



GARY HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THOMAS BRADY
Deputy Director

CHRIS PARKER
Director, Division of Public Utilities

MEMORANDUM

DATE: September 28, 2015

TO: Public Service Commission

FROM: Division of Public Utilities
Chris Parker, Division Director
Marialie Wright, Customer Service Manager
Erika Tedder, Office Specialist

RE: Susan Hilliard v. Frontier Communications
Docket No. 15-041-01

Recommendation: Schedule a Hearing

Complaint History:

On May 18, 2015, Ms. Susan Hilliard submitted an online informal complaint to the Division of Public Utilities (Division) against Frontier Communications of America, Inc. (Company) regarding an unresolved service dispute.

Ms. Hilliard states that after repeated requests, the Company failed to restore landline service to her property following a service interruption in 2009 due to apparent weather-related events. On June 18, 2015 Ms. Hilliard requested an additional opportunity to resolve this issue informally after the Company had responded. She requested discovery documents regarding the background and investigation of the aforementioned service interruption.

Company Response:

Barbara Saunders, the Company's Consumer Relations Specialist, responded to Susan Hilliard's informal complaint on May 28, 2015. Ms. Saunders stated, "Our records reflect that Ms. Hilliard established service 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. ...[T]echnician notes reflect[ing]

that the flood had washed away the pole; engineering was aware; and a temporary line was run to restore services. ...Ms. Hilliard requested to disconnect service on September 22, 2010.”

The temporary line was damaged and went out of service following more storms. The Company states that the estimated cost of repairs is \$80,000, including four to five miles of line, replacement of poles, and stringing new cable. The Company states that Ms. Hilliard resides at this location a few months each year, and is the sole customer served by an open wire of “very old technology.” Because of the expense, and a new right-of-way agreement that would likely need to be obtained, the Company feels the cost is unjustified because it serves “only one customer.”

In response to Ms. Hilliard’s discovery request on June 18, 2015, the Company responded on July 10, 2015 that it is “bound by the filed rate doctrine to strictly follow its Utah Public Service Commission-approved tariff...” The item the Company referenced supporting this action was A3 Obligation to Provide Service, which determines the utility’s obligation to furnish service if the ability to secure and retain service is without unreasonable expense.

Division Review and Recommendation:

The Division recommends the Public Service Commission (Commission) hold a hearing so that all of the evidence and sworn testimony can be brought before the Commission and evaluated to determine the eligibility, cost, and responsible payor of the service restoration.

The Commission may be presented with arguments concerning Ms. Hilliard’s disconnected service in 2010 and how disconnection affects the current request of service. The Commission may also consider whether this situation is eligible for Universal Service Fund (USF) one time distribution. The Commission may further wish to consider to what extent the Telecommunication Act of 1996’s Universal Service goals apply to Ms. Hilliard’s situation.