

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matters of Citizen Telecom Company of Utah d/b/a Frontier Communications

Docket Nos. 19-041-01, 19-041-2,  
and 19-041-4

**Frontier’s Response to Office of Consumers Services’ Request for Agency Action**

Citizens Telecom Company of Utah d/b/a Frontier Communications of Utah (“Frontier”) responds to the Utah Office of Consumers Services’ (“OCS”) Request for Agency Action in the above-styled dockets, and asks the Utah Public Service Commission (“PSC” or “Commission”) to deny OCS’s request on the grounds that it lacks any foundation, raises no issues not already within the scope of the Sorrel River Ranch complaint docket, and on jurisdictional and other grounds explained below.

To start, Frontier submits that the OCS has provided no evidence that Frontier has violated any PSC service quality rule to support their Request for Agency Action. Nor has the OCS referenced any Utah location outside Castle Valley where Frontier service quality has been the subject of a formal complaint or has been cited by DPU as violating a service quality rule. In fact, every cited basis for the Request for Agency Action stems from either the Sorrel River Ranch (“SRR”) formal complaint, or its companion complaint from Jayne May. Both of these customers were served by the same network. Frontier submits that its services in Castle Valley have been and continue to be fully scrutinized within the Sorrel River Ranch complaint docket, that the services there are unique in the sense of how they are delivered (in

part) by wireless microwave radios, that recent equipment changes have assured adequacy of service there, and that there is no basis for a broader investigation into regulated Frontier services elsewhere in Utah. There are zero formal complaints about Frontier service quality in Utah outside the Sorrel River Ranch and Jayne May complaints. OCS attempts to raise the inference that “systemic” service quality issues exist outside Castle Valley, but merely presents the allegations in the Sorrel River Ranch complaint to reach their unsupported conclusion that it is “likely” there are “systemic system deficiencies”. The questions of where these systemic system deficiencies exist, and exactly what the deficiencies might be, are not addressed in the Request for Agency Action. OCS is already involved in the current complaint dockets. If Frontier had violated a service quality rule elsewhere in Utah, presumably DPU Staff would have been aware of that violation and would have notified Frontier in the normal course of business. And such notice might have served as some foundation for a Request for Agency Action. But that notice does not exist, and there is no foundation for a broader examination of service quality. At least one of the services complained about (internet) in the SRR complaint docket is not subject to the Commission’s jurisdiction and/or the PSC’s service quality rules in any part of the State.

OCS can fully advocate for whatever relief they deem appropriate in the extant docket, and no new proceeding need be initiated, especially without a factual foundation for their naked speculation that service quality issues exist elsewhere in Utah. Frontier submits that it would be a waste of PSC, Company, and OCS resources to pursue a statewide service quality investigation when the OCS has offered not a shred of evidence that any customer outside Castle Valley has formally complained about service quality in the past three years.

The issue of whether Frontier is in compliance with the Service Quality for Telecommunications Corporations Rules and whether the Commission should institute

enforcement actions is also within the scope of the existing complaint docket. The question of contract terms between Frontier and customers in Castle Valley is also well within the scope of the complaint docket. OCS fails to mention that Frontier's tariffs have been filed with and approved by this Commission, and thus are presumptively just and reasonable. Nor did OCS challenge Frontier's filed tariff within the 15-day period required by the Utah Administrative Code § R746-405-2 E.4.b. OCS accuses Frontier of having ambiguous and/or contradictory language in its tariffs and Terms and Conditions, but fails to mention the fact that Frontier's Terms and Conditions of Business Service make it clear that if any tariff or written contract language runs contrary to language in the Terms and Conditions, the tariff or contract controls.<sup>1</sup>

Finally, the question of whether and in what amounts Frontier has issued customer credits is again completely within the scope of the current complaint docket and need not be addressed in a groundless duplicative proceeding. Attached to this pleading is Frontier Attachment 1, the Declaration of Kimberly S. Milligan. Ms. Milligan is Frontier's Director, Customer Support Escalations, and states that all customers affected by issues with Frontier's system in Castle Valley were credited for all amounts paid to Frontier for December 2018 through March 2019, including any fees and taxes paid. Sorrel River Ranch has received a breakdown per month of its credits by account as part of the discovery process in their complaint docket No. 19-041-01.

### **Conclusion**

This Commission should resist opening a second docket to investigate statewide Frontier service quality issues because the OCS has failed to identify even one issue they

---

<sup>1</sup> The Terms and Conditions of Frontier Business Services state: "Customer acknowledges that certain Services may be governed by a written agreement with Frontier or a tariff or price schedule filed with the Federal Communications Commission and/or the state public utilities commission. In the event of any inconsistencies between these terms and conditions and an applicable agreement or tariff, the agreement or tariff shall control except with respect to any matter addressed herein that is not in the applicable agreement or tariff, for which these terms and conditions shall control."

raised that cannot be dealt with in the already-existing docket. Moreover, OCS fails to identify any service quality issue(s) elsewhere in Utah. To initiate a separate docket to undertake a parallel investigation of Frontier is a duplicative waste of effort and resources for the Commission and all participants. Each and every issue raised by the OCS is already being investigated in the instant docket, and there is absolutely no need to replicate that effort in the absence of any other formal complaints.

RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of June, 2019.

Citizen Telecommunications Company of  
Utah d/b/a/ Frontier Communications of  
Utah

---

Name of Party



---

Signature on Behalf of Party

George Baker Thomson, Jr.

---

Name of Signer

Associate General Counsel

---

Title of Signer

Law Department  
1800 41<sup>st</sup> Street  
Everett, WA 98203

---

Address of Signer

425.261.5344

---

Telephone Number for Signer

[george.thomson@ftr.com](mailto:george.thomson@ftr.com)

---

Designated Email for Party

DOCKET NOS. 19-041-01, 19-041-02, and 19-041-04

I CERTIFY that on June 17, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Dave Ciani, Managing Director ([managingdirector@sorrelriver.com](mailto:managingdirector@sorrelriver.com))  
Elizabeth Rad, Owner ([erad237@gmail.com](mailto:erad237@gmail.com))  
Joerg Limper, General Manager ([gm@sorrelriver.com](mailto:gm@sorrelriver.com))  
Joshua Schaeffer, Operations Director ([operationsdirector@sorrelriver.com](mailto:operationsdirector@sorrelriver.com))  
Becky Oxner, Accounting Manager ([accounting@sorrelriver.com](mailto:accounting@sorrelriver.com))  
*Sorrel River Ranch*

Stephen F. Mecham, Attorney for Sorrel River Ranch ([sfmecham@gmail.com](mailto:sfmecham@gmail.com))  
*Counsel for Sorrel River Ranch*

Jayne Dillon May ([ejdillon@frontiernet.net](mailto:ejdillon@frontiernet.net))

Robin J. Toso-Condon ([robin.j.toso-condon@ftr.com](mailto:robin.j.toso-condon@ftr.com))  
Leslie Zink ([leslie.zink@ftr.com](mailto:leslie.zink@ftr.com))  
*Frontier Communications*

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))  
Justin Jetter ([jjetter@agutah.gov](mailto:jjetter@agutah.gov))  
Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))  
Steven Snarr ([stevensnarr@agutah.gov](mailto:stevensnarr@agutah.gov))  
*Assistant Utah Attorneys General*

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
[dpudatarquest@utah.gov](mailto:dpudatarquest@utah.gov)  
*Division of Public Utilities*

By USPS First Class Mail:

Office of Consumer Services  
160 East 300 South, 2nd Floor  
Salt Lake City, UT 84111



---

Shannon Lipp  
Legal Assistant

**Declaration of Kimberly S. Milligan**

I, KIMBERLY S. MILLIGAN, declare and state:

1. I am over the age of 18, and competent to testify to the matters set forth herein. I have personal knowledge of the matters testified to below, or am so testifying based on my review of official company records and my direct supervision of the preparation of the attached Exhibit detailing credits made to Frontier customers in the Castle Valley, Utah area.
2. I am an employee of Frontier Communications, and my job title is Director, Customer Support Escalations. My duties include supporting local markets in Utah and adjusting customer accounts when necessary to conform to agency, tariff, or other legal and regulatory requirements.
3. I am specifically familiar with the requirement to credit customers served by Frontier's microwave radio system in Castle Valley, Utah. Employees under my supervision completed the work to assure all customers affected by issues with this system were credited for all amounts paid to Frontier during the months of December 2018, and January, February, and March 2019. These credits included all fees and taxes paid, as well.
4. To the best of my knowledge and belief, all affected customers have been appropriately credited. Should any affected customer believe s/he did not receive appropriate credit, Frontier will work with that customer to explain which amounts were identified and credited, and will investigate any contention that those amounts were incorrect or improperly credited.
5. This concludes my declaration.



---

Kimberly S. Milligan

Subscribed and sworn to before me this 14 day of June, 2019.

Catherine M. Parker

Notary Public in and for the State of Texas

Commission expires April 30, 2020 (date)

