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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Citizen Telecom Company of Utah)	Docket No. 19-041-04
d/b/a/ Frontier Communications)	
)	Proposed Process
)	
)	
)	
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Pursuant to Utah Code §§ 54-10a-301, 54-4a-1, Utah Admin. Code r. 746-1 and the Utah Public Service Commission’s (“Commission”) June 28, 2019 Order, the Office of Consumers Services (“Office”) and the Division of Public Utilities (“Division”) submit this joint proposed process for adjudicating the Office’s Request for Agency Action, Docket No. 19-041-04 (“Office’s Request”), and the Division of Public Utilities’ (Division”) undocketed investigation (“Division’s Investigation”).

BACKGROUND

The Division’s Investigation and the Office’s Request are two of a number of cases dealing with telephone service provided by Citizen Telecom Company of Utah d/b/a/ Frontier Communications’ (“Frontier”) in Castle Valley, Utah. Two Consumer Complaints filed by Sorrel River Ranch Resort in Docket No. 19-041-01 (“Sorrel Complaint”) and by Jayne May in Docket No. 19-041-02 (“May Complaint”) initiated these related proceedings. On May 17,

2019, the Commission held a hearing on the Sorrel Complaint. During the hearing, Frontier's witness testified that new radio equipment planned to be in place a week after the hearing would solve all reliability problems with telephone service in Castle Valley. Hearing Transcript at pg. 72 ln. 3 to ln. 10; pg. 74 ln. 7 to 25.

Also, on May 17th, the Office filed its Request for Agency Action opening the Docket No. 19-041-04. Thereafter, the May Complaint was consolidated with the Office's Request and the Division initiated its own undocketed investigation pursuant to its own statutory authority. Utah Code § 54-4a-1(1)(c). After the Division opened its investigation, Frontier filed its Response to the Office's Request arguing that the request for the Commission to open an investigative docket should be denied. On June 22, 2019, the Office filed a Request for Leave to File a Reply and Proposed Reply noting, in part, that a recent pleading filed in the Sorrel Complaint docket contradicted Frontier's claim that new radio equipment solved the reliability problems with the telephone service in Castle Valley. On June 28, 2019, this Commission issued an Order denying Frontier's request to dismiss and requesting "the [Division] and the [Office], jointly or independently, submit a proposal as to the appropriate process and schedule for adjudicating this this Investigation Docket." Commission's June 28, 2019 Order in Dockets Nos. 19-041-01, 19-041-02, and 19-041-04 at pg. 1-2.

PROPOSED SCHEDULE AND PROCESS OF INVESTIGATION

Initially, the Office and the Division request that the Division's undocketed investigation be consolidated into Docket No. 19-041-04. This will allow parties more easily to monitor the investigation the Division is undertaking pursuant to Utah Code § 54-4a-1(1)(c), allow the parties to coordinate their efforts in the investigation, and allow the Commission to conduct a public investigation into all matters raised both by the Office and the Division.

Second, the Division and Office propose that the investigation take place in two phases. In the first phase, the parties will conduct discovery, including discovery into whether the recent equipment modification remedies the problems with telephone service in Castle Valley. The first phase should last until September 16, 2019 with ten days or best efforts to respond to discovery requests. This will allow sufficient time for the Division and Office to determine the scope of the issues related to the Frontier complaints and Frontier sufficient time to demonstrate that its new radio equipment resolve the problems with service quality. The Division and Office further request that the Commission schedule a second Status and Scheduling Conference for a time in mid-September agreeable to all parties to determine the manner to proceed in the second phase in light of the information learned in discovery, including whether the problems with service quality persist. The Division and Office plan to bring specific recommendations for the second phase to this Status Conference.

CONCLUSION

In sum, the Division and Office propose that the Division's undocketed investigation be consolidated in the Docket No. 19-041-04. That the investigation be conducted in two phases with the first phase lasting until September 16, 2019 in which the parties will conduct discovery. The proceeding for the second phase should be determined in a Status and Scheduling Conference in mid-September given the information learned in discovery, including whether the service quality problems continue.

Respectfully submitted, July 8, 2019.

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