transmission Requirements and Standards; Section 63.64 Metering Inspections and Tests; and Section 63.65 Safety.

- i. Based upon available information as summarized above in Part 4, C, D, and E, many customers have stated their dissatisfaction in general and identified examples of inadequate service by the Company experienced in recent years.
- ii. The examples of Company performance summarized above in Part 4, C, D, and E, did or may have failed to comply with the then effective Chapter 63 regulatory standards, to the extent the Company service and performance occurred prior to August 13, 2022. For example, under the pre-August 13, 2022 Chapter 63 regulations, inadequate action by the Company to clear an out-of-service event in a timely fashion would be a violation of the prior Section 63.24. Similarly, informal complaints about impaired telephone call quality due to noise on the line or

interference would be measured against the requirements of prior Sections 63.12 and 63.63.

- e. Based upon the information available, the Company has or may have failed to comply with the Company's Chapter 30 Plan obligation to make available to all customers a broadband connection with a minimum speed of 1.544 Mbps downstream and 128 kbps upstream within ten business days of request. *See*, Company Chapter 30 Plan, Part I; 66 Pa.C.S. §§ 3012 (universal broadband definition), 3014(b)(1), (5). Many Company customers have identified outages and service quality deficiencies related to the broadband internet access services purchased from the Company. At least one consumer alleged the Company denied a request to provide broadband service.
- f. Based upon the informal complaints, the Company's telephone service quality in 2021 and 2022, including but not limited to customer service and response to service outages and need for repair, does not reflect the service quality improvement and capital investment called for by the Frontier Voluntary Commitments. Additionally, the informal complaints raise concerns about the Company's broadband internet access service quality including speed, another area for focus and improvement under the Frontier Voluntary Commitments.
- g. Further review and investigation are needed to assess the Company's compliance with other obligations imposed by statute, regulation, or Commission order to provide safe and adequate telephone service, including billing. Further review and investigation are needed to assess the Company's compliance with its obligations as an ETC.

5. RELIEF

The Consumer Advocate and the Small Business Advocate respectfully request that the Public Utility Commission:

- A. Refer this matter to the Office of Administrative Law Judge for hearings;
- B. Hold public input hearings within the Company's service territory;
- C. Require Frontier to promptly remediate all existing outages and other service quality complaints;
- D. Require Frontier to assess and improve its staffing and resources to better maintain its network and be prepared to respond and promptly clear outages;
- E. Provide credits for service outages;
- F. Require Frontier to comply with all provisions of the Public Utility Code, the Commission's regulations, the Company's Amended Chapter 30 Plan, and Commission orders including the Frontier Voluntary Commitments;
- G. Impose civil penalties for failure to comply with provisions of the Public Utility Code, the Commission's regulations, the Company's Amended Chapter 30 Plan, and Commission orders including the Frontier Voluntary Commitments;
- H. Grant any other relief deemed necessary.

6. VERIFICATION AND SIGNATURE

Verification:

I, Patrick M. Cicero, hereby state that the facts above set forth 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).



(Signature)

January 9, 2023
(Date)

7. VERIFICATION AND SIGNATURE

I, NazAarah Sabree, hereby state that the facts above set forth 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).



(Signature)

January 9, 2023
(Date)

8. LEGAL REPRESENTATION

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**PUBLIC STATEMENT
OF THE OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(E)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Office of Consumer Advocate (OCA) to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the OCA determined to file a Formal Complaint and participate in proceedings before the Commission involving Frontier Communications Commonwealth Telephone Company (Frontier Commonwealth or Company).

In Fall 2022, the Consumer Advocate received notice of consumer dissatisfaction with the quality of service provided by the Company, primarily in several northern Pennsylvania counties in the Company's service area. The OCA received over 300 informal complaints from consumers that relate experiences with prolonged telephone service outages, delayed repairs, and unsatisfactory customer service interactions. Some informal complaints express concern with the continuity and quality of the broadband internet service provided by the Company.

The OCA has filed this Complaint with the Commission to investigate and develop a record regarding the quality of service provided by the Company. The OCA will be assisted by an expert consultant. The OCA expects the record will also include public input hearing testimony from consumers. Documenting and comparing the Company's provision of service with legal standards will be a significant part of the OCA complaint case. Identifying and securing meaningful commitments to improve service quality and network reliability for the Company's customers is another goal of the OCA complaint.

PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE

The Small Business Advocate is authorized and directed to represent the interests of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (the “Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a quality of service Complaint proceeding commenced by the Office of Consumer Advocate (“OCA”) and the OBSA.

The OSBA has received multiple communications from small business customers complaining about the quality of service provided by Commonwealth Telephone Company, LLC d/b/a Frontier Communications Commonwealth Telephone Company.

The Small Business Advocate files this Complaint in order to develop a record relative to the quality of service provided by the Company and protect the interests of the Company’s small business customers.

Dated: January 9, 2023