

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Formal Complaint of Kimberly and David Boger (Cali Cochitta B&B) against Frontier Communications of America, Inc.	Docket No. 14-041-01 RESPONSE AND MOTION TO DISMISS
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On July 9, 2014, the Public Service Commission of Utah (“Commission”) issued a Notice of Filing and Comment Period in this matter, directing interested parties to submit comments by August 6, 2014. Frontier Communications (“Frontier”) hereby responds to the allegations made against it by Kimberly and David Boger (Cali Cochitta B&B) (“Complainants”). Frontier denies any alleged wrongdoings and moves to dismiss this formal complaint.

RESPONSE

1. In their formal complaint, dated July 3, 2014, the Complainants allege that Frontier ported their telephone number to Emery Telecommunications (“Emery”) only for landline usage, not for calls from cellphones and as a result, they lost several reservations because of the loss of phone service.¹

Response: Frontier is not aware of any method by which telephone numbers can be ported out to a competitive telecommunications provider for landline use only. Industry standard processes for local number portability (LNP) affect all calls made to that number, including calls from cellular phones. At 3:29pm MDT on 6/30/14 Frontier received an electronic order from Emery

¹ See Formal Complaint dated 7/3/14 at #3.

requesting to port out the Complainants' phone number, 435-259-4961². The order from Emery requested a due date of 7/1/14. Frontier's automatic electronic response to Emery was sent back to Emery at 3:30pm MDT on 6/30/14, confirming receipt of the service order and the requested 7/1/14 due date. Frontier processed Emery's order as requested on 7/1/14; however, for reasons unknown to Frontier, Emery did not take over the number via Neustar (the LNP Administrator) until 8:48am MDT on 7/2/14. During this time, callers trying to reach the Complainants phone number would have received an out-of-service message. If Emery had called Frontier, indicating they had a problem accepting the number or needed to change the due date, Frontier would have worked with them as we do with all other CLECs. Contact and escalation information for local service requests are clearly posted on our carrier services website; however, Emery never called. As a result, through no fault of Frontier, the Complainant was without telephone service for approximately one day. From Frontier's standpoint, Emery officially became the Complainants local service provider on 7/1/14 when Frontier processed their service order as requested. Any alleged loss of business the Complainants incurred as a result of the port-out process were the direct result of Emery not processing their end of the order on time.

2. The Complainants also allege that Emery Telecom was trying to port over the cell phone service but Frontier would not help them. They (Frontier) tied up the service – lack of service.³

Response: Again, Frontier is not aware of any LNP process that would port over a telephone number to a competitor and allow that number to receive only landline, or only wireless calls.

Emery did not contact Frontier after we processed the order on 7/1/14 to indicate there was any

² As noted in Frontier's response to the informal complaint (attached as Exhibit A), two additional telephone numbers were involved but, to simplify the response, are not included in the discussion here.

³ See Formal Complaint dated 7/3/14 at #4.

problem on their side. If they had called we would have worked with them to effect a smooth transition of service or to restore Complainants service until Emery was ready.

3. The Complainants request that Frontier be fined for non-compliance and illegally tying up the porting of their number and to reimburse them for loss of business.⁴

Response: Frontier followed standard industry practices and procedures in the port-out of the Complainants' telephone numbers to Emery Telecommunications. Frontier received an order from Emery, acknowledged it, and processed it on the date requested. The Complainant has not demonstrated that Frontier has violated any law, rule or other requirements in the State of Utah. Further, Complainant has not proved or quantified their alleged loss of business. If such a loss were to have occurred it is clearly Emery, not Frontier, that bears responsibility.

MOTION TO DISMISS

As noted in the responses above, the allegations made by the Complainant in this matter are baseless. Nowhere in their pleading do the Complainants establish when, or how, Frontier violated any statute or Commission rule. In fact, Frontier followed standard industry procedure and released the Complainants' numbers on the date requested. Thus, Complainants have failed to establish any grounds for the relief they seek and Frontier respectfully requests that the Commission dismiss the complaint.

⁴ See Formal Complaint dated 7/3/14 at #5.

Respectfully submitted this 1st day of August, 2014,



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Original + 5 Copies Filed

EXHIBIT A

FRONTIER'S RESPONSE TO INFORMAL COMPLAINT

Frontier Communications

Complaint Number: none

Company Code: n/a

Customer Name: Cali Cochitta B&B

Phone: 435/259-4961

Filed by: Kim Boger

Frontier has received the following complaint :

I live in Moab Utah and I am switching services over to Emery Telecom so that I have better internet and phone service. They have been trying to connect my service all day long and apparently they are at a standstill for all incoming calls from cell phones. Frontier is holding it up and any incoming calls from cell phones receive the message that states "this number is no longer in service". Guests who are trying to contact us to make reservations cannot reach us. I am losing business over this and it's not right... in fact it's criminal. Who is responsible for this and who is going to make it so that this does not happen and make them accountable for what they have done. Who will pay for my loss of business. I am completely irate and something needs to be done about this not just for me but for other people who make a decision to change their services.

Frontier has investigated the above statements and offers the following response:

The complaint was referred to our Carrier Service Center who advised of the following information:

- PON 4352594961 was sent to Frontier on 06/30/14 17:29 to port 4352594961 to Emery Telecommunications.
- Orders 56418685 and 56418686 were issued by automation with a due date of 07/01/14.
- Emery Telecommunications took the number via Neustar at 10:48am on 07/02/14.
- There were two other phones numbers billing with this telephone number, 435-259-8167 and 435-259-4964.
- Telephone number 435-259-8167 was being left on the account; therefore order 56418683 was placed to remove 435-259-4961 as the telephone number to bill together with.
- Telephone number 435-259-4964 was a distinctive ring number. Emery Telecommunications sent a separate PON 4352594964 on 06/30/14 17:14pm to take 4352594964. Order 56418662 was issued with a due date of 07/01/14. Emery took the number via Neustar at 10:48 AM on 07/02/14.
- The two telephones numbers would have been set on triggers for the due date of 07/01/14 and Frontier would have pulled the service out of our switch completely the morning of 07/02/14.
- Until Emery activated there would have been a disconnect message to all callers not just cell phones.
- It has been verified that both numbers are out of our switch.

07/03/14 10:53am I contacted Ms. Boger and attempted to explain the investigation above. She inquired stated "wouldn't Emery have known to take the number on July 1st?" I explained that per our Carrier Service Center that cell phone callers would have received a disconnect message until Emery activated the number in Neustar. She states that Emery had made a call to Frontier to determine why callers were receiving a disconnect message and this did not resolve the issue. She wants to know who will pay for their loss of business. I advised that the porting out was scheduled for July 1st as requested and that the investigation would be sent to the Public Service Commission for review. She then stated F*** off as she disconnected the call.

Frontier Specialist: Barbara Saunders	Department: Consumer Relations
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