



Docket No. : 19-041-02 , Jayne Dillon May's Formal Response to Frontier Communications Answer to Complainant.

1 message

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To: PublicService Commission <psc@utah.gov>

Wed, May 1, 2019 at 6:25 AM

Please find below the Complainant's Reply to Frontier Communications Answer to Formal Complaint, Docket No.: [19-041-02](#). This response is filed with the Public Service Commission of Utah prior to the complainant deadline of Thursday, May 2, 2019.

Ladies and Gentlemen,

Thank you for this opportunity to respond to Frontier Communications ("Frontier", or "Company") formal answer of April 17, 2019. I am grateful for the continuing investigative oversight of the Public Service Commission of Utah ("PSC", or "Commission") regarding issues raised in the formal complaint of March 18, 2019. I am also grateful for the recommendation of the Utah Division of Public Utilities ("DPU") that the original informal complaint merits further, continuing investigation by PSC.

This response is founded on five areas that are within the oversight and protections afforded to utility customers under FCC and Utah state tariffs that regulate permitted utilities in this state, they include, but are not limited to: Frontier's corporate and regional management failure to respond in a manner to promptly restore reliable service from the outage caused by an elective system upgrade, prolonged the outage duration and risk-exposure to the residents of Castle Valley and surrounding resorts and ranches; Frontier's lack of an effective company-wide recovery plan, or standard operating procedure ("SOP") to systematically address wide-spread, prolonged utility failures and emergencies, leaves customers at the mercy of the Company's discretion in their management of future outages and extreme service interruptions; Frontier's failure to adequately notify and follow-through with customers in response to utility emergencies or widespread outages due to ineffective operational infrastructures, protocols and procedures; Frontier's plan to issue only "customer credits" to remaining customers lacks fair compensation to those former customers who paid for but also experienced interrupted service; Frontier's lack of answers to the formal complaint discussions concerning safety omissions and operational failures that are covered by Utah Code 54-3-1 and the tariffs in the state of Utah.

Timely, Reasonable Replacement of Faulty Equipment - Frontier's corporate and regional management failure to respond in a manner to promptly restore reliable service from the outage caused by an elective system upgrade, prolonged the outage duration and risk-exposure to the residents of Castle Valley and surrounding resorts and ranches. Although attempts to repair faulty equipment located on Bald Mesa were initiated by Frontier and its sub-contractor during the area-wide outage that began on December 18, 2018, once the severity and scope of the outage was understood in the initial week, the corporate decision was to continue to rely on the sub-contractor, and local Moab staff to make repeated repairs to revive the faulty radio hardware and network software. Early on, these repairs were only temporarily successful and within hours, or even a day, Castle Valley customers were again filing repair tickets with the Company. In response, Frontier's regional manager stated to customers "...that it was the position of the corporate office that the sub-contractor was responsible to return and make the needed repairs, or replace the faulty equipment and software-which would be difficult due to the holidays. Therefore, it was "unknown" when reliable service would be restored to customers." Frontier's corporate stance in essence pitted local customers against an unknown, out of state sub-contractor in order to receive reasonable, consistent utility service. It was this fixed management position that resulted in fueling the three months-long outage in Castle Valley and surrounding area, not the weather related reasons as stated. In the end, it was only after formal complaints were filed with the Public Service Commission of Utah, did the Company's corporate office finally agree to authorize the full replacement of equipment on Bald Mesa to restore acceptable, safe utility service to Frontier customers. This replacement request (and the cessation of further repair attempts) was originally initiated by local residents in the second week of the outage, to which the regional manager stated that the Company would not authorize such action.

Continuing Customer Exposure, Lessons Learned - Frontier's lack of an effective company-wide recovery plan, or standard operating procedure ("SOP") to systematically address wide-spread, prolonged utility failures and emergencies, leaves customers at the mercy of the Company's discretion in their management of future outages and extreme service interruptions. These recent events should both concern and inform us all of the vulnerability and exposure customers face when utilities are able to respond to such extreme events-subjectively. Customers suffer whenever responses from

those in power make decisions that are inconsistent with state tariffs and federal agreements governing customer's rights to reasonable and immediate action to insure swift solutions to extreme interruptions in utility service.

Frontier knowingly charged for, but failed to provide reliable and safe service to the vast network of Castle Valley area customers as it claimed to be working in our best interests. In replying to the complaint, the Company states that it was both up on Bald Mesa making repairs that proved unsuccessful, and stuck in the snow unable to reach radio equipment in mid-to late March. Had Frontier taken decisive action by the second week of extreme, widespread outages and interruptions to cease further repair attempts and fully replace the sub-contractors defective equipment, the Company would have successfully accessed its equipment on Bald Mesa. In fact, they could have delayed their decision further, and not encountered insurmountable weather events until the early March spring storm that waylaid their snow cat.

It is clear that Frontier Communications lacks the SOP or emergency policies that other local utilities and emergency service providers with Bald Mesa radio and repeater equipment report having in place for their operations. If so, wouldn't Frontier have enlisted procedures of that policy to make the immediate equipment changes needed to restore essential service to customers? After surveying these federal/county agencies and local businesses, I learned that their SOP's include such emergency access policies as to contract with outside snow cat operators, utilize snowmobiles and even helicopters to reach Bald Mesa in the event of their own serious equipment failures-so not to further endanger or prolong interruptions in serving customers or reaching those in need during unexpected emergency events.

Frontier's answers lack acknowledgement of where the buck stops-furthering concern for any future outage/emergency events based on the serious failures of this recent experience. As Frontier pushes to be dismissed because the complaint is moot due to the fact that repairs and replacement have been made, customers remain exposed in future events if SOP or emergency policies are not in place. Stable service, as this complainant has learned, is a subjective ideal and depends what end you are on in a significant, prolonged outage.

Communication and Documentation Systems - Frontier's failure to adequately notify and follow-through with customers in response to utility emergencies or widespread outages is due to ineffective operational infrastructures, protocols and procedures. As the original complaint states, Frontier's outage reporting systems do not allow for more than one phoned-in report per customer line, per event, and only if callers are successful in reaching an agent due to extensive on-hold time.

There is no procedure or option available to report or be updated in the event of a widespread outage by way of the Company's customer repair service reporting center. Further, Frontier's own policy of responding to the individual repair tickets lack reliable follow-up response in 24 hours, or at all, for a variety of reasons listed in the original complaint. The Company's lack of response to operational reporting errors as well as the regional manager's directives "...for affected customers to stop calling the repair office", and his own failure to effectively and regularly communicate to area-wide customers is further cause for concern. In order to effectively serve the needs of a large rural service area, adequate local staffing, reliable equipment, employee training and customer access remain as unaddressed issues from the original complaint.

Rates/Credit Adjustments/Refunds for Services Not Received - Frontier's plan to issue only "customer credits" to remaining customers lacks fair compensation to those former customers who paid for but also experienced interrupted service. Does Frontier intend to issue refunds to former customers who had no choice but to switch carriers when the Company failed to provide consistent and reliable service due to the extensive outage?

Frontier's formal answer in "Contractual Requirements and Affirmative Defenses", points 13 - 15, states that because customers accepted Frontier's terms and conditions by ordering services, they are "excluded from damages demanded from the complainant." I am not aware of damages due to business loss demanded by this complainant, perhaps the Company neglected to strike this same response it offered when copying from a standard format used with another complainant?

Company's Response to Complaint and Continuing Concern - This complainant appreciates Frontier's acknowledgement that customer's suffered significant interruptions in service and that it will credit all customers affected by this failure, but to then request a dismissal of the complaint as moot without further investigation of the entire formal complaint-especially points concerning safety omissions and operational failures, does nothing to protect the best interests of Frontier customers in the assurance that "...every public utility shall furnish, provide and maintain such service..." as provided in Utah Code 54-3-1.

There is no good reason, weather or otherwise, for Frontier's corporate office to have delayed authorization of the more immediate and necessary steps to restore service to customers in Castle Valley and surrounding area, yet Frontier believes they have presented reasonable justification for replacement delays that the complainant challenges. It is troubling in light of all that has happened, that Frontier has not presented a response that includes a documented plan for change to assure the PSC that policies and procedures are now in place to effectively respond in the event of future widespread outages and emergencies. Frontier's answer to this complaint does nothing to address the needed change to better respond to future significant interruptions in service based on lessons learned from recent events.

Because of these continuing concerns for Frontier customers, I respectfully ask that the Public Service Commission of Utah not dismiss the formal complaint, but continue to explore real and meaningful solutions to what is needed to create a safe resolution with Frontier Communications on behalf of affected rural communities in Utah.

Thank you for your continuing attention and efforts in review of this matter before the Commission.

Sincerely,

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