

Citizens Telecom Company of Utah d/b/a Frontier Communications of Utah (“Frontier”) responds to the Utah Office of Consumer Services’ (“OCS”) Petition for Review or Rehearing of April 24, 2020 Order Denying Motion to Compel Compliance with the Public Service Commission of Utah’s November 27, 2019 Order Granting in Part Motion to Compel¹(the “Petition”) in the above-styled dockets, and asks the Utah Public Service Commission (“PSC” or “Commission”) to deny OCS’s Petition. As set forth below, the Commission properly ruled that Frontier’s supplemental response to OCS’s DR 2.8 is complete.

ARGUMENT

In continuing its claim that Frontier has failed to respond to DR 2.8, OCS once again faults Frontier for not stating that the spreadsheet it produced in response to OCS DR 2.7 “included reports of problems communicated to Frontier from sources other than the 800 number at that time.”² But this assertion is both factually incorrect and fundamentally misleading and cannot serve as a basis for now claiming that the Commission abused its discretion.

It is factually incorrect because Frontier produced multiple spreadsheets in response to DR 2.7 and did label at least one of them as being responsive to both OCS DR 2.7 and 2.8. In particular, the Excel spreadsheet that Frontier produced as FTR-000008, which included relevant data on all trouble reports from customers in Castle Valley for 2012, 2013, and 2014, was labeled “2.7 and 2.8 DR2 2012_2014 tickets by exchange CTC UT (FTR-0000008).”

More broadly, OCS’s assertion is fundamentally misleading. OCS DR 2.7 requested data relating to “all” trouble reports from customers in Castle Valley from 2012 forward, and not trouble tickets originating just from a particular path, such as the 800 number or emails. Thus, Frontier’s response to OCS DR 2.7 necessarily included trouble reports communicated to

¹ OCS’s Motion to Compel Compliance with the Public Service Commission of Utah’s November 27, 2019 Order Granting in Part Motion to Compel is hereinafter referred to as the “Second Motion to Compel.”

² Petition, p. 4.

Frontier from any source, and not just the 800 number.

Moreover, contrary to OCS's oft-stated claim, Frontier did not wait until its response to OCS's Second Motion to Compel to explain that Frontier accepts complaints and/or trouble reports from a variety of sources including (but not limited to) voice calls, via email, through live chat, social media channels, and by U.S. Mail.³ Instead, Frontier has consistently stated this fact both in its discovery responses and in response to OCS's multiple motions to compel. Indeed, Frontier's original response to DR 2.8 on August 19, 2019 expressly noted that: "Customers may contact Frontier by phone, by cell phone, via email, through a real-time chat, or via social media to report complaints or issues with service."⁴ And when responding to OCS's first motion to compel on October 16, 2019, Frontier explained to the Commission that: "Frontier has previously responded to OCS that it accepts complaints and/or trouble reports from a variety of sources including (but not limited to) voice call reports, via email, through live chat, social media channels, and by US Mail."⁵

Similarly, despite what OCS continues to claim, Mr. Giles did not "unambiguously testif[y] that Frontier does not keep records of service problems communicated to Frontier by emails or means other than the designated 800 number."⁶ As Frontier has explained *ad nauseum*, Mr. Giles was testifying in a proceeding then limited to an examination of Sorrel River Ranch's ("SRR") specific formal complaint. In doing so, he was discussing specific SRR customer emails and was not answering the question in the broader context of Frontier's statewide process for receiving notice of trouble or other service issues.

³ Id., pp. 4-5.

⁴ *Frontier's Responses to Second Data Request to Citizens Telecom of Utah August 1, 2019*, Response to DR 2.8 (which was served on August 19, 2019 and was attached to OCS's October 1, 2019 *Motion to Compel Answers to OCS Second Set of Data Requests* as Ex. B).

⁵ *Frontier's Response to OCS's Motion to Compel*, p. 5 (October 16, 2019).

⁶ Petition, p. 3.

Indeed, it is undisputed that Frontier has produced all Utah trouble report records from 2012 to the present responsive to this DR. Beyond that, Frontier has also provided a list of complaints to OCS through responses to discovery propounded by SRR. Frontier is not required to track the route a trouble ticket follows or provide non-required data in a manner desired by the OCS for its convenience in litigation. Frontier is required to produce relevant and responsive documents held in its system of records, which it did by producing the trouble tickets. Because Frontier satisfied its discovery obligations, the Commission properly denied OCS's Second Motion to Compel.

CONCLUSION

Frontier respectfully urges the Commission to deny OCS's Petition. OCS clearly overreaches in their contention that Frontier must provide responses in a specific format other than that in which they exist in a Frontier system of records, and provides no citation to law or rule support their position. OCS is not entitled to demand that Frontier produce data it is not required to keep. Nor is Frontier required to provide a special study or analysis in a discovery response to a litigation opponent. OCS's dissatisfaction with answers provided by Frontier does not provide a basis for OCS to compel the answer they would like, particularly in instances where OCS has failed to provide any shred of Utah authority. Frontier prays that the petition be denied for the reasons stated in this response, and in its specific arguments *supra*.

RESPECTFULLY SUBMITTED this 10th day of June, 2020,

Citizens Telecommunications Company
of Utah d/b/a Frontier Communications of
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DOCKET NOS. 19-041-01, 19-041-02, and 19-041-04

I CERTIFY that on June 10, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

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