

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Formal Complaint of Wyndee Hansen dba Hole N’ The Rock Inc. v. Frontier Communications	Docket No. 15-041-02  ANSWER AND MOTION TO DISMISS OR STAY
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Citizens Telecommunications Company of Utah, Inc., dba Frontier Communications of Utah, (Frontier) respectfully submits this answer to the formal complaint of Wyndee Hansen dba Hole N’ The Rock Inc. (Complainant), and moves the Public Service Commission of Utah (PSC or Commission) to dismiss the complaint, or in the alternative, stay all proceedings regarding this complaint because the relief sought by the Complainant is scheduled to occur on or before January 31, 2016.

**INTRODUCTION AND BACKGROUND**

Complainant runs a tourist attraction business and subscribes to both business and residential basic services with Frontier. In her formal complaint, Complainant alleges that her service is “inadequate”, and gives some anecdotal information regarding static and clicking on her lines, without giving dates or identifying which of her several lines (business or residential) are affected. Complainant acknowledges the isolated geography of her business location and admits that Frontier has restored service on those occasions where Complainant was out of service. The formal complaint establishes that the Complainant has received several out-of-service credits on her account. Complainant also alleges a conversation “last summer” with “Emery telecom” whereby unnamed Emery employees or representatives refused to serve her because “Frontier had a monopoly on the phone lines here.” Frontier has also responded to two

prior informal complaints, most recently on October 15, 2015, and the commitment was made to upgrade Complainant's service facilities "by the end of January 2016."<sup>1</sup> Frontier stands by that commitment.

### **ARGUMENT**

It should be sufficient that Frontier made the commitment to upgrade the Complainant's facilities by a date certain on the record in the Informal Complaint phase of this proceeding. Frontier's commitment fully grants the Complainant's requested relief. However, the Division of Public Utilities chose to ignore that fact in recommending the Complainant file a formal complaint and further, that this matter go to hearing. Nevertheless, Frontier reiterates that commitment here. Frontier will make the necessary installation of optronics/electronics, fiber cable and other equipment to upgrade Complainant's service by or before January 31, 2016. Frontier's estimated and budgeted cost for this upgrade is \$26,806.51, which underscores Complainant's misunderstanding and mischaracterization of the time and resources required to do what she describes as a simple "fiber hookup". Frontier suspects that Emery's reported reluctance to provide the Complainant service has more to do with the amount of required capital investment and design engineering costs than some vague, factually incorrect statement that Frontier "has a monopoly" on service to the Complainant.

Frontier contends that the Division of Public Utilities' recommendation for an evidentiary hearing should be evaluated in light of the commitment made both here, and in Frontier's response to the informal complaint. The Commission should expend no more of its time and resources to schedule a hearing or continue these proceedings when Frontier has pledged twice in the record to grant Complainant's relief.

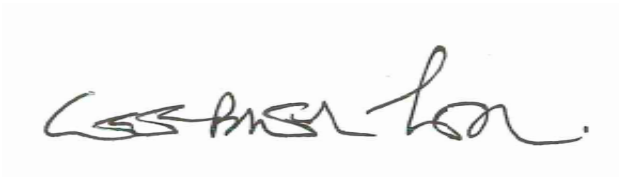
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<sup>1</sup> Informal Complaint Report, Index Number 5802, dated 10/15/2015, p. 2.

## CONCLUSION

Based on Frontier's renewed commitment to grant Complainant's requested relief on or before January 31, 2016, Frontier respectfully moves the Commission to dismiss this formal complaint, or in the alternative, suspend any further proceedings.

Respectfully submitted this 2<sup>nd</sup> day of December, 2015,



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