

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint and)	
Investigation of Staff of the Public)	
Utilities Commission of Ohio,)	Case No. 19-1582-TP-COC
)	
Complainant,)	
)	
v.)	
)	
Frontier North Inc.,)	
)	
)	
Respondent.)	

TRACK CHANGES

**AMENDED TESTIMONY IN SUPPORT OF THE STIPULATION
OF**

ROBERT P. FADLEY
SERVICE MONITORING AND ENFORCEMENT DEPARTMENT
PUBLIC UTILITIES COMMISSION OF OHIO

Staff Exhibit ____

July 15, 2020

1 1. Q. Please state your name and business address.

2 A. My name is Robert P. Fadley. My business address is 180 E. Broad
3 Street, Columbus, Ohio, 43215.

4

5 2. Q. By whom are you employed?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO or
7 Commission).

8

9 3. Q. What is your present position with the Commission and what are your
10 duties?

11 A. I am the Director of the Service Monitoring and Enforcement
12 Department (SMED).

13 B. I am responsible for overseeing the Reliability and Service Analysis
14 Division (RSAD), the Facility and Operations Field Division (FOFD)
15 and the Consumer Services Division (CSD). Generally speaking, SMED
16 operates the call center, performs audits and investigations, and enforces
17 potential violations of the Ohio Revised Code and/or the Ohio
18 Administrative Code under the jurisdiction of the PUCO.

19

20 4. Q. Would you briefly state your educational background and work
21 experience?

1 A. I have both a Bachelor of Science and a Master of Science degree in
2 Accounting from Franklin University. I joined the PUCO in 2010 as a
3 Utility Specialist I in what is now the Rates and Analysis Department
4 where I participated in the audits of various rate and rider cases. I was
5 promoted to Chief of FOFD in 2013 where I was responsible for
6 overseeing plant inspections for electric, water/wastewater,
7 telecommunications, and gas pipeline safety. In 2018, I was promoted to
8 Director of SMED. Prior to joining the PUCO, I worked for AT&T for
9 16 years in various positions. Before going into management at AT&T,
10 I held various positions including call center representative, line locator,
11 and installation and repair technician. When I was promoted to manager
12 at AT&T, I was primarily responsible for supervising a crew of
13 installation, repair, and air pressure technicians.

14
15 5. Q. What is the purpose of your testimony in this case?

16 A. The purpose of my testimony is to support the Stipulation and
17 Recommendation (Stipulation) filed in this case on June 24, 2020 by
18 showing that it meets the Commission's three-part test for determining a
19 stipulation's reasonableness.

20
21 6. Q. What is the Commission's three-part test for determining the
22 reasonableness of a stipulation?

1 A. A stipulation before the Commission must: (i) be the product of serious
2 bargaining among capable, knowledgeable parties; (ii) as a package,
3 benefit ratepayers and the public interest; and (iii) not violate any
4 important regulatory principle or practice.

5

6 7. Q. Do you believe the Stipulation filed in this case is the product of serious
7 bargaining among capable, knowledgeable parties?

8 A. Yes. The agreement is the product of an open process in which all
9 parties were given an opportunity to participate and were represented by
10 able counsel experienced in matters before the Commission. The
11 Stipulation also represents a comprehensive compromise of the issues
12 raised by parties with diverse interests. Overall, I believe that the
13 Stipulation presents a fair and reasonable result.

14

15 8. Q. In your opinion, does the Stipulation, as a package, benefit consumers
16 and the public interest?

17 A. Yes. The Stipulation, as a package, benefits consumers and the public
18 interest, and represents a just and reasonable resolution of all issues in
19 the proceeding. The Stipulation is in the public interest for the following
20 reasons:

- 21 • Frontier committed to improving its installation and repair
22 load in a timely manner.

- 1 • Frontier committed to maintain a minimum total capital
2 expenditure of \$25 million in Ohio for 2021, 2022, and
3 2023. The company will provide Staff and the Ohio
4 Consumers' Counsel (OCC) with quarterly reports
5 detailing the nature of the expenditures and Staff may
6 conduct audits. If Frontier falls short of the required spend
7 in any of the years listed above, it will pay the difference
8 in the form of a forfeiture to the State of Ohio.
- 9 • As part of the \$25 million annual investment, Frontier has
10 committed to investing \$1 million in defective plant and
11 battery replacements in an effort to improve the service
12 that is provided to its customers. As with the total capital
13 expenditures, Frontier will provide reports, Staff may
14 conduct audits, and any annual shortfalls will be assessed
15 in the form of a forfeiture.
- 16 • Frontier will create and implement a plan to decrease 911
17 outages in Ohio. The plan requires Frontier to select the
18 most vulnerable Public Safety Answering Points (PSAP),
19 based on outages over the last 24 months, and to review
20 service and escalation procedures. Frontier will outline
21 how it plans to address the PSAPs issues and improve
22 service. This plan will be reviewed by Staff and the OCC

1 prior to implementation. After implementation, Frontier
2 will provide Staff and the OCC with reports on actions
3 taken and associated expenditures for review.

- 4 • Frontier will be required to meet certain minimum service
5 standards over the next five years and report results to
6 Staff and the OCC quarterly. As part of this agreement,
7 Frontier must:

- 8 ○ Repair and restore at least 80% of out-of-service
9 outages within 24 hours;
- 10 ○ Repair and restore at least 80% of service-affecting
11 problems within 48 hours;
- 12 ○ Not exceed a 10% repeat rate for repair tickets;
- 13 ○ Affirmatively acknowledge receipt of 99% of
14 urgent PUCO complaints within 24 hours and
15 provide an action plan and anticipated timeline for
16 addressing the complaints; and
- 17 ○ Decrease 911 outages within the company's control
18 and report all outages to Staff and the OCC on a
19 quarterly basis.

20 If Frontier does not meet any metric for two consecutive
21 quarters, Frontier must commit an additional \$150,000 in
22 capital investment or operating expense for every year

1 remaining in the term and provide a plan to Staff and the
2 OCC detailing how the funds will be spent and how the
3 expenditures will improve service quality for BLES and
4 non-BLES customers. If additional resources are
5 necessary, Frontier must explain how they will be
6 obtained and utilized.

- 7 • Frontier will establish an annual program to educate its
8 customers about Basic Local Exchange Service (BLES),
9 their rights as a BLES customer, non-BLES and BLES
10 requirements, and the customers' obligation to call
11 Frontier when experiencing issues. One specific right that
12 all customers will be informed of the circumstances that
13 would require Frontier to apply is their right to receive
14 credits when out-of-service for more than 72 hours. This
15 information will be reviewed by Staff and the OCC.
- 16 • Frontier will continue its efforts to repair facilities found
17 during field inspections by Staff and make reasonable
18 efforts to repair and provide photographic evidence within
19 30 days.
- 20 • Frontier will no longer attempt to sell products and
21 services prior to resolving a customer's initial issue and
22 will include an explanation of the Network Interface

1 Device and its operations when customers are reporting a
2 service problem.

- 3 • Frontier will provide one-month service credits to all
4 single line residential and business customers when
5 telephone service is not restored within 72 hours.

6

7 9. Q. Does the Stipulation violate any important regulatory principle or
8 practice?

9 A. No. Based on my regulatory knowledge and experience, involvement in
10 this proceeding, and review of the Stipulation, I believe that the
11 Stipulation complies with all relevant and important principles and
12 practices. As demonstrated in this case, all of the alleged violations have
13 been or will be resolved, thereby following the Commission's
14 regulatory principles and practices.

15

16 10. Q. Is Staff recommending adoption of the Stipulation by the Commission?

17 A. Yes. Staff believes that the Stipulation represents a fair and reasonable
18 compromise between the parties and provides a fair resolution for all
19 Ohio consumers.

20

21 11. Q. Does this conclude your testimony?

1 A. Yes, it does. However, I reserve the right to supplement my testimony
2 or file rebuttal testimony as new information becomes subsequently
3 available or in response to positions taken by other parties.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the **Track Changes Amended Testimony of Robert P. Fadley in Support of the Stipulation** has been served upon the below-named counsel via electronic mail, this 15th day of July 2020.

/s/ Robert Eubanks

Robert Eubanks

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Summary: Testimony Track Changes Amended Testimony In Support Of The Stipulation Of Robert P. Fadley electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO