

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

Petition of Communications Workers of	:	
America for a Public, On-the-Record	:	
Commission Investigation of the	:	Case No. 19-1314-TP-CSS
Adequacy and Reliability of Service	:	
Provided by AT&T Services, Inc.	:	

---

COMPLAINT OF COMMUNICATIONS WORKERS OF AMERICA,  
AFL-CIO/CLC

---

Pursuant to ORC §4927.21, the Communications Workers of America (“CWA”) hereby petitions the Public Utilities Commission of Ohio (“PUCO”) to initiate a public, on-the-record investigation into the adequacy and reliability of the telephone facilities and services of AT&T Services, Inc. d/b/a AT&T Midwest (“AT&T”). The reasons for this Petition and the suggested scope of the investigation are as follows:

**Part I. Introduction**

1. CWA is the authorized bargaining unit representative for more than 3,000 employees of various AT&T entities within the State of Ohio. CWA is also a customer of AT&T at its office located at 20525 Center Ridge Rd., Suite 700, Rocky River, OH 44116.
2. CWA members include AT&T employees who are directly responsible for operating and maintaining the physical facilities (such as poles, wires, cables, and conduits) that are used to provide telecommunications service to the public.
3. CWA will be represented in this case by, and all documents should be served upon, its attorney:

Matthew R. Harris (OH-0087653)  
20525 Center Ridge Rd., Suite 700  
Rocky River, OH 44116  
Voice: 440-333-6363  
Fax: 440-333-1491  
Email: mrharris@cwa-union.org

4. The undersigned counsel consents to the electronic service of all documents at the e-mail address shown above.

5. AT&T is the local exchange carrier that provides services throughout much of Ohio.

6. As part of its ongoing obligation to its members, CWA conducted an investigation of the conditions at AT&T facilities serviced by CWA members. The investigation focused on the condition of outside plant (readily observable from public streets and sidewalks) in the areas of Ohio.

7. CWA expected its investigation to show that AT&T would be increasing its budget (and frontline workforce) for services falling under the jurisdiction of the PUCO (pursuant to R.C. §4927.03). In the course of its investigation, CWA uncovered numerous instances of facilities throughout Ohio in a dangerous state of disrepair that pose a safety hazard to utility employees and the public at large.

8. As set forth more fully below, CWA is asking that the PUCO conduct an in-depth examination and audit of AT&T records and physical plant throughout AT&T's service area; adopt detailed findings of fact; order AT&T to take specific, detailed remedial actions; and assess forfeiture(s) on AT&T for its failure to comply with the Ohio Revised Code, the PUCO regulations, and standard industry practices for protecting the safety of the public and utility employees.

## **Part II. Legal Authority**

9. The PUCO has jurisdiction over the issue raised in this filing pursuant to ORC §4927.03.

10. R.C. §4927.02(A)(1) provides, “It is the policy of this state to: Ensure the adequacy and reliability of basic local exchange service . . . and the adequacy and reliability of voice service throughout the state.”

11. R.C. §4927.08(A) provides, “A telephone company providing basic local exchange service shall conduct its operations so as to ensure the service is available, adequate, and reliable, consistent with applicable industry standards.” Additionally, R.C. §4931.02(B) provides, “A telephone company shall repair defective lines and facilities, which repairs shall be consistent with reasonable business practices and applicable industry standards.”

12. R.C. §4927.21(A) provides, “Any person may file with the public utilities commission, or the commission may initiate, a complaint against a telephone company other than a wireless service provider, alleging that any . . . practice, or service of the company is unjust, unreasonable, unjustly discriminatory, or in violation of or noncompliance with any provision of 4927.01 to 4927.20 of the Revised Code.”

13. R.C. §4927.21(B) provides, “If it appears that reasonable grounds for complaint are stated by a complaint filed under division (A) of this section, the commission shall fix a time for hearing and . . . [t]he parties to the complaint shall be entitled to be heard . . .” Moreover, R.C. §4927.19(A)-(B) permit the PUCO to “investigate or examine the books, records, or practices of any telephone company . . . [and] investigate or inspect the plant and facility of any telephone company.”

14. Additionally, if an adverse finding is made as to a company against which a complaint has been filed, the PUCO is endowed with broad authority to remedy the complaint. The PUCO may, for example, (a) assess a financial forfeiture and/or (b) suspend or rescind the certification of the company. R.C. §4927.21.

**Part III. AT&T is Jeopardizing the Safety of its Employees and the Public by Failing to Maintain Safe and Adequate Facilities.**

15. For many years, AT&T has failed to maintain its physical plant in areas of Ohio. The state of deterioration is now so advanced that poles are literally falling over, animals and insects are infesting broken wiring cabinets, and the safety of AT&T's employees and the public is being jeopardized every day.

16. As explained more fully in Part VI below, CWA's members are subject to a AT&T "Code of Business Conduct" ("COBC") that may be read to impose restrictions on an employee's ability to share information about AT&T with those outside the company. Violations of the COBC can subject an employee to disciplinary action, including the loss of employment. In order to avoid the possibility of violations of the COBC, CWA cannot provide in this Complaint many of the details it would like to share with the PUCO concerning AT&T's neglect of its facilities.

17. However, the following pages contain a few examples of AT&T's gross neglect of its facilities:

1. This photo from Lafayette Street in Youngstown, Ohio shows a severely damaged splice terminal. The terminal's protective case is completely deteriorated, leaving wires exposed to weather and animals. Damaged wires cause service outages.



2. This photo from Delaware Avenue, Youngstown, OH shows a severely damaged splice terminal. The terminal's protective case is hanging open, and the black plastic covering meant to protect wires has fallen off, leaving wires exposed to weather and animals. Damaged wires cause service outages.



3. This photo from Emery Road, Warrensville Heights, OH shows unsecured cable. The cable should be secured to the utility pole. The wind blows the unsecured service cable, damaging the copper inside the wire and causing service issues. In addition, this cable is within reach of passersby, representing a clear violation of the National Electrical Safety Code (NESC)<sup>1</sup> and causing a public safety hazard.



4. This photo from North Linden Lane, Parma, OH shows a double-pole. The old pole (right, with a white spray-painted X) with only AT&T equipment attached to it is tied to the new pole with rope (yellow arrow) to prevent it from falling. AT&T has not moved its facilities to the new utility pole. As a result, AT&T's equipment remains connected to an old, deteriorating pole, causing potential service and safety concerns.



---

<sup>1</sup> The PUCO's regulations specifically require electric utilities to comply with the NESC. O.A.C. 4901:1-10-06. Decisions of the PUCO, however, recognize that the NESC is equally applicable to telecommunications utilities and other pole attachers. *See, e.g., United Telephone Co. of Ohio, Inc.*, Case No. 15-889-TP-ATA, 2016 Ohio PUC LEXIS 536 (May 18, 2016); *Chillicothe Telephone Co.*, 85-995-TP-AIR, 1986 Ohio PUC LEXIS 20 (Nov. 12, 1986).



5. This photo from Hillcreek Lane, Gates Mills, OH shows a badly damaged cable. Instead of replacing the cable, AT&T installed multiple splice boxes on the cable. Each splice box covers a portion of damaged or defective cable. AT&T also used drop wires to bypass sections of bad cable. Each of the numerous thin wires would have been installed in response to a separate customer complaint.



6. This photo from Gates Road, Gates Mills, OH shows a damaged splice wrapped in a black plastic covering. Once the wrap deteriorates, wires are exposed to weather and animals. Damaged wires cause service outages.



7. This photo from Charles Street, Maple Heights, OH shows a badly damaged cable. Instead of replacing the cable, AT&T attempted to resolve the problem with multiple splices in a span of a few feet on the cable. Each splice box covers a portion of damaged or defective cable.



8. This photo from Warrensville Center Road, Maple Heights, OH shows an unsecured terminal hanging from service wires. The terminal should be secured to the pole. The terminal can fill with water, deteriorating wires and leading to service issues. In addition, a hanging terminal presents a public safety hazard to passersby.





9. This photo from East 135<sup>th</sup> Street, Garfield Heights, OH shows a severely damaged splice box. The box's protective case has deteriorated, leaving wires exposed to weather and animals. Damaged wires cause service outages.



10. This photo from Evelyn Drive, Seven Hills, OH shows an unsecured terminal hanging from service wires. The terminal should be secured to the pole. The terminal can fill with water, deteriorating wires and leading to service issues. In addition, a hanging terminal presents a public safety hazard.



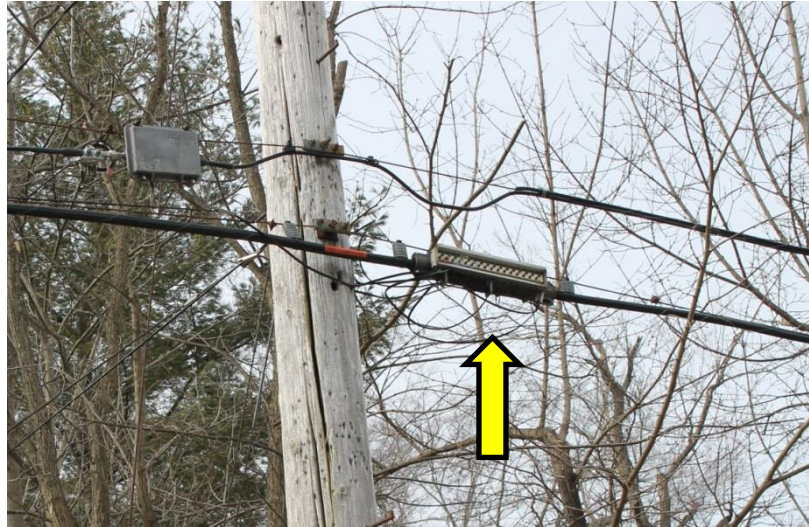
11. This photo from West 48<sup>th</sup> Street, Cleveland, OH shows a badly damaged cable. Instead of replacing the cable, AT&T installed multiple splice boxes on the cable. Each splice box covers a portion of damaged or defective cable. AT&T also used thin drop wires to bypass sections of bad cable. Each of the numerous thin wires would have been installed in response to a separate customer complaint.



12. This photo from Brown Avenue, Newburgh Heights, OH shows a severely damaged splice terminal. The terminal's protective case is hanging open, leaving wires exposed to weather and animals. Damaged wires cause service outages.



13. This photo from Forest Drive, Pepper Pike, OH shows an exposed terminal (yellow arrow). The terminal's protective case is hanging open, leaving wires exposed to weather and animals. Damaged wires cause service outages.



14. This photo from Broadview Road, Seven Hills, OH shows a disconnected wire hanging above an intersection. The wire is secured to another wire, but the damaged wires are exposed to weather, leading to further degradation of the wire.





15. This photo from York Road, North Royalton, OH shows a damaged splice wrapped in a makeshift, black plastic covering. Substandard coverings such as this deteriorate rapidly and fail to provide adequate protection. Once the wrap deteriorates, wires are exposed to weather and animals. Damaged wires cause service outages.



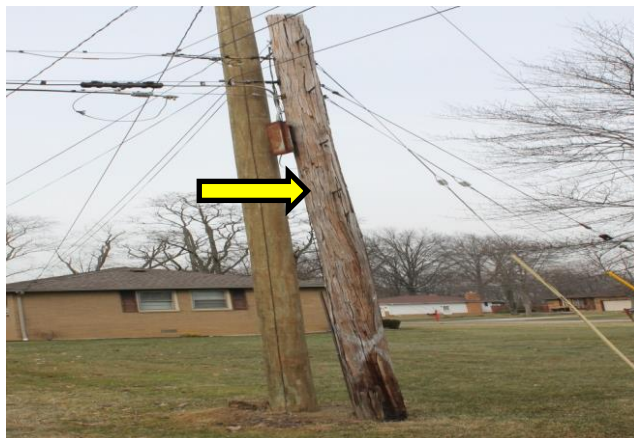
16. This photo from Wexford, Parma, OH shows a severely damaged splice terminal. The terminal's protective case is missing, leaving wires exposed to weather and animals. Damaged wires cause service outages.



17. This photo from Emery Road, Chagrin Falls, OH shows a damaged splice wrapped in a makeshift, black plastic covering. As noted, substandard coverings such as this deteriorate rapidly and fail to provide adequate protection. Once the wrap deteriorates, wires are exposed to weather and animals. Damaged wires cause service outages.



18. This photo from Wolf Lane, Strongsville, OH shows a double-pole. The old pole (right, with a white spray-painted X) with only AT&T equipment attached to it is tied to the new pole with rope to prevent it from falling. AT&T has not moved its facilities to the new utility pole. As a result, AT&T's equipment remains connected to old, deteriorating poles, causing potential service and safety concerns. In addition, AT&T's terminal is severely rusted.





19. This photo from South Thomas Road, Tallmadge Road, OH shows a hanging pole, or a double-pole that has been cut before AT&T moved its facilities to the new pole. The old utility pole was cut with AT&T's terminal still attached to it. Left dangling, the old pole strains the cables and endangers the public. It is a service, worker, and public safety concern.



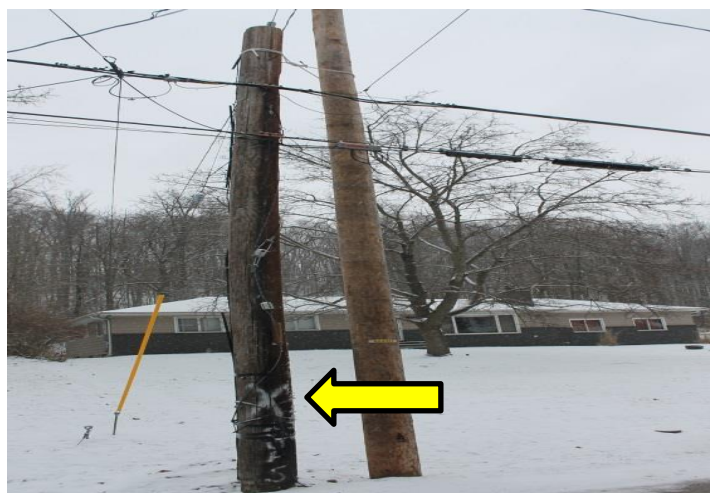
20. This photo from West 2<sup>nd</sup> Street, Girard, OH shows a severely damaged cable. Some remnants of a black plastic cover remain. The cable is damaged, leaving wires exposed to weather and animals. Damaged wires cause service outages.



21. This photo from East 2<sup>nd</sup> Street, Girard, OH shows a severely damaged splice terminal. The terminal's protective case is hanging open, leaving wires exposed to weather and animals. Damaged wires cause service outages.



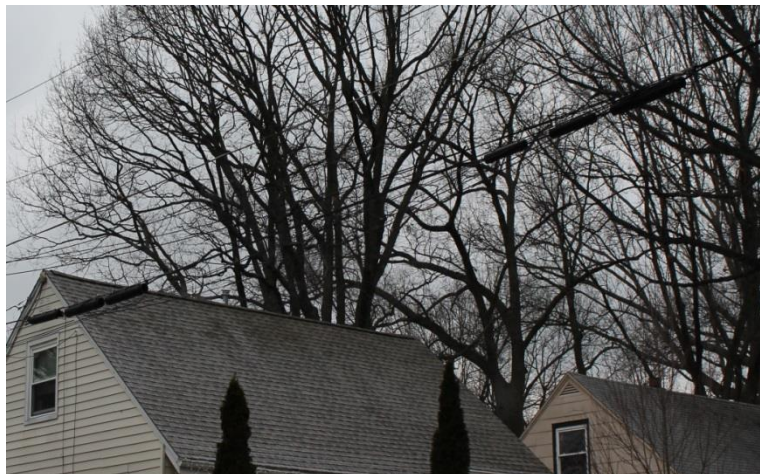
22. This photo from Green Haven Parkway, Brecksville, OH shows a double-pole. The old pole (left, with a white spray-painted X) with only AT&T equipment attached to it is tied to the new pole with rope to prevent it from falling (yellow arrow). AT&T has not moved its facilities to the new utility pole. As a result, AT&T's equipment remains connected to old, deteriorating poles, causing potential service and safety concerns.



23. This photo from Route 82, Brecksville, OH shows a double-pole. The old pole (right, with a white spray-painted X) with only AT&T equipment attached to it is tied to the new pole with rope to prevent it from falling (yellow arrow). AT&T has not moved its facilities to the new utility pole. As a result, AT&T's equipment remains connected to old, deteriorating poles, causing potential service and safety concerns.



24. This photo from Hillside Street, Cuyahoga Falls, OH shows a badly damaged cable. Instead of replacing the cable, AT&T installed multiple splice boxes on the cable. Each splice box covers a portion of damaged or defective cable. AT&T also used drop wires to bypass sections of bad cable. Each of the numerous thin wires would have been installed in response to a separate customer complaint.



25. This photo from Hudson Drive, Cuyahoga Falls, OH shows a severely damaged terminal. The terminal's protective case is missing, leaving wires exposed to weather and animals. Damaged wires cause service outages.



(Space intentionally left blank)

**Part IV. AT&T is Not Providing the Public with Safe, Adequate and  
Reliable Service**

18. Millions of residential, business, and wholesale customers in Ohio rely on AT&T's traditional copper network for telephone and internet access service. But due to AT&T's neglect of its copper infrastructure, many of these customers do not receive the adequate or reliable service that the statute mandates.

19. The various deficiencies outlined above provide compelling evidence that AT&T is not providing safe, adequate or reliable service to its customers. Many of the safety hazards illustrated above not only pose risks to employees, but these deficiencies also lead to service outages or interference (such as static on the line or loss of dial tone when it rains), which severely affects the adequacy and reliability of service. For example, damaged cross-connect boxes and exposed wires (as seen in the above photographs) can damage the conductor that serves customer premises, leading to service disruptions or outages. Similarly, deteriorated cable that requires multiple splice boxes or impromptu plastic coverings (as seen in the above photographs) increases the risk of exposure to the elements and leads to intermittent or permanent service outages.

20. Over the years, customers have filed numerous complaints with the PUCO regarding various service issues. Records obtained from the PUCO by CWA show that since 2016, the PUCO received more than 6,000 informal complaints from AT&T customers relating to such issues.

**Part V. Need for Commission Investigation**

21. Accordingly, CWA requests that the PUCO conduct a comprehensive, state-wide investigation into the safety, adequacy and reliability of AT&T's service and facilities falling under the jurisdiction of the PUCO. CWA also requests a hearing in



accordance with R.C. §4927.21(B) and an investigation pursuant to R.C. §4927.19.

Any investigation should include (i) an in-depth examination and audit of AT&T's records and physical plant throughout AT&T's service area, (ii) the adoption of detailed findings of fact; (iii) an order that AT&T take specific, detailed remedial actions; and (iv) the assessment of forfeitures on AT&T for its failure to comply with the Ohio Revised Code, the PUCO Regulations, and standard industry practices for protecting the safety of the public and utility employees.

22. CWA also requests the PUCO evaluate and determine whether to conduct a financial analysis of copper network revenue and expenditures over the past ten years; the current state of the copper infrastructure; staffing levels dedicated to preventive maintenance, repair, installation, and customer service over the past ten years; policies and procedures that impact the safety of facilities and the quality of service that customers receive; and other items relevant to such an inquiry. Such additional analyses and audits, however, should not delay the immediate investigation and repair of the safety violations that appear to be pervasive across AT&T's traditional copper network.

#### **Part VI. Protection for AT&T Employees**

23. Finally, any investigation should also include an injunction prohibiting AT&T from enforcing its COBC or taking any employment action against any employee who provides evidence to the PUCO as part of any investigation, as explained in the following paragraphs.

24. Evidence that AT&T is not providing safe, adequate and reliable telephone service because it is allowing the copper infrastructure to deteriorate is available from frontline AT&T technicians and customer service employees. The employees are in a position to observe firsthand and detail how AT&T's policies, procedures, and inadequate

investment have led to the virtual abandonment of the copper network and have created roadblocks to providing customers with the quality service they deserve.

25. Such evidence is not included in this Complaint, however, because AT&T has adopted a COBC that may prohibit employees from discussing in detail company procedures and practices, or from providing information to the PUCO. Additionally, employees fear reprisal and retaliation by AT&T for their participation in providing information to the PUCO.

26. AT&T's employees would welcome the opportunity to participate fully in a PUCO investigation. This would give the PUCO first-hand, on-the-ground knowledge of the ways in which AT&T continually and intentionally allows its facilities and service to deteriorate and pose a safety hazard to employees and the public. CWA is, therefore, asking the PUCO to issue or seek an injunction that prohibits AT&T from enforcing its COBC, and prohibits AT&T from taking any employment action against any employee who provides evidence to the PUCO. In particular, CWA requests that the PUCO issue or seek an injunction barring AT&T or any affiliate from coercing, discriminating against, intimidating, or taking adverse employment actions of any character (including but not limited to disciplinary action) against any employee who participates in any the PUCO investigation; and from otherwise enforcing its COBC against employees who participate in any the PUCO investigation and/or proceeding(s), with respect to any aspect of their testimony or participation therein.

27. The PUCO has the authority to seek an injunction by virtue of R.C. §4927.21(F).

WHEREFORE, the Communications Workers of America respectfully petitions the Public Utilities Commission of Ohio to hold a hearing and conduct a thorough investigation into the adequacy, safety and reliability of AT&T's service and facilities in Ohio.

As described above, the investigation should include the following:

- (i) an in-depth in-person examination and audit of AT&T's records and physical plant throughout AT&T's service area;
- (ii) the adoption of detailed findings of fact;
- (iii) an order that AT&T take specific, detailed remedial actions;
- (iv) the assessment of forfeiture(s) on AT&T for its repeated and purposeful failure to comply with the Ohio Revised Code, the PUCO regulations, and standard industry practices for protecting the safety of the public and utility employees; and
- (v) an injunction barring AT&T or any affiliate from coercing, discriminating against, intimidating, or taking adverse employment actions of any character (including but not limited to disciplinary action) against employee that participates in any investigation; and from otherwise enforcing its COBC against employees who participate in the any investigation and/or proceeding(s), with respect to any aspect of their testimony or participation therein.

Respectfully submitted,

*s/ Matthew R. Harris*

---

Matthew R. Harris (OH-0087653)  
CWA District 4 Counsel  
20525 Center Ridge Rd., Suite 700  
Rocky River, OH 44116  
Phone: 440-333-6363  
Fax: 440-333-1491  
Email: [mrharris@cwa-union.org](mailto:mrharris@cwa-union.org)  
ATTORNEY FOR CWA

Date: June 12, 2019

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**6/12/2019 9:23:52 AM**

**in**

**Case No(s). 19-1314-TP-CSS**

Summary: Petition CWA Complaint and Petition for Investigation Against AT&T Services, Inc.  
d/b/a AT&T Midwest electronically filed by Mr. Matthew R Harris on behalf of CWA