

Informal Complaint Report

Index Number: 5662 **Company Name:** Frontier

CUSTOMER INFORMATION

Customer Name: Hilliard, Susan **Account Number:** 435-259-5680-0305-078
Other Contact Info: **Phone Number:** (206) 724-3394
Customer Address: 1000 Porcupine Ranch, Road 79 **Other Phone:**
Customer Address: **Email Address:** susanhilliard@yahoo.com
City: Castle Valley **State:** UT **Zip Code:** 84532

COMPLAINT INFORMATION

Type of Call: Complaint **Complaint Type:** Repair
Date Received: 5/18/2015 **Date Resolved:** 5/28/2015
Complaint Received By: Erika Tedder **DPU Analyst Assigned:** 0
Utility Company Analyst: Barbara Saunders
Company at Fault: **Actual Slamming Case:** **Actual Cramming Case:**

Complaint Description:

Here is an online complaint we received over the weekend:

DPU ONLINE COMPLAINT
UTILITY CUSTOMER
FROM: Susan Hilliard

PHONE: (206) 724-3394

EMAIL: susanhilliard@yahoo.com

SERVICE ADDRESS:
1000 Porcupine Ranch, Road 79 Castle Valley, UT 84532

INCIDENT DETAILS

UTILITY: Frontier Communications

ACCOUNT NUMBER: see below

COMPLAINT TYPE: Repair

COMPLAINT:

Account No. - 435-259-5680-0305-078 Frontier Communications (Frontier) has failed to restore landline service after service was interrupted years ago. I have repeatedly requested that Frontier restore landline service to the property, including in two recent letters dated April 14, 2015 and April 30, 2015, but Frontier has continually refused to restore landline service or provide a justification for its continued failure.

SUGGESTED RESOLUTION: Prompt restoration of landline service.

Complaint Response:

From: Saunders, Barbara <Barbara.SaundersScaccia@ftr.com>
Date: Wed, May 27, 2015 at 3:14 PM
Subject: RE: UT - Susan Hillard
To: Erika Tedder <etedder@utah.gov>

Informal Complaint Report

Hi Erika,

Is it possible to get a couple extra days on this complaint?

Thank you,

Barbara Saunders
Consumer Relations Specialist
West Region
barbara.saunderssaccia@ftr.com
877-433-3806 ext. 4194 (o)
585-262-9505 (f)

From: Saunders, Barbara <Barbara.SaundersScaccia@ftr.com>
Date: Thu, May 28, 2015 at 5:15 PM
Subject: Final Report on Utah PSC Complaint #5662 for Susan Hilliard
To: Erika Tedder <etedder@utah.gov>
Cc: "Lee, Kirk" <Kirk.Lee@ftr.com>, "Pittenger, Pam" <PAM.PITTENGER@ftr.com>, "Giles, Mike S. (Utah)" <Mike.Giles@ftr.com>

Erika,

See attached Final Report on Utah PSC Complaint #5662 for Susan Hilliard.

Please let me know if you have any questions.

Sincerely,

Barbara Saunders
Consumer Relations Specialist
West Region
Frontier Communications
877-433-3806 ext. 4194 (o)
585-262-9505 (f)
barbara.saunderssaccia@ftr.com

Complaint Number: 5662 Company Code: n/a

Customer Name: Susan Hilliard Phone: 435-259-5680
CBR : 206-724-3394

Frontier has received the following complaint :

Frontier Communications (Frontier) has failed to restore landline service after service was interrupted years ago. I have repeatedly requested that Frontier restore landline service to the property, including in two recent letters dated April 14, 2015 and April 30, 2015, but Frontier has continually refused to restore landline service or provide a justification for its continued failure.

SUGGESTED RESOLUTION: Prompt restoration of landline service.

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

Our records reflect that Ms. Hilliard established service with telephone number 435-259-5680 on March 5, 2007. A review of the account found that on October 3, 2009 Ms. Hilliard reported that a flood had knocked down her telephone pole and she had no dial tone for two weeks. Trouble ticket #591694 includes technician notes reflecting that the flood had washed away the pole; engineering was aware; and a temporary line was run to restore service. A credit in the amount of \$25.29 was applied to the customer's account for one month of service. Ms. Hilliard requested to disconnect service on September 22, 2010.

Ms. Hilliard only resides at this location a few months each year. She was/is served by approximately 4 to 5 miles of open wire, a very old technology, that is highly susceptible to weather, and storms took out 2 to 3 poles as well as the wire attached. At the time, service was temporarily restored by laying a drop wire on the ground but that too went out of service shortly thereafter following more storms. Since that time, the customer has been in contact with us on and off inquiring about when service might be restored. She is the only customer served by these facilities and the estimated repairs are \$80,000.

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The cost is too expensive to justify repair especially since the technology is so outdated, serves only one customer, and new right-of-way agreements will likely need to be obtained as well. Citizens Telecommunications Company of Utah Local Tariff reflects the following information (copy attached):

Under Tariff Schedule No. A-2 Outside Plant Facilities, the customer/applicant has the option to request Frontier to construct these new facilities; however, the customer would be responsible for most of the cost.

As an alternative, Frontier recommends the customer purchase a less costly satellite service option currently provided by Frontier.

May 28, 2015 3:51pm I contacted Ms. Hilliard and reviewed the response with her. She stated due to the monthly expense she probably would not go with the satellite service since she is only there a few months out of the year. She thanked me for calling.

Frontier Specialist: Barbara Saunders
Department: Consumer Relations
Telephone Number: 877 433 3806 ext. 4194
Fax Number: 585 262 9505

From: Thomson, George <george.thomson@ftr.com>
Date: Fri, Jul 10, 2015 at 12:05 PM
Subject: Your Correspondence re: Susan Hilliard
To: "nak@aterwynne.com" <nak@aterwynne.com>
Cc: "Saunders, Barbara" <Barbara.SaundersScaccia@ftr.com>, "etedder@utah.gov" <etedder@utah.gov>

Mr. Karman: Please see attached correspondence.

Regards,

George Baker Thomson, Jr.
Associate General Counsel
1800 41st Street, Suite N-100
Everett, WA 98203
425-261-5844
425-367-9130 (cell)
george.thomson@ftr.com

Via E-Mail
Nathan A. Karman, Esq.
1331 NW Lovejoy St., Suite 900
Portland, OR 97209-3280

Re: Susan Hilliard v. Frontier Communications
Complaint Number 5662

Dear Mr. Karman:

I am an Associate General Counsel representing Frontier Communications. I write in response to your June 18th, 2015 letter to Barbara Saunders regarding Susan Hilliard's complaint about service to her remote property in Castle Valley, UT. Please direct all further correspondence on this subject to my attention.

Frontier is bound by the filed rate doctrine to strictly follow its Utah Public Service Commission-approved tariff, which in pertinent part reads as follows:

A3 Obligation to provide service

B1 The utility's obligation to furnish service is dependent upon its ability to secure and retain without unreasonable expense suitable facilities and rights for the construction and maintenance of the necessary pole lines, circuits, and equipment.

Frontier's records reflect that Ms. Hilliard requested that Frontier disconnect her service on September 22, 2010. She had been served prior to that time with open wire, an obsolete technology. In the ensuing five years, storms have toppled several poles and the wire that was attached to the poles leading to her property has been damaged. Replacement of all unsafe poles and stringing new cable would have to be accomplished along the 4 to 5 mile length of the line, and Frontier has estimated that such replacement would cost approximately \$80,000. It is my understanding that certain right-of-way agreements will also have to be obtained or renewed, which may add additional cost to any attempt to restore service.

Given that Ms. Hilliard is the only customer seeking service from that line, Frontier's position is that the Company has no obligation to furnish service

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because construction and maintenance of suitable facilities (i.e., the poles and cable) would be unreasonably expensive, absent any agreement by Ms. Hilliard to pay amounts above the line extension allowance for the reconstructed facilities.

Frontier previously offered, and renews that offer, to furnish voice and/or data services to Ms. Hilliard via satellite. To date, Ms. Hilliard has declined that alternative. Please let me know if Ms. Hilliard reconsiders that position.

Sincerely,

George Baker Thomson, Jr.

CC: etedder@utah.gov

Additional Information:

05/27/2015:

Mr. Nathan Carman (ph 503-226-8632) called to inquire about status; Nathan claims to be Susan's attorney and they have not heard from Frontier. I advised Nathan that Frontier has asked for a few and been given additional days to investigate.

E.Tedder

05/29/2015:

I thanked Barbara/Frontier and closed the case. I forwarded a copy of the response to Susan Hilliard.

E.Tedder

From: Ana Dunwoody <axd@aterwynne.com>

Date: Thu, Jun 18, 2015 at 5:42 PM

Subject: Email sent on behalf of Nathan Karman re Complaint 5662 (Hilliard v. Frontier)

To: "barbara.saunderssaccia@ftr.com" <barbara.saunderssaccia@ftr.com>

Cc: Nathan Karman <nak@aterwynne.com>, "etedder@utah.gov" <etedder@utah.gov>, "susanhilliard@yahoo.com" <susanhilliard@yahoo.com>

Ms. Saunders:

Attached please find a letter from Nathan Karman regarding Complaint 5662 (Hilliard v. Frontier). Please contact Mr. Karman with any questions or concerns. Thank you.

Ana P. Dunwoody | Legal Assistant

ATER WYNNE LLP | 1331 NW Lovejoy Street, Suite 900 | Portland, OR 97209

Direct: 503-889-7966

axd@aterwynne.com | www.aterwynne.com

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Suite 900

1331 NW Lovejoy Street

Portland, OR 97209-3280

503-226-1191

Fax 503-226-0079

www.aterwynne.com

2267533/GR OWT H - M I N D E D L A W 1/NAK/105570-0002

Nathan A. Karman

Direct Dial: 503-226-8632

E-Mail: nak@aterwynne.com

June 18, 2015

Via E-Mail

Barbara Saunders (barbara.saunderssaccia@ftr.com)

Consumer Relations Specialist, West Region

Frontier Communications

Re: Susan Hilliard v. Frontier Communications

Complaint Number 5662

Dear Ms. Saunders:

I am an attorney at Ater Wynne LLP. We represent Susan Hilliard in the abovereferenced

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matter. As detailed in prior communications to Frontier Communications (“Frontier”), including the recent letter attached hereto as Exhibit 1, Ms. Hilliard has repeatedly requested that Frontier restore service to her property located at 1000 Porcupine Ranch, Road 79, Castle Valley, UT 84532 (the “Property”). Frontier continually ignored these requests, forcing Ms. Hilliard to take additional action. In particular, on May 18, 2015, Ms. Hilliard filed an informal complaint with the Utah Division of Public Utilities requesting that Frontier restore service, a copy of which is attached as Exhibit 2. In response, Frontier argued that it does not need to restore service because, according to Frontier, “the cost is too expensive to justify repair” and “new right-of-way agreements will likely need to be obtained as well.”

Ms. Hilliard not only questions the accuracy of these statements, but disagrees with Frontier’s understanding of its obligations under the Utah Public Utility Code. However, before pursuing additional actions—namely, requesting mediation and/or submitting a formal complaint to the Utah Public Service Commission (“PSC”)—Ms. Hilliard would like to offer Frontier a final opportunity to resolve this matter informally. To facilitate that process, Ms. Hilliard requests that Frontier provide Ms. Hilliard with all documents, which shall include, without limitation, all files, reports, notes, correspondence (including e-mail and memoranda), records, maps, cost estimates, and other documentation, whether in paper, electronic, or audio format, arising from or relating to the following:

- The October 3, 2009 interruption of service to the Property and subsequent repairs, including the investigation and repairs pursuant to Trouble Ticket #591694 and associated costs;
- The investigation of any subsequent (i.e., post October 3, 2009) service interruption to the Property and analysis of possible repairs, including, without limitation, all costs

Barbara Saunders

June 18, 2015

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2267533/1/NAK/105570-0002

related to the \$80,000 cost estimate discussed in Frontier’s response to Complaint Number 5662;

- New right-of-way agreements that Frontier believes will be need to restore service to the Property;
- Any PSC proceedings relating to service to the Property;
- Any other open wire used by Frontier in Utah; and
- Other circumstances where Frontier refused to restore service based on expense.

Ms. Hilliard hopes to resolve this matter without a formal PSC proceeding. However, she is prepared to file a formal complaint, in which case the documentation requested above would be discoverable. As such, if you do not send me responsive documents by July 10, 2015, Ms. Hilliard will pursue additional action to obtain the required service to her Property.

Thank you in advance for your anticipated courtesies, and feel free to call or e-mail with questions or concerns.

Very truly yours,

Nathan A. Karman

cc: Erika Tedder

Susan Hilliard

2194263/1/NAK/105570-0001

April 14, 2015

Mr. Larry G. Bowen

Construction Control Supervisor UT

Frontier Communications

40 W 100 N

Tremonton, UT 84337

Re: Restoration of Service to 1000 Porcupine Ranch Road, Castle Valley, UT

Dear Mr. Bowen:

I am the owner of the above-referenced property (the “Property”). As you are aware, the landline phone service at the Property was interrupted a few years ago, apparently because of weather-related events. I previously requested that Frontier Communications (“Frontier”) restore landline service to the Property, but Frontier refused to do so. Frontier has identified no basis for failing to restore the landline service, and in preliminary conversations with the Utah Division of Public Utilities (“Division”), Division personnel were also unaware of any such basis for a public utility to decline to restore and provide service.

Because our prior discussions regarding this matter have not been in writing, I wanted to write here and ask that you please advise whether Frontier will restore landline telephone service to the Property. I ask that you please do so by April 24, 2015, and also advise your timeline for restoring service. You may write me at:

Susan Hilliard

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c/o Todd Mitchell
Ater Wynne LLP
1331 NW Lovejoy St., Ste. 900
Portland, OR 97209

Thank you.

Sincerely,
Susan Hilliard

Exhibit 1

1

DPU ONLINE COMPLAINT

UTILITY CUSTOMER

FROM: Susan Hilliard

PHONE: (206) 724-3394

EMAIL: susanhilliard@yahoo.com

SERVICE ADDRESS:

1000 Porcupine Ranch, Road 79 Castle Valley, UT 84532

INCIDENT DETAILS

UTILITY: Frontier Communications

ACCOUNT NUMBER: see below

COMPLAINT TYPE: Repair

COMPLAINT:

Account No. - 435-259-5680-0305-078 Frontier Communications (Frontier) has failed to restore landline service after service was interrupted years ago. I have repeatedly requested that Frontier restore landline service to the property, including in two recent letters dated April 14, 2015 and April 30, 2015, but Frontier has continually refused to restore landline service or provide a justification for its continued failure.

SUGGESTED RESOLUTION: Prompt restoration of landline service.

TECH INFO

BROWSER: Google Chrome 42.0.2311.152

PLATFORM: Windows

SCREENRES: 1280 x 1024

IP: 66.193.100.82

FORM: /compform.html

Exhibit 2

From: Saunders, Barbara <Barbara.SaundersScaccia@ftr.com>

Date: Fri, Jun 19, 2015 at 10:03 AM

Subject: RE: Email sent on behalf of Nathan Karman re Complaint 5662 (Hilliard v. Frontier)

To: Ana Dunwoody <axd@aterwynne.com>

Cc: Nathan Karman <nak@aterwynne.com>, "etedder@utah.gov" <etedder@utah.gov>, "susanhilliard@yahoo.com" <susanhilliard@yahoo.com>

Ms. Dunwoody,

Thank you for your email and the attached letter.

I have forwarded this on to our Legal Counsel and Regulatory Manager for Utah.

Sincerely,

Barbara Saunders

Consumer Relations Specialist

West Region

barbara.saundersscaccia@ftr.com

877-433-3806 ext. 4194 (o)

585-262-9505 (f)

From: Nathan Karman <nak@aterwynne.com>

Date: Wed, Jul 22, 2015 at 2:57 PM

Subject: RE: Your Correspondence re: Susan Hilliard

To: "Thomson, George" <george.thomson@ftr.com>

Cc: "Saunders, Barbara" <Barbara.SaundersScaccia@ftr.com>, "etedder@utah.gov" <etedder@utah.gov>

Mr. Thomson:

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Thank you for your response. Unfortunately, Frontier failed to include the information requested that would support its factual claims, many of which Ms. Hilliard disputes, and the satellite service Frontier offers is unacceptable. As a result, Frontier has left Ms. Hilliard with no real option aside from filing a formal complaint with the Public Service Commission, which she intends to do.

Best,

Nathan

Nathan A. Karman | Attorney
ATER WYNNE LLP | 1331 NW Lovejoy Street, Suite 900 | Portland, OR 97209
Direct: 503-226-8632
nak@aterwynne.com | www.aterwynne.com

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