
BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Formal Complaint of
Wyndee Hansen, dba Hole N' the Rock, Inc.
against Frontier Communications

DOCKET NO. 15-041-02
ORDER ON MOTION TO EXTEND STAY

ISSUED: March 1, 2016

I. Procedural History and Parties' Positions.

On November 2, 2015, Wyndee Hansen, dba Hole N' the Rock, Inc. (Ms. Hansen) filed a formal complaint against Frontier Communications (Frontier), a public telecommunications utility. Ms. Hansen alleged that her telephone landline has frequently been out of service over the past several years, resulting in uncertain access to 911 support and intermittent ability to process credit card sales. In addition, Ms. Hansen alleged that Frontier has run fiber cable lines through her property, but has so far refused to migrate her service to the newer technology. Instead, Ms. Hansen alleges that Frontier has made repeated, but failed, attempts to restore service through the older, unreliable infrastructure.

On December 3, 2015, Frontier answered Ms. Hansen's complaint. In its answer, Frontier stated that the company could commit to January 31, 2016 as the "date certain" by which it would "make the necessary installation of optronics/electronics, fiber cable and other equipment to upgrade [Ms. Hansen's] service."

Based on Frontier's assurance that January 31, 2016 was the "date certain" by which the service issues would be resolved, Ms. Hansen agreed to a stay of further administrative proceedings. On January 6, 2016, the order of stay was issued, and Frontier was given a February 8, 2016 deadline "to file in this docket a report stating the steps the company has taken to resolve Ms. Hansen's service issues and the degree to which those issues have been corrected."

DOCKET NO. 15-041-02

- 2 -

The Public Service Commission (Commission) received Frontier's report on February 9, 2016. In its report, Frontier represented that the company had not been able to complete the project. Frontier stated that it approved the budget for the project on January 7, 2016 and ordered the necessary materials on January 8, 2016. Although some materials were delivered on January 20, 2016, several key components were missing. In addition, on February 2, 2016, Frontier learned that the equipment cabinet the company had planned to use for Ms. Hansen's system was no longer available, which circumstances would further delay the project. Even so, Frontier recommitted to resolving the service issues when possible. Therefore, Frontier requested an indefinite stay of these administrative proceedings.

On February 10, 2016, Ms. Hansen filed with the Commission an objection to Frontier's motion for an indefinite stay.¹ In her objection, Ms. Hansen argued that Frontier's delays are unreasonable. Specifically, Ms. Hansen emphasized that Frontier first promised to upgrade her system in 2013, but failed to do so. In addition, Ms. Hansen questioned whether Frontier is delaying her upgrade in order to prioritize certain commercial projects.

On February 29, 2016, Frontier filed a final reply in support of its motion for an indefinite stay. In the final reply, Frontier represented that it hopes to receive the necessary materials within the next five weeks and will require an additional four weeks thereafter to complete the project.

¹ Ms. Hansen's objection was served on Frontier on February 22, 2016.

II. Analysis.

We note some inconsistencies between Frontier committing—on December 3, 2015—to a January 31, 2016 "date certain" completion deadline, but then not ordering materials until January 8, 2016, three weeks and two days before the promised deadline. Given these facts, we find that Frontier has not established good cause for an indefinite stay. Further, given the lengthy period of time in which Ms. Hansen alleges to have received unreliable service, we conclude that we must move forward with our statutory obligation to hear Ms. Hansen's complaint.

ORDER

Frontier's motion for an indefinite stay is denied. The stay issued January 6, 2016 is lifted.

The hearing in this matter will take place on **Thursday, March 17, 2016**, beginning at 9:00 A.M. in the Fourth Floor Hearing Room 451, Heber M. Wells Bldg., 160 East 300 South, Salt Lake City, Utah. At hearing, the presiding officer will take evidence as to a reasonable completion deadline and issue an order accordingly, with any violation of that deadline being subject to sanction under Utah Code § 54-7-25.

Individuals wishing to participate in the hearing by telephone should contact the Public Service Commission two days in advance at (801)530-6716 or (toll free) 1-866-PSC-UTAH (1-866-722-8824). Participants attending by telephone should then call the Public Service Commission at one of the numbers posted above five minutes before the hearing to ensure participation.

DOCKET NO. 15-041-02

- 4 -

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify the Commission at 160 East 300 South, Salt Lake City, Utah, 84114, (801)530-6716, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, March 1, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed March 1, 2016 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#272086

CERTIFICATE OF SERVICE

I CERTIFY that on March 1, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Wyndee Hansen
Hole N' The Rock, Inc.
11037 So. Highway 191
Moab, UT 84532

By E-Mail:

R. Kirk Lee (kirk.lee@ftr.com)
Frontier Communications

Brett N. Anderson (bretta@blackburn-stoll.com)

Vicki Baldwin (vbaldwin@parsonsbehle.com)

Sharon Bertelsen (bertelsens@ballardspahr.com)

Larry Bowman (larry.bowman@charter.com)

Brian W. Burnett (brianburnett@cnmlaw.com)

(cflregulatory@chartercom.com)

Eddie L. Cox (ecox@cut.net)

William J. Evans (bevans@parsonsbehle.com)

James Farr (james.farr@centurylink.com)

Amy Gross (agross@tminc.com)

Alan Haslem (ahaslem@mleainc.com)

Ray Hendershot (ray.hendershot@beehive.net)

William Huber (William.huber@questar.com)

Bill Hunt (williamp.hunt@dish.com)
David R. Irvine (Drirvine@aol.com)
Kristin L. Jacobson (Kristin.l.jacobson@sprint.com)
Brock Johansen (bjohansen@emerytelcom.com)
Dawn Kubota (kubotad@ballardspahr.com)
Jasen Lee (jlee@desnews.com)
Shirley Malouf (srmalouf@stoel.com)
Jennifer H. Martin (jhmartin@stoel.com)
Steve Mecham (sfmecham@gmail.com)
Roger Moffitt (roger.moffitt@att.com)
Gregory Monson (gbmonson@stoel.com)
Sharon Mullin (slmullin@att.com)
Thorvald Nelson (tnelson@hollandhart.com)
Janice Ono (Janice.ono@att.com)
Sheila Page (spage@utah.gov)
Mike Peterson (mpeterson@utahcooperatives.org)
Pam Pittenger (pam.pittenger@ftr.com)
Jenny Prescott (jenny.prescott@allwest.com)
Bruce Rigby (bruce@ucmc-usa.com)
Gary Sackett (gsackett@joneswaldo.com)
Kira Slawson (kiram@blackburn-stoll.com)

DOCKET NO. 15-041-02

- 7 -

Alan L. Smith (alanakaed@aol.com)

Ted D. Smith (tsmithlaw@earthlink.net)

Kendra Thomas (kthomas@kfrservices.com)

Bruce H. Todd (btodd@stratanetworks.com)

Jake Warner (jakew@beehive.net)

James H. Woody (jwoody@union-tel.com)

John Woody (jwoody@union-tel.com)

Union Telephone Company

Patricia Schmid (pschmid@utah.gov)

Justin Jetter (jjetter@utah.gov)

Rex Olsen (rolsen@utah.gov)

Utah Assistant Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant