

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of SRR Partners, LLC d/b/a Sorrel River Ranch Resort & Spa against Frontier Communications	<u>DOCKET NO. 19-041-01</u>
Formal Complaint of Jayne Dillon May against Frontier Communications	<u>DOCKET NO. 19-041-02</u>
Investigation of Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah	<u>DOCKET NO. 19-041-04</u> <u>NOTICE OF SCHEDULING CONFERENCE,</u> <u>NOTICE OF CONSOLIDATION, AND</u> <u>ORDER DENYING MOTIONS MADE AT</u> <u>HEARING IN DOCKET NO. 19-041-01</u>

ISSUED: May 24, 2019

The above referenced dockets — Nos. 19-041-01 (“Sorrel Complaint”); 19-041-02 (“May Complaint”); and 19-041-04 (“Investigation Docket”) — all arise out of concerns with Frontier Communications’ (“Frontier”) quality of service in or around Castle Valley, Utah.

NOTICE OF SCHEDULING CONFERENCE

On May 17, 2019, the Office of Consumer Services (“OCS”) filed a Request for Agency Action (“Request”), requesting the Public Service Commission (“PSC”) “open a new docket to investigate the numerous allegations of significant, long-lasting and continuing quality issue[s]” with Frontier. The OCS cross-filed the Request in the Sorrel Complaint and May Complaint dockets.

The PSC gives notice its designated Presiding Officer will conduct a Scheduling Conference in the Investigation Docket on **Tuesday, June 4, 2019 at 10:00 a.m., Fourth Floor Room 401**, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah. Parties should come prepared to discuss a schedule and process for adjudicating this docket. Additionally, the

PSC invites parties to the Sorrel Complaint and/or May Complaint to participate by telephone or in person to the extent they are interested in consolidating the proceedings.

Individuals wishing to participate by telephone should contact the PSC two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824) to receive a bridge number and participant passcode. Participants attending by telephone should then call the bridge number five minutes before the conference, entering the passcode followed by the # sign to ensure participation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during any proceeding should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the conference.

NOTICE PROCEEDINGS IN MAY COMPLAINT WILL BE CONSOLIDATED WITH INVESTIGATION DOCKET UNLESS MS. MAY REQUESTS OTHERWISE

On March 18, 2019, Jayne Dillon May filed her formal complaint against Frontier. On March 18, 2019, the PSC issued a Notice of Filing and Comment Period, and on April 17, 2019, Frontier filed an answer. On May 1, 2019, Ms. May filed a reply. Finally, on April 16, 2019, the DPU filed a memorandum recommending a hearing be scheduled in the docket and suggesting the PSC “may wish to consider a broader investigation of the recurring outages” in Frontier’s service area.

The PSC requests input from Ms. May as to her preference for the continued adjudication of her complaint. As no hearing has yet been set or held, the PSC believes it may be a more efficient use of the parties’ and the PSC’s resources to consolidate additional proceedings in the

May Complaint with the Investigation Docket. Accordingly, the PSC gives notice it will consolidate additional proceedings in the May Complaint with the Investigation Docket unless Ms. May provides notice to the PSC that she prefer not to do so on or before the date of the scheduling conference noticed just above, June 4, 2019.

CONCLUSIONS RE: SORREL'S MOTIONS AT HEARING

In the Sorrel Complaint, the parties agreed to proceed to hearing on an accelerated schedule. Consequently, on May 17, 2019, the PSC heard testimony from SRR Partners, LLC d/b/a Sorrel River Ranch Resort & Spa ("Sorrel") and Frontier. The OCS appeared at hearing through counsel and cross-examined several witnesses but did not provide testimony. During the hearing, Sorrel presented largely uncontested evidence that it experienced consistent, significant disruptions in service from the time Frontier upgraded a particular radio in mid-December 2018 until Frontier replaced that radio in late March 2019. Sorrel also testified that its service was not adequately reliable prior to December 2018 and that it continues to experience inadequate service since the March 2019 replacement.

At the conclusion of hearing, Sorrel's counsel moved for an order to show cause directing Frontier to appear and show cause as to why its certificate of public convenience and necessity should not be revoked ("CPCN Motion") and moved for an order directing Frontier to release Sorrel from its most recently executed service contract in the event a competing service becomes available in the service area ("Motion for Release from Contract").

Sorrel's latest written contract was not introduced into evidence at hearing. Additionally, though both parties agreed some billing credits had issued to compensate Sorrel for the service interruptions associated with the December 2018 radio replacement, the parties were not

prepared to testify with specificity as to the total bills for that period or the credits that have issued or will issue to Sorrel.

The PSC is awaiting the written transcript from the hearing and continues to review the evidence produced at hearing. The PSC will issue its full, final findings and conclusions at a later date. With respect to Sorrel's motions at the conclusion of hearing, the PSC denies them without prejudice. The PSC concludes the CPCN Motion has not been adequately briefed and adjudicated. If Sorrel wishes to reassert the motion in written form with legal and factual argument to support it, the PSC will hear the motion. Similarly, the PSC has not had an opportunity to review Sorrel's most recent service contract. The record before the PSC, at this time, is insufficient to grant Sorrel's Motion for Release from Contract, but the PSC emphasizes the denial is without prejudice.

Because the record contains no evidence quantifying Sorrel's bills or billing credits during the pertinent period and contains little documented evidence with respect to the problems Sorrel maintains have persisted since the March 2019 radio replacement, the PSC anticipates the parties may want an opportunity to supplement the record in this matter or provide additional input prior to the PSC issuing a final order. If so, the PSC directs the parties to provide notice to the PSC on or before June 4, 2019. Additionally, if Sorrel would like the PSC to consolidate any additional proceedings concerning its complaint with the Investigation Docket, Sorrel may provide notice at the scheduling conference in that docket on June 4, 2019 or otherwise as it sees fit.

DOCKET NOS. 19-041-01, 19-041-02, and 19-041-04

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DATED at Salt Lake City, Utah, May 24, 2019.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#308434

CERTIFICATE OF SERVICE

I CERTIFY that on May 24, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Dave Ciani, Managing Director (managingdirector@sorrelriver.com)
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