

1 **Q. WHAT IS YOUR NAME, OCCUPATION AND BUSINESS ADDRESS?**

2 A. My name is Alyson Anderson. I am a utility analyst for the Office of
3 Consumer Services (“OCS”). My business address is 160 East 300 South,
4 Salt Lake City, Utah.

5

6 **Q. DID YOU FILE DIRECT AND REBUTTAL TESTIMONY ON BEHALF OF**
7 **THE OCS IN THIS MATTER?**

8 A Yes.

9

10 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?**

11 A. I am rebutting the testimony of Frontier witness Carl Erhart, and
12 responding to the testimony of URTA witness Douglas Meredith and E
13 Fiber witness Brock Johansen.

14

15 **Q. MR. ERHART INDICATED THE OCS HAD MISREPRESENTED THE**
16 **NORS REPORTS AS TOTAL LOSS OF VOICE SERVICE AND**
17 **ERRONEOUSLY DETERMINED “OUTAGE” MINUTES.¹ IS THAT**
18 **ACCURATE?**

19 A. Partially, I did over simplify the outage minutes calculation in my Exhibit
20 1.1D, especially in instances of degradation of service to the Moab,
21 Thompson, La Sal, Monticello, Blanding (excluding White Mesa), Bluff and

¹ Docket No. 20-2618-01 Frontier Rebuttal Testimony Carl Erhart, Lines 73-76.

22 Mexican Hat exchanges (collectively “Exchanges”). However, I stated in
23 direct testimony, that “Providers must report **disruptions** or outages to
24 their communications systems, enhanced 9-1-1 facilities and airports that
25 meet certain thresholds.” I did not purport that all the NORS reports were
26 complete voice outages. The PSC should also be concerned about a
27 degradation to service, not solely focused on complete voice outages.
28 This is especially true when the degradation affects 911 service given the
29 rural nature of most of the Exchanges, the inconsistent coverage for
30 cellular service, and the resulting potential safety impacts. No matter what
31 the cause of an outage or service degradation, the NORS reports along
32 with consumer complaints speak directly to the management and reliability
33 of Frontier’s network.

34

35 **Q. MR ERHART ASSERTS THAT THE THREE MOST SIGNIFICANT**
36 **EVENTS IN FRONTIER’S NORS RESULTED FROM THIRD PARTY**
37 **DAMAGE TO FRONTIER’S NETWORK.² HOW DO YOU RESPOND?**

38 A. If I remove the three largest events mentioned by Mr. Erhart as caused by
39 third party damage, Frontier still had eight reports and almost 91 hours of
40 outage or disruption in the Exchanges compared to Emery Telcom’s one
41 report of 4 hours of outage or disruption in its exchanges during the same
42 period. Whether the event is caused by a third party or equipment failure,

² Docket No. 20-2618-01 Frontier Rebuttal Testimony Carl Erhart, Lines 81-82.

43 the concern remains regarding the response time to repair or clear the
44 issue. I disagree that the NORS reports do not support a conclusion that it
45 is in the public interest to allow a competitive provider in the Exchanges.
46 The NORS reports along with consumer complaints speak directly to the
47 management and reliability of Frontier's network in the Exchanges.

48

49 **Q DO YOU AGREE WITH MR. ERHART'S CONTENTION THAT THERE IS**
50 **NO QUESTION OF WHETHER FRONTIER IS IN COMPLIANCE WITH**
51 **COMMISSION RULES 746-340-5(b)(1) AND 746-340-5(c)?**

52 A No. While it is true that the Commission denied the OCS's Motion to
53 Compel, in doing so the Commission has left open the question of whether
54 Frontier is in compliance with Rules 746-340-5(B)(1) and 746-340-5(C). It
55 should be noted that, although I mention Rule 746-340-5(C) in my direct
56 testimony, Mr. Erhart failed to address this rule in his rebuttal.

57

58 **Q. PLEASE DESCRIBE RULE 746-430-5(c) AND FRONTIER'S**
59 **RESPONSES REGARDING WHETHER IT COMPLIES WITH THIS**
60 **RULE.**

61 A. Rule 746-430-5(C) requires telecom providers to "adopt a program of
62 periodic, test, inspections and prevented maintenance. . . . It shall file a
63 description of its inspection and testing program with the Commission
64 showing how it will monitor and report compliance with Commission rules
65 or standards." In the investigation docket 19-041-04, the OCS issued a

66 discovery request asking Frontier to produce a copy of their reports filed
67 with the PSC in compliance with rule 746-4230-5(C) during the last eight
68 years. Frontier responded with one document that was 17 years old. On
69 October 1, 2019, the OCS filed a Motion to Compel pointing out that the
70 17 year old document was outside the period of the request. While the
71 Commission denied the Motion to Compel, it did so on the grounds that
72 Frontier should be granted more time to locate additional documentation,
73 stating, "Given that Frontier represented it would produce any responsive
74 document in its initial discovery response and later supplement its
75 response with a responsive document, the PSC finds no reason to believe
76 Frontier has failed to comply with this request. Frontier should understand
77 it is under a continuing duty to supplement the request to the extent it
78 locates addition responsive documents."
79 It has now been over a year since the OCS filed its Motion to Compel and
80 Frontier has not produced any additional documents. These facts leave
81 the question open as to whether Frontier is in compliance with Rule 746-
82 340-5(C).

83

84 **Q. PLEASE DESCRIBE THE OCS POSITION WITH RESPECT TO**
85 **FRONTIER'S COMPLIANCE WITH RULE 746-340-5(B)(1).**

86 A. With regard to Rule 746-340-5(B)(1), the fact that the PSC denied the
87 OCS's motion to compel does not mean the underlying issue was resolved
88 and it is not an endorsement that Frontier complies with this rule.

89

90 **Q. MR. ERHART SUGGESTS THAT OTHER PARTIES HAVE PROPOSED**
91 **A FOCUS ON FRONTIER’S ELIGIBILITY FOR UUSF IN A SEPARATE**
92 **RULEMAKING DOCKET TO ADDRESS THE ISSUE OF TWO RATE OF**
93 **RETURN COLRS RECEIVING UUSF SUPPORT FOR DUPLICATIVE**
94 **NETWORKS AND SERVICES.³ DO YOU AGREE?**

95 A. No. In recommending options for the PSC to consider, all the parties have
96 recommended or supported a separate docket or rulemaking. However, I
97 did not understand any party’s proposal for a separate docket or
98 rulemaking to include a discussion of Frontier’s UUSF eligibility. For
99 example, the OCS proposed that the PSC could issue a separate
100 rulemaking docket to “create and codify the proper tests for recovery from
101 the UUSF in cases where two COLRs are eligible for UUSF disbursement
102 for investment in the same exchange.” In fact, the OCS, URTA, and E
103 Fiber have all purported that the PSC does not need to rule on Frontier’s
104 UUSF eligibility in this docket. A separate docket would allow the PSC to
105 give guidance on how it will consider any provider’s expenses and
106 investment in determining UUSF support for service areas with more than
107 one rate of return regulated COLR.

108

³ Docket No. 20-2618-01 Frontier Rebuttal Testimony Carl Erhart, Lines 124-125.

109 **Q. THE OCS, URTA AND E FIBER HAVE ALL PROPOSED FACTORS**
110 **FOR THE PSC TO CONSIDER IN DETERMINING THE PUBLIC**
111 **INTEREST OF GRANTING THE E FIBER APPLICATIONS.**
112 **ARE THESE COMPETING PROPOSALS THE PSC MUST CONSIDER**
113 **IN DETERMINING THE PUBLIC INTEREST?**

114 A. No. The parties have all recommended multiple factors to be
115 considered in reviewing the E Fiber applications. Both Douglas
116 Meredith and Brock Johansen recommended the “10 Factors”⁴ as a
117 framework in determining the public interest of approving the E Fiber
118 applications. In direct testimony, the OCS also proposed factors to be
119 considered in determining the public interest. Ultimately, the OCS is
120 advocating the outcome that best improves the telecom service to
121 residents and businesses of Grand and San Juan counties.
122 While, URTA, E Fiber and the OCS all agree that it would not be in the
123 public interest for the UUSF to support duplicative networks, they also
124 all agree that the PSC can guard against this issue by exercising its
125 authority to determine the reasonableness of a carrier’s expenses in
126 determining UUSF support.
127

⁴ The “10 Factors” were first introduced in the May 20, 2020 comments by URTA as guiding factors for the PSC to consider in determining public interest. URTA witness Douglas Meredith also addressed the factors in direct testimony and continued to recommend the factors as an “excellent framework for the Commission’s public interest inquiry” in rebuttal testimony. Likewise, Brock Johansen referenced the factors in both direct testimony and rebuttal testimony as factors the PSC should consider in deciding the public interest.

128 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

129 A. Yes

CERTIFICATE OF SERVICE

Docket Nos. 20-2618-01

I CERTIFY that on October 26, 2020, a true and correct copy of the foregoing Surrebuttal Testimony for Alyson Anderson on behalf of the Office of Consumer Services was served by electronic mail to the following:

E FIBER MOAB AND E FIBER SAN JUAN

Kira Slawson kiraM@blackburn-stoll.com

Brock Johansen bjohansen@emerytelcom.com

DIVISION OF PUBLIC UTILITIES

Artie Powell wpowell@utah.gov

Brenda Salter bsalter@utah.gov

Ron Slusher rslusher@utah.gov

Patricia Schmid pschmid@agutah.gov

Justin Jetter jjetter@agutah.gov

dpudatarquest@utah.gov

CITIZENS TELECOMMUNICATIONS COMPANY OF UTAH DBA FRONTIER COMMUNICATIONS

Gregory C Brubaker gregory.c.brubaker@ftr.com

Phillip J Russell prussell@jdrslaw.com

Carl Erhart CE6043@FTR.com

URTA

Kira Slawson kiraM@blackburn-stoll.com

Brett Anderson brettA@blackburn-stoll.com

/S/ *Alyson Anderson*

Alyson Anderson, Utility Analyst
Office of Consumer Services