

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

<i>In the Matter of the Complaint and Investigation of Staff of the Public Utilities Commission of Ohio,</i> Complainant, v. <i>Frontier North, Inc.,</i> Respondent.	Case No. 19-1582-TP-COC
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**MOTION FOR LEAVE TO INTERVENE BY THE COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO/CLC**

The Communications Workers of America, AFL-CIO/CLC (“CWA” or “Union”) now comes before the Commission and submits its Motion for Leave to Intervene in the above-captioned matter pursuant to R.C. 4903.221(A)(2) and (B). The Union requests intervention primarily on the grounds that it has identified and stands ready to provide the Commission with pertinent fact witnesses, which include service and installation employees with direct knowledge relating to issues identified by the Commission in the above matter. The reasons for the Union’s request are more fully set forth in the attached Memorandum in Support.

Date: February 4, 2020

Respectfully submitted,

/s/ Matthew R. Harris

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MEMORANDUM IN SUPPORT

R.C. 4903.221(A)(2) provides, “The public utilities commission may, in its discretion, grant motions to intervene which are filed after the deadlines set forth . . . for good cause shown.” In ruling upon such motions, the Commission considers (1) the nature and extent of the prospective intervenor’s request; (2) the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; (3) whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; and (4) whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues. R.C. 4903.221(B).

On January 14, 2020, the Commission entered an Order establishing January 27, 2020, as the deadline for submitting Motions to Intervene. At that time, the Communications Workers of America, AFL-CIO/CLC (“CWA” or “Union”) was not in a position to intervene in this matter. However, the Union has since identified witnesses with pertinent, first-hand knowledge of issues under review by the Commission in this matter. CWA hereby respectfully requests the Commission exercise its discretion to grant CWA leave to intervene after the proposed deadline. Each factor examined by the Commission favors permitting intervention by CWA.

1. The Nature and Extent of CWA’s Interest

At issue in this matter is the Respondent’s alleged violations of the Ohio Revised Code and Ohio Administrative Code insofar as they relate to the basic local exchange services provided to Respondent’s customers throughout Ohio. More specifically, the Commission Staff has outlined issues concerning “extended outage restoral timeframes and repeat trouble tickets that would seriously hamper customers’ ability to place outbound calls including calls to 911 and emergency service providers.” (Jan. 14, 2020 Entry ¶3)

CWA has an ongoing collective bargaining relationship with the Respondent. CWA-represented employees perform installation and repair services on behalf of the Respondent within the state of Ohio. The Union seeks to provide witnesses possessing first-hand knowledge as to labor and business practices that may contribute to the issues identified by the Commission. These witnesses can provide on-the-ground information about employee headcount, business practices, and specific service issues affecting their respective areas of the State.

The Union has identified a minimum of three such witnesses, but can provide as many fact witnesses as the Commission may deem appropriate. Their testimony would be expected to cover, but not necessarily be limited to, (1) issues relating to employee headcount in service-affected areas, (2) Respondent's persistent use of employees loaned from outside the service-affected areas who do not possess the requisite level of knowledge of the specific issues facing the service-affected areas, (3) the precise manner in which the Respondent's employees are instructed to remedy service-impacting issues, etc.

2. The Legal Position Advanced by CWA and its Relation to the Merits of the Case

The Union is willing and able to produce pertinent fact-witnesses with first-hand, on-the-ground knowledge of the manner in which the Respondent identifies and attempts to remedy service-impacting issues. No inquiry pursued by the Commission would be truly complete without such witnesses.

3. The Proposed Intervention Will Not Cause a Delay Nor Unduly Prolong Proceedings.

The Union seeks to provide the Commission with a minimum of three pertinent fact witnesses. The anticipated direct testimony of these witnesses, in toto, is not expected to last beyond half of a business day, subject to the length of examination by the remaining parties and

the Commission. This minimal investment of time is overshadowed by the value of such testimony and in any event will not cause any undue delay in proceedings.

4. CWA's Proposed Witnesses and Scope if Intervention Will Contribute to the Full Development and Equitable Resolution of Factual Issues.

As noted, the Union's proposed witnesses and the scope of their testimony is absolutely necessary to the instant inquiry. The Commission has identified "extended outage restoral timeframes and repeat trouble tickets that would seriously hamper customers' ability to place outbound calls including calls to 911 and emergency service providers." (Jan. 14, 2020 Entry ¶3) The only individuals with direct knowledge as to the true scope and manner in which such issues may or may not be remedied by Respondent is Respondent's installation and repair employees. CWA stands willing and able to provide the Commission with such witnesses and testimony, should the Commission grant the instant Motion to Intervene.

Therefore, CWA respectfully requests the Commission GRANT its Motion for Leave to Intervene in the above-captioned matter in the manner set forth herein.

Date: February 4, 2020

Respectfully submitted,

/s/ Matthew R. Harris

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CERTIFICATE OF SERVICE

Pursuant to the Commission's Rules the undersigned hereby certifies that a copy of the foregoing was filed electronically on February 4, 2020. A copy of the same was submitted to the following individuals via email the same day.

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Respectfully submitted,

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Summary: Motion Motion for Leave to Intervene by the Communications Workers of America, AFL-CIO electronically filed by Mr. Matthew R Harris on behalf of CWA