

**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.	)	

**CLEAN COPY**

**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 a 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 credits when out-of-  
14 service for more than 72 hours. This information will be  
15 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 **Clean Copy Amended Testimony of Robert P. Fadley in Support of the Stipulation** has been served upon the below-named counsel via electronic mail, this 15<sup>th</sup> day of July 2020.

/s/ Robert Eubanks

**Robert Eubanks**

Senior Assistant Attorney General

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