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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of SRR Partners, LLC d/b/a Sorrel River Resort & Spa against Frontier Communications))))	Docket No. 19-041-01
Formal Complaint of Jayne Dillon May against Frontier Communications)))	Docket No. 19-041-02
Investigation of Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah)))))))	Docket No. 19-041-04 Motion to Compel Complete Answers to the Office of Consumer Services' Second Set of Data Requests

Pursuant to Utah Code § 54-10a-301 and Utah Admin. Code r. 746-1, the Utah Office of Consumer Services (“Office”) files this Motion to Compel Full and Complete Answers to the Office of Consumer Services’ Second Set of Discovery Requests.¹

BACKGROUND

¹ Utah Admin. Code r. 746-1-105 provides that the “Utah Rules of Civil Procedure and case law interpreting these rules are persuasive authority in Commission adjudications unless otherwise provided by: . . . (2) Utah Administrative Code R746 . . .” Rule 37, Utah R. Civ. P. governs Motions to Compel but that rule has time and page limits inconsistent with Utah Admin Code r. 746-1. *Compare* Utah R. Civ. P. 37(a)(3)(7 days to respond to motion) *with* Utah Admin. r. 746-1-301(15 days to respond to motion). Because of these inconsistencies, the Office does not move pursuant to the precise procedures of Rule 37 but under the rules of the Utah Admin. Code r. 746-1. However, the Office does comply with the provisions of Rule 37 setting out the requirement for the content of a Motion to Compel. Utah R. Civ. P. 37(a)(A)-(C).

On August 1, 2019, the Office served its Second Set of Data Request on Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah (“Frontier”). Declaration of Robert J. Moore, attached as exhibit A (“Declaration Exhibit A”). Pursuant to the Public Service Commission of Utah’s (“Commission”) July 19, 2019, Scheduling Order and Notice of Status and Scheduling Conference, the answers for the discovery request were due in ten days or best efforts. *Id.* On August 14th, two days after the discovery responses were due, the Office emailed and called Frontier regarding the overdue responses but were unable to reach Frontier’s counsel. *Id.* On August 15th, after additional emails and phone calls, Frontier contacted the Office and requested additional time to answer the requests and the Office agreed to granting Frontier until August 19th to answer. *Id.*

On August 19th Frontier provided answers to the Second Set of Data requests but, as explained in detail below, these responses were grossly insufficient. *See Id.*; Frontier’s Response to the Offices Second Set of Discovery Request, attached as exhibit B (“Discovery Requests, Exhibit B”). On September 3rd, the Office emailed Frontier an extensive Meet and Confer Letter, setting out the deficiencies in the responses, identifying what Frontier needs to do to comply with the discovery requests and notifying Frontier that the Office will be contacting Frontier to schedule a phone conference to attempt to resolve the discovery dispute. *See Declaration, Exhibit A*; September 3, 2019 Meet and Confer Letter, attached as exhibit C. Prior to the scheduled date of the phone conference, Frontier contacted the Office requesting that the conference be postponed until September 11th and the Office agreed to the postponement. Declaration, Exhibit A. On September 11th, the Office and Frontier conducted a Meet and Confer telephone conference. Declaration, Exhibit A.

The parties were unable to resolve the majority of the discovery disputes during the Meet and Confer phone conference, although Frontier did state that it planned to supplement some discovery answers in the next week, the week of Monday September 16th through Friday the 20th. *Id.* As of the date of this filing, Frontier has not supplemented its discovery responses. *Id.* It has been 61 days since the filing of the Office's Second Set of Discovery Requests and 41 days since the Responses were due and the Office has not received any substantive Responses to its Second Set of Discovery Requests.

ARGUMENT

Frontier's responses to the Office's Second Set of Discovery Requests are unresponsive, evasive, ambiguous and significantly incomplete. In addition, Frontier's objections to the Discovery Requests are not well taken. In addressing the discovery disputes, the Office first complies with Utah R. Civ. P. 37(a)(2) content requirements for Motions to Compel, *see supra* note 1, and then will address the deficiencies in each individual response to specific requests at issue in this Motion.

A. Rule 37(a)(2)(A), Relief Sought and Grounds for Relief

At this point in the discovery process, the Office is only seeking an Order from the Commission compelling Frontier to fully and completely answer the outstanding discovery request, as more fully set forth below. The grounds for this relief is that though Frontier has had more than adequate time to respond to the requests, the responses are inadequate, incomplete, ambiguous, evasive and generally unresponsive.

B. Rule 37(a)(2)(B), Certification that the Parties Meet and Conferred

The undersigned hereby certifies that, as described above, the Office and Frontier meet and conferred in a September 11, 2019 phone conference in a good faith attempt to resolve discovery disputes without Commission action.

C. Rule 37(a)(2)(C), Statement of Proportionality

The discovery sought in the Office's Discovery Request is reasonable and proportionate. First, the Second Set of Discovery Request is discrete and not burdensome or duplicative. There are only fourteen general requests and although there are several subparts, the requests ask alternative questions so that if Frontier answers one request others will not need to be answered. *See, e.g.*, Discovery Requests, Exhibit B, at numbers: 2.2 and 2.3, 2.5(a) and 2.5(b),(c),(d), 2.7(b) and 2.7(c), 2.8(b) and 2.8(c), 2.10(a) and 2.10(b), 2.11(a) and 2.11(b). In addition, Frontier has access to all information sought and this information cannot be obtained from another less burdensome source. Frontier, as a large corporation, presumably has sufficient resources to reply to these discrete requests.

Moreover, these discovery request are needed to lay the foundation of an investigation into service quality issues in Castle Valley, which may be wide ranging and require inquiry into Frontier's past and future business practices and goals, technical issues regarding the provision of telephone service in remote locations and evidence of service quality issues affecting numerous customers. More to the point, the evidence already gathered to date contains allegations that the service quality issues impact the safety of customers in Castle Valley. Several long outages have occurred that have left the Valley without access to emergency phone service. Accordingly, the likely public interest benefits of the proposed discovery outweigh the burden or expense to Frontier.

D. Specific Discovery Requests

The Office contends that the following discovery requests were answered incompletely and/or evasively and the objections to the discovery requests do not justify the incomplete answers.

(1) Discovery Request 2.13.

Request number 2.13 seeks information regarding investigations by state and/or federal authorities into service quality issues involving Frontier's parent company, Frontier Communication Corporation ("Frontier Communication") and/or its subsidiaries that provide landline telephone services in other states. *See* Discovery Requests, Exhibit B. Frontier did not provide any answer to this request and instead objected to the request arguing that it sought information that is irrelevant and not likely to lead to the discovery of admissible evidence. *Id.*

Frontier's contention is incorrect. First, this question is not a fishing expedition. The Office has uncovered numerous news articles reporting on service quality issues with Frontier Communication or its subsidiary's rural landline service in Florida, exhibit D, Minnesota, exhibit E., New York, exhibit F, North Carolina, exhibit G, and West Virginia, exhibit H. In addition, discovery from docket 19-041-01 reveals that Frontier has been losing millions of dollars from its Utah operations for several years. *See* SRR Partner, LLC's Third Set of Data Requests to Frontier Communications and Frontier's SUPPLEMENTAL Response thereto, exhibit I. Therefore, it is likely that Frontier is dependent on its parent corporation for its continued operation in Utah.

However, financial publications assert that Frontier Communication Corporation is also in financial distress, exhibit J. Moreover, in Frontier Communication's Second Quarter Earning call, Daniel J. McCarthy, President and Chief Executive Officers of Frontier Communication

Corporation, stated that Frontier Communication is not planning to make investment to address the wide ranging problems with landline service, rather they just intend to cut costs to increase revenue. “[W]e have been challenged by ongoing revenue declines . . . That being said our objective continues to be to optimize our business leveraging our best assets for future growth, *while managing the elements of our business in secular decline by executing on cost efficiency programs and selective capital investment.*” Frontier Communications Corporation (FTR) Q2 2019 Earnings Call Transcript, at pg. 2 (emphasis added), exhibit K.

Accordingly, the relationship between Frontier and its Frontier Communications Corporation’s activities relating to telephone services in other states is clearly relevant to Frontier’s service quality in Utah. The information above suggests that Frontier’s service quality issues are related to systemic problems with Frontier Communication and its subsidiaries. If there are systemic problems with Frontier Communication’s business model relating to rural telephone service or Frontier’s and/or Frontier Communication’s financial ability to adequately service its customers, this information is relevant to the issues being pursued in this docket and is certainly likely to lead to the discovery of admissible evidence.

Therefore, the Office requests the Commission order Frontier to fully and completely answer the Offices Discovery Requests 2.13.

(2) Discovery Requests 2.5 (a), (b), (c) and (d).

Request number 2.5 (a) asked if Frontier contends that its “terms and conditions” limitation of liability language is consistent with the limitation of liability language in Frontier’s tariff and if so, explain how the language is consistent.² See Discovery Requests, Exhibit B.

² Frontier’s Terms and Conditions at 6-8, (found on Frontier’s website and cited in footnote 2 of Frontier’s March 22, 2019 Answer to Formal Complaint of SRR Partners, LLC s/b/a Sorrel River Resort and Spa),

Frontier replied, “Yes. Frontier’s Terms and Conditions set out the precedence of the contract language as opposed to the tariff language.” At best, this response is ambiguous and incomplete.

Frontier states that the limitation of liability language in its “terms and conditions” and its tariff is consistent but then states that the terms of condition language takes precedence over the tariff language. If the language in the tariff and the terms and conditions is consistent then one limitation of liability provision would not take precedence over another. Thus, the statement that the language is consistent coupled with the statement one provision takes precedence over another is a logical and semantic impossibility. Nevertheless, Frontier relies on this contention to justify its failure to answer discovery requests 2.5 (b), (c) and (d).

Moreover, taking one possible meaning from Frontier’s answer to Discovery Request 2.5(a)—that Frontier believes the language in the tariff and “terms and conditions” is consistent—Frontier fails to answer the remaining question of how the language in the tariff and the language in the “terms and conditions” can be read together without conflicting.

Alternatively, taking the other possible meaning from Frontier’s answer—that since one provision takes precedence over another and therefore the terms are inconsistent—Frontier does not address the remaining question, given Frontier’s contention that contract language take

provides in part:

YOU ACKNOWLEDGE AND AGREE THAT THE SERVICES SUPPLIED
HEREUNDER IS PROVIDED ON A “AS IS” OR “AS AVAILABLE” BASIS . . .
THERE IS NO WARRANTY OF WORKMANLIKE EFFORT OR LACK OF
NEGLIGENCE

Frontier’s tariff Schedule No. AC, Rule No. 6, A1, B1, C1 provides:

Except in cases of actionable negligence, the liability of the utility for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnish by the utility . . . shall in no event exceed an amount equal to the pro rata charge to the customer for the period during which the services or facilities are affected . . . (emphasis added).

precedence over the tariff language, how does Frontier explain how it can avoid its Commission approved tariff language by unilaterally issuing contrary contract language that its customers must consent to sign in order to receive essential services.

Accordingly, the Office requests the Commission order Frontier to unambiguously answer the question of whether limitation of liability language in its “terms and conditions” is consistent with the limitation of liability language in its tariff and then, either explain how the terms are consistent, or, given Frontier’s claim that the “terms and conditions” language governs over the tariff language, how Frontier can avoid its approved tariff language by issuing conflicting contract language.

(3) Discovery Request 2.6.

Discovery Request 2.6 requires Frontier to provide copies of all descriptions of inspection and testing programs that it filed with the Commission in compliance with Utah Admin. Code r. 746-340-5.C.³ *See* Discovery Requests, Exhibit B. Frontier objected to the request on the grounds that the Office has available access to these records and states that it is reviewing a variety of preventive and maintenance programs to determine which ones are responsive to the requests. *Id.* However, Frontier has not produced any responsive documents.

Id.

³ Utah Admin. Code R746-340-5 C. provides:

Inspections and Tests – Each telecommunications corporation shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and rendering safe, adequate, and continuous service. **It shall file a description of its inspection and testing program with the Commission showing how it will monitor and report compliance with Commission rules or standards.** (emphasis added).

With regard to Frontier's objection that the Office has ready access to the requested documents, the Office has been in communication with the Commission staff and the Utah Division of Public Utilities and these communications have not identified any attempt by Frontier to comply with this rule and provide the required "description of its inspection and testing program." Declaration, Exhibit A. This Discovery Request allows Frontier the opportunity to rebut the contention that they are not in compliance with Utah Admin. Code r. 746-340-5.C. Moreover, the fact that Frontier may have various programs regarding maintenance and prevention does not explain its failure to identify a specific document required to be filed with the Commission.

Accordingly, the Office requests the Commission order Frontier to provide a copy of the description of its inspection and testing program that it has on file with the Commission or admit that it is not in compliance with Utah Admin. Code r. 746-340-5.C.

(4) Discovery Requests 2.8 (a), (b) and (c).

Discovery requests 2.8 (a), (b) and (c) concerns Mr. Michael Giles, Local Manager and Operations Supervisor for Frontier, testimony concerning Utah Admin. Code r. 746-340-5 B.1, which requires Frontier to keep a record of trouble reports from customers.⁴ See Discovery Requests, Exhibit B. Specifically, Mr. Giles testified that Frontier does not keep trouble reports

⁴ Utah Admin. Code R746-340-5 B.1 provides:

Each telecommunication corporation shall provide for the receipt of customer trouble reports at all hours, and shall make a full and prompt investigation of and response to each complaint. The telecommunications corporation shall maintain a record of trouble reports made by its customers. This record shall include appropriate identification of the customers or service affected, the time, date and nature of the report, and the action taken to clear the trouble or satisfy the complaint.

of customer complaints communicated to Frontier by means of email rather than from complaints communicated to Frontier using the 800-telephone number.⁵ Requests 2.8 (a), (b) and (c), ask for the production of documents evidencing customer complaints sent by means other than the 800 number to determine if these documents exist and if so are in compliance with Utah Admin. Code r. 746-340-5 B.1 .

Frontier did not provide any response to these requests. Rather, Frontier objected to the requests stating: “Frontier disputes that Mr. Giles testified that ‘the Company does not keep trouble reports of customers complaints communicated to the company by means other than a designated 800 number.’ Mr. Giles was discussing a specific customer email for a well known set of issues with SRR and was not making a general statement regarding how Frontier receives and records complaints from customers.” Frontier relies on this characterization of Mr. Giles testimony for an excuse not to answer Discovery Request 2.8 (a), (b) and (c).

⁵ Mr. Giles testimony from the May 17, 2019 hearing is as follows:

- Q. Help me out here. Does that mean the six technicians in the past five months were dispatched without a reporting on your repair ticket?
- A. That is correct. Those were visits made to the site in response to either something that we observed or an email from SRR. We made visits to the site to start monitoring their PRI circuit which provides their voice.
- Q. But the email didn't generate a formal - -
- A. No, did not. This was on our – this was us taking active – proactive – I guess reactive to the email, but proactive stance to go out and visit, check with the front desk to make sure they hadn't had any dropped calls, and to retrieve data from our device out on site there and look at the previous week's report.
- Q. Is there any specific record that deals with your response to email request that don't go through the 800 number?
- A. No.

Hearing transcript, pg. 57 ln. 13 to pg. 58 ln. 10.

However, Frontier's characterization of Mr. Giles testimony is incorrect. The hearing testimony clearly provides: "Q. Is there any specific record that deals with [Frontier's] response to email requests that don't go through the 800 number? A. No." Hearing transcript pg. 58 ln. 8-11. Thus, Frontier's refusal to answer Discovery Requests 2.8 (a), (b) and (c) is unjustified.

Accordingly, the Office requests the Commission order Frontier to either unambiguously state that Mr. Giles testimony is false and state that the trouble reports provided by Frontier include complaints from all sources or admit that it is not in compliance with Utah Admin. Code r. 746-340-5 B.1 .

(5) Discovery Requests 2.7 (a), (b) and (c).

Discovery Request 2.7 (a), (b) and (c) require Frontier to provide trouble reports of residential phone service from 2012 to the present specifically identifying customers in Castle Valley, as Frontier is required to maintain pursuant to Utah Admin. Code R746-340-5 B.1.⁶ *See* Discovery Requests, Exhibit B. Frontier provided ticket reports for all Utah exchanges from January 2017 to July 2019. However, the trouble reports were in a PDF format with writing so small that it was almost unreadable. The only effort made to distinguish trouble reports from Castle Valley was the statement that "Castle Valley is served from the Moab exchange with zip code 84532." *Id.* However, this document is unreliable because a review of the zip codes reveals

⁶ Utah Admin. Code R746-340-5 B.1 provides:

Each telecommunication corporation shall provide for the receipt of customer trouble reports at all hours and shall make a full and prompt investigation of and response to each complaint. The telecommunications corporation shall maintain a record of trouble reports made by its customers. This record shall include appropriate identification of the customers or service affected, the time, date and nature of the report, and the action taken to clear the trouble or satisfy the complaint.

that numerous zip codes included in the Moab exchange were from locations outside of Utah. Discovery requests 2.7 (b) asks for ticket reports for small business. In response, Frontier again cites the 2017 to 2019 ticket reports from the prior request and state that “service type code” R designates residential customers with all other referencing to business customers without stating which business code, if any, refer to small business. In addition, Frontier asserted that trouble reports from previous years are archived and therefore unavailable. *Id.*

Initially, Frontier’s statement that ticket reports from prior years are archived and unavailable is an insufficient justification for not complying with the Discovery Request. If trouble reports are archived, they are necessarily available. Frontier has had sufficient time to retrieve this information. Moreover, Frontier is obligated to provide discovery in a form that it is readable and useful to the Office. Therefore, Frontier is obligated to produce the trouble reports in an Excel worksheet to enable the Office to fully review the information. Frontier should also provide assurances that this is the most complete information and accurate documentation in its possession, given the numerous zip codes included in the report from outside of Utah

Accordingly, the Office requests the Commission order Frontier to produce all trouble reports in its possession, including trouble reports that are archived in an Excel worksheet. The Commission should further order Frontier to clearly state that the information provided is the best and most accurate information available, give explanations for the zip codes included in the Moab exchange from outside of Utah and identify which codes identify small business, if any.

(6) Discovery Request 2.1.

Request number 2.1 asked for copies of all residential contracts from 2012 to the present. *See* Discovery Requests, Exhibit B. However, Frontier has only identified a link to the current “terms and conditions” governing residential contracts and stated that the “terms and conditions”

constitute the customers' contracts. Frontier does not provide information regarding: (1) the "terms and conditions" governing the contracts that may have existed prior to the current version, (2) when was the last time the "terms and conditions" were updated, or (3) how often the "terms and conditions" are updated.

Accordingly, the Office requests the Commission order Frontier to fully and completely answer Request 2.1 to clearly identify preexisting terms and conditions and identify when and how the terms and conditions were updated.

(7) Discovery Requests 2.3 and 2.4.

Request number 2.3 asked for copies of all versions of small business contracts and "terms and conditions" from 2012 to the present. Request number 2.4 asks for copies of all versions of business contracts, if Frontier does not have contracts specifically for small business. *See* Discovery Requests, Exhibit B. Frontier provided links to the current business "terms and conditions" and "previous" "terms and conditions." *Id.*

However, Frontier does not state when the "terms and conditions" were updated or whether these two versions are the only versions that cover the requested time period, from 2012 to the present. Frontier also does not state that it does not have contracts specifically for small business although that is what its answer to Requests to 2.3 and 2.4 suggests.

Accordingly, the Office requests the Commission order Frontier to fully and completely answer Discovery Request 2.3 and 2.4 and expressly state that it does, or does not, have "terms and conditions" for small business.

ORDER

For the reasons delineated above, the Commission should issue an Order requiring

Frontier:

1. To fully and completely respond to Discovery Requests; 2.1; 2.3; 2.4; 2.5(a), (b), (c) and (d); 2.6; 2.7 (a), (b) and (c); 2.8 (a), (b) and (c); and 2.13.
2. In responding to Discovery Request 2.1, to clearly identify preexisting terms and conditions and identify when and how the terms and conditions were updated.
3. In responding to Discovery Requests 2.3 and 2.4, to clearly state that it does, or does not, have “terms and conditions” for small business.
4. In responding to Discovery Requests 2.5 (a), (b), (c) and (d) to unambiguously answer the question of whether the limitation of liability language in its “terms and conditions” is consistent with the limitation of liability language in its tariff and then, either explain how the terms are consistent, or, given Frontier’s claim that the “terms and conditions” language governs over the tariff language, how Frontier can avoid its approved tariff language by issuing conflicting contract language.
5. In responding to Discovery Request 2.6, to provide a copy of the description of its inspection and testing program that it is required to have on file with the Commission or admit that it is not in compliance with Utah Admin. Code r. 746-340-5.C.
6. In responding to Discovery Request 2.7 (a), (b) and (c) to produce all trouble reports in its possession including trouble reports that are archived, in an Excel worksheet, clearly state that the information provided is the best and most accurate

information available, give an explanation for the zip codes from outside of Utah and to identify which codes identify small business, if any.

7. In responding to Discovery Request 2.8 (a), (b) and (c) to require Frontier to either unambiguously state that Mr. Giles testimony is false and state that the trouble reports provided by Frontier include complaints from all sources or admit that it is not in compliance with Utah Admin. Code r. 746-340-5 B and to fully and completely answer the requests.
8. In responding to Discovery Request 2.13, to fully and completely answer the requests.

CONCLUSION

For the reasons delineated above, the Office requests the Commission issue the above proposed Order.

Respectfully submitted, October 1, 2019.

/s/ Robert J. Moore
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EXHIBIT A

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of SRR Partners, LLC d/b/a Sorrel River Resort & Spa against Frontier Communications))))	Docket No. 19-041-01
Formal Complaint of Jayne Dillon May against Frontier Communications)))	Docket No. 19-041-02
Investigation of Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah)))))	Docket No. 19-041-04 Declaration of Robert J. Moore

The undersigned Robert J. Moore hereby declares, under penalty of perjury, that he is the attorney for the Office of Consumers Services in the above captioned matter, has personal knowledge of the facts set out below and if called as a witness would testify to the same.

1. On August 1, 2019, the Office served its Second Set of Data Request on Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah (“Frontier”).

2. Pursuant to the Public Service Commission of Utah's ("Commission") July 19, 2019, Scheduling Order and Notice of Status and Scheduling Conference, the answers for the discovery request were due in ten days or best efforts.

3. On August 14th, two days after the discovery responses were due, the Office emailed and called Frontier regarding the overdue responses but were unable to reach Frontier's counsel.

4. On August 15th, after additional emails and phone calls, Frontier contacted the Office and requested additional time to answer the requests and the Office agreed to granting Frontier until August 19th to answer.

5. On August 19th Frontier provided answers to the Second Set of Data requests but these responses were grossly insufficient.

6. On September 3rd, the Office emailed Frontier an extensive Meet and Confer Letter, setting out the deficiencies in the responses, identifying what Frontier need to do to comply with the discovery requests and notifying Frontier that the Office will be contacting Frontier to schedule a phone conference to attempt to resolve the discovery dispute.

7. Prior to the scheduled date of the phone conference, Frontier contacted the Office requesting that the conference be postponed until September 11th and the Office agreed to the postponement.

8. On September 11th, the Office and Frontier conducted a Meet and Confer telephone conference.

9. The parties were unable to resolve the majority of the discovery disputes during the Meet and Confer phone conference, although Frontier did state that it planned

EXHIBIT B

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Citizens Telecom : Docket No. 19-041-04
Company of Utah : Frontier's Responses to Office of
Consumer Services'
d/b/a/ Frontier Communications : Second Data Request
: To Citizens Telecom of Utah
: August 1, 2019

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GENERAL OBJECTIONS TO OCS's SECOND DATA REQUEST

1. Frontier objects to the data request to the extent that it is overbroad, unduly burdensome, and seeks documents in a format or manner that Frontier does not maintain in the ordinary course of business, and thus requests information that cannot be provided without completing a special study or analysis.
2. Frontier further objects to the production of any information or documents that are protected by the attorney-client privilege, work product doctrine or any other applicable privilege or immunity.
3. Frontier objects to the data requests to the extent that the requests impose unreasonable burdens on Frontier and/or to the extent that the requests ask for information that is beyond Frontier's possession, custody, or control, or seek information that is publicly available.

4. Frontier objects to the data requests to the extent that they are vague, ambiguous, or reliant upon vague or ambiguous definitions. Frontier specifically objects to any instructions or definitions in the requests to the extent that they purport to impose any obligations greater than those provided by the applicable rules and any other statutes, orders, rules or laws governing the proper scope and extent of discovery in Utah.
5. Frontier objects to the production of information that is proprietary and confidential. Disclosure of this information, which includes trade secret, commercial and financial information would cause competitive harm to Frontier and its affiliates. In addition, as a telecommunications carrier subject to federal law and regulated by the Federal Communications Commission, Frontier has an obligation to protect the confidentiality of proprietary information related to our customers pursuant to 47 U.S.C. § 222 and FCC regulations at 47 C.F.R § 64.2009. Certain Frontier documents produced in response to this data request contains information that is exempt from disclosure under applicable law or rule. Accordingly, Frontier is designating certain marked documents produced as “NONPUBLIC DOCUMENT – CONTAINS CONFIDENTIAL AND/OR PRIVATE CUSTOMER PROPRIETARY INFORMATION REGULATED BY 42 U.S.C. 222” to the extent the documents contain confidential sensitive and proprietary customer information including personally identifiable information and customer proprietary network information, such as customer name, services they subscribe to with Frontier, and other customer sensitive information. Frontier is also designating certain marked documents produced as “NONPUBLIC DOCUMENT – CONTAINS TRADE SECRET DATA” to the extent the document contains Frontier confidential, proprietary and/or trade secret information. Frontier is providing this material with the express understanding that it will not be disclosed to the public or to Frontier's competitors. Should the OCS seek to disclose this information at any time, Frontier demands notification -- before any disclosure is made -- as required by applicable law.
6. Frontier objects to the data requests for identification of documents responsive to the requests that may have once existed, but that no longer exist. The request is unduly burdensome, and Frontier disclaims the obligation.

7. Subject to and without waiving the above objections, Frontier responds as set forth below. Frontier reserves the right to offer additional objections and/or supplemental responses to the data requests at any time and further reserves the right to challenge the relevance and/or admissibility of the information provided herewith.

- 2.1 Provide copies of all versions of residential landline telephone service contracts used by Citizens Telecom Company of Utah d/b/a/ Frontier Communications for residential customers served by the Moab exchange, separately identifying customers in Castle Valley, from 2012 to the present.

Response: Frontier objects to this data request to the extent it seeks data “separately identifying” customers in Castle Valley beyond those records already produced to the OCS. Frontier collects data at the wire center/exchange level, and data from individual customers, but does not collect data for neighborhoods or locations below wire center level. Thus, data focused only on Castle Valley does not exist in a Frontier system of records, is not kept in the ordinary course of business, and would therefore require a special study or analysis to produce. Notwithstanding and without waiving those objections, Frontier states:

Frontier’s Terms and Conditions of Service generally apply to a specific set of products or services, regardless of the location of the customer. Frontier’s current General Residential Service Terms and Conditions (“Terms”) constitute the contract between Frontier and its customers for residential services. The same is true of Frontier small business customers. These Terms are publicly available at <https://frontier.com/corporate/terms> and are periodically sent to customers. In addition, Frontier customers receive a monthly reminder on page 2 of their bills that states:

SERVICE TERMS

Visit [Frontier.com/terms](https://frontier.com/terms), [Frontier.com/tariffs](https://frontier.com/tariffs) or call customer service for information on Frontier's applicable tariffs or price lists and other important Terms, Conditions and Policies ("Terms") related to your Frontier Services - local, Long Distance, High Speed Internet and/or TV - including limitations of liability and early termination fees ([Frontier.com/etf](https://frontier.com/etf)). In addition, as part of our Terms, Frontier has instituted a binding arbitration provision to resolve customer disputes ([Frontier.com/terms/arbitration](https://frontier.com/terms/arbitration)). By using or paying for Frontier services, you are agreeing to these Terms and that disputes will be resolved by individual arbitration.”

- 2.2 Provide copies of all versions of "terms and conditions" applicable to residential landline telephone service contracts used by Citizens Telecom Company of Utah d/b/a/ Frontier Communications for residential customers served by the Moab exchange, separately identifying customers in Castle Valley, from 2012 to the present.

Response: See Response to 2.1 above.

- 2.3 If Citizens Telecom Company of Utah d/b/a/ Frontier Communications has landline contracts and "terms of conditions" specifically for small business customers provide:

- a) copies of all versions of small business landline telephone service contracts used by Citizens Telecom Company of Utah d/b/a/ Frontier Communications for small business customers served by the Moab exchange, separately identifying customers from Castle Valley, from 2012 to the present;
- b) copies of all versions of small business landline telephone "terms and conditions" used by Citizens Telecom Company of Utah d/b/a/ Frontier Communications for small business served by the Moab exchange, separately identifying customers from Castle Valley, from 2012 to the present.

Response: See the current version of the Terms and Conditions for Frontier Business Services:
<https://frontier.com/~media/corporate/terms/general-terms-business.ashx?la=en> and its predecessor:
<https://frontier.com/~media/corporate/terms/general-terms-business-former.ashx?la=en>

- 2.4 If Citizens Telecom Company of Utah d/b/a/ Frontier Communications does not have landline contracts and "terms of conditions" specifically for small businesses provide

- a) copies of all versions of business landline telephone service contracts used by Citizens Telecom Company of Utah d/b/a/ Frontier Communications for business customers served by the Moab exchange, separately identifying customers in Castle Valley, from 2012 to the present;
- b) copies of all versions of business landline telephone "terms and conditions" used by Citizens Telecom Company of Utah d/b/a/ Frontier Communications for business customers served by the Moab exchange, separately identifying customers from Castle Valley, from 2012 to the present.

Response: See response to Data Request 2.3 above.

- 2.5 Frontier's Terms and Conditions at 6-8, (found on Frontier's website and cited in footnote 2 of Frontier's March 22, 2019 Answer to Formal Complaint of SRR Partners, LLC s/b/a Sorrel River Resort and Spa), provides in part:

YOU ACKNOWLEDGE AND AGREE THAT THE SERVICE SUPPLIED
HEREUNDER IS PROVIDED ON A "AS IS" OR "AS AVAILABLE"
BASIS . . . THERE IS NO WARRANTY OF WORKMANLIKE EFFORT
OR LACK OF NEGLIGENCE

Frontier's tariff Schedule No. AC, Rule No. 6, A1, B1, C1 provides:

Except in cases of actionable negligence, the liability of the utility for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnish by the utility . . . shall in no event exceed an amount equal to the pro rata charge to the customer for the period during which the services or facilities are affected (emphasis added).

- a) Do you contend that the "terms and conditions" found on Frontier's website, and cited in footnote 2 of Frontier's March 22, 2019 Answer to Formal Complaint of SRR Partners, LLC s/b/a Sorrel River Resort and Spa Formal, are consistent with Frontier's limitation of liability terms in its tariff? If so, explain how the above quoted "terms and conditions" are consistent with the tariff.

2.5.a Response: Yes. Frontier's Terms and Conditions set out the precedence of the contract language as opposed to tariff language.

- b) If you contend that the "terms and conditions" found on Citizens Telecom Company of Utah d/b/a/ Frontier Communications' website and cited in footnote 2 of Frontier's March 22, 2019 Answer to Formal Complaint of SRR Partners, LLC s/b/a Sorrel River Resort and Spa Formal, are inconsistent with Frontier's limitation of liability terms in its tariff, do you contend that the "terms and conditions" or tariff govern? Please explain.

2.5.b Response: See response to data request 2.5 (a) above.

- c) If you contend that the "terms and conditions" found on Citizens Telecom Company of Utah d/b/a/ Frontier Communications' website and cited in footnote 2 of Frontier's March 22, 2019 Answer to Formal Complaint of SRR Partners, LLC s/b/a Sorrel River Resort and Spa, are inconsistent with Frontier's limitation of liability terms in its tariff and the

terms of the tariff govern, please explain what purpose do the inconsistent terms in the "terms and conditions" serve?

2.5.c Response: See response to data request 2.5 (a) above.

- d) If the "terms and conditions" found on Citizens Telecom Company of Utah d/b/a/ Frontier Communications' website and cited in footnote 2 of Frontier's March 22, 2019 Answer to Formal Complaint of SRR Partners, LLC s/b/a Sorrel River Resort and Spa, are inconsistent with Frontier's limitation of liability terms in its tariff and the terms of the tariff govern, do you contend that the customers are not likely to be confused by this inconsistency and what is the basis of your contention?

2.5.d Response: See response to data request 2.5 (a) above.

2.6 Utah Admin. Code R746-340-5 C. provides:

Inspections and Tests – Each telecommunications corporation shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and rendering safe, adequate, and continuous service. **It shall file a description of its inspection and testing program with the Commission showing how it will monitor and report compliance with Commission rules or standards.** (emphasis added).

Provide copies of all descriptions of your inspection and testing program that you have filled with the Commission, pursuant to Utah Admin. Code R746-340-5 C, from 2012 to the present.

Response: Frontier objects to this document request on the grounds that the OCS has equally available access to any records filed with the UT PSC. Notwithstanding and without waiving that objection, Frontier states:

Frontier has a variety of preventive maintenance and inspection programs, and is in the process of reviewing them to see which of these is responsive to this data request and will produce responsive documents as they are identified.

2.7 Utah Admin. Code R746-340-5 B.1 provides

Each telecommunication corporation shall provide for the receipt of customer trouble reports at all hours, and shall make a full and prompt investigation of and response to each complaint. The telecommunications corporation shall maintain a record of trouble reports made by its customers. This record shall include appropriate identification of the customers or service affected, the time, date and

nature of the report, and the action taken to clear the trouble or satisfy the complaint.

- a) Provide copies of all records of trouble reports of residential landline telephone customers separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications' specifically identifying customers in Castle Valley, from 2012 to the present.

2.7.a Response: Frontier objects to this data request to the extent it seeks information in a form or of a type that Frontier does not keep in the ordinary course of business, and thus would require a special study or analysis. Notwithstanding and without waiving that objection, Frontier states:

See attachment "response to Aug dr_ ticket details by exchange 2017 to July 2019.xlsx" that provides ticket details from Jan 2017 to July 2019. Prior year's tickets are archived and unavailable.

- b) If you provide services specifically for small business landline telephone customers, provide copies of all records of trouble reports of small business landline telephone customers separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications' specifically identifying customers in Castle Valley, from 2012 to the present.

2.7.b Response: Frontier objects to this data request to the extent it seeks information in a form or of a type that Frontier does not keep in the ordinary course of business, and thus would require a special study or analysis. Notwithstanding and without waiving that objection, Frontier states:

See attachment "response to Aug dr_ ticket details by exchange 2017 to July 2019.xlsx" that provided ticket details from Jan 2017 to July 2019. Prior year's tickets are archived and unavailable. Castle Valley is served from the Moab exchange with zip code 84532. The column labeled "service type code" indicates if it is a residential or business trouble (R – residential and all other type codes = business)

- c) If you do not provide services specifically for small business landline customers, provide copies of all records of trouble reports from business landline customers served separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications' specifically identifying customers in Castle Valley, from 2012 to the present.

2.7.c Response: Frontier objects to this data request to the extent it seeks information in a form or of a type that Frontier does not keep in

the ordinary course of business, and thus would require a special study or analysis. Notwithstanding and without waiving that objection, Frontier states:

See attachment "response to Aug dr_ ticket details by exchange 2017 to July 2019.xlsx" that provided ticket details from Jan 2017 to July 2019. Prior year's tickets are archived and unavailable. Castle Valley is served from the Moab exchange with zip code 84532. The column labeled "service type code" indicates if it is a residential or business trouble (R – residential and all other type codes = business). Tickets are not distinguished between large and small business.

- 2.8 During the May 17, 2019 hearing in docket 19-041-01, pg. 57 In. 13 to pg. 58 In,10, Citizens Telecom Company of Utah d/b/a/ Frontier Communications' witness Mr. Michael Giles, Local Manager and Operations Supervisor testified that the Company does not keep trouble reports of customer complaints communicated to the company by means other than a designated 800 number.
- a) provide all records of any type indicating residential landline telephone customer complaints and/or Citizens Telecom Company of Utah d/b/a/ Frontier Communications' response to residential landline telephone customer complaints for residential landline telephone customers, separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications, specifically identifying customers in Castle Valley, from 2012 to the present, **other** than complaints using a designated 800 number.
 - b) If you provide services specifically for small business landline telephone customers, provide all records of any type indicating small business landline telephone customer complaints and/or Citizens Telecom Company of Utah d/b/a/ Frontier Communications' response to small business landline telephone customer complaints from small business landline telephone customers, separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications, specifically identifying customers in Castle Valley, from 2012 to the present, **other** than complaints using a designated 800 number.
 - c) If you do not provide services specifically for small business landline telephone customers, provide all records of any type indicating business landline telephone customer complaints and/or Citizens Telecom Company of Utah d/b/a/ Frontier Communications' response to business customer complaints from business landline telephone customers, separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications, specifically identifying customers in Castle Valley, from 2012 to the present, **other** than complaints using a designated 800 number.

Response: Frontier objects to this data request to the extent it requests data not kept by Frontier in the ordinary course of business and therefore would require a special study or analysis to produce. Further, Frontier disputes that Mr. Giles testified that “the Company does not keep trouble reports of customer complaints communicated to the company by means other than a designated 800 number”. Mr. Giles was discussing a specific customer email for a well known set of issues with SRR, and was not making a general statement regarding how Frontier receives and records complaints from customers. Customers may contact Frontier by phone, by cell phone, via email, through a real-time chat, or via social media to report complaints or issues with service. See also Frontier response to SRR data request SRR 3.6.

- 2.9 Explain how customers served by the Moab exchange can contact Citizens Telecom Company of Utah d/b/a/ Frontier Communications using the designated 800 number when landline phone service is not in working order. Specifically address how customers in Castle Valley can contact Citizens Telecom Company of Utah d/b/a/ Frontier Communications when phone landline phone service is not in working order, given the lack of reliable cellular phone coverage.

Response: See response to 2.8. Frontier additionally notes that there is no testimony or evidence regarding wireless phone coverage in the Moab exchange or Castle Valley, so the presumption that all customers lack reliable cellular phone coverage is overbroad and without sufficient evidentiary support.

- 2.10 Jayne May’s March 17, 2019 Formal Complaint alleges that “on December 18, 2018, Frontier Communication Regional Area Manager, Mike Giles requested that our Town Clerk notify residents to “stop” calling Frontier Communications Repair to report further outage because Frontier was well aware of the problems, and that it was “unnecessary” to file additional repair tickets.

- a) Do you dispute this allegation?

2.10.a Response: Yes.

- b) If you do not dispute this allegation, explain how this conduct complies with Utah Admin. Code R746-340-5 B.1.

2.10.b Response: Please see answer next above.

- 2.11 In a March 31, 2019, email to the Public Service Commission of Utah, Dave Ciani of Sorrel River Ranch, alleges: “We continue to have significant problems and our local maintenance contact Mike Giles and our account rep Natalie Chiles have been directed not to communicate with us.”

- a) Do you dispute this allegation?

2.11.a Response: Yes. Frontier clearly had ongoing dialog with SRR, and it is undisputed testimony that a Frontier technician was frequently onsite at the resort communicating with SRR employees.

- b) If you do not dispute this allegation, explain how this conduct complies with Utah Admin. Code R746-340-5 B.1.

2.11.b Response: Please see answer next above.

2.12 The Division of Public Utilities' June 11, 2019, First Set of Data Requests, Request 1.8 provides: "Describe what factors influenced the decline in capital investment in the yeas 2012-2018 compared to the period from 2005-2011. Your response, in part, stated: "The data reflects that access lines served in 2018 have declined by 56% since 2004. While the total level of investment for the period of 2005-2011 was \$16,994,713 versus the total investment for the period of 2012-2018 of \$11,308,961, the amount of this total investment divided by the total of access lines served is basically equivalent."

- a) List the number of access lines serving residential landline telephone customers, separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications, specifically identifying customers in Castle Valley, separately for each year from 2012 to the present.

2.12.a Response: Please see Attachment OCS 2.12a, which includes the number of residential and business customers and access lines for each exchange served by Citizens Telecom Company of Utah. The customers in the Castle Valley community are part of the Moab exchange. In the Moab exchange for the period of 2012 to 2018, residential access lines declined by 56% and total access lines declined by 53%.

- b) List the number of access lines serving business landline customers, separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications, specifically identifying customers in Castle Valley, separately for each year from 2012 to the present.

2.12.b Response: Please see Attachment OCS 2.12a, which includes the number of residential and business customers and access lines for each exchange served by Citizens Telecom Company of Utah. The customers in the Castle Valley community are part of the Moab exchange. In the Moab exchange for the period of 2012 to 2018, business access lines declined by 50% and total access lines declined by 53%.

- c) State the amount of capital expenditure associated with access lines serving residential landline customers, separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications, specifically identifying customers in Castle Valley, separately for each year from 2012 to the present.

2.12.c Response: Please see Attachment OCS 2.12c, which shows the annual new investment in telecommunications plant by exchange for the years of 2012-2018. Capital expenditures are not classified on the basis of customer class. The customers in the Castle Valley community are part of the Moab exchange.

- d) State the amount of capital expenditure associated with access lines serving business landline telephone customers, separately for each exchange served by Citizens Telecom Company of Utah d/b/a/ Frontier Communications, specifically identifying customers in Castle Valley, separately for each year from 2012 to the present.

2.12.d Response: Please see Attachment OCS 2.12c, which shows the annual new investment in telecommunications plant by exchange for the years of 2012-2018. Capital expenditures are not classified on the basis of customer class. The customers in the Castle Valley community are part of the Moab exchange.

- 2.13 If Citizens Telecom Company of Utah d/b/a/ Frontier Communications' parent company or its parent company's other subsidiary's that provide landline telephone services currently or in the period of 2012 to the present, has been under investigation by states or federal governmental authorities in regards its landline telephone services, identify the investigations with sufficient specificity to allow the Office of Consumer Services to easily access public information regarding the investigation.

Response: Frontier objects to this data request to the extent it seeks information regarding any location outside Utah, which would fall outside the jurisdiction of the Commission, and is therefore irrelevant and not calculated to result in the discovery of admissible evidence.

- 2.14 During the May 17, 2019 hearing in docket 19-041-01, pg. 35 ln. 23 to 25, Citizens Telecom Company of Utah d/b/a/ Frontier Communications' witness Mr. Michael Giles, Local Manager and Operations Supervisor testified that a 41.07 hour outage identified on line 27 of the first page of hearing exhibit 3 did not involve Castle Valley but on the last page of exhibit 3 line 27 identifies that outage as occurring in Castle Valley, clarify this discrepancy.

Response: Frontier believes that Mr. Giles misread the SRR-prepared exhibit, which was not formatted in the same manner as the original

spreadsheet provided. Frontier additionally notes that the outage noted was for broadband services only and would not necessarily affect voice services. Finally, Frontier objects and disputes Commission jurisdiction over this particular outage in that it involved information services (HSI only).

Submitted on behalf of Frontier this 19th day of August, 2019.



George Baker Thomson, Jr.
Associate General Counsel
Frontier Communications
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Everett, WA 98203
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EXHIBIT C

STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES
ATTORNEY GENERAL

Spencer E. Austin
Chief Criminal Deputy

Ric Cantrell
Chief of Staff

Tyler R. Green
Solicitor General

Brian L. Tarbet
Chief Civil Deputy

September 3, 2019

George Baker Thomson, Jr.
Associate General Counsel
Frontier Communications
1800 41st Street
Everett, WA 98203

Re: **In the Matter of Citizens Telcom Company of Utah, Docket 19-041-04**
Utah R. Civ. P. 37(a)(2)(B) Meet and Confer Letter

Dear Mr. Thomson:

This letter is to inform you that the Office of Consumer Services ("Office") believes that several of your responses to the Office's Second Set of Data Request are insufficient. Hopefully we can resolve this matter through our meet and confer obligations, as set out in Utah R. Civ. P. 37(a)(2)(B). Specifically, the Office challenges the following responses.

General Objections. In your general objections, you objected to request for documents or information that are protected by the attorney client privilege. However, it does not appear that you made any claim of privilege to a specific discovery request. If you are making a specific claim of privilege, or you do so in the future, you need to comply with Utah R. Civ. P. 26(b)(8)(A) and provide a privilege log with sufficient information to "enable other parties to evaluate the claim."

You also made a general objection to the disclosure of documents or information that are confidential and set out a procedure to deal with confidential information. Again, it does not appear that you made any claim of confidentiality with regard to specific discovery requests. If you are making a specific claim of privilege, or you do so in the future, you will need to comply with the confidentiality procedures as set out in Utah Admin Code r. 745-1-601 to 745-1-605. You will note that the Office is entitled to review all confidential information, Rule 745-1-602(1)(a)(iii), and there are procedures in place to protect confidential information, Rule 745-1-603.

Discovery Request 2.1. Request number 2.1 asked for copies of all residential contracts from 2012 to the present. However, you have only identified a link to the **current** "terms and

conditions” governing residential contracts and stated that the “terms and conditions” constitute the parties’ contracts. While this is helpful, you do not provide information regarding: (1) the “terms and conditions” governing the parties contract that may have existed prior to the current version, (2) when was the last time the “terms and conditions” were updated, or (3) how often the “terms and conditions” are updated. We need you to supplement your answers and provide this information. Request number 2.1 clearly asked for “copies of all versions of residential landline telephone service contracts . . . from 2012 to the present.”

Discovery Requests 2.3 and 2.4. Request number 2.3 asked for copies of all versions of small business contracts and “terms and conditions” from 2012 to the present. Request number 2.4 ask for copies of all versions of business contracts, if you do not have contracts specifically for small business. You provided links to the current business “terms and conditions” and the previous “terms and conditions.” However, you do not state when the “terms and conditions” where updated or whether these two versions are the only versions that cover the requested time period, from 2012 to the present. You also do not state that you do not have contracts specifically for small business although that is what your answer to Requests to 2.3 and 2.4 suggests. We need you to supplement your responses to provide this information, information that was clearly sought by these requests.

Discovery Requests 2.5 a), b), c) and d). Request number 2.5 a) asked if you contend that your “terms and conditions” limitation of liability language is consistent with the limitation of liability language in your tariff and if so, explain how the language is consistent. You replied, “Yes. Frontier’s Terms and Conditions set out the precedence of the contract language as . . . opposed to the tariff language.” At best, your response is profoundly ambiguous and significantly incomplete.

You state that the limitation of liability language is consistent but then state that the terms of condition language takes precedence over the tariff language. If the language in the tariff and contract are consistent then one limitation of liability provision would not take precedence over another. Thus, the statement that the language is consistent coupled with the statement one provision take precedence over another is a logical and semantic impossibility. Nevertheless, you apparently rely on the contention to justify your failure to answer discovery requests 2.5 b), c) and d). Moreover, regarding your contention that contract language takes precedence over tariff language, you do not attempt to explain how you can avoid your Commission approved tariff language by unilaterally issuing contrary contract language that your customers must consent to sign in order to receive essential services.

Accordingly, you must supplement your responses to either identify how the language in the tariff and the contract terms can be read as not conflicting with one another or to answer discovery requests 2.5 b), c) and d).

Discovery Request 2.6. Discovery Request 2.6 requires you to provide copies of all descriptions of your inspection and testing programs that you have filed with the Commission, pursuant to Utah Admin. Code r. 746-340-5.C. You objected to the request on the grounds that

the Office has available access to these records and state that you are reviewing a variety of preventive and maintenance programs to determine which ones are responsive to the requests.

However, the Office has been in communication with the Commission and the Utah Division of Public Utilities and these communications have not identified any attempt by you to comply with this rule and provide the required documents. Moreover, the fact that you may have various programs regarding maintenance and prevention does not explain your failure to identify a specific document filed with the Commission. You must have an employee(s) charged with complying with Commission requirements and therefore the requested documents should be easily identified. Accordingly, you must furnish the requested documentation or admit that you are not in compliance with this rule.

Discovery Request 2.7 a), b) and c). Discovery Requests 2.7 requires you to provide trouble reports of residential phone service from 2012 to the present specifically identifying customers in Castle Valley. You provided ticket reports for several Utah exchanges from January 2017 to July 2019 without making any distinguishing identification for Castle Valley. First, you stated that ticket reports from prior years are archived and unavailable. However, if trouble reports are archived, they are necessarily available. You do not ask for additional time to retrieve the archived documents but simply state that you will not produce them. This is unacceptable. If the documents are within your control you must produce them.

Discovery requests 2.7 b) asks for ticket reports for small business. In response you again cite to the 2017 to 2019 ticket reports from the prior request and state that "service type code" R designates residential customers with all other referencing to business customers without stating which business code, if any, refer to small business. To comply with the discovery requests, you must identify which codes, if any, reference small business. Also, as is true with discovery request 2.7 c), you state that trouble reports from years prior to 2017 are archived and unavailable. Again, you must produce these reports.

Discovery Requests 2.8 a), b) and c). Discovery requests 2.8 deals with requests stemming from Mr. Giles hearing testimony that Frontier does not keep trouble reports of customer complaints communicated to Frontier by means of email rather than from using the 800-telephone number. In your response you stated: "Mr. Giles was discussing a specific customer email for a well-known set of issues with SRR, and was not making a general statement regarding how Frontier receives and records complaints from customers." This contention is incorrect. The hearing testimony clearly provides: "Q. Is there any specific record that deals with [Frontier's] response to email requests that doesn't go through the 800 number? A. No."

You did not give any response to Discovery Request 2.8 a), b), or c) based on your erroneous interpretation of Mr. Giles' testimony. Therefore, you must supplement your responses to answer requests 2.8 a), b) and c) or unequivocally state that Mr. Giles hearing testimony was false and that Frontier complies trouble reports from all emails, cell phones, social media etc. and be prepared to defend this proposition.

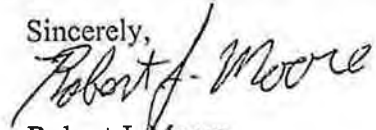
George Baker Thomson, Jr.
September 3, 2019
Page 4

Discovery Requests 2.13. Request number 2.13 seeks information of investigations by state and/or federal authorities into service quality issues involving Frontier's parent company and/or its subsidiaries that provide landline telephone services in other states. You refused to answer the requests claiming the request is irrelevant and not likely to lead to the discovery of admissible evidence.

Your contention is incorrect. Discovery from docket 19-041-01 reveals that Frontier has been losing millions of dollars from its Utah operations for several years. Your continued operation in Utah, therefore, is likely dependent on your relationship with your parent. Accordingly, your relationship with your parent and parent's activities relating to telephone services in other states is clearly relevant to Frontier's service quality in Utah. If there are systemic problems with your parent's supervision relating to service quality or your parent's ability to adequately service its customers, this information is relevant to the issues being pursued in this docket. Accordingly, you must answer this request.

This letter is not meant to address every problem with you answers to the discovery request but simply to serve as an initial basis for the required meet and confer telephone conversation that I will be initiating shortly. Please ready yourself for this discussion.

Sincerely,



Robert J. Moore

*Attorney for the Utah Office of
Consumer Services*

EXHIBIT D

Finally som

LOCAL NEWS

Frontier Communications says it's working to restore power after residents of senior housing are without phone service



Phone Service Shut Down for Weeks

By Taylor Torregano | August 13, 2019 at 7:43 PM EDT - Updated August 16 at 11:12 AM

SARASOTA, Fla. (WWSB) - The Jefferson Center in downtown Sarasota reached out to ABC7 after three weeks of interrupted phone service. At least 12 of the residents said their landlines are not working.

The senior housing community relies on Frontier Communication to get their medication and keep in contact with their families. One residents said her Life Alert doesn't work without her landline. Another has the phone set up to automatically send messages to her family every time she takes her medication.

But they said it's been three weeks since their phones have worked and on Tuesday morning, Frontier didn't show up like they said they would.

"It doesn't work, because I don't have phone service!!!" Paulette Flaherty exclaimed.

Her patience is running thin.

"It's really hard when you can't hear, and they're not making it easier," she said.

Flaherty's special landline phone types out what the person on the other end is saying, which is crucial for her to make doctor's appointments, plan her knee surgery and refill prescriptions.

"I can't just call, I have to get in my car and go," she said. "I hate driving!"

But that's what she's had to for weeks and she's not alone.

"I picked up the phone to make a call and it was dead," said Peter McGinn, who also lives at the Jefferson Center.

McGinn, Flaherty and 10 other residents who live there still have no phone service. They said they've called Frontier Communications at least 10 times, only to be told there's a cut wire downtown.

"That's it," said Flaherty. "There's a cut wire downtown. Guess what? Six months ago, there was a cut wire downtown!"

Back in February, staff at the Jefferson Center said this same thing happened. They said it took weeks then for service to be restored and now, the same group of seniors are having the same problem.

"What about these older people in this building that have Frontier and let's say fall, [or] they feel like they're getting a heart attack," said Flaherty. "They can't call 911! They're supposed to drag themselves to the neighbor or downstairs to the office to say call an ambulance for me?!"

"My phone at the moment is the only connection I have with the outside world" agreed McGinn.

"I called [your family,]" assured a staff member to McGinn. "I called them. They know you're okay."

ABC7 reached out to Frontier Communications to resolve the issue. In a statement, the media representative for



landline service. All of the rain we've been getting, coupled with the need to locate cable to match this older variety, caused the repairs to take longer than we anticipated. The good news is that the job should be completed tomorrow. We apologize to the affected residents at Jefferson Center for the delay."

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EXHIBIT E

T^{the} TIMBERJAY

(/)

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Frontier, Commerce settle on service issues

Customers can seek refunds, but company avoids fine

Posted Wednesday, August 14, 2019 4:49 pm

Marshall Helmberger

REGIONAL— After months of mediation, officials from Frontier Communications and the Department of Commerce have reached a stipulation agreement that is designed to settle most outstanding issues related to Frontier's telephone service quality and billing practices.

The parties signed the agreement on Aug. 1, as an alternative to a contested case hearing, which would likely have consumed several more months and considerable resources on both sides.

The agreement comes nearly a year and a half after the Minnesota Public Utilities Commission opened an investigation into Frontier following revelations of poor service and questionable billing by the company reported in the *Timberjay* in late 2017.

The Department of Commerce, which undertook the inquiry on behalf of the MPUC, issued a scathing report on Frontier's service quality, billing practices, and substandard infrastructure this past January, that suggested the company was in violation of as many as 35 state laws or rules.

State regulators received more than 1,000 public comments as part of the investigation, including many that were highly-detailed and documented.

The Commerce Department's investigation had also suggested the company could be subject to significant penalties for its actions. "The Minnesota Legislature has provided a clear set of remedies to curb misconduct of rogue companies, ones who routinely, knowingly disregard the law and jeopardize the lives and well-being of Minnesotans, including hefty civil penalties and criminal prosecutions," noted the report. Frontier representatives have strongly disputed many of the findings in the department's report.

While state regulators could still issue significant fines, none are included within the stipulation agreement released earlier this month. In response to questions from the *Timberjay*, Commerce Department spokesperson Emma Bauer said the department "prioritizes Minnesotans' customer service and focused on obtaining tangible remedies for Minnesota consumers."

Bauer emphasized that the proposed settlement seeks to address multiple issues raised by Frontier customers and that the agreement gives those customers a means to file individual claims for credits and

other compensation for past problems. "In addition, going forward, the settlement includes required remedies for customers that experience problems related to call answer times, installation, loss of service, service impairment, missed repair appointments and repeat trouble with telephone service," stated Bauer. Specific steps outlined in the 36-page agreement include:

- Issuing refunds within 90 days to those customers who can provide documentation that they were overbilled for services or for services that they never received. The company will be required to mail notices to all customers in the state alerting them of the refund opportunity.
- Committing in good faith to improve telephone services and comply with all applicable Minnesota rules and laws.
- Provide training to current and future Frontier employees and contractors prior to assigning them to perform duties associated with phone service in the state, including facilities, billing, or collections.
- Waiving primary phone service installation fees if the company is unable to complete installation within three business days.
- Requiring bill credits and refunds of \$10 per day for businesses or \$5 per day for residential customers if reported outages are not repaired within 24 hours. Refunds increase to \$20 per day for businesses and \$10 per day for residential customers if the outage lasts longer than 10 days. Customers could receive a similar refund if the company is unable to fix reported static, cross talk, or inadequate volume on their phone line within the same time frame.
- Requiring Frontier to issue a \$25 credit if a repair ticket commitment date is missed when the customer is required to be at their premises.
- Requiring Frontier to pay credits in some cases if calls to the company's 800 number take longer than ten minutes for an initial answer.
- Requiring Frontier to issue credits or refunds to customers who were charged an early termination fee for service without having signed a term agreement or being aware of automatic renewal provisions. Frontier will be required to notify those who may qualify for such refunds or credits.

In virtually all cases, Frontier will only be required to issue credits or refunds on a case-by-case basis, assuming adequate documentation by the customers involved.

The proposed settlement does not address widespread concerns expressed by customers about the reliability and speed of Frontier Internet service, which is not technically regulated by the MPUC. According to Bauer, some of those issues may still be addressed in a separate investigation being conducted by the Attorney General's office.

In addition to refunds and other outreach to customers, the settlement package requires Frontier to submit regular reports on its compliance with the agreement, including the number of credits and refunds it might issue, the number of outages, and the time taken for repairs. Among those reports, Frontier must present the MPUC with a maintenance plan for upgrading its facilities, including repairing temporary lines, above-ground lines awaiting burial, exposed lines, and broken or damaged pedestals or poles. As part of the plan, Frontier will be required to establish an 800-number for the public to report problems with the company's facilities. The company will also be required to provide regular updates on its progress in improving its facilities. All of the provisions of the agreement will apply for a period of two years, after which the company could be released from the requirements if it demonstrates consistent compliance.

Judge recommends approval

An administrative law judge assigned to the case is recommending its approval by the MPUC, which would be the next step in the process. ALJ Jeffery Oxley oversaw public hearings held in Ely and elsewhere in the state last year. He also served as a mediator between the parties as they developed the terms of the proposed settlement. While ALJs don't typically issue such recommendations, Oxley noted that he has considerable experience in telecom issues, having served as the executive general counsel for a telecom company that purchased wholesale capacity from Frontier.

It turns out Oxley wasn't the only state representative in the talks with a telecom background. According to Oxley, one of the Commerce Department's lead staffers in the talks worked under him in the legal department of the same telecom company.

Telecom companies in the state have been watching the handling of the Frontier complaints with interest and weighed in with comments under auspices of the Minnesota Telecom Alliance (MTA) in March. According to Oxley, the MTA "expressed its concern that in resolving this matter, the Commission could

adopt several interpretations of Minnesota rules relating to telecommunications advanced in the Department report with which the MTA disagreed.”

The public will also have a limited amount of time to weigh in on the agreement. The MPUC issued a notice of public comment on the deal earlier this month and that comment period continues through Aug. 21. Anyone interested in commenting on the settlement can visit mn.gov/puc, and select Speak Up! to find this docket. You can add your comments to the discussion or email your comments to consumer.puc@state.mn.us. The MPUC is expected to take up the settlement formally at a board meeting in September or October.

Outlook uncertain

Enforcement of any agreement with Frontier could be affected by the company's ongoing financial woes. The company's stock, which had traded as high as \$124 a share as recently as 2015, was trading at just 79 cents a share as of this week. The company reported a net loss of \$5.32 billion in the second quarter, which included a goodwill impairment likely resulting from previous acquisitions of landline capacity. The company has been hemorrhaging customers due to quality concerns and cost, among other factors. “We continue to be challenged by ongoing revenue declines, content cost escalations, higher labor costs, and other pressures across the business,” said Dan McCarthy, President and CEO, in response to the second quarter results, which the company reported earlier this month.

While the company continues to labor under a massive debt load, it will likely generate some additional cash flow through the recently-announced sale of its operations in four western states for \$1.352 billion. The deal, which still requires regulatory approval, could help Frontier cover at least some of its short and long-term debt obligations. If approved, the deal isn't expected to close until next year.

Keywords

Frontier Communications (/search_mode/keyword/browse.html?search_filter=Frontier Communications), Minnesota Department of Commerce (/search_mode/keyword/browse.html?search_filter=Minnesota Department of Commerce), Timberjay (/search_mode/keyword/browse.html?search_filter=Timberjay)

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EXHIBIT F

79°



NEWS

Frontier Communications ordered to fix their problems



by: Stephanie Golden

Posted: Aug 8, 2019 / 05:57 PM EDT / Updated: Aug 9, 2019 / 10:44 AM EDT

79°

provider have become increasingly concerned with the quality of service.

The message Commission Chair John Rhodes gave to Frontier Communications was simply do better. Rhodes also said the Public Service Commission will make sure the company does a better job.

A report revealed an increase of customer complaints and poor service. Candy Davies decided to stop her services with Frontier for that very reason.

“Sometimes in different areas of the house I could not get on the Internet it would slow right down so that I could not get on,” said Davies. “Probably about midnight if I wanted to use the Kindle or the computer I wasn’t able to connect at all.”

Along with Internet access and speed issues, the report also revealed frequent outages and long wait times for repairs.

Their plan to improve service must include reviews of customer complaints and interviewing of supervisors and technicians to identify factors causing the issues. It has to be done on a monthly basis.

We reached out to Frontier Communications for comment but have not heard back from them.

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LOCAL NEWS

More customer service problems for Frontier Communications

More customer service problems for Frontier Communications



00:02 / 01:58

by: Stephanie Golden

Poster

A promotional banner for 'PLAY HOT ARTISTS'. It features a 'consumable' logo on the left, a circular image of a person in the center, and a 'FULL TRACK' button on the right. The background is a blurred image of a person.

65°

“We’ve been without DSL, which is the Internet, and phone service since Friday,” said Richard Moll, a Frontier Communications customer. “Today is Tuesday around noon.”

Frontier Communications says 60 customers in the Point Pleasant and Seabreeze area are without phone or Internet service. But everyone was not told.

“They said a transformer blew down the street,” said Melissa Butera, a hair salon owner in Seabreeze. “They had a fire and all the phone lines north of Dewberry had been compromised.

“No one at Frontier told me why we were out of service,” said Moll.

Moll called customer service several times.

“In fact, one of the times I called the person on the other end of the phone said a technician would come,” said Moll. “But if they came into the house that they would have to charge me.”

Frontier communications says crews have been working since the weekend to restore service. For Butera not having a phone is hurting business. Along with Moll, she’s not too happy with customer service.

“Yesterday morning they told me it would be fixed by yesterday afternoon,” said Butera. Last night they said by today. Today they said maybe tonight or tomorrow.”

News 8 reached out to Frontier Communications to ask when service would be restored. “Service is restored to half the affected customers and Frontier expects to complete all restorations within the next day,” said Javier Mendoza, a representative for the telecommunications provider. “We thank our customers for their patience.”

Last week the Public Service Commission ordered Frontier Communications to fix their problems and do a better job. The PCS received a report that showed an increase in customer complaints and poor service.

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EXHIBIT G



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Some rural residents say lack of Frontier phone service puts them at risk

by Rex Hodge
Tuesday, August 13th 2019



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GRAHAM COUNTY, N.C. (WLOS) — SATURDAY, AUGUST 17 UPDATE: Graham County Manager Becky Garland says phones are working again for the West Buffalo Road community.

Some mountain residents say they've been without their landline phone service from Frontier Communications for weeks now.

They say Frontier has told them they're on the list for repairs.

One Graham County leader is pushing for a quicker fix, worried about the safety of her residents.

Frontier phone service problems

WLOS

Residents in rural communities like West Buffalo say they've been without Frontier phone service and internet for the better part of month, and that creates an emergency situation.

"How do you call 911? I mean, how do you reach a neighbor?" asked Jamie Rogers.

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"So, when your phone is out you have no internet either," she said.

She says that combinations means no lifeline. Her brother also worries about their parents.

"They worry that if something was to happen health-wise, they have no way of getting help, because they can't call out," said Heath McQuire.

According to Rogers, Frontier says it will be August 23 before service is restored.

"It's a huge public service safety concern that I have for our residents," says Graham County Manager Becky Garland.

Garland is going to bat for residents, saying many along West Buffalo Road have health issues.

"It's not a matter of if, it's a matter of when it will occur, that someone will lose their life because they don't have any ability to call 911," Garland says.

Garland says she's called Frontier about Graham. Other mountain residents are reporting Frontier outages in spots in Madison and Swain counties.

Garland knows weather has played a role in downed lines, but thinks repairs should come faster.

"I want our people in this county to be able to pick up a phone in the 21st century and actually get a dial tone," she said.

She hopes a broadband bill in the General Assembly brings some relief, but has some skepticism.

"There's push back on that bill because the telcom's are pushing back on the legislators," she says.

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reached out to Frontier and the company responded saying severe storms, construction damage and cable thefts have caused service disruptions in several areas.

It says it's working to restore service to customers in Graham, Madison and Swain counties as promptly possible.

The company also says customers with medical needs can register for medical priority designation.

Read Frontier's full response below:

“ Recently, a series of severe storms, third party construction damage, cable thefts and vehicular damage to our infrastructure have caused more frequent service disruptions in rural North Carolina. Such external factors beyond our control create delays in normal service response times and Frontier has brought in extra crews who are working extended shifts to complete repairs.

“ Currently, Frontier is working to restore service as promptly as possible to respond to help requests from 17 customers in Bryson City, XX in Marshall, and 18 in Robbinsville whose phone and internet service has been disrupted by those causes.

“ For prioritized service, we encourage any customer with medical needs or Lifeline service to register for medical priority designation. When we are informed of the medical priority needs of a customer, the relevant information is noted in that customer's account. Then, if the customer calls for a service request, Frontier prioritizes those requests in the daily workload.

“ Frontier provides service in rural areas where other providers choose not to invest to deliver service and where the challenges of remoteness are greatest. We recognize we experience service issues and delays from time-to-time to some of our customers. Frontier is dedicated to safety and takes seriously its commitment to customer service and the North Carolina communities we serve. Every single customer is important and one displeased or out-of-service is one too many.

“ We thank our customers for their patience.

EXHIBIT H

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Frontier Admits Its Rural Phone Business is Now "Unsustainable"

Phillip Dampier July 9, 2019 [Consumer News](#), [Frontier](#), [Public Policy & Gov't](#), [Rural Broadband](#), [Video](#) 4 Comments

FRONTIER RELEASES STATEMENT ON OUTAGES

"Frontier serves only about ten percent of the state voice lines in its service area but has 100 percent of the universal service obligation to serve the most rural and high-cost areas. Our customer base continues to decline, while the cost of service per line has increased dramatically. This has resulted in an unsustainable model for providing service in rural and high-cost

JAVIER MENDOZA
FRONTIER VICE PRESIDENT



Frontier Communications has publicly admitted its residential telephone service in rural and "high-cost" service areas is "unsustainable," resulting in an increasing number of lengthy service outages and unreliable service.

Javier Mendoza, vice president of Frontier Communications, made the admission in response to a growing chorus of complaints about rapidly deteriorating landline service in the state of West Virginia. Service has gotten so bad it prompted the senior senator from West Virginia to complain directly to Frontier CEO Dan McCarthy.

"In times of crisis, no one should ever have to think twice about whether he or she will be able to call for help," Sen. Joe Manchin (D-W.V.) wrote in [a letter](#) directed to McCarthy. "Unfortunately, I have been alerted of several instances where my constituents who utilize Frontier's landline service have not been able to complete calls due to service outages."

The West Virginia Public Service Commission is currently auditing Frontier's operations in the state after seeing "a large increase" in complaints about Frontier's service. Frontier has been the state's largest telecom company since 2010, when it acquired Verizon's wireline network in West Virginia.

According to some customers, service has been going downhill ever since.

"I don't always depend on it to work because I know it is probably not going to do that," Frontier customer Lawrence Gray [told](#) WSAZ-TV. "So it used to be a real shock when you picked it up and it didn't work. The other day when I picked it up and you couldn't get a dial tone, I was like well here we are again. It is the way it is."



Frontier is the dominant phone company in West Virginia.

Lawrence's wife Patrecia notes they are both in their 70s and are anxious about being able to reach 911 in an emergency. Frontier has experienced several 911 outages in West Virginia as well.

"If we ever want to call 911 and it is not working, what do you do because we have no call phone service here," Patrecia said.

The Gray family reports that it typically takes Frontier five to seven days to restore their phone service after an outage. That is unacceptable to Sen. Manchin.

"The safety of my constituents is my highest priority and the fact that so many of them are unable to do something as basic as calling 911 for assistance is unacceptable," Manchin wrote Frontier. "Access to phone service is not a luxury; it is a critical lifeline that could mean the difference between life and death and I implore you to resolve this problem within your company immediately."

Frontier's response, through Mendoza, is to blame the situation on the unprofitability of Frontier's landline network in rural West Virginia, after choosing to buy it nine years ago.

"Frontier serves only about ten percent of the state voice lines in its service area—and falling—but has 100 percent of the universal service obligation to serve the most rural and high-cost areas," Mendoza said in a statement. "Our customer base continues to decline, while the cost of service per line has increased dramatically. This has resulted in an unsustainable model for providing service in rural and high-cost areas, manifesting in increased numbers of service complaints. We plan to reach out to the state's leaders to collaboratively find solutions to this difficult challenge."

Those challenges may be more difficult than imagined, considering the frequent complaints received by the Public Service Commission about the ongoing service problems experienced by customers.

Doug and Patricia Stowers represent a case in point. The Stowers family lives in Griffithsville, an unincorporated community in eastern Lincoln County. The nearest cell phone coverage in this part of West Virginia is a 14-mile drive into the town of West Hamlin. A landline is essential in Griffithsville and many other parts of West Virginia where cell service is spotty at best. The only choice of provider is often Frontier Communications.



This branch was left hanging on Frontier's phone line... after a service call reporting branches on Frontier's cable was finished.
(Image courtesy of the Stowers family)

The Stowers family installed their landline in 2012. A single Frontier technician laid nearly one-quarter of a mile of phone cable, sections of which were laid on the ground next to the roadway.

"Since 2012, coverage has been sporadic. It took us a few service interruptions before we noticed a connection of when the county mowed [along the roadway] and the phone going out," wrote Patricia Stowers. "When we found a long section of main line had been laid along the edge of the road, we walked the road, and made sure the line was thrown over edge out of the reach of the mowers."

That is where Frontier's phone cable stayed, for years. In areas where the phone cable was hung above ground, tree limbs and brush often cover the line, even after Frontier dispatches repair crews to address the latest service outage. At one point, the family discovered parts of their phone cable were now exposed to the core. A Frontier technician temporarily "patched" the cable and then placed it back on the ground, this time at the bottom of a dry creek bed.

When the family reports service outages to Frontier, having patience is a virtue.

"When we call for repairs, we are scheduled three to seven days out. To me this is unacceptable," writes Patricia. "If we had a choice, trust me, we would not have phone service from Frontier, however, we are at their mercy."

An attorney for Frontier Communications in Charleston disputed parts of the Stowers family complaint, noting that each time the family reported an outage, the company dispatched a technician to repair the trouble and the family was given credit on their bill.

The attorney also noted that the service address in question was a "weekend/vacation residence." The cable lying in the creek bed was "not in service" and was "scheduled to be removed." Further, despite the Stowers' claims that branches were left laying on their phone line, the attorney claimed Frontier found only "a small branch lying on the 2-pair cable servicing the weekend/vacation residence" and it would be removed "with a pole saw."

Frontier routinely responds to service complaints filed with the PSC with this declaration:

Pending final resolution and dismissal of this matter, Frontier respectfully reserves all defenses and objections, including without limitation the right to demand strict proof of each and every allegation of the Complaint not expressly admitted in this Answer.

wsaz-huntington-leaders-and-customers-call-for-frontier-to-change-6-27-19-mp4

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WSAZ-TV in Huntington, W.V. reports Frontier's landline service in the state is deteriorating, and Frontier admits its rural phone service is "unsustainable." (2:41)

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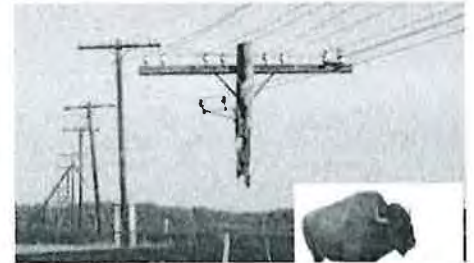
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4 Leave a Reply

EXHIBIT I

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Attorney for SRR Partners, LLC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of SRR Partners, LLC d/b/a Sorrel River Ranch Resort & Spa against Frontier Communications	Docket No. 19-041-01 SRR Partners, LLC's Third Set of Data Requests to Frontier Communications and Frontier's SUPPLEMENTAL Responses thereto
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DATA REQUESTS

Frontier incorporates herein by reference all previous general objections to SRR's data requests in this proceeding, as well as any applicable specific objections previously made.

3.2 Please provide the total annual revenues for all services Frontier has received from customers served by the Moab exchange for each of the past five years.

Response: Frontier objects to this data request to the extent that it seeks documents or information not collected or maintained in the ordinary course of business, and therefore requests information that would require a special study or analysis. Notwithstanding and without waiving those objections Frontier states: While the company does not maintain its financial records on an exchange basis, for purposes of this response, the company extracted estimated revenue information from its retail billing system based on the applicable geo-code utilized in the system for the application of certain taxes or fees, where applicable.

July - December 2014 (a)	\$1,518,215
2015	\$2,826,748
2016	\$2,585,559
2017	\$2,375,175
2018	\$2,096,457
January - June 2019 (b)	\$865,140

- (a) Oldest available data begins July 2014.
- (b) Includes credits to Castle Valley customers.

3.3 Please provide the total annual revenues for all services Frontier has received from customers in Castle Valley and Professor Valley for each of the past five years.

Response: Frontier objects to this data request to the extent that it seeks documents or information not collected or maintained in the ordinary course of business, and therefore requests information that would require a special study or analysis. Notwithstanding and without waiving those objections Frontier states: While the company does not maintain its financial records on an incorporated city or unincorporated county basis, for purposes of this response, the company extracted estimated revenue information from retail billing systems based on the applicable geo-code utilized in the system for the application of certain taxes or fees, where applicable. Professor Valley is not separately identified in Frontier's systems, so the data below may not include all customers with a Professor Valley address.

July - December 2014 (a)	\$100,652
2015	\$199,108
2016	\$194,902
2017	\$168,786
2018	\$151,190
January - June 2019 (b)	\$24,967

- (a) Oldest available data begins July 2014.
- (b) Includes credits to Castle Valley customers.

3.4 Please provide the actual rate of return Frontier has earned in Utah for each of the past five years.

Response: Frontier objects to this data request to the extent that it seeks documents or information not collected or maintained in the ordinary course of business, and therefore requests information that would require a special study or analysis. Notwithstanding and without waiving those objections Frontier states: The company does not routinely prepare calculations of state rates of return and such calculations would require the completion of a special study and analysis requiring of a number of assumptions. However, below is data from the company's Annual Report to the PSC reflecting the pre-tax net operating margin (revenue less expenses) for the total intrastate operations of Citizens Telecom Company of Utah. Based on the reported results for each year from 2014 – 2018, the company operated at a pre-tax net loss on a total intrastate basis.

Utah Operations Separated Statement of Income – Intrastate Operations

Net Operating Revenue Less Operations Expense (Loss)

2014 – (\$1,789,836)

2015 – (\$2,195,699)

2016 – (\$2,030,428)

2017 – (\$1,361,260)

2018 – (\$1,074,371)

3.5 Please provide the actual rate of return Frontier has earned from the Moab exchange for each of the past five years.

Response: Frontier objects to this data request to the extent that it seeks documents or information not collected or maintained in the ordinary course of business, and therefore requests information that would require a special study or analysis. Notwithstanding and without waiving those objections Frontier states: The company does not calculate rates of return for individual exchanges in the normal course of business and such calculations would require the completion of a special study and analysis consisting of a number of assumptions. However, the response to question 3.4 is based on data from the company's Annual Report to the PSC reflecting the pre-tax net operating margin (revenue less expenses) for the total intrastate operations of Citizens Telecom Company of Utah. Based on the reported results for each year from 2014 – 2018, the company operated at a pre-tax net loss on a total intrastate basis.

Submitted on behalf of Frontier this 8th day of August, 2019.



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EXHIBIT J

Where Will Frontier Communications Corporation Be in 5 Years?

The company hasn't been moving in the right direction lately.



Daniel B. Kline
Sep 16, 2018 at 8:17AM

Frontier Communications ([NASDAQ:FTR](#)) has been suffering since April 2016 when it spent \$10.54 billion to buy **Verizon's** wireline business in California, Texas, and Florida (CTF). That deal doubled the size of the company and helped it achieve over \$1 billion in cost-saving synergies. Unfortunately, an increase in cord cutting and customers wanting higher-end, cable-based internet, not phone-line based service, has seen Frontier lose customers in every quarter since the CTF purchase.

These two factors have forced Frontier to drop its dividend and conduct a reverse stock split to avoid being delisted from **Nasdaq**. Both of those were moves that extended the company's runway, but so far, the result could simply be a drawn out death rather than a quick one.





MORE CONSUMERS ARE CUTTING THE CORD AND THAT'S BAD FOR FRONTIER. IMAGE SOURCE: GETTY IMAGES.

How bad is the subscriber loss?

When the CTF deal closed, Frontier had 5.24 million residential customers and 528,000 business customers. At the close of the second quarter of 2018, the company claimed 4.67 million residential subscribers and 430,000 business customers. It has also seen its total revenue drop to \$2.16 billion from \$2.6 billion in Q2 2016.

The company has managed to slow the losses, but again, it's lost customers in every quarter since the Verizon deal was completed. CEO Dan McCarthy seemed encouraged by the slower loss trend in his remarks in the company's Q2 2018 earnings release, but he has made similarly optimistic remarks most quarters.

"We are pleased to have maintained good subscriber momentum despite facing typical second-quarter seasonal headwinds," McCarthy said. "Underlying trends should continue improving in the latter half of this year, once summer seasonality is behind us."

What happens next?

Frontier has steadily lost money, but at least in the last year, it's avoided taking on more debt, and has worked on refinancing its borrowings. The company closed the second quarter with \$1.42 billion in cash, cash equivalents, receivables, and other liquid assets. That's actually up from \$1.32 billion in the same period a year ago, although current liabilities have also increased during the period. The company's current ratio declined from an already weak 0.53 in Q2 2017 to 0.46 in the second quarter of 2018.

Basically, Frontier's management has done an good job controlling its expenses and has worked with its lenders to buy time. That's commendable, but it does not change how the story ends. There are three plausible scenarios.

The first and the most likely one is that Frontier eventually loses enough customers that it can't support its infrastructure. At some point, there's nothing left to cut, and no way to eek out more cost savings.

The second scenario is that a bigger company will purchase Frontier. That seems unlikely because while the company does have assets, it's hard to see why most players in this space would want a brand that's in decline.

The least likely scenario is that the company halts its subscriber loss and slowly

starts to add customers. That's not plausible because industry trends are moving in different directions and competition will only increase.

In five years, it's very likely Frontier Communications does not exist. It's possible the brand will live on under a new parent company, but Frontier as we know it now is shrinking its way to its end.

Stocks we like better than Frontier Communications

When investing geniuses David and Tom Gardner have a stock tip, it can pay to listen. After all, the newsletter they have run for over a decade, *Motley Fool Stock Advisor*, has quadrupled the market.*

David and Tom just revealed what they believe are the best stocks for investors to buy right now... and Frontier Communications wasn't one of them! That's right -- they think these stocks are even better buys.

[See the stocks](#)

*Stock Advisor returns as of June 1, 2019

Daniel B. Kline has no position in any of the stocks mentioned. The Motley Fool recommends Nasdaq and Verizon Communications. The Motley Fool has a disclosure policy.

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EXHIBIT K

Frontier Communications Corporation (FTR) Q2 2019 Earnings Call Transcript

FTR earnings call for the period ending June 30, 2019.



Motley Fool Transcribers
Aug 9, 2019 at 12:18AM

Frontier Communications Corporation

(NASDAQ:FTR)

Q2 2019 Earnings Call

Aug. 06, 2019, 4:30 p.m. ET

Contents:

- Prepared Remarks
- Questions and Answers
- Call Participants



Prepared Remarks:

Operator

Good day, ladies and gentlemen. And welcome to the Frontier Communications' Second Quarter 2019 Earnings Conference Call. [Operator Instructions]

It is now pleasure to introduce Vice President of Investor Relations, Luke Szymczak.

Luke Szymczak -- *Vice President of Investor Relations*

Thank you, operator. Good afternoon, and welcome to the Frontier Communications second quarter earnings call. My name is Luke Szymczak, Vice President of Investor Relations. With me today are Dan McCarthy, President and CEO; and Sheldon Bruha, Executive Vice President and CFO.

The press release, earnings presentation and supplemental financials are available in the Investor Relations section of our website, frontier.com/ir. During this call, we will be making certain forward-looking statements. Forward-looking statements, by their nature, address matters that are uncertain and involve risks, which could cause actual results to be materially different from those expressed in such forward-looking statements. Please review the cautionary language regarding forward-looking statements found in our earnings press release and other SEC filings.

On this call, we will discuss certain non-GAAP financial measures. Please refer to our earnings press release for how management defines these measures, certain shortcomings associated with these measures and reconciliations to the closest GAAP measures.

I will now turn the call over to Dan.

Daniel J. McCarthy -- *President and Chief Executive Officer*

Thank you, Luke. Good afternoon, and thank you for joining us. Please turn to slide 3. Although we made some progress in the second quarter the pace of improvement is not rapid enough and we fell short of several important objectives. At a high level, we have been challenged by ongoing revenue declines, content cost escalations, higher labor costs and other pressures across the business.

That being said our objective continues to be to optimize our business, leveraging our best assets for future growth, while managing the elements of our business in secular decline by executing on cost efficiency programs and selective capital investment.

I will start with the second quarter itself in which revenue was \$2.07 billion, down about 1.6% sequentially. Consumer revenue of \$1.05 billion declined by 2.5% sequentially, driven primarily by customer losses. Commercial revenue of \$922 million declined 1.1% sequentially driven by the SME portion of the business. The increase in consumer customer churn to 2.14% was a disappointment. In addition, consumer ARPC of \$88.68 was down sequentially.

Adjusted EBITDA of \$882 million increased 1% sequentially. Several factors contributed to this performance, including incremental benefits from transformation, the reversal of some of the Q1 seasonal expense pressure and reduced expenses as we restructured our commercial sales force. This quarter also reflects a seasonal trough and marketing spend and we anticipate an increase in marketing activities and costs in the second half of the year.

Movina to transformation. We attained \$40 million of transformation benefits in

...ing to transformation. We estimate a \$40 million of transformation benefits in the second quarter. This represents a \$26 million incremental improvement over the first quarter and we are now on track to attain benefits of \$110 million to \$150 million in calendar year 2019, as compared to the previous target of \$50 million to \$100 million. The \$40 million of transformation benefits in the second quarter equate to \$160 million annualized run rate. And we continue to anticipate exiting 2019 at \$200 million annualized run rate of transformation at EBITDA benefits.

We are reducing the target for \$500 million in annualized transformation EBITDA benefits we had set for exiting 2020 to a range of \$200 million to \$250 million.

While we are ahead of plan in achieving the cost reduction targets of the transformation program, we anticipate greater challenges in achieving improvements in revenue and customer trends. In late May, we announced the definitive agreement to sell our operations and assets in Washington, Oregon, Idaho and Montana for \$1.352 billion. Sheldon will discuss this, as well as our 2019 guidance in a few minutes.

Please turn to slide 4. Total broadband net losses were 71,000 in the second quarter. This represents a reversal of the improvement in copper broadband in the first quarter. In fiber, we were negatively impacted by seasonality, as well as the elimination of certain retention credits offered to customers in periods following the integration of the California, Texas and Florida properties.

In copper we experienced slower sales and higher churn. During the quarter we saw a deterioration of our author [Phonetic] channel performance. We continue to work with existing and new channel partners that have been added to increase efficiencies and effectiveness to improve our copper broadband unit trends. In Q2 we enabled 12,000 households through the CAF II program. We expect to enable more than 100,000 additional locations through the remainder of 2019. Copper churn was also impacted by seasonal trends and experienced higher loss levels due to competitive pressures.

Please turn to slide 5. We had a sequential uptick in consumer customer churn in the second quarter. Some of this was expected as a result of seasonality. Also the impact of the roll off of customer retention credits and expiration of older bundles had an adverse impact on customer save rates. We expect a lower level of this activity in the second half of the year.

Before I turn the call over to Sheldon, let me update you on the potential evolution of the FCC Connect America Fund. The FCC has announced the NPRM for the successor to CAF, which is named the Rural Digital Opportunity Fund. The RDOF program would dedicate over \$20 billion for broadband at up to gigabit

speeds in rural areas over the next decade. So far details of the plans appear consistent with our expectations that 25 megabit downlink and 3 uplink would be the base speed targets.

We are very comfortable with the aggregate monthly capacity requirements of 150 gigabit per month. We are also pleased to see that latency will be a consideration in the FCC evaluation proposals. Our current level of CAF II subsidy is approximately \$332 million per year and favorably impacts EBITDA. The CAF II program is currently expected to end at the end of 2021. It would be premature to speculate on the economics of any new program, but we do anticipate that the reverse auction approach may have terms that are less favorable to Frontier than the existing program. We intend to be part of the process with the FCC and look forward to receiving more details on the design of this plan as it proceeds.

Also in terms of our ongoing fiber network speed upgrades, we are nearing completion of this project. We have been upgrading all FiOS markets to 10 gigabit capability. Although this level of capability will primarily be used for commercial products, it will facilitate improvements in the consumer products family. As a result, we have introduced a new 500 megabit lead speed offer in FiOS markets starting in Q3.

Before I finish, I'd like to congratulate Sheldon on having been named Executive Vice President and Chief Financial Officer. I will now turn the call over to him to discuss our financial performance in more detail.

Sheldon Bruha -- *Executive Vice President and Chief Financial Officer*

Thank you, Dan and good afternoon, everyone. I will update you on our second quarter financial performance, as well as our outlook for the remainder of the year.

Could you please turn to slide 7. Second quarter revenue was \$2.07 billion, down 1.6% sequentially. With a loss in the second quarter of \$5.32 billion, let me call out several items related to this loss. First, we had a goodwill impairment of \$5.45 billion or \$4.93 billion net of tax. The impairment reflects among other things, our expectation of continued revenue declines because of pressures on the business, reduced expectations for the transformation program, the long term sustainability of our capital structure, a lower outlook for our overall industry and the cumulative impact of all these factors on business trends going forward. After this impairment we'll have \$276 million of goodwill remaining on the balance sheet and further impairments are possible as a result of ongoing reviews of the business and operations.

Second, we recognized a \$384 million loss on the anticipated sale of operations

and assets in Washington, Oregon, Idaho and Montana. Third, we had \$31 million in restructuring expenses. This compares to \$28 million in Q1. The Q2 amount includes approximately \$11 million for severance during the period and approximately \$60 million for other costs related to the transformation.

Net cash from operating activities in the second quarter was \$575 million. The increase from the first quarter level of \$282 million was primarily a result of the cyclicity of our cash interest payments. Our cash interest payments are significantly higher in Q1 and Q3 and lower in Q2 and Q4. So this result reflects our normal quarterly pattern.

We continue to execute well in managing expenses in the second quarter, adjusted operating expenses were \$1.185 billion, a 3.5% sequential decline. A key component this decline was the benefit achieved from our transformation program. In the second quarter we achieved a benefit that was \$26 million above the benefit achieved through the first quarter. Overall, when including the \$5 million transformation benefits it achieved in the fourth quarter of last year and the additional \$9 million dollars transformation benefits achieved in the first quarter, we've achieved a total of \$40 million of transformation benefits for approximately \$160 million on an annualized basis.

Second quarter adjusted EBITDA was \$882 million, a sequential increase of 1%. Revenue declined to \$34 million on a sequential basis. Offsetting this was the previously mentioned transformation benefits that yield a \$26 million sequential increase. Additionally, the second quarter benefited from some expenses being lower than originally estimated or accrued, as well as the deferral of certain investments and expenses, including delays in anticipated staffing. Normalizing for these, adjusted EBITDA would have been closer to \$872 million for the quarter. The adjusted EBITDA margin of 42.7% increased sequentially. And finally, our trailing fourth quarter operating free cash flow was \$592 million.

Please turn to slide 8. Looking at the components of revenue, Data and Internet services revenue was down slightly sequentially, driven by a decline in consumer which was partially offset by an increase in the wholesale portion of commercial. Once again both voice and video services revenues declined sequentially consistent with the past trends with the underlying business dynamics. Looking at the view of revenue by customer type, consumer revenue declined 2.5% sequentially. Let me step through the components of that decline. Data and Internet services revenue which accounts for slightly more than 40% of consumer revenue declined sequentially as a result of the second quarter subscriber declines.

Voice revenues continued to decline and the rate of decline accelerated slightly

Video revenue continues to decline and the rate of decline accelerated slightly during the quarter, partially related to the decrease in Universal Service Fund rates we charge and collect on behalf of the FCC. Video revenue also continues to decline. Although the churn rate in video has improved modestly from the result in the first quarter, this rate remains significantly elevated relative to the trends in prior years.

Likewise, the rate of video gross adds continues to decline as we continue to be successful in shifting our marketing efforts to deemphasizing video attachment as part of our broadband sales efforts. We anticipate continued declines in both video customers and video revenue. Moving to Commercial. Total commercial

revenue was down 1.1% sequentially. Wholesale, which represents slightly more than half of commercial revenue declined 0.5% sequentially driven by a decline in legacy circuits and voice that was partially offset by increases in Ethernet and other services.

Also wireless backhaul was down sequentially within the wholesale. We anticipate continued declines in wireless backhaul revenues which accounts for less than 3% of total company revenue. The SME portion of commercial revenue declined almost 2% sequentially. Voice represents about half of SME revenue. We anticipate that voice will continue to pressure SME revenue and so far we have been challenged in being able to offset this voice decline with new products. Lastly, regulatory revenues increased slightly sequentially.

Could you please turn to slide 9. Monthly consumer ARPC was \$88.68, a sequential decline of \$0.46. We continue to focus on base management as customers migrate off promotional packages. However, there are other factors that impact our reported ARPC. For example, customer disconnects the video services typically puts downward pressure on ARPC. In Q2 our video disconnect remained elevated was 46,000 net losses compared to an average quarterly net decline of approximately 30,000 during 2018.

A second example is disconnect with stand-alone consumer voice customers, which typically push ARPC higher because of stand-alone voice customers are normally priced well below our overall ARPC level. As such, the degree of impact on ARPC each quarter will depend on the rate of video disconnects and the rate of stand-alone voice disconnects.

Could you please turn to slide 10. Capital spending in the second quarter was \$275 million. The focus areas of our capital spending remain consistent with prior quarters. We are in the process of deploying 10 gigabit capability across our fiber footprint. This will support commercial activities by enabling an even more robust portfolio of Ethernet services and providing a roadmap for 5G

backhaul, as well as future proofing our consumer broadband services.

We continue our build outs for Connect America Fund, or CAF. We are also building fiber to the home in certain rural markets to a total of 19,000 locations and we are leveraging state funding programs for these builds. For the first half of the year, we incurred \$580 million of capital spending. We expect the second half capex to be slightly higher at approximately \$620 million, reflecting the increased ramp of our CAF build during the summer and fall periods. This brings our expected full year capex to approximately \$1.2 billion.

This is approximately \$50 million [Phonetic] higher than the original capex guidance, with over half of this increase related to higher than expected charges we are incurring from a California utility provider for poll sharing as they have accelerate the replacement of long age polls during 2019.

This guidance is based on expectation of normal storm activity during the second half. So any significant storm activity could cause an increase in capex. The guidance also excludes up to \$50 million of incremental and non-reimbursable spend for the disposal of the Northwest states, as we incur costs to stand up and isolate platforms and systems for the acquirer.

Could you please turn to slide 11. During the quarter we announced a definitive agreement to sell our operations and all associated assets in Washington, Oregon, Idaho, and Montana for \$1.352 billion in cash. These operations accounted for \$152 million in revenue in the second quarter, down from \$155 million in the first quarter. We received early termination of the heart Scott Rodino waiting period for this transaction. FCC and required state applications have been filed and the approval process is proceeding as planned and we continue to anticipate closing this transaction by the first half of 2020.

Could you please turn to slide 12. We are updating our 2019 guidance as follows. For the full year we expect adjusted EBITDA of approximately \$3.35 billion to \$3.42 billion. This guidance is based on continued revenue declines in the second half, additional cost in Q3 related to higher level of seasonal activity, as well as higher number of workdays in the second half. Investment in sales and marketing, including investments aligned with our new broadband speed offers on our fiber networks, all of which is partially offset by the benefits of our transformation program, which as Dan mentioned earlier we expect to be \$110 million to \$150 million for the full year.

As I mentioned before, we expect capital expenditures of approximately \$1.2 billion. We expect cash taxes of less than \$25 million. We expect cash pension

and OPEB of approximately \$175 million. In the first half of this year we provide- we provided \$77 million in funding and we're forecasting around numbers another \$100 million in the second half. We expect cash interest payments of approximately \$1.475 billion, \$712 million of which was incurred in the first half. And we expect operating free cash flow of approximately \$290 million to \$360 million.

Let me discuss some of the items that are impacting our operating-free cash flow expectations beyond the items I just mentioned. First, we have an approximately \$30 million payment in the third quarter of previously accrued expenses, resulting from changes in our arrangement with a consulting firm that was working with us on the transformation program. This cash payment was not an element of our 2019 cash flow guidance.

Second, we have about a \$30 million of cash costs related to the divestiture of the four Northwest states. Approximately \$50 million [Phonetic] is related to the incremental capex spend to stand up and isolate platforms and systems for the acquirer, I mentioned earlier, another \$50 million is related to third party professional advisors supporting the sale. This was also not an element of our 2019 cash flow guidance.

Lastly, we expect to have approximately \$30 million in a range of costs, primarily professional fees related to transformation and other activities that is not included in adjusted EBITDA. This was also not an element of our 2019 cash flow guidance. The company does not intend to provide any further commentary regarding its financial outlook going forward. And this includes making any further revisions to the guidance just provided.

Before turning the call back over to Dan to conclude, I want to touch briefly on our capital structure. The finance committee of the board of directors is evaluating Frontier's capital structure. This includes considering, evaluating and negotiating capital markets and/or financing transactions and/or strategic alternatives.

Frontier remains committed to reducing debt and improving its leverage profile. Additionally, and importantly as of June 30th 2019 the company had total liquidity of \$786 million, representing our unrestricted cash balances, plus amounts available under our revolver after excluding outstanding borrowings and letters of credit issued under the revolver.

I will now turn the call over to Dan for concluding remarks.

Daniel J. McCarthy -- *President and Chief Executive Officer*

Thank you, Sheldon. To conclude today's call. I want to reinforce that while we

Thank you, everyone, for considering today's call. I want to reiterate that while we face pressures on the business we remain focused on serving our customers. We continue to have strong capabilities. We are committed to innovation and are leveraging the immense talent across our organization to develop new solutions that will meet the evolving needs of all of our customers. Thank you all for joining the call today.

Questions and Answers:

Operator

Ladies and gentlemen, thank you for participating in today's conference. A replay of this call will be hosted on Frontier's Investor Relations website. [Operator

Closing Remarks]

Duration: 24 minutes

Call participants:

Luke Szymczak -- *Vice President of Investor Relations*

Daniel J. McCarthy -- *President and Chief Executive Officer*

Sheldon Bruha -- *Executive Vice President and Chief Financial Officer*

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