
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

ISSUED: March 17, 2016

I. Procedural History.

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, according to Ms. Hansen's allegations, 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."

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.

The parties briefed Frontier's motion for an indefinite stay and, on March 1, 2016, the Commission denied the motion, stating:

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.

The presiding officer held the informal hearing in this docket on March 17, 2016. Ms. Hansen appeared and represented herself. Frontier appeared through counsel R. Kirk Lee, accompanied by several representatives of Frontier, including Mike Giles, general manager.

II. Parties' Positions.

At hearing, Frontier represented that it has been working on the project at Ms. Hansen's property and has made the necessary arrangements to complete the fiber upgrade by April 15, 2016.

Ms. Hansen agreed to April 15, 2016 as a reasonable deadline for completion.

ORDER

Based on the foregoing, the Commission orders Frontier Communications to upgrade Ms. Hansen's telecommunication service and migrate it to the company's fiber network no later than April 15, 2016. Any violation of the April 15, 2016 deadline may be subject to sanction under Utah Code § 54-7-25.

DATED at Salt Lake City, Utah, March 17, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed March 17, 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#272512

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on March 17, 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)

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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