

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of a Commission Inquiry into
the Service Quality, Customer Service,
and Billing Practices of Frontier
Communications

REPORT ON PUBLIC HEARINGS

At the request of the Minnesota Public Utilities Commission (Commission), Administrative Law Judge Jeffery Oxley was assigned to conduct and report on public hearings in the above-captioned matter at five different locations within Frontier's¹ Minnesota service territory.

I. The Parties

Kevin Saville, Senior Vice President and General Counsel, and Scott Bohler, Manager, Government and External Affairs, appeared on behalf of Frontier, as did Richard Johnson, Moss & Barnett.²

Ian Dobson and Joe Dammel, Assistant Attorneys General, appeared on behalf of the Office of the Attorney General (OAG).

Gregory Doyle and Bonnie Johnson appeared on behalf of the Department of Commerce (DOC).

II. Other Agencies

Diane Wells appeared on behalf of the Department of Employment and Economic Development, Office of Broadband Development (Office), which is not a party to this proceeding.³

¹ "Frontier" indicates both Frontier Communications of Minnesota, Inc., and Citizens Telecommunications Company of Minnesota, LLC.

² To assist in addressing customer concerns, two service representatives of Frontier attended each hearing. In addition, several management and technical personnel came to each hearing.

³ Diane Wells explained that the purpose of the Office is to "encourage, foster, develop, and improve broadband within the state." Ely Transcript (Tr.) at 13-14 (Sept. 4, 2018). The Office "serves as the central planning body for broadband in Minnesota" and "administers broadband grant program to provide capital contributions to broadband service providers that are providing more high-speed broadband for projects in greater Minnesota. Customers receiving service from one of our funded grant areas will receive broadband service of at least 25 megabits per second download and 3 megabits per second upload, which is the state's goal for 2022." *Id.* at 14.

Erin Petschel, Michael McCarthy, Kevin O'Grady, and Charley Bruce appeared on behalf of the Minnesota Public Utilities Commission (Commission).

III. The Hearings

1. Public hearings were held at the following locations, dates, and times:

- Vermillion Community College, 1900 East Camp Street, Ely, Minnesota, beginning at 6:00 p.m. on September 4, 2018.
- McGregor Community Center, 41442 State Highway 65, McGregor, Minnesota, beginning at 6:00 p.m. on September 5, 2018.
- Wyoming City Hall, 26885 Forest Boulevard, Wyoming, Minnesota, beginning at 6:00 p.m. on September 12, 2018.
- Slayton Public Library, 2451 Broadway Avenue, Slayton, Minnesota, beginning at 4:00 p.m. and at 6:00 p.m.
- Lakeville Heritage Center, 20110 Holyoke Avenue, Lakeville, Minnesota, beginning at 2:00 p.m. and at 6:00 p.m.

2. The hearings were well attended: 53 people listed their names on the sign-in sheets in Ely; 57 in McGregor; 95 in Wyoming; 41 in Slayton; and 74 in Lakeville. Not every person who attended a hearing chose to sign in, not every individual who signed in gave testimony, and individuals who did not sign in were permitted to speak.

3. Attendance might have been higher but for Frontier's inadvertent failure to notify its 27,007 Minnesota customers who receive electronic rather than paper bills as originally planned.⁴ In addition, many summer residents had departed by the time of the September hearings.⁵

4. Frontier, DOC, and OAG had representatives attend each of the hearings. These representatives were given an opportunity to introduce themselves and their organizations and to respond to public testimony if they desired to do so.⁶ A representative of the Office attended each hearing and explained the agency's interest

⁴ Letter from Scott Bohler, Manager, Government and External Affairs for Frontier to Daniel Wolf, Executive Secretary, Minnesota Public Utilities Commission (Sept. 13, 2018) (eDocket No.20189-146388-001). One customer commented that "a lot of people don't even know that this [public hearing] was going to be going on tonight." McGregor Tr. at 96 (Jesse Aldrich) (Sept. 5, 2018).

⁵ Several members of the public made this comment to me before and after the hearings.

⁶ For example, Mr. Saville or Mr. Bohler addressed the attendees at each public hearing. They explained that Frontier serves approximately 100,000 customers in Minnesota across a diverse service territory stretching from northern to southern Minnesota. They explained that outages occur every day for a variety of reasons. They also introduced two customer service representatives and urged attendees to speak with them about any on-going service issues. See, e.g., Ely Tr. at 8-9 (Sept. 4, 2018).

in the proceeding. A member of the Commission staff gave an overview of this proceeding to attendees.

IV. The Subject of the Hearings

5. This proceeding is an inquiry into the “service quality, customer service, and billing practices of Frontier Communications.”⁷ Frontier provides both telecommunications and information services, and these services are subject to different regulatory regimes.⁸ Telecommunications services “are generally subject to ‘dual state and federal regulation’” but, “‘any state regulation of an information service conflicts with the federal policy of nonregulation’ so [state] regulation is preempted by federal law.”⁹

6. At the commencement of this proceeding, the Commission’s role in regulating fixed Voice over Internet Protocol (VoIP)¹⁰ services was the subject of dispute before the Eighth Circuit Court of Appeals. The Commission contended that it had authority to regulate fixed VoIP services and Charter Advanced Services argued the opposite.¹¹ In light of the legal uncertainty over the Commission’s authority, the parties debated whether the hearings should elicit or discourage comments from the public on Frontier’s internet services, which includes both Frontier’s internet access service and its VoIP service.

7. Frontier’s originally proposed notice for these hearings would have informed its customers that the Commission did not have jurisdiction over Frontier’s

⁷ Order Initiating Investigation and Referring Matter for Public Hearings (Apr. 26, 2018) (eDocket No. 20184-142397-01).

⁸ Frontier also provides cable TV service in some areas, and resells satellite TV service. See, e.g., Lakeville Tr. at 151-68 (Sept. 26, 2018) (Kristi Paulson-Mingus) (discussing her Vantage service from Frontier).

⁹ *Charter Advanced Services, LLC v Lange*, 903 F.3d 715, 718 (8th Cir. 2018) (quoting *Louisiana Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 375 (1986)).

¹⁰ VoIP technologies allow voice calls that transit a data network and which may terminate on the public switched telephone network. “VoIP providers come in two flavors: A fixed VoIP provider’s customers can use the VoIP service only from the specific fixed location for which the VoIP service has been provisioned. Cable TV companies that provide VoIP service over their cable facilities are fixed VoIP providers. A nomadic VoIP provider’s customers can use the VoIP service from any location where there is a broadband connection to the Internet. A nomadic VoIP provider doesn’t provide the broadband connection. Skype, Vonage, and magicJack are examples of nomadic VoIP providers.” *Newton’s Telecom Dictionary* (31st ed. 2018). Charter Advanced Services provides a fixed VoIP service, which is also called “interconnected VoIP” which appears to be technologically similar to Frontier’s VoIP offerings. See Frontier’s Answer to the Petition for Reconsideration and/or Clarification of the Minnesota Department of Commerce (May 14, 2018) (eDocket No. 20185-143026-01). According to testimony at the hearing, Frontier bundles its VoIP offerings with its Internet access service. See Wyoming Tr. at 109 (Elizabeth Mohr) (“You can’t usually separate your phone and Internet any longer with Frontier. They only allow VoIP phones for most of us. If you upgrade your service, your phone is tied to your Internet. No Internet, no phone.”) (Sept. 12, 2018).

¹¹ *Lange*, 903 F.3d at 719. The parties do not appear to dispute the legal classification of analog phone service as a telecommunications service and Internet access service as an information service.

internet services.¹² The DOC objected to Frontier's proposal for both policy and legal reasons.¹³ Frontier responded with its own contrary legal analysis and added that it would be confusing to the public as well as inefficient for the hearings to take testimony on services the Commission lacked authority to regulate. Frontier urged that public comments should be limited to its telecommunications services only.¹⁴

8. The Commission chose not to restrict the public hearings to comments concerning Frontier's telecommunications services.¹⁵ The Commission may choose to appeal the Eighth Circuit's decision in *Charter v. Lange*. But, even assuming the Commission chooses not to appeal, the parties may still disagree about the implications of the decision for other dimensions of the Commission's authority, such as certifying eligible telecommunications carriers and promoting advanced services.¹⁶ This Report reflects the Commission's decision not to restrict the scope of public comments to telecommunications services only. It is up to the parties to debate, and the Commission to decide, the relevance of the testimony to matters over which the Commission has authority.

9. It will be helpful for readers of this Report to understand that many commenters at the public hearings subscribe to Frontier's DSL (digital subscriber line) service for internet access. DSL technologies allow a traditional copper telephone line to transmit and receive digital signals over the internet and to send and receive analog voice signals over the public switched telephone network simultaneously.¹⁷ A DSL service can also be used to provide VoIP services, either Frontier's VoIP service or a third parties' VoIP application.

10. As set out in subsequent sections of this Report, Frontier customers described having the following services:

- Analog voice service (aka Plain Old Telephone Service, or POTS) from Frontier, which uses an analog, circuit-switched signal that transits the public switched telephone network;

¹² See Petition of the Minnesota Department of Commerce for Reconsideration and/or Clarification at 1 (May 2, 2018) (eDocket No. 20185-142717-01) ("The jurisdiction of the MPUC includes telephone services, but does not include Internet services or the speed or quality of access or connections to the Internet or the communications services, such as Voice Over IP, that are provided using only the Internet.").

¹³ See *id.* The Office of the Attorney General supported the Department's petition. See Answer of the Office of the Attorney General to the Department of Commerce's Petition for Reconsideration (May 14, 2018) (eDocket No. 20185-143022-01).

¹⁴ Frontier's Answer to the Petition for Reconsideration and/or Clarification of the Minnesota Department of Commerce at 1-2 (May 14, 2018) (eDocket No. 20185-143026-010).

¹⁵ Order on Reconsideration (June 1, 2018) (eDocket No. 20186-143532-01).

¹⁶ See, e.g., Petition of the Minnesota Department of Commerce for Reconsideration and/or Clarification at 2-7 (May 2, 2018) (eDocket No. 20185-142717-01).

¹⁷ See definitions of "xDSL" and "splitter" in *Newton's Telecom Dictionary* (31st ed. 2018).

- DSL or internet access service;¹⁸
- DSL service with fixed VoIP service that transits the internet; and
- DSL service from Frontier with a nomadic VoIP service provided by a third party.

For many people at the hearings, a phone call is a phone call regardless of whether the call is transmitted via digital or analog signal. Moreover, it is not obvious to users which technology they are using. One source explains how to determine if your phone line is analog or digital as follows:

Look at the back of the telephone connected to it. If you see “complies with part 68, FCC Rules” and a Ringer Equivalence Number (REN), then the phone and the line are analog. Also, look at the phone’s dialpad. Are there multiple function keys? Do you need to dial “9” for an outside line? These are indicators that the phone and the line are digital.¹⁹

11. An additional layer of complexity for the Commission’s inquiry arises because Frontier does not segment its operations according to the jurisdiction of the service being delivered. Customers are not directed to specific customer service, billing, and repair personnel according to the jurisdiction of the service at issue. For example, Frontier bills by customer account for any services subscribed to rather than issuing one bill for services the Commission has jurisdiction over and another bill for all other services. Frontier does not direct its customers to call one customer support number for services under the Commission’s jurisdiction and another number for Frontier’s other services. Frontier’s technicians, as described at the hearings, are dispatched to restore service regardless of whether the service experiencing the outage is internet access or Frontier-provided voice service, be it POTS or VoIP.

12. As discussed below in this Report, customers reported similar experiences with Frontier’s customer service regardless of the jurisdiction of their particular service issue. Because Frontier apparently relies on the same technicians to repair internet access service outages as it does POTS service outages, analysis of the causes of excessive repair intervals would be incomplete if the Commission were to learn only of repair delays for POTS customers.

¹⁸ It is possible that Frontier offers POTS or analog voice service over the same lines as it provides DSL Internet access service. In addition, subscribers might use a digital base station with handset remotes with their POTS service over a line that also provides DSL Internet access.

¹⁹ Paul Wotel, *Analog. Digital. What’s the difference?*, GET INFORMED: TUTORIALS (Nov. 8, 2018, 2:39 PM) <http://telecom.hellodirect.com/docs/Tutorials/AnalogVsDigital.1.051501.asp>. A public hearing with dozens of people who have driven many miles to complain about their service is a poor forum for asking what is printed on the back of their telephones. Also, many cordless phones have multiple function keys even if calls are transmitted as analog signals.

13. From the public testimony as summarized in this report, the Administrative Law Judge concludes that the public distinguishes between internet access and voice service, but not between voice communications via information services and voice communications via telecommunications services. But for a handful of individuals with a telecom background, the individuals attending the hearings did not use either the term “POTS” or “VoIP.” Many refer to their voice service as “landline,” which is not helpful in distinguishing the two, because all of Frontier’s services are provided over physical lines.

14. Few individuals speaking at the hearings appeared to be aware of the regulatory consequences in choosing between internet information service telephony or VoIP and POTS or a voice telecommunications service.²⁰ One person opined that Frontier’s customers must take VoIP service if they want voice service and internet access, but that was one person’s opinion, and the record lacks confirming support from the Company on its marketing and provisioning practices.²¹

15. Speakers were asked to identify the particular service that they were complaining of (e.g., telephone or internet access), but were not directed to exclude services provided exclusively over the internet. Given the jurisdictional uncertainties and the complications introduced because jurisdictionally-distinct services are delivered over the same facilities, serve the same purpose of voice communication, and are supported by the same personnel and operations, the record lacks certainty as to which particular customer complaints are within the Commission’s jurisdiction and which are not. It is not always clear from the record whether customers’ comments on a voice service or a “landline” service are comments on POTS or Frontier’s VoIP service or a third-party VoIP application. Frontier may be able to provide the Commission more accurate information in its comments on this Report.²²

16. Many commenters told of multiple concerns they had with Frontier’s services. It seemed sensible to attempt to categorize the various issues customers have and inform the Commission of all the issues, ranked in order of how many people made

²⁰ As Steve Kronmiller stated at the Wyoming hearing: “Yes, Internet is a separate issue from phones. But frankly, I think that’s a whole lot of bunk because the way that our Internet is being delivered to our homes is exactly on the same lines and same infrastructure that our telephones are being delivered to our home. So if customer service and billing is a problem on our phones, on our Internet, it’s going to be the same on our phones. So just because phones and land lines are becoming blasé and everybody is going to cell phones and you’re not going to have a whole room full of people that have phone problems, it’s all Internet issues” Wyoming Tr. at 82-83 (Sept. 12, 2018).

²¹ “You can’t usually separate your phone and Internet any longer with Frontier. They only allow VoIP phones for most of us. If you upgrade your service, your phone is tied to your Internet. No Internet, no phone.” *Id.* at 109 (Elizabeth Mohr). Frontier may not offer customers both Internet access and telecommunications voice service over the same line or inform them that they have a choice of voice service technologies. One customer stated that she was not informed that her phone service was being converted to VoIP when she switched to Frontier’s Vantage offering for TV and Internet access. Lakeville Tr. at 72-73 (Sharon Danley) (Sept. 26, 2018).

²² It may not be a simple task for Frontier to identify how each and every commenter is served. For example, the names on an account and billing addresses could differ from the information commenters supplied at the hearing.

each specific complaint. The limitations of this approach are several. First, the transcripts of the hearings present literally hundreds of complaints, too many for a rigorous analysis given the timeframe for this Report. Second, some speakers simply said that they had all the same problems as everyone else, without more specification. Third, another Administrative Law Judge could sensibly develop different categories of complaints and provide a different ranking of service issues. Fourth, breaking testimony apart in this way does not provide a picture of the overall customer experience.

17. Although imperfect for the reasons given above, the grouping of complaints will hopefully provide a starting place for discussion and debate among the parties and assist the Commission's own analysis and weighting of the issues. But, in light of the limitations of reporting on the hearings with this approach, and in particular its failure to convey the overall customer experience, the Report also summarizes the testimony of each individual who addressed Frontier's service quality. In addition to reading the transcripts, the summaries of testimony by individuals in this Report may give the Commission better appreciation of the customer experience and the impact service issues have on individuals, families, and communities. Lastly, the report concludes with the Administrative Law Judge's general observations of the public's concerns with Frontier's service quality.

V. Summary of Testimony by Complaint²³

18. In rough order of the number of people who made the same or similar complaint concerning Frontier's service quality, customer service, and billing practices, the testimony given at the public hearings included the following complaints:²⁴

- High levels of dissatisfaction with Frontier's 1 (800) customer service, for many reasons:
 - a. Very long hold times to speak with customer service representatives or interact via a chat line and resolve problems;²⁵

²³ This report does not capture every comment made at the hearings because of the very large number of comments. The Administrative Law Judge endeavored to include at a minimum a reference to what he thought to be the main point(s) of every speaker with regards to Frontier's service quality.

²⁴ As noted, not every complaint made by every person at the hearings is referenced. Other hearing officers could reasonably group complaints differently. For these reasons, the order of complaints in this section is not a mathematical determination but reflects the Administrative Law Judge's over-all impressions from the hearings.

²⁵ Ely Tr. at 24 (Charlene Harkins) (waiting on average 15 minutes to speak with a customer service representative), 55 (Roberta Gruwell) (25 minutes on hold), 80 (Bo DeRemee) (Sept. 4, 2018); McGregor Tr. at 39 (Richard Dreger), 69 (Kelly Buttler), 78 (Barb Samarzia) (gave up after two hours to report Internet service issue), 97 (Jesse Aldrich), 110 (Edwin Pung) (on hold an hour and then disconnected) (Sept. 5, 2018); Wyoming Tr. at 36 (Dan Babbitt), 39 (David Doucette), 48 (Alicia Hudec) (hours on hold and customer service insisted that her house did not exist), 57 (Pam Stone) (five-hour chat session), 75-76 (Nancy Anderson), 94 (Greg Zauner), 106 (Elizabeth Mohr) (47 hours on phone to get higher speed Internet service when it became available) (Sept. 12, 2018); Slayton Tr. at 19 (Marty Sterzinger) (45 minutes of hold time), 62 (Mitch Voehl) (must frequently call customer service and hold times can be very long) (Sept. 25, 2018); Lakeville Tr. at 56-58 (Connie Glattly) (long hold times), 73 (Sharon Danley), 91-

- b. Having calls to Frontier's 1 (800) number for customer service routed to service centers and personnel apparently without access to notes from the customers' prior calls or accurate information of the customer's service, equipment, and local network conditions;²⁶
- c. Having to repeat accounts of their service issues and history with each call to customer service and at each transfer within customer service;²⁷
- d. Requiring customers to go through Frontier's Tier 1 troubleshooting procedures repeatedly (i.e., check your cable connections, power off and reboot your modem, etc.), regardless of how many times the customer has called about the same problem;²⁸
- e. Failed call transfers, hang-ups, and disconnections from customer service;²⁹
- f. Promised return calls not made;³⁰ and

92 (Gail Stenquist), 123 (Richard Price), 144 (Rebecca Carson), 180 (Kari Lundin) (usual wait time to speak to a representative is between 25 and 30 minutes), 183 (Kari Olson) (long hold times) (Sept. 26, 2018); Exhibit (Ex.) 16 (letter from Pam Stone describing Internet service issues including long hold times).

²⁶ Most individuals with any kind of service issue contact Frontier via its 1 (800) number. Ex. 1 (statement of Sue Edgington regarding many frustrations with customer service); Ely Tr. at 22 (Lisa Hutchinson) (multiple trouble tickets), 78-79 (Claire Taylor) (inaccurate information concerning customer's equipment) (Sept. 4, 2018); McGregor Tr. at 61 (Sharon Sauer) (service calls routed around the country, never can speak to same person), 75 (Tom Crancer), 85 (Grant Garriott) (heard that Frontier outsources its customer support) (Sept. 5, 2018); Ex. 10 ("Exposing Frontier's Bad Business" claiming that Frontier advertises Internet speeds it knows it can only deliver to customers who are close to the serving office and does not inform prospective customers distant from the serving office that they will get much slower speeds.); Wyoming Tr. at 22-23 (Bernon Crane) (Frontier technicians told him never to call Frontier's 1 (800) number), 54 (Christa Schauer) (calling customer service is "useless") (Sept. 12, 2018); Slayton Tr. at 19 (Marty Sterzinger), 62-64 (Mitch Voehl) (reported Internet service problem on August 14; called again on August 16 and service representative could find no record of trouble ticket, opened another trouble ticket; technician came on the 20th but trouble reappeared and was not fixed until August 25) (Sept. 25, 2018); Ex. 18 (documents from Debbie Hoppe); Lakeville Tr. at 156 (Kristi Paulson Mingus) (on hold and then transferred to be placed on hold again) (Sept. 26, 2018).

²⁷ McGregor Tr. at 61 (Sharon Sauer) ("[Y]ou never can speak to the same person so when you do have to call back because they didn't do what they said they would do, you've got to start from the beginning.") (Sept. 5, 2018); Lakeville Tr. at 156 (Kristi Paulson Mingus) (on hold, tells her story, transferred, on hold again, disconnected) (Sept. 26, 2018).

²⁸ Lakeville Tr. at 86 (Arindam Taran) (Sept. 26, 2018).

²⁹ Ely Tr. at 55 (Roberta Gruwell) (Sept. 4, 2018); Wyoming Tr. at 97 (Greg Zauner) (phone outage), 108 (Elizabeth Mohr) ("I have been hung up on, probably in the last 13 years, probably 200 times.") (Sept. 12, 2018); Slayton Tr. at 36 (Joyce Wiekeraad) (Sept. 25, 2018); Lakeville Tr. at 41-42 (Paul Neubauer) (spent four hours to get trouble ticket for phone outage in August 2018), 46-47 (Judy Hamlin) (long waits on hold and then hung up on), 53-54 (Linsey Preuss) (Economic Development Coordinator for the City of Fairmont was contacted by businesses employing approximately 1,000 individuals about terrible customer service), 131 (Cathy Lund) (staying on the line for half an hour is difficult) (Sept. 26, 2018).

³⁰ Ely Tr. at 47 (Brad Carlson), 73 (Emily Ingram) (Sept. 4, 2018); McGregor Tr. at 64 (Sharon Sauer), 78 (Barb Samarzia), 110 (Edwin Pung) (Sept. 5, 2018); Wyoming Tr. at 86 (Terri Kerwin), 96 (Greg Zauner)

g. Lack of follow-through by customer service representatives;³¹

- Much slower download and upload speeds³² than customers expected;³³

(Sept. 12, 2018); Slayton Tr. at 17 (Marty Sterzinger) (Sept. 25, 2018); Lakeville Tr. at 50 (Tim Cook), 81-83 (Richard Orndorff) (Sept. 26, 2018).

³¹ Ely Tr. at 27 (Lloyd Ollila) (told billing problem fixed, but it was not), 78 (Claire Taylor) (sent different wifi extender than promised), 89 (Amy Kromer) (never credited for unordered service) (Sept. 4, 2018); McGregor Tr. at 46-47 (Kevin Turnock) (failure to ship router as promised), 61 (Sharon Sauer) (“[Y]ou never can speak to the same person so when you do have to call back because they didn’t do what they said they would do, you’ve got to start from the beginning.”) (Sept. 5, 2018); Wyoming Tr. at 25-26 (Nancy Johnson), 46-48 (Ron Carlson) (spent months fruitlessly trying to move his Internet service to a closer central office with available capacity), 57 (Pam Stone) (service cancelled after being promised it would not be cancelled) (Sept. 12, 2018); Lakeville Tr. at 65-66 (James May) (had to request boxes to return equipment multiple times) (Sept. 26, 2018).

³² People commonly reported Internet speed measurements they had obtained and reported them as so many “megs” or “megabytes” or “megabits.” Some reported both download and upload speeds and some only download speeds. Many customers attributed Internet applications failing to run or frequently stalling to insufficient download speeds. See *infra* note 33. A megabyte is 1 million (1,000,000) bytes. A “byte” is a unit of data that is eight binary digits long, the unit most computers use to represent a letter, character, or number. BITS AND BYTES, <https://web.stanford.edu/class/cs101/bits-bytes.html> (last visited November 13, 2018).

³³ Ely Tr. at 22 (Lisa Hutchinson), 25 (Charlene Harkins), 33-34 (Chris Williams) (told he has poor service due to being 19,000 feet from the pedestal but pays for high speed), 40 (Nina Utterback) (Frontier responds to complaints about Internet speeds but high speed was never promised – the offer only states Frontier will provide “speeds up to” some rate, not “at” the offered rate), 50 (Brad Carlson) (Frontier’s web site falsely states that with its six megabyte Internet service, customers can stream movies on two separate devices – “they don’t say ‘up to two devices.’”; told by technician that because Frontier’s equipment in Ely “is so antiquated and so old that we’ll never get that speed”), 71 (Emily Ingram) (“the max I ever got was 1 megabit per second download speed”), 76 (Don Loomis) (can receive but not send photographs over Frontier’s Internet service), 81-82 (Bo DeRemee) (signed up for 6 megabytes and best speed is 700 kilobytes: “I want you to imagine going to the grocery store, and there in the egg department, is this egg carton [on which is written] up to 12 eggs. . . . And you open it up and there’s two when you get home this is unacceptable. And I don’t know any other product in the world that is sold in this fashion. Why can’t we pay for what we get?”) (Sept. 4, 2018); McGregor Tr. at 24 (Stacy Bohn), 27-28 (Timothy Bury) (paying for 15 megabytes, getting between 1 and 9 megabytes), 32 (Robert Lundquist) (Internet speeds decreased as additional customers subscribed to service), 59 (Shawn Jansen) (“we’re lucky if we get 6 megabytes per second, most of the time it’s less than that, lot less . . . how is it that we can be paying for something that we are not getting, and if you [Frontier] know that we are going to be getting it slower because of where we are located, then why are we being charged for service we cannot get?”), 63-64 (Sharon Sauer) (paying for 18 megabytes and receiving 1.2 megabytes), 70 (Kelly Buttler) (less than 1 megabyte download and upload speed fails to register), 76 (Tom Crancer), 81 (Grant Garriott) (“[W]e kind of gave in to the advertising, because there was a big billboard here by the airport advertising up to 6 megabytes a second for 29.95. The key word in that billboard is up to . . . where we are . . . , we would be lucky to get 1 to 2 megabytes per second download.”), 103 (Robert Marcum) (told he could get 10 megabytes upload speeds but only gets 1 megabyte) (Sept. 5, 2018); Wyoming Tr. at 36 (Dan Babbitt) (told his service was “good” because he was “get 20 percent” of what he is paying for), 43 (Terry Metz) (download speeds between .05 and .96 megabytes), 45 (Ron Carlson) (would not have moved to Chisago County if he had known Internet service was so poor), 58-59 (Pam Stone) (promised 6 megabyte service and received download of 1.74), 69 (Julia McMann) (speaking on behalf of her homeowners association, all have similar problems to what has been said by others), 77-78 (David Johnston) (pays for 18 megabit download service and at times gets less than 1 or the speed test fails to indicate a speed), 81 (Steve Kronmiller) (residents are being marketed Internet speeds Frontier knows it cannot provide them), 93-94 (Greg Zauner) (pays for but does not receive 6 megabyte download speeds), 103-104 (Joe Thibodeau) (subscribes to 6 megabyte service and many times gets a download as low as

- Frequent service interruptions, disconnections, and outages of phone service (especially when DSL internet access is provided on the same line) and internet access service;³⁴

250 kilobytes and upload of 65 kilobytes), 105-106 (Elizabeth Mohr) (paid for 6 megabytes down and 3 up and get 1.5 down and .02 up) (Sept. 12, 2018); Slayton Tr. at 22-24 (Lynn Stoneking) (.8 and 1.2 megabyte download), 37-39 (Roy Schmidt) (billed for high-speed Internet service despite technician confirming that he did not have it), 60 (Gary Richter), 65-66 (Mitch Voehl) (upgraded to 6 megabyte service and later informed he would never receive that high a speed), 75-76 (Brad Gass) (only 650 feet from central office and DSL speeds are “horseshit,” pays for 6 megabyte plan and receives 1.336 megabytes download and .187 megabytes upload), 80 (John Gibeau) (pays for 26 megabytes and is lucky to get 12) (Sept. 25, 2018); Lakeville Tr. at 20-21 (David Davenport) (paying for high-speed Internet and Frontier technician confirmed that Frontier was not providing him a high-speed service), 58 (Connie Glattly) (download speeds average between .4 and 1.4 and reports “virtually no problems with the phone service, the landline service”), 95-96 (Trish Glassburn) (paying for high-speed Internet for 18 years and have an average speed of .2), 132 (Wayne Nierenhausen) (pays for 5 megabytes per second and gets 500k per second), 140-41 (Tom Grant) (recorded download speeds from .38 megabytes to 2.82 and pays for 5 megabytes), 143-44 (Rebecca Carson), 149-50 (Keith Rozeboom), 177 (Marla Vagts) (Frontier continues to sell services it cannot deliver) (Sept. 26, 2018); Ex. 37 (statement of Marla Vagts).

³⁴ McGregor Tr. at 28-29 (Timothy Bury) (excessive time for web pages to load and “if I go to compose an email, I can start typing and nothing happens on the screen”; he hits a key and has to wait 10 seconds for a letter to appear on the screen), 59 (Shawn Jansen) (Internet service is intermittent), 72 (Ron Prince) (Internet out for a month), 82 (Grant Garriott), 100 (Jesse Alrich), 109-10 (Edwin Pung) (Sept. 5, 2018); Wyoming Tr. at 30 (Teresa Lorenz) (Frontier “could see that I was dropped thousands of times”), 36 (Dan Babbitt), 38-39 (David Doucette) (Internet access bad even with two DSL lines), 49-50 (Alicia Hudec) (“any time we try to use it, it goes out on us”), 53-54 (Christa Schauer) (experienced automatic disconnects and stated “all of these stories that I am hearing are completely the same exact of what everybody has been giving over and over again”), 70-72 (Julia McMann) (relaying that a neighbor’s device records Internet disconnections and recorded 75 occurrences in a 24 hour period; Internet service is “incredibly disruptive” when she tries to work at home), 85 (Terri Kerwin) (Internet and phone were out for 33 days in a two-month span of time), 102-04 (Joe Thibodeau) (has had DSL service since it was first offered and “probably had well in excess of 100 outages between Internet and phone”), 122 (Anita Jones) (operates a business from home and Internet service can be interrupted many times a day; her phone has gone out for days), 124-25 (Lisa Klein) (service is constantly dropped) (Sept. 12, 2018); Ex. 13 (statement from Mark and Cheri Stephenson) (“It has frequently happened when we would watch nine minutes of a program, have to go play a couple hands of cards, and return to our program after buffering is done to watch another nine minutes, and repeat the process all evening.”); Slayton Tr. at 17 (Marty Sterzinger) (operates a filling station and requires broadband to process credit card transactions and service has been down in the last 20 days once for three hours and another time for four hours; voice line backup for card processing is “too noisy” to function), 22 (Lynn Stoneking) (service is frequently dropped), 39 (Roy Schmidt) (Internet service not reliable, but phone service was “pretty good”), 61 (Mitch Voehl), 73 (Nancy Olson) (Internet service disconnected 12 times this month), 74-75 (Trish Grieme) (daughter has severe medical needs and 24 hour a day nursing care; cannot fax time sheets; cannot be heard on calls), 77 (Brad Gass), 80 (John Gibeau) (Internet service cuts out multiple times a day), 87 (Ted Reisdorfer) (Internet so slow that applications would close due to inactivity) (Sept. 25, 2018); Lakeville Tr. at 21 (David Davenport) (frequent losses of connectivity occur every day), 33-35 (Ron Birkemeyer) (TV signal frequently lost forcing him to reboot routers and receivers on TVs frequently), 38 (Rich Storlie) (must frequently reboot router), 44 (Judy Hamlin) (frequent service disruptions requiring frequent rebooting of router and modem), 49 (Tim Cook) (two months ago had a week-long outage for the entire Lydia area), 53-54 (Linsey Preuss) (Economic Development Coordinator for the City of Fairmont was contacted by businesses employing approximately 1,000 individuals about unreliable Internet service), 57-58 (Connie Glattly) (multiple Internet outages this month and last; this household and their neighbors have had 319 hours without Internet service since August 27, 2018), 84-85 (Sally Turek) (bad Internet service throughout the summer and complete outage from August 27 to September 7), 89 (Arindam Taran)

- Failure to repair and maintain network equipment or invest in new equipment;³⁵
- Various billing errors (premature ending of promotional rates, illegitimate taxes, services not ordered or requested, vacation hold rate not billed accurately, etc.);³⁶

(Internet service goes out for a day, day and a half, or sometimes a few hours), 92-94 (Gail Stenquist) (phone has been out three times this September; refuses to subscribe to Internet service when Frontier cannot provide adequate phone service.), 129-30 (Tim Curtin) (three and four day phone outages is not normal for phone companies), 130-31 (Cathy Lund) (Internet service is frequently down; reported a six day outage when a cable was cut), 132 (Wayne Nierenhausen) (Internet drops multiple times a day), 143-48 (Rebecca Carson) (Internet and phone interruptions), 163-64 (Kristi Paul Mingus) (almost two weeks to restore phone and Internet service), 180 (Kari Lundin) (technician found she has been disconnected from the Internet 55 times since Sept. 6), 183-87 (Kari Olson) (phone outages in February, March, and April because Frontier has not properly buried a cable; Frontier claims a permit is necessary but that is not the case) (Sept. 26, 2018); Ex. 32 (letter from a household with Internet outage).

³⁵ Ely Tr. at 32-33 (Ron Benkler) (Frontier has failed to install more recent versions of equipment that can provide high-speed Internet access over copper lines), 71-72 (Emily Ingram), 79 (Claire Taylor), 91-92 (James Sutch) (static on phone line persists, but in 2017 Frontier upgraded equipment and speeds improved), 106-07 (Amy Kromer) (technician said that Frontier is unwilling to build more remote boxes to increase customer speeds) (Sept. 4, 2018); Ex. 3 (notes on Internet access equipment); McGregor Tr. at 30 (Ben Horton) (equipment is old and antiquated), 49 (Kevin Turnock) ("it doesn't take a rocket scientist to figure out, you've got a line that's put in in the 1970s and you're expecting to put high-speed Internet across it, it's not going to work"), 54-55 (Kevin Saville) (Frontier has Connect America Funding to provide improved Internet access service to 4,000 locations in Aitkin County by 2020), 63 (Sharon Sauer), 72 (Ron Prince) (dead skunk in pedestal) (Sept. 5, 2018); Ex. 7 (photos showing exposed line on inundated bridge); Wyoming Tr. at 70 (Julia McMann), 89-90 (Sandra Brincefield) (had to put duct tape on the Frontier box because it was falling apart) (Sept. 12, 2018); Slayton Tr. at 23-26 (Lynn Stoneking) (Frontier contractors stopped from burying cable along road without a permit and instead lay temporary cable which, two and one half years later, still has not been buried and has twice been cut), 78 (John Gibeau) (for the past five years, Frontier has left cabling laying on top of the ground or tied to trees and poles or staked up over sidewalks in Ceylon despite over two dozen calls); Lakeville Tr. at 27-32 (Mark Doffing) (president of CWA Local 7270 stated that Frontier's lack of investment "has led to deteriorating plant that is increasingly difficult for our technicians to maintain" and "jury-rig quick fixes because Frontier won't repair or replace the damaged cables, poles, cabinets, other network infrastructure"), 55 (Linsey Preuss) (read from the Fairmont Sentinel: "City of Ceylon troubled by 'the hundreds of cables that are still lying in the grass and hanging on the trees around town.' City officials say this has been the case for two years. Frontier has been giving the town of Ceylon the middle finger, said Councilman John Gibeau. Officials say that even after many emails and calls, the company has not remedied the situation."), 120 (Richard Price) (demarc box crumbled when technician opened it), 127 (Carolyn Curtin) (police arrived at 5:00 a.m. after rain shorted the phone line and triggering two 911 calls), 166 (Kristi Paulson Mingus) (over a year without burying service line that lies on the ground), 171 (James Fisher) (has seen Frontier techs leave terminal boxes exposed to the weather) (Sept. 26, 2018); Ex. 29 (statement of Mark Doffing); Ex. 31 (Fairmont Sentinel article).

³⁶ Ely Tr. at 27-28 (Lloyd Ollila), 101-104 (Doug Lande) (told he could not get the vacation hold rate because he was on federal Lifeline service), 107 (Gregory Doyle) (stated that the federal lifeline benefit did not automatically disqualify a customer from receiving a vacation rate) (Sept. 4, 2018); McGregor Tr. at 65 (Nancy Reznay) (Frontier received but did not credit her account for a \$236.78 payment, disconnected her service and reported her to a credit bureau) (Sept. 5, 2018); Wyoming Tr. at 52 (Fred Resler) (continues to be billed for service he cancelled in June 2018 and is billed "government access taxes and state sales taxes on a zero balance"), 71-72 (Julia McMann) (repeated misapplications of payments by St. Croix Watershed Research Station and Science Museum resulting in late fees and consumed "many full days of work trying to decipher the credits and payments applied"), 74-75 (Nancy

- Phone and internet service outages occurring when it rains or when power goes out,³⁷ and then it may take weeks for Frontier to restore phone and internet service after outages, or restoring internet service results in losing phone service and vice versa;³⁸

Anderson) (put Internet service on hold and activated phone service for winter months and was overcharged for phone service; later, multiple billing errors and erroneous explanations from customer service led to late charges and referral to collections), 100 (John Lindell) (raised monthly charge for DSL service despite a commitment to a lower rate through 2020; calls to customer service would result in a credit, but the higher rate was billed again the next month; Frontier assessed a penalty for failure to pay a disputed charge), 108 (Elizabeth Mohr) (charged for access to city-wide wifi in Scandia that Scandia does not have), 110-11 (Debbie Hoppe) (continued to have her VISA account “illegally charged” for two cancelled DSL lines; told she would continue to be billed until she returned her routers in the boxes Frontier never sent her), 116-17 (Delores Stoe) (continues to be charged \$79 each month for phone she returned to Frontier), 124-25 (Lisa Klein) (promotional rate ended after several months instead of in 2020 as is stated on bills) (Sept. 12, 2018); Ex. 14 (statement of Nancy Anderson); Ex. 16 (letter from Pam Stone); Ex. 12 (copies of Mr. Resler’s bills); Ex. 18 (documents from Debbie Hoppe); Slayton Tr. at 19-20 (Marty Sterzinger) (his two broadband accounts are for identical service but are billed different amounts each month), 69-70 (Sylvan Tekrony) (promotional rate promised for two years but increased after one year), 87-88 (Ted Reisdorfer) (wrongfully raised rate for phone and Internet service after vacation hold and rudely told he had agreed to it) (Sept. 25, 2018); Lakeville Tr. at 61-62 (James May) (wrongly charged state and federal taxes on Internet only line, also charged Apple Valley city sales tax which Apple Valley does not have), 74-75 (Sharon Danley) (billed \$89 for Vantage service that includes phone plus Frontier’s regular phone charge), 93 (Gail Stenquist) (charged for information and operator assistance calls she did not make) (Sept. 26, 2018).

³⁷ Ely Tr. at 41 (Ellen Sauer), 80 (Bo DeRemee) (reports phone and Internet goes out every time the power goes out, which happens from time to time) (Sept. 4, 2018); McGregor Tr. at 83 (Grant Garriott) (Sept. 5, 2018); Wyoming Tr. at 84 (Terri Kerwin) (long phone and Internet service outages whenever there is lightning) (Sept. 12, 2018); Ex. 17 (letter from Bill and Terri Kerwin); Slayton Tr. at 29 (Joyce Wiekeraad) (reported loss of phone and Internet service due to flood on July 4 and given July 21 appointment with technician), 43-44 (Freeman Taylor) (lost phone and Internet in July flood and told 23 days to restore service) (Sept. 25, 2018); Lakeville Tr. at 22 (Harry Tolzman) (“[w]henver we had moisture or rain, it would render our landline telephone inoperable”), 45 (Judy Hamlin) (loses phone service when it rains), 92 (Gail Stenquist) (phone goes out of service when it rains), 96 (Trish Glassburn) (Internet goes out when it rains), 125-26 (Carlyn Curtin) (only has phone service and it either goes out completely when it rains or has severe static), 178 (David Berg) (Internet service goes out when it rains or there is heavy cloud cover) (Sept. 26, 2018).

³⁸ Ely Tr. at 21 (Warren Johnson), 22 (Lisa Hutchinson), 44-45 (Peg Rosett) (Sept. 4, 2018); McGregor Tr. at 19 (Juanita Nolan) (reported phone trouble June 26, 2018 and told it would be repaired by July 5, 2018 which is too long because she lives alone), 34 (Robert Lundquist) (three and four day long outages), 37-38 (Joan Baron) (three weeks to repair phone outage), 39-40 (Richard Dreger) (phone fixed but Internet down, then Internet fixed and phone down), 71-72 (Ron Prince) (reported phone outage and told repair would be in two to three weeks), 79-80 (Barb Samarzia) (outage August 27 to September 5), 83-84 (Grant Garriott) (12 days to restore Internet service in June 2018), 94 (Jane Nolan-Komoto) (told four to five weeks to repair phone line) (Sept. 5, 2018); Wyoming Tr. at 49 (Alicia Hudec) (waited three to four weeks to get Internet service back), 84 (Terri Kerwin) (eight days for repair of phone outage), 91 (Sandra Brincefield), 98 (Colleen Poeschl) (phone out for nine days), 108 (Elizabeth Mohr) (phone out for 12 days) (Sept. 12, 2018); Slayton Tr. at 29 (Joyce Wiekeraad) (reported loss of phone and Internet service due to flood on July 4 and given July 21 appointment with technician, although line was repaired by July 13, but shortly thereafter services went out again for four days), 31-32 (Jean Burkhardt) (four phone calls and seven days to dispatch technician to restore phone service), 34-36 (Dale Burkhardt) (Frontier incorrectly designated the location of cable and it was cut on July 16; on August 25, Frontier technician falsely reported cable had been replaced and it still had not been replaced by September 25, the day of the hearing), 60 (Gary Richter) (neighbors without phone or Internet service for four weeks) (Sept. 25, 2018)

- Offering higher speeds of internet service at increased prices to customers who complain of slow speeds, but not actually providing higher speed connections;³⁹
- Inconvenient 8 a.m. to 4 p.m. repair windows;⁴⁰
- No expedited repairs for phone or internet customers with medical needs;⁴¹
- Missed repair appointments;⁴²
- Repairs only temporarily improving internet access or phone service, if at all;⁴³

Lakeville Tr. at 31 (Mark Doffing) (president of CWA Local 7270 stated “[i]t is common for our techs to see trouble tickets left unresolved for days or weeks”), 92 (Gail Stenquist) (told technician would be dispatched in two weeks to restore phone service), 120 (Richard Price) (told it would be five or six days to restore phone and Internet service) (Sept. 26, 2018); Ex. 29 (statement of Mark Doffing).

³⁹ Slayton Tr. at 18 (Marty Sterzinger) (paid \$25 or \$30 per month for static IP address which did not improve service) (Sept. 25, 2018); Ex. 1 (letter from Susan Edgington complaining, among other concerns, about the speed of her Internet service); Lakeville Tr. at 153-68 (Kristi Paulson Mingus) (told that for \$5 per month additional she could have superfast Internet and TV) (Sept. 26, 2018).

⁴⁰ Wyoming Tr. at 91-92 (Sandra Brincefield), 125-26 (Lisa Klein) (window of 8:00 am to 4:00 p.m.; “Are you kidding me? . . . I can’t take a whole day off of work.”) (Sept. 12, 2018).

⁴¹ Ely Tr. at 22-23 (Lisa Hutchinson), 37-38 (Nancy Johnson), 56 (Roberta Gruwell) (neighbor with medical needs told phone repair would be three and a half weeks), 95-96 (Thomas Albrecht) (told three to four weeks to restore Internet service needed for communication with oncologist) (Sept. 4, 2018); Wyoming Tr. at 23-24 (Bernon Crane) (one week for repair), 119-121 (Roy Robison) (phone outages happen “dozens of times every year for no reason at all” and he cannot accept his customers’ credit cards and loses sales during the outages) (Sept. 12, 2018); Slayton Tr. at 71-72 (Nancy Olson) (98-year-old mother-in-law’s phone service went out and despite being promised service would be restored within 24 hours as an emergency, it took 12 days; technician was never told it was an emergency) (Sept. 25, 2018).

⁴² Ely Tr. at 38 (Nancy Johnson), 39 (Nina Utterback) (in 12 years, there have been 70 work orders and she has taken 20 vacation days from work for repairs to phone or Internet), 55 (Roberta Gruwell), 79 (Claire Taylor), 89 (Amy Kromer) (Sept. 4, 2018); McGregor Tr. at 72 (Ron Prince), 111 (Edwin Pung) (Sept. 5, 2018); Wyoming Tr. at 40 (David Doucette), 87 (Terri Kerwin) (five out of nine times technicians missed appointments), 106 (Elizabeth Mohr) (six service appointments, of which five were missed) (Sept. 12, 2018); Slayton Tr. at 60 (Gary Richter) (Sept. 25, 2018); Lakeville Tr. at 154 (Kristi Paulson Mingus) (Sept. 26, 2018).

⁴³ Ely Tr. at 39-40 (Nina Utterback), 78 (Claire Taylor) (technician lowered Internet speed to improve email reception and when she complained of how ridiculous that remedy was, the customer service representative offered to increase the speed to what it had been for an increased monthly rate) (Sept. 4, 2018); Wyoming Tr. at 107 (Elizabeth Mohr) (her DSL Internet and phone services were disconnected when she ordered higher speed Internet service, which could not be installed because no ports were available) (Sept. 12, 2018); Lakeville Tr. at 29-33 (Mark Doffing) (president of CWA Local 7270 gave examples of temporary fixes), 36 (Rich Storlie) (reported tree leaning on power line and Frontier responded, “We don’t fix those unless something is wrong with them.”), 134 (Wayne Nierenhausen) (technician explained that a “card” in the central office is moved from customer to customer as complaints come in), 146 (Rebecca Carson) (phone service restored on September 9th or 10th by technician who dug a hole and installed temporary wires, and nothing further has been done) (Sept. 26, 2018); Ex. 29 (statement of Mark Doffing).

- Phone service problems that Frontier ascribes to customers' phones or inside wiring when problems originate in Frontier's lines or at its switches, and charging for a service call when it is Frontier's service that is not working;⁴⁴
- Resistance or refusal to credit customer bills for service outages and slow speeds;⁴⁵
- Rates promised by sales and service representatives not honored;⁴⁶
- Threatening termination penalties despite inadequate service;⁴⁷
- Requiring customers to lease routers on a monthly basis rather than using their own;⁴⁸
- Wrongful imposition of early termination fees and automatic renewals of additional terms, or "rolling term agreements";⁴⁹

⁴⁴ Wyoming Tr. at 26 (Nancy Johnson) (asked "why should I pay for them to service their equipment?"), 39 (David Doucette) (has a technical background, knows problem is on Frontier's end, but told he must pay an \$89 service charge to have a technician come out), 95-97 (Greg Zauner) (features not ordered activated at switch, no dial tone, callers get various messages – phone out of service, lines busy, etc.), 114 (Shannon Herr) (Frontier sold her a new phone with four headsets, two of which did not work, to improve her service, but her service continued to have problems receiving calls; further, she told Frontier not to send her the phone because she would be out of town, but Frontier did anyway, resulting in the 30-day warranty for the headsets having expired by the time she returned home) (Sept. 12, 2018).; Slayton Tr. at 25 (Lynn Stoneking) (Sept. 25, 2018); Lakeville Tr. at 22-24 (Harry Tolzman) (told problem was inside wiring when it was Frontier's cable), 170-71 (James Fisher) (Sept. 26, 2018).

⁴⁵ Ely Tr. at 51-52 (Brad Carlson) (service technicians advise customers with poor Internet service call and request a discounted charge, but customer service representatives refused to provide it), 79 (Claire Taylor) (Sept. 4, 2018); Wyoming Tr. at 24 (Bernon Crane) (no credit for 18 to 20 days outage), 43 (Terry Metz) (receives dial up Internet speeds but must argue to receive the dial up rate every year), 104 (Joe Thibodeau) (should get reasonable reimbursement for bad service) (Sept. 12, 2018); Slayton Tr. at 29 (Joyce Wiekeraad) (difficult to receive credit for loss of phone and Internet service for almost two weeks), 37-39 (Roy Schmidt) (billed for high-speed Internet and after technician confirmed he did not have it, refused a refund; customer service explained that by offering Internet download speeds "up to" some rate, "as long as we're providing you with any Internet, you can't complain and you have no legal right to demand a refund") (Sept. 25, 2018); Lakeville Tr. at 159-60 (Kristi Paulson Mingus) (bill for Vantage services came to \$1,250 despite lengthy installation process and extremely poor service) (Sept. 26, 2018). *But see* Lakeville Tr. at 47 (Judy Hamlin) ("whenever I've had billing problems, they've corrected them") (Sept. 26, 2018).

⁴⁶ Ely Tr. at 47 (Brad Carlson) (Sept. 4, 2018); McGregor Tr. at 26-27 (Timothy Bury) (Sept. 5, 2018); Wyoming Tr. at 57-60 (Pam Stone) (Sept. 12, 2018); Lakeville Tr. at 40 (Terry Kielty) (misinformed that monthly cost of Internet would remain the same if he discontinued telephone service but rate went from \$19.99 to \$44.99), 43-45 (Paul Neubauer) (bill for phone and Internet increased by over \$12 in July 2018; called and got \$12 reduction and told original rate would be restored; next month bill had \$13 increase and customer service said his Internet discount had expired) (Sept. 26, 2018); Ex. 30 (documentation of rate change).

⁴⁷ Wyoming Tr. at 24 (Bernon Crane) (Sept. 12, 2018).

⁴⁸ Ely Tr. at 49 (Brad Carlson) (Sept. 4, 2018).

⁴⁹ Ex. 1 (statement of Sue Edgington); McGregor Tr. at 22-24 (Stacy Bohn) (unauthorized extension of service contract term) (Sept. 5, 2018); Wyoming Tr. at 42-43 (George Mickelsen) (complained of "rolling

- Poor service forcing customers to use their cell phones instead of Frontier's service or to go to another location where they can get internet access;⁵⁰
- Large rate increases despite poor service, as well as rates that keep increasing;⁵¹
- Charges for security and telephone features that were not ordered or that ceased working;⁵²
- Delay in crediting online payments, which can result in late payment charges;⁵³
- Lack of explanation for charges on electronic bills and new charges, such as the "internet infrastructure surcharge";⁵⁴
- Failure to respond to letters or false responses made to the Attorney General or the Federal Communications Commission (FCC);⁵⁵ and
- Refusal to extend service.⁵⁶

two-year contract) (Sept. 12, 2018); Slayton Tr. at 24-25 (Lynn Stoneking) (missed renewal date and was "locked in for another two years") (Sept. 25, 2018).

⁵⁰ Ely Tr. at 23 (Lisa Hutchinson) (must drive 18 miles to use her work computer), 26 (Charlene Harkins) (Frontier technician advised her to drive to a bar and use its Internet service), 42-43 (Ellen Sauer), 88 (Amy Kromer) (Sept. 4, 2018); McGregor Tr. at 68 (Nancy Rezny) (Sept. 5, 2018); Wyoming Tr. at 23 (Bernon Crane), 31 (Teresa Lorenz), 33 (Diane Eaton), 54 (Christa Schauer) (Sept. 12, 2018); Slayton Tr. at 22 (Lynn Stoneking) (Sept. 25, 2018).

⁵¹ Ely Tr. at 24 (Charlene Harkins) (reported that her digital phone and Internet service rates increased by over 20 percent from August 2017 to August 2018) (Sept. 4, 2018); Ex. 4 (documentation of outages); Wyoming Tr. at 37-38 (David Rosen) (subscribed to Internet and instead of just having the \$20 per month charge for Internet added to his bill, he was charged an additional \$60 per month because by changing his service, all of his "grandfathered" charges were eliminated; also bill goes up by \$2 to \$5 per month without explanation.), 96 (Greg Zauner) ("the bills kind of keep creeping up, pennies, dollars every month" without adequate explanation), 118-119 (Roy Robison) (phone and Internet bill changes every month by 25 cents to a dollar without explanation; also, DSL service was to have same rate for one year but it increased after 6 months.) (Sept. 12, 2018).

⁵² Ely Tr. at 43 (Ellen Sauer), 86 (Amy Kromer) (Sept. 4, 2018); McGregor Tr. at 92 (Jane Nolan-Komoto) (Sept. 5, 2018); Lakeville Tr. at 75-76 (Sharon Danley) (charged for three-way calling she did not have; charge triggered "when you think somebody has hung up and they haven't hung up and you go to make another call"), 87-89 (Arindam Taran) (also improperly billed for months for three-way calling, which his phone cannot do), 126 (Carolyn Curtin) (erroneous three-way calling charges) (Sept. 26, 2018).

⁵³ Ely Tr. at 24 (Charlene Harkins) ("at least five days" to credit online payments results in erroneous late charges), 74 (Emily Ingram) (Sept. 4, 2018).

⁵⁴ Ely Tr. at 86-87 (Amy Kromer) (Sept. 4, 2018); Lakeville Tr. at 121 (Richard Price) (recently increased Internet infrastructure surcharge from \$2 to \$4 per month) (Sept. 26, 2018).

⁵⁵ Slayton Tr. at 91-92 (John Gibeau) (sent a complaint to OAG, which sent three letters to Frontier before Frontier responded asking for additional information) (Sept. 25, 2018); Lakeville Tr. at 25-26 (Harry Tolzman) (Frontier told FCC repair had been made when it had not been) (Sept. 26, 2018); Ex. 28 (Frontier response to FCC inquiry).

VI. Summaries of Hearing Testimony

A. Ely Hearing, September 4

19. **Internet Access**⁵⁷ Warren Johnson complained that when his [internet access] service went out, Frontier proposed dispatching a technician in 21 days. Mr. Johnson believes such long repair intervals are the result of significant understaffing.⁵⁸

20. **Internet Access and Analog Phone**⁵⁹ Lisa Hutchinson complained that her DSL internet service frequently goes down. Frontier gives her a repair date that is 10 or 15 days out, only to have no one show up. Ms. Hutchinson also stated that her neighbor's husband has a pacemaker and they cannot get prompt repairs for their "landline" phone.⁶⁰

21. **Internet Access and VoIP** Charlene Harkins lives 70 miles⁶¹ south of Ely on Bright Road in Brimson, where Frontier is the only option for phone and internet service. Her bill for digital phone⁶² service has increased from \$39.99 to \$52.99 in the last year. She works from home and is frustrated by the slow internet download speed of 1.2 megabytes and upload speed of .45 megabytes. Instead of being able to download large files at home, she must go elsewhere.⁶³

22. **Internet Access and VoIP** Ward Ollila complained about the billing for his internet and phone system while it was turned off for his vacation. A customer service representative said the bill would be corrected, but the next month Frontier called him and insisted he pay the uncorrected amount.⁶⁴

23. **Internet Access and Phone**⁶⁵ Susan Kasbeer lives on Moose Lake where there is only water access to her home. Her internet service is "abysmal," with

⁵⁶ Slayton Tr. at 40-41 (Keith Ebeling) (customer had Frontier phone and Internet service at farm west of Trimont for many years and Frontier refused to extend service to his new home in Trimont) (Sept. 25, 2018).

⁵⁷ The service designations in bold typeface indicate the service underlying the individual's complaint. Sometimes the designation reflects only the Administrative Law Judge's best guess and may be incorrect. Except where Frontier operates a fiber distribution network, it uses DSL to provide Internet access. Wyoming Tr. September 12 Wyoming at 64-65 (Kevin Saville) (Sept. 12, 2018).

⁵⁸ Ely Tr. at 21 (Sept. 4, 2018).

⁵⁹ No individual specifically stated that they had analog phone service. This designation reflects the Administrative Law Judge's best guess and may be incorrect. The designation "phone" is applied when there is no information indicative of the transmission format.

⁶⁰ Ely Tr. at 22-23 (Sept. 4, 2018).

⁶¹ Distances and driving times for attendees were obtained using Mapquest. MAPQUEST, <https://www.mapquest.com> (last visited November 13, 2018).

⁶² The Administrative Law Judge assumes that by "digital phone," customers are indicating Frontier's VoIP service, but it is possible a customer employs a digital base station/handset for with analog phone service.

⁶³ Ely Tr. at 23-25 (Sept. 4, 2018).

⁶⁴ *Id.* at 27-28.

⁶⁵ The designation "phone" is applied when there is no information indicative of the transmission format.

frequent outages, a problem shared with the seven outfitters on Moose Lake. Ms. Kasbeer states that the Forest Service will soon require all reservations for Boundary Water access be made over the internet. She is concerned that their poor internet service will mean that all of the spots will be taken by metro-area applicants who have better service.⁶⁶

24. **Internet Access** Ron Benkler is a seasonal resident who complained about Frontier's use of Connect America funding. He contends that there is a misperception that fiber optic cable is required for good internet access. He stated that Frontier could provide a reliable and fast internet service over its copper lines by installing the appropriate equipment in its central offices.⁶⁷

25. **Internet Access** Chris Williams subscribed to Frontier's DSL service in 2005. She homeschools her two girls and expected to receive high-speed service. Instead, she receives 1 megabyte down and .09 megabytes up, and her service drops "5, 10, 15" times an hour. After complaining, Ms. Williams was told her home is too far from the pedestal [central office?] at 19,000 feet to receive high-speed internet service. She has no problem with her landline phone. Ms. Williams was disappointed when the Office of the Attorney General responded to her complaint that "DSL is not considered a vital service, therefore they couldn't handle my complaint if I didn't have a problem with my landline, which I do not."⁶⁸

26. **Internet Access** Ann Santo lives near Ely and reported that while her phone service is fine, her internet service is "terrible" and "drops a lot." Frontier service representatives made inconsistent statements and gave her "the runaround again and again and again." After complaining about her service to Frontier, it improved "a little bit" and was "okay for like maybe a week or so and then it starts dropping again." Frontier's customer service representatives "don't know a thing."⁶⁹

27. **Internet Access and VoIP** Last year, Nancy Johnson's phone and internet service were out for over two weeks. This year, she had no phone service for two weeks when her electricity went out on June 29, 2018. Her husband has a pacemaker and phone service is medically necessary. A customer service representative told her "that's your problem, not ours." It took 36 days for her service to be restored, and then only after Frontier technicians missed two service appointments.⁷⁰

28. **Internet Access and Phone** Nita Utterback's internet and phone service goes out frequently. She reported that she has been a captive customer of Frontier's for 12 years. Ms. Utterback has missed 20 vacation days by staying home for technician visits, and she has had to take out 70 work orders during the time she has been a Frontier customer. Many times, the phone is fixed and the internet remains down, or the

⁶⁶ *Id.* at 28-29.

⁶⁷ *Id.* at 30-33.

⁶⁸ *Id.* at 33-35.

⁶⁹ *Id.* at 35-36.

⁷⁰ *Id.* at 36-39.

internet is fixed and the phone is down. She also complained that while Frontier told her she would get “up to” 10 megabytes, her service is much slower, and Frontier tells her “[y]our 1 megabyte is just fine.”⁷¹

29. Internet Access and VoIP Ellen Sauer lives in Eagle’s Nest, approximately 11 miles distant from the nearest store. She lives below the poverty level and cannot afford Frontier’s rate increases. Frontier sent Ms. Sauer a router intended for her neighbor and charged her for it. Ms. Sauer stated that her internet service is “absolutely horrendous.” In 2012, she paid \$63 per month for service. Now she pays \$109, which she cannot afford. Last month she told Frontier that she just wanted a “plain landline,” for which she will pay 10 cents per minute for her calls. She also questioned why Frontier has only three technicians to serve the area.⁷²

30. Internet Access, VoIP, and Phone Peg Rosett complained that both her phone and internet service were out because of the storm on June 29, 2018 (which also knocked out Nancy Johnson’s service). Customer service informed her it would take until July 17 to restore service. Frontier actually restored service on July 10. Ms. Rosett’s daughter receives much less than the 10 megabyte download service she was told she would get. Ms. Rosett’s daughter also cares for an elderly man who was told it would be 10 days before his phone service would be restored.⁷³

31. Internet Access Brad Carlson is a seasonal resident who has DSL service from Frontier. Like Chris Williams, Mr. Carlson is troubled that the Office of the Attorney General did not deem DSL service “worthy of investigation or any kind of response.” He complained that Frontier’s vacation hold rate is too expensive, so he has his service disconnected and reconnected. He reported that the rate he is quoted for internet service when he reconnects is “consistently” lower than what he is billed. He does not receive his paper bill on time and then is charged late fees. Mr. Carlson complained of being placed on hold, getting transferred, and not being able to speak with frontline people when there is a problem. Mr. Carlson stated that he has to get a supervisor on the phone to resolve problems. While he has been told that a supervisor will call him, he has never been called by one. Every year he tells Frontier not to send him a router when they reconnect his service, but they send one and charge him for it. Technicians have told him that he will never receive Frontier’s advertised speed of “up to” 6 megabytes because the network in Ely is “so antiquated and so old.” He objects to the qualifying phrase “up to” and pointed out that Frontier’s web site claims that the service allows customers to stream movies, which his service does not support. Technicians have advised him to ask customer service for a discount and “they just laugh.” He stated Frontier’s customer service is poor and confused, and that adequate internet service is a necessity for increasingly employment in the area.⁷⁴

⁷¹ *Id.* at 39-40.

⁷² *Id.* at 40-44, 93.

⁷³ *Id.* at 44-45.

⁷⁴ *Id.* at 45-54.

32. **Internet Access and Analog Phone** Roberta Gruwell's internet service is a problem. She complained of long hold times and being transferred to a dead line. Frontier sent Ms. Gruwell a modem to replace her five-year-old modem. The replacement turned out to have been manufactured the same year as the modem it was to replace. She was given a trouble ticket and a service appointment, but no one came. When her phone service went out, Frontier did not repair it for three and one-half weeks. She reported that, while customer service representatives are polite on the phone, they are ineffective. Although Ms. Gruwell's phone service is fine, she stated that her neighbor who has health issues had his phone service go out, and Frontier told him they would be out in three and one-half weeks.⁷⁵

33. **Analog Phone** Robert Cotton complained of Frontier taking 21 days to fix his service. The problem was a loose wire, which he discovered 20 days after reporting the outage. Mr. Cotton said that Frontier provided "third-world service" and complained of the time it took to talk to "a real live person."⁷⁶

34. **Internet Access and VoIP** Emily Ingram complained of trouble with static and hiss on her side of phone calls. Frontier told her to buy a new phone, which she did, but which did not solve the problem. In 2014, she learned she had voicemail but had not been told about it and did not have a passcode. She stated her internet service is slow with an average speed of not more than .5 megabits and mostly works only Tuesdays, Wednesdays, and Thursdays, after the part-week residents have come and gone. She has been informed by a Frontier technician that they have oversold their internet service. Ms. Ingram has complained to the FCC and the OAG and explained that Frontier's responses to the agencies were incorrect. She was also upset that Frontier held onto a \$25 credit she received for 90 days and that "it takes days" for electronic payments to clear, yet Frontier imposes overage charges "if you're even one day late." Ms. Ingram also reported being hung up on by a customer service person.⁷⁷

35. **Internet Access** Bradley Sagen complained that his internet service is "terribly unreliable," "terribly slow," and that he "may have to reset the modem several times an hour."⁷⁸

36. **Internet Access** Don Loomis reporting having problems with his wifi. He stated that he cannot send messages or photographs, although he can receive both.⁷⁹

37. **Internet Access** Claire Taylor is a full-time resident of Morris Township who was told that if she paid more, her service would improve, but it has not improved. She criticized the technician who advised her husband that lowering their internet speed would improve their email reception, to which he agreed. When she learned what happened, Ms. Taylor called customer service and was told her former speed could be

⁷⁵ *Id.* at 54-57.

⁷⁶ *Id.* at 57-59.

⁷⁷ *Id.* at 69-74.

⁷⁸ *Id.* at 74-75.

⁷⁹ *Id.* at 76-77.

restored for a higher rate. Frontier sent Ms. Taylor the wrong wifi extender after assuring her the correct one would be sent.⁸⁰

38. **Internet and VoIP** Bode Remee complained of slow and frequently interrupted internet and phone service and of waiting very long on hold when calling customer service. He also stated that whenever the power goes out and his lights flicker, his phone and internet service go out, “and then I have to play the game of calling Frontier.” He stated Frontier says they will send a technician but they never do. Phone service will get restored without a technician visit. Mr. Remee stated that he pays for 6 megabytes speeds but receives 700 kilobytes instead, because, he is told, the line is oversold. He received a credit for his outage, but was then rebilled the credited amount.⁸¹

39. **Internet Access** Amy Kromer uses Frontier for her resort. She stated that guests expect internet service and when they do not get it, they comment on Trip Advisor. A Frontier technician informed her she could not receive more than 1 megabyte due to equipment limitations. Ms. Kromer must reset her modem “a hundred times a day.” Service has gotten worse in the last year. Because Frontier’s service is so terrible, she pays Verizon for its cell phone data service. Frontier charged her \$16 per month for a security feature she never ordered and for other “hidden charges.” She noted that her electronic bills do not provide explanations for charges. Ms. Kromer stated that over the course of four years, she has been overcharged \$3,600. She has been kept on hold for two and one-half hours and has yet to receive a call back.⁸² She also related that a Frontier technician told her that internet speeds were limited because Frontier was unwilling to invest in new equipment.⁸³

40. **Internet Access and VoIP** James Sutch drove to the hearing from International Falls. He thought he was purchasing internet service at “up to 3 megabits” but never “saw 1 megabit.” Mr. Sutch contends the remote terminal is overloaded and he has static on his phone. He also stated that the batteries in the remote terminal fail shortly after the power goes out, and “you have about 10 minutes” to make a call.

41. **Internet Access and VoIP** Thomas Albrecht lives in Fall Lake and has been a Frontier customer for 12 years. He pays \$300 per month for service and did not have any significant problems until 2014-2015. His wife had developed breast cancer at a time when their phone and internet service went out. They were told it would be three to four weeks before their service could be restored, so they left Fall Lake and returned to White Bear.⁸⁴

⁸⁰ *Id.* at 77-79.

⁸¹ *Id.* at 79-83.

⁸² *Id.* at 83-90.

⁸³ *Id.* at 106-07.

⁸⁴ *Id.* at 94-98.

42. **Phone** Ron Brodigan lives in Lake County. Over the years he has obtained the home phone numbers of a number of repair technicians because calling customer service and speaking to someone in New York is “useless.”⁸⁵

43. **Internet Access and Phone** Doug Lande complained of being billed during a vacation hold and then getting charged late fees on top of that. He was told that because he is on Lifeline, he cannot get the vacation rate.⁸⁶ “. . . I think after everything that has been said tonight, at least in the regional area . . . they have taught their employees to lie, to cheat, and to steal.”⁸⁷

44. **Internet Access** Steve Kleist stated that Frontier’s internet service is “very very incomplete” and criticized Frontier’s billing process.⁸⁸

45. **Other** Marsh Rokke found it obnoxious that Frontier’s CEO makes so much money in light of the Company’s billing practices and poor service.⁸⁹

B. McGregor Hearing, September 5

46. **Internet Access and Phone** This June 26th, Juanita Nolan’s landline service had excessive static on her end and incoming calls were not received. Some days Ms. Nolan could not call out. She was told her phone service would be restored by July 5th but it was two weeks for the repairman to come. He said the problem was with her inside wiring and Frontier could not fix it. He was able to get her phone service to work, but this caused her internet service to go out. When Ms. Nolan complained about her internet outage, she was told she had asked to shut it off. Frontier billed Ms. Nolan \$80 to turn her internet service back on. Now her phone service has static again. She stated that she pays for coverage for inside wiring repair and Frontier still has not repaired her service.⁹⁰

47. **Internet Access** Stacey Bohn lives in McGregor and operates the McGregor Baking Company and Cafe. She switched her service from Frontier to another company as soon as her two-year term agreement with Frontier expired. Subsequently, she received a bill for \$2,448.64 from Frontier, which included a substantial early termination charge. Ms. Bohn complained to the Office of the Attorney General, which sent a letter of inquiry to Frontier. Frontier informed the OAG that the account had been sent to collections because it was under a three-year term, not two years. The dispute remains unresolved. Ms. Bohn denies that she or her husband agreed to a three-year term. Frontier claims that an employee updated the contract. Ms. Bohn asserts that Frontier extended the contract without asking the employee for the account number or the PIN, or verifying that the employee’s name was on the account,

⁸⁵ *Id.* at 96-101.

⁸⁶ *Id.* at 101-04.

⁸⁷ *Id.* at 108.

⁸⁸ *Id.* at 105.

⁸⁹ *Id.* at 106.

⁹⁰ McGregor Tr. at 19-21 (Sept. 5, 2018).

which it was not. She stated she experiences occasional static on her phone, but that the internet “is extremely slow and very poor. About the speed of dial-up some days.”⁹¹

48. **Internet Access** Tim Bury has two business lines and internet access service from Frontier. He was offered a promotional package price of around \$165 per month in November 2017. In December, Mr. Bury was billed \$435.15, which included a \$150 installation charge that would be credited back in two months. Annoyed by this, Mr. Bury attempted to cancel his new service but was told that it would cost him \$1,000 to get out of his verbal contract. He finally did get his charges reduced. Instead of receiving “up to” 15 megabyte download speeds, Mr. Bury conducted speed tests that measured download speeds between .9 and 1.1 megabytes. He uses internet on a daily basis and complained that it takes over a minute to load his log in screen. He stated his service is too slow to write emails.⁹²

49. **Internet Access** Ben Horton complained that his internet service is poor. His wife works at home. He stated the problem is that Frontier’s network equipment is old.⁹³

50. **Internet Access and Phone** Robert Lundquist, who is 87 years old, described Frontier’s service technicians as “fantastic,” but there are too few of them. He stated there are— only two technicians to serve a large territory. He stated he has been without phone service for three to four days at a time and was told by one of his children who lives elsewhere that calls to him were not going through. Mr. Lundquist attributes his telephone service problem to it being “the old copper.” Because of these service outages, Mr. Lundquist subscribes to cell phone service, both to make calls during outages and to call Frontier about them. Mr. Lundquist stated his internet service is very slow, as are the speeds received by his neighbors. Try as he might, he cannot obtain a guarantee of high-speed service in his area. He contends that Frontier could substantially improve his internet service without necessarily putting in fiber optics; he believes that relocating Frontier’s “boxes” would be very beneficial.⁹⁴

51. **Phone** Joan Baron’s phone went out of service on July 4, 2018. She was told no service technician would be dispatched for three weeks. She stated the inconvenience of dealing with Frontier drove her crazy and she thought of canceling her phone service. She was told that if she cancelled her phone service, her internet rate would increase.⁹⁵

52. **Analog Phone** Richard Dreger stated that the weather was fine when his phone went out of service on October 21, 2017. He stated it took 45 minutes for him to speak with a customer service representative, who told him a service technician would come on October 28. Mr. Dreger lives alone and is disabled and has medical priority.

⁹¹ *Id.* at 22-26.

⁹² *Id.* at 25-29.

⁹³ *Id.* at 29-30.

⁹⁴ *Id.* at 30-35.

⁹⁵ *Id.* at 36-38.

He criticizes Frontier for not providing credits for service outages and for not replacing old equipment, and contends that many of the problems he and others experience arise because Frontier is a monopoly in his area.⁹⁶

53. **Internet Access** Kevin Turnock just got off the phone with Frontier's customer service yesterday (Sept. 4), the second time since August 24th that he has had to call after his phone and internet service went out. He stated he was told Frontier would send him a new router that he would receive in five to ten days. On September 4th, Mr. Turnock called Frontier because he had not received the promised router. He was told that nobody had ordered a router to be sent to him, but that one would be sent. When in service, Mr. Turnock stated, his internet service is very slow. He contends that because Frontier is a monopoly in his area, it can charge whatever it wants, regardless of the poor service it provides.⁹⁷

54. **Phone** Alice Lake provided pictures of Frontier wires crossing a bridge where "[m]any times after a rain we would have trouble as the wires lay on the old bridge."⁹⁸

55. **Internet Access** Shawn Jansen is the editor of the local paper and reported being hung up on because callers cannot hear her. She stated her download speeds are nowhere near the 6 megabytes that she expected. Ms. Jansen has four children who would like to use the internet for school and entertainment but cannot. She stated that every month she is charged for service that she does not receive and is told that "nothing can be done about it."⁹⁹

56. **Phone Internet** Sharon Sauer attended the McGregor hearing because it was the one closest to her. Even so, Ms. Sauer drove an hour and fifteen minutes to attend. She has lived in the same home for 25 years. It is in an unpopulated area and reached by a gravel road. Ms. Sauer complained that every call to customer service is routed to a different person who requires her to start from the beginning in explaining her concerns, which would not be necessary if service representatives called back as they promise to. She stated that one problem is that her name is not on the bill – her deceased husband's name is and Frontier refuses to put her name on the account. She complained that Frontier gives new customers promotional offerings while "old customers get crap." Her internet service is "down more than up," and while she is paying for 18 megabytes of download speed, her actual speed is 1.5 megabytes. Ms. Sauer stated that she is afraid of terminating her service from Frontier because of the penalties she could incur.¹⁰⁰

⁹⁶ *Id.* at 38-44.

⁹⁷ *Id.* at 44-49.

⁹⁸ Ex. 7 (photos showing exposed line on inundated bridge).

⁹⁹ McGregor Tr. at 59-60 (Sept. 5, 2018).

¹⁰⁰ *Id.* at 60-64.

57. **Internet Access and Phone** Nancy Rezney complained that Frontier never credited her payment of \$236.78 three years ago. She has a statement from her credit union showing the electronic transfer.¹⁰¹

58. **Internet Access** As were a number of other people, Kelly Butler was highly complementary of Frontier's local service technicians and critical of its network equipment. Her job requires that she make daily submissions over the internet. To accomplish this, Ms. Butler must often rely upon her cell phone to provide an internet hotspot because her internet service is so poor "[a]nd the modem, all I'll say is reset, resent, reset, reset, always." She stated she frequently must exhaust her cell phone data allowance because her internet service is so poor, with a download speed of less than 1 megabyte. Her upload speed failed to register any value. Ms. Butler was informed by a Frontier technician that new equipment had been installed, but its capabilities were not being offered to customers in her area. She reported she has "gotten tired of calling tech support. I don't even do it anymore, because it doesn't ever seem to resolve the issue."¹⁰²

59. **Internet Access and Phone** Ron Prince's phone service went out because of a lightning strike on July 24. Frontier's service representative told him it would be two to three weeks before a technician could be sent out. Mr. Prince and his wife "probably spoke with at least 20 people at Frontier about trying to get somebody there" He was able to fix the phone himself and called Frontier to cancel the service appointment. A technician showed up anyway. Mr. Prince's internet service remained out for a month. He stated it took over one month for Frontier to restore his internet service. He has observed Frontier's pedestals in his neighborhood under water. He stated Frontier employs one local service technician and a second technician two hours away, which is insufficient.¹⁰³

60. **Internet Access and Phone** Tom Crancer complained of his slow internet service and Frontier's customer service. He stated service representatives do not have access to sufficient customer information, such as notes from a customer's prior service call. Mr. Crancer also was concerned that a temporary service cable has lain on the ground for over a year.¹⁰⁴

61. **Internet Access and Phone** Barb Samarzia did not receive notice of the hearing in her August 1, 2018, bill. She stated: "Our experiences are the same as everybody else's, it's just uncanny how service can be so horrible." When her internet service went out, Ms. Samarzia and her husband spent two hours on the phone trying to get a trouble ticket, and not succeeding. She stated she receives slow internet speed – 1.63 megabytes download and .2 megabytes upload. On August 27, 2018, neither her phone nor her internet service was working. She called customer service at 12:30 p.m. After selecting a menu option, she was hung up on. Ms. Samarzia continued to be hung

¹⁰¹ *Id.* at 65-66.

¹⁰² *Id.* at 67-70.

¹⁰³ *Id.* at 71-74.

¹⁰⁴ *Id.* at 74-76.

up on several more times, then was put on hold, transferred, and promised a call back, which did not occur, and she was hung up on through 1:50 p.m. Her phone service was finally repaired on September 5.¹⁰⁵

62. **Internet Access** Grant Garriott has been a Frontier customer for 20 years. He lives on Big Sandy Lake. In 2014, Mr. Garriott cancelled his phone service because of continually increasing rates, and he subscribed to Frontier's DSL service, which provided "up to" 6 megabytes download. He intended to use a VoIP device from a third party for phone service. Mr. Garriott has measured the speed he receives and finds downloads average between 1 and 2 megabytes while upload speeds are about .5 megabytes. He stated that over the last four years, his VoIP service has deteriorated as increasing numbers of users compete for the available bandwidth. He has 12 devices he would like connected to the internet. The rain last June caused Mr. Garriott's internet service to go out. The earliest date he could get for a service appointment was almost two weeks (12 days) out. He was very complimentary of Frontier's service technician in McGregor. Together with his neighbors, Mr. Garriott wrote a detailed letter to Frontier executives, the Governor, and others, but service did not improve. Mr. Garriott noted that Frontier had suspended its dividend payments, and that some analysts suspect that Frontier may be headed into bankruptcy.¹⁰⁶

63. **Internet Access and Analog Phone** Jane Nolan-Komoto is a 21 year Frontier customer who owns a medical research firm and relies on internet access to run her business. She has "four phone lines running into my office, plus internet and a local landline." She stated a service outage can result in a five-figure loss for her business. She stated her service goes out frequently, between once a week and once a month. Fortunately for her, Ms. Nolan-Komoto has gotten the cell number of a local technician, who has "saved" her a dozen times. Ms. Nolan-Komoto is concerned that Frontier's service technicians are overloaded and will burn out. She also complained on behalf of her mother, who is also a Frontier customer. Ms. Nolan-Komoto's mother's phone is currently out of service. Several months ago, phone service in the area went out and Ms. Nolan-Komoto was advised it would be four to five weeks before the phone line could be repaired.¹⁰⁷

64. **Internet Access** Jesse Aldrich also did not receive notice of the McGregor hearing on his August bill. Mr. Aldrich pays Frontier between \$8,000 and \$10,000 a year for two business lines. Although Frontier's technicians are amazing, he stated, they are close to retirement. When he has service issues, calling Frontier's customer service results in unacceptably long hold times – one-half to two hours.¹⁰⁸

65. **Internet Access** Bob Marcum complained of his slow internet speed, which is typically 1 megabyte or less, and service frequently crashed. He never ordered "Frontier Secure" and called repeatedly to have the charges removed from his bill,

¹⁰⁵ *Id.* at 76-80.

¹⁰⁶ *Id.* at 81-88.

¹⁰⁷ *Id.* at 89-95.

¹⁰⁸ *Id.* at 96-100.

without success. He was also charged \$75 for installing the service, which was never installed.¹⁰⁹

66. **Internet Access** Edwin Pung echoed the comments of others on Frontier's internet service. He too had frequent outages and disconnections. When calling customer service, Mr. Pung reported, they ask for his phone number in case they are disconnected. When he has been disconnected, he has not gotten a call back. Mr. Pung also reported that Frontier failed to follow through on a commitment to send a new modem.¹¹⁰

C. Wyoming Hearing, September 12

67. **Internet Access** Bernon Crane stated that his internet service was down 90 percent of the time when he first subscribed two years ago. His experience with Frontier's 1 (800) customer service line is that it is a waste of time because the personnel are inept and simply blame each other for problems rather than fixing them. He reported he cannot work from home on Fridays as he would like except by using his cell phone as a hot spot. He has called customer service first thing in the morning and would be first put on hold and then "they would walk me through the same mundane process of resetting my router, unplugging it." Mr. Crane's income is hurt when he has to stay home all day to wait for a repair. When he threatened to withhold payment because he went "18 to 20 days where I had no service or that every day my service would be down," Frontier told him he would be reported to credit agencies for delinquent payment.¹¹¹

68. **Internet Access** Nancy Johnson was very upset with Frontier's customer service because the people on the phone would tell her it is the technician's fault and the technicians would tell her not to call customer service. She stated: "They did lower my rate a little bit because I complained about new customers getting a lower rate than I was paying. And then my service got even worse."¹¹²

69. **Internet Access** Greg Pedro lives in Scandia and complains that internet service has been "really bad" the last six months. He stated he must reboot his modem three to four times a day, and that he is told that if a service technician is sent to his home, Frontier will charge him \$89, even though it is Frontier's product, service, and equipment that is causing the problems. He reported he has even been advised "to use your hotspot."¹¹³ After listening to everyone else's testimony, Mr. Pedro said that he was "absolutely disgusted" with Frontier's service.¹¹⁴

¹⁰⁹ *Id.* at 101-108.

¹¹⁰ *Id.* at 109-112.

¹¹¹ Wyoming Tr. at 22-25 (Sept. 12, 2018).

¹¹² *Id.* at 25-26.

¹¹³ *Id.* at 27-29.

¹¹⁴ *Id.* at 112.

70. **Internet Access** Teresa Lorenz uses Frontier because she cannot get service from anyone else. She stated:

I'm super angry because I run a business and then I come home. I work two shifts a day. And when I come home, I have to keep working, and I couldn't get on the internet. Every night, I've got to unplug it, all through the night.

She reported her internet service has dropped “thousands” of times and she has lost documents she was working on. When she has called Frontier, she has been told, “We don't see any problem, let's move the jack, let's redo some of the stuff, let's give you a new modem. I had five or six different technicians within the first year that I had service.” Ms. Lorenz concluded by observing: “Look at this crowd here today. Obviously, it's saying something about Frontier, that their service is – they shouldn't even be in business, to be honest with you.”¹¹⁵

71. **Analog Phone** Diane Eaton is begging for a basic utility service but Frontier refuses to provide service. Her husband is a vulnerable adult who cannot retain a new phone number, but she cannot find a service provider, much less get their old number ported. She stated she has stage 4 kidney disease and diabetes and requires phone service, especially analog service, where 911 works better than it does with VoIP service.¹¹⁶

72. **Internet Access** Dan Babbitt stated that his internet speed was not within 20 percent of what he was paying for. When he attempted to use Frontier's chat line to complain, he was the 22nd person in line. When he was connected on the chat line, he asked to be escalated and was transferred to a new line where he was the 112th person in line.¹¹⁷

73. **Internet Access and Phone** David Rosen has been a Frontier customer and has had the same telephone for 47 years. He stated that when he decided to subscribe to internet access services in addition to his phone service, he was told his bill would be \$29 a month for his phone and \$20 additional for internet access, but his first bill was \$80 more than what he had been told. Customer service only then explained that by changing his service, he lost his “grandfathered” pricing. In addition, for the last 14 or 15 billing cycles, he stated, his bill increased “from two to five dollars a month.” Frontier's ever higher rates have forced Mr. Rosen to subscribe to a lower cost phone service.¹¹⁸

74. **Internet Access** David Ducette lives in Chisago and Frontier is his only option for internet service. Mr. Ducette has problems with his internet service. He reported he has no wireless service available to him and that another provider would

¹¹⁵ *Id.* at 29-32.

¹¹⁶ *Id.* at 32-35, 99.

¹¹⁷ *Id.* at 35-36.

¹¹⁸ *Id.* at 37-38.

charge \$7,000 to bring and install cable to his location. He subscribes to two DSL lines for redundancy but doing so has not resulted in adequate service, and this service has only worked intermittently since last February. Last summer, he reported, a technician missed a scheduled appointment to repair an outage on one of his lines. Mr. Ducette objects to the \$89 Frontier wants to charge for a service visit because he is not the cause of his service issues. Mr. Ducette explained that his service issues are worse in the summer – capacity runs short in the summer months when the part-year residents are present. He stated that he has been told that new capacity has been installed in the central office, but it has not been turned on yet. He believes that there is a breakdown in communication within Frontier because the service people “do not know the details of what’s going on on the ground as far as equipment and what equipment is there and what needs to be switched over and all of that whole story.”¹¹⁹

75. **Internet Access and Phone** George Mikelsen stated that Frontier’s internet service is a real problem, and that the company’s problems stem from the fact it has no competition. He agreed to a two-year term for his phone service to get \$5 off. But the two-year term is extended another month each billing cycle.¹²⁰

76. **Internet Access and VoIP** Terry Metz lives in Scandia. Since October of 2012, she has had problems with her internet service from Frontier. She stated her download speeds are .99 and upload speeds are .05, which she says are dial-up rates, not high speed. Ms. Metz does not get cell service at her residence and does not have the option of using a cell phone hotspot.¹²¹ Exhibit 11 documents Ms. Metz’s frustrating experience with attempting to change a service appointment and then confirm a new one. She was placed on hold for a time and then was disconnected.

77. **Internet Access** Ron Carlson stated that he would not have moved to Chisago County from the Twin Cities if he had known that the internet service was so poor. He stated his service is so poor he cannot access email on the weekends. In November 2017, on the recommendation of a technician, Mr. Carlson opened a ticket to change his service to another central office to improve his broadband service. In February 2018, he called to find out what, if anything, had been done. He stated that after 45 minutes, he was told they could not find the ticket, but would be called back later, but he was not.¹²²

78. **Internet Access** Alicia Hudek subscribes only to Frontier’s internet service. When she called for service two years ago, she was told that her house did not exist, and she spent hours on hold before that issue was resolved and her service was installed. When she called to report a service outage, she was on hold for 45 minutes and was told it would take Frontier a week to a week and one-half to repair. But Frontier did not repair it for another three to four weeks. She stated she was refused a refund for the outage and was also refused a request to speak with a supervisor. Another time,

¹¹⁹ *Id.* at 38-41.

¹²⁰ *Id.* at 41-43.

¹²¹ *Id.* at 43-44

¹²² *Id.* at 45-48.

she reported, she was on hold for 20 minutes and then hung up on. Ms. Hudek asserts that Frontier is taking advantage of people who have no other option for internet service.¹²³

79. **Internet Access and Digital Phone** Fred Resler has Frontier service both in Minnesota and in Florida. He used to live in Vadnais Heights. He cancelled his service at that location on June 19, 2018, but “[t]hey’re charging me all the government access taxes and the Minnesota state sales tax on a zero balance. Their billing specialist said, ‘Well, you have to talk to your local government about that.’”¹²⁴

80. **Internet Access** Kirsta Schauer has had phone service from Frontier since 2007 and internet service from 2014 or 2015. Her complaint is with Frontier’s Internet service – the Schauer’s have the same problems as others have spoken of – much slower speed than expected and frequent disconnections with repeated modem re-bootings and calls to customer service. She stated they must rely on their cell phone hotspots 95 percent of the time. She reported that internet access is critical to Mr. Schauer’s employment, as he works from home.¹²⁵

81. **Internet Access** Pam Stone lives in Willow River. Her internet modem was installed in her basement. She suffers from a torn meniscus and stated it is difficult for her to go to her basement to reboot her modem. She stated her service frequently goes out and she is instructed to reboot. Ms. Stone has been billed for more than she was told she would have to pay, and she stated she is paying for 6 megabytes and getting 1.74 at best. She has been told that her equipment is only capable of delivering 3 megabytes. Ms. Stone was without phone service for a week when a power line went out. She stated she has spent at least 20 hours on the phone with Frontier. She was so frustrated with her service, Ms. Stone told customer service to cancel her service. Shortly afterward, she regretted cancelling her service and called customer service again. Ms. Stone was assured her service would not be cancelled, but then it was.¹²⁶

82. **Internet Access** Julia McMann spoke on behalf of the twenty members of Croixside Property Owners Association, all of whom take internet service from Frontier and of all of whom experience frequent disconnections and slow download speeds. Ms. McMann reported one of her devices had 75 occurrences of being offline in 24 hours. Some Association members have had payments misapplied, which have taken months to correct. She reported the internet service is so bad that it is impossible to work from home.¹²⁷

83. **Internet Access and Analog Phone** Nancy Anderson said that when leaving for the winter two years ago, she and her husband put their internet service on hold and had “the landline activated so our freeze warning alarm would work” The alarm

¹²³ *Id.* at 48-50.

¹²⁴ *Id.* at 51-53; Ex. 12 (copy of Mr. Resler's Frontier bill).

¹²⁵ Wyoming Tr. at 53-55 (Sept. 12, 2018).

¹²⁶ *Id.* at 55-63.

¹²⁷ *Id.* at 69-72.

“had to be plugged into a landline.” However, Frontier continued to bill for the internet service and it took “many hours on the phone with Frontier” to resolve it. Last year the Andersons experienced terrible service and decided to cancel their Frontier service. Ms. Anderson reported they were given conflicting dates for when the return box would be sent for the modem, and that they continued to be billed for their internet service. Frontier said that it would take “three billing cycles to straighten it out.” On the third billing cycle, the bill said the account would be sent to a bill collector. Ms. Anderson stated they paid the amount demanded and that “we will not ever have anything to do with Frontier.”¹²⁸

84. **Internet Access** David Johnston signed up for 18 megabytes of service a month ago and reported he receives less than 1 megabyte at times. He told that a technician visited the day before the hearing and measured the download speed at 18 megabytes on his tablet, but that was at 1:30 p.m., not a high demand time. Mr. Johnston continues to experience inconsistent download speeds, often less than 18 megabytes.¹²⁹

85. **Internet Access** Steve Kronmiller is a member of the Scandia City Council. He stated that by FCC standards, Scandia is unserved and has not been awarded any federal funding to improve service. The biggest issue to Mr. Kronmiller is that Frontier advertises that it provides great service when it does not even meet minimal standards. He feels customer service representatives have no knowledge of what is happening to Minnesota customers, which results in customers having to struggle to improve the service they were told to expect. Mr. Kronmiller also complained about Frontier’s use of vendors and contract employees who have no loyalty to the Company or its customers.¹³⁰

86. **Internet Access and Phone** Terri Kirwin complains that when her internet service is fixed, her phone goes out and vice versa. Cell phones do not work in her area so a phone outage is a major problem. She reported that once when her service went out, she was given a repair date eight days later and was told that Minnesota was on an escalation freeze. The next time she lost service, Ms. Kirwin was out of service for 14 days. From last Spring to this Fall, she reported, she has had no service for 33 days. Of nine service appointments Ms. Kirwin has scheduled with Frontier, no one has shown up for five of them.¹³¹

87. **Internet Access** Sandra Brincefield stated the Frontier customer service is a run around, and that poor internet service hurts people, causing stress, as well as lost job opportunities for people who need to work at home. Ms. Brincefield reported she must take her children to McDonalds to use its internet to complete their school work. She pays \$90 per month for service that is extremely slow and network equipment that is poorly maintained. She also reported the demarc box at her home is held together

¹²⁸ *Id.* at 74-76.

¹²⁹ *Id.* at 77-79.

¹³⁰ *Id.* at 79-83.

¹³¹ *Id.* at 83-88.

with duct tape. She told that she has to take an entire day off from work when she schedules a repair.¹³²

88. **Internet Access and Phone** Greg Zauner described Frontier's internet service as so pathetic that speed tests fail to register any speed. He complained that when his phone goes out of service and he calls in, he will be put on hold for 20 to 30 minutes, after which the call will drop and he has to call in again. Once he gets through, he is asked "101 stupid questions." On one service visit, he stated, the technician discovered that call forwarding was on, and then that call rejection was on, and various other features that Mr. Zauner did not use were also on and somehow had been turned on at the switch. His phone service has improved lately, he stated, but he still learns of callers who get a recording saying that his phone is out of service.¹³³

89. **Internet Access and Phone** Colleen Poeschl has had Frontier internet and phone service since 2013. She stated internet access is necessary these days for both work and school, and that both services were out for nine days. She reported that customer service failed to call back as they had promised to and that several times she was hung up on. Ms. Poeschl said that she pays \$115 per month and has nothing to show for it.¹³⁴

90. **Internet Access** John Lindell lives in Scandia. One year ago, his DSL service cost \$20 per month, which was acceptable, although he stated service frequently disconnected. Four months ago, Frontier increased its price. Mr. Lindell complained and he got a credit. He stated this happened several times and then the rate he was billed jumped to \$35 per month. When he called, he was told his discount had expired, notwithstanding that, on Mr. Lindell's bill, it states the discount continues until 2020. He filed an informal complaint with FCC, to which Frontier responded that he was free to use another provider because there was competition, a statement with which Mr. Lindell disagrees. He also complained that because he disputed the extra \$15 charge, he did not pay it, as is permissible per the instructions on the bill; nonetheless, he was assessed a \$9 penalty.¹³⁵

91. **Internet Access and Phone** Joe Thibodeau has been a Frontier customer for 23 years. He is a small business customer and subscribed to DSL service when it was first offered. Since then, he stated, he has had over 100 outages affecting both his internet and his phone service. Although Frontier advertises 6 megabyte service, he reported he has never gotten more than 3 megabytes and typically gets 250 kilobytes down and 65 kilobytes up. Mr. Thibodeau contends that Frontier should be able to measure outages and automatically credit customers' bills.¹³⁶

¹³² *Id.* at 88-92.

¹³³ *Id.* at 93-97.

¹³⁴ *Id.* at 98-99.

¹³⁵ *Id.* at 99-102.

¹³⁶ *Id.* at 102-05.

92. **Internet Access and Phone** Elizabeth Mohr is another Scandia resident who has had phone and internet service with Frontier since 2005. Although she subscribed to what she understood to be a 6 megabyte download and 3 megabyte upload service, the actual speed she receives is 1.5 down and .02 up. Ms. Mohr works at home full time but must go elsewhere to use the internet. She reported she had replaced her inside wiring but nonetheless has never gotten clear sound. Ms. Mohr learned that when the local school attempted to call her, it got a “line disconnected” recording. She stated that it required 47 hours of her time to get improved service, and that she opened six trouble tickets. Her two DSL lines and her phone line were disconnected before the new service was be installed, and the installation failed because “no port” was available. She stated it took forever to reestablish service and that her phone was out for 12 days. Frontier hung up on Ms. Mohr “200 times.”¹³⁷

93. **Internet Access** Debbie Hoppe arranged to cancel service on her two DSL lines rather than use a vacation hold because she was going to be away for so long. She reported she did not know until she returned that Frontier continued to pull money from her VISA account for service she did not have. Ms. Hoppe praised Frontier’s local technician.¹³⁸

94. **Internet Access and VoIP** Shannon Herr is an IT professional who subscribed to Frontier’s DSL and “[p]hone by virtue of DSL” service three years ago. She often works from home and “can share nightmare stories just as everybody else has here.”¹³⁹

95. **Phone** Delores Stoe has lived in Chisago for the last 13 years and has never had to call a phone company before she moved here. She stated she was told to buy a new phone from the Company but that it did not improve the voice quality of her service. Next, the Company advised her to purchase new headsets, but after doing so, she learned they were out of range when deployed in her house. She complained but was told they were out of warranty (because Frontier had delivered them weeks earlier than promised). Ms. Stoe reported she pays \$79 per month to call in to Frontier’s phone tree.¹⁴⁰

96. **Internet Access and Phone** Roy Robison lives in Schaeffer. He reported he received no notice of the hearing on his bill and just learned of it 28 hours ago. He complained that every month he gets various charges of 25 cents to one dollar without explanation. Mr. Robison stated he was promised a one-year price guarantee for his DLS service, which lasted only six months. His phone service has reportedly been interrupted dozens of times for minutes, hours, and days. He feels the outages do not appear to be weather related. When his phone goes out, Mr. Robison stated, he must drive two and one-half hours to Osceola to get a trouble ticket.¹⁴¹

¹³⁷ *Id.* at 105-09.

¹³⁸ *Id.* at 109-11.

¹³⁹ *Id.* at 112-13.

¹⁴⁰ *Id.* at 114-17.

¹⁴¹ *Id.* at 118-21.

97. **Internet Access and Phone** Anita Jones operates a home business and has lost customers because of her poor service. She has had outages last for days. Her mother-in-law is a life link customer who relies upon Ms. Jones and her husband and must be able to contact them by phone in an emergency.¹⁴²

98. **Internet Access** Lisa Klein is an internet customer of Frontier's since 2017. She stated she was promised she would be charged \$20 per month for internet access service until 2020, but that in March her bill increased without explanation. She complained of Frontier's pathetic service and their 8 a.m. to 4 p.m. window for repair work.¹⁴³

D. Slayton Hearings, September 25

99. **Internet Access and Analog Phone** Marty Sterzinger uses both digital point of sale system and analog lines as back up for the filling station he owns. Of the 12 pairs in the cable that serves his business, he reported, 11 pairs are "too noisy" to serve as the analog line backup for his point of sale system. In the last 20 days, Mr. Sterzinger's broadband service has by report been down four hours, which is not acceptable for a business like his – a 24-hour truck stop. When he has an outage, he calls the 1 (800) number and after listening to advertisements and "about 45 minutes of hold timed," Mr. Sterzinger is able to speak to someone in first level support. After being issued a trouble ticket at the beginning of September, six days later Mr. Sterzinger got a call from a service technician in Ohio, who asked him for his address. Lastly, Mr. Sterzinger reported he has three different accounts with "supposedly fixed amounts on all three, but I have yet to have a month come up where I had the same bill, they're always varying between 10 and 20 and maybe even \$50."¹⁴⁴

100. **Internet Access** Lynn Stoneking has had internet access service from Frontier for 13 years. She stated she has had no problems with her phone service, but her internet access is dropped frequently and she must use her cell phone as a hotspot. She reported her bill states "high-speed internet" but when she speaks with customer service she is told that a high rate is not guaranteed. Her measured download speeds have been in the .8 to 1.2 megabyte range. She has been told that she "is at the end of the line. There is nothing we can do for you." While \$40 a month would not be a high price if the service worked, she reported that it doesn't.¹⁴⁵

101. **Internet Access and Phone** Joyce Wiekeraad subscribes to both internet access and voice service from Frontier. She told of losing service after a flood in July and of a call in for repair on July 4, when she "was told nobody will be out there to fix it until the 21st of July." A tree branch had fallen, leaving her service line lying on the ground. She stated Frontier fixed it eight days before they said they could get to it,

¹⁴² *Id.* at 121-23.

¹⁴³ *Id.* at 123-26.

¹⁴⁴ Slayton Tr. at 16-20 (Sept. 25, 2018).

¹⁴⁵ *Id.* at 20-28.

stating, “It took seven days for the landline to get fixed and four phone calls to customer service.” Ms. Wiekeraad did receive a service credit for the outage after wrangling with customer service.¹⁴⁶

102. **Analog Phone** Jean Burkhardt lives in Martin County, approximately a 75-minute drive to the hearing in Slayton. She subscribes to both Frontier’s internet access and phone service. In years gone by, she reported, service issues would be fixed by a technician within 24 hours, but now “the wheels have come off” and Frontier’s service is horrible. It took seven or eight days for Frontier to repair a phone outage, but only after four calls to customer service, during one of which Ms. Burkhardt stated she got into an argument with a representative about her date of birth. She stated she cannot get Frontier internet service.¹⁴⁷

103. **Internet Access and Phone** In the first week of July, Dale Burkhardt’s landline was cut while tiling work was being done, despite the fact that a Frontier person was standing by. Mr. Burkhardt stated the Frontier person incorrectly identified Mr. Burkhardt’s service line as abandoned. Frontier ran a temporary line, which provides service, but with a substantial buzz on the line, and he stated the line was then cut again. He has been told the line needs to be replaced and that someone would be out in a week to 10 days, but no one has come. Every week since he has called Frontier, he stated, he has been hung up on twice, and no repair person has been dispatched. His service is still out.¹⁴⁸

104. **Internet Access** Ray Schmidt has not taken Frontier services for four years because of his experience six years ago when he subscribed to high-speed internet. While his “landline [phone service] was pretty good,” his internet service “was terrible.” As soon as his service was installed, Mr. Schmidt stated, he began immediately being billed for high-speed service. However, he stated he never received high-speed service. When he complained that he was not getting high speed and asked for a refund, he reported he was laughed at. The service person told him:

Our lawyers have spent hours and hours writing up, she says I can tell you exactly how it was worded when you signed up for the high-speed internet we’re given a little card that we have to read off whenever we offer high-speed internet . . . I got my card right here. I’ll read it off to you . . . we offer 1.5 meg, or whatever it’s called, and it’s up to.

Mr. Schmidt stated she says, do you hear what I’m saying? Up to. She said as long as we’re providing you with any internet, you can’t complain and you have no legal right to demand a refund. One of the reasons Mr. Schmidt wanted a “landline” telephone is that there is a directory for landlines, but not for cell phones.¹⁴⁹

¹⁴⁶ *Id.* at 28-30.

¹⁴⁷ *Id.* at 30-34.

¹⁴⁸ *Id.* at 34-37.

¹⁴⁹ *Id.* at 37-39.

105. **Analog Phone** Keith Ebeling resides in a new home in Trimont and contacted Frontier to have a landline installed. He stated he spent one to one and one-half hours on the phone with Frontier only to be told by Frontier that “we don’t have service in Trimont.” Mr. Ebeling is puzzled because for 55 years he has had Frontier service at his farm west of Trimont, but now he is told the Company does not serve Trimont. He was told “better find a different provider.”¹⁵⁰

106. **Internet Access** Freeman Taylor subscribed to Frontier’s phone and internet access service. A year ago, he reported, he called with a service problem that was not resolved after one-half hour on the phone, and a technician visit was ordered. The technician arrived when he said he would and discovered that Mr. Taylor had not updated his system as Frontier had instructed him to do by a letter Frontier sent him two years before. Since the technician updated Mr. Taylor’s system, he has not had any problems with his service.¹⁵¹

107. **Phone** Berneida Peck stated she lost her phone and internet service for 23 days after the flood this past July. In her opinion, it is a waste of time to call Frontier customer service. Ms. Peck has been able to obtain the number of a Frontier technician she calls directly. Her call to a Frontier technician after the flood went to voicemail as he was on vacation but he called back, came to her home, and restored service. Ms. Peck advises other Frontier customers not to call Frontier’s customer service number but instead to call a local Frontier person.¹⁵²

108. **Internet Access and Phone** Gary Richter lives in Comfrey, about an hour’s drive from Slayton, and he stated that Frontier’s service has substantially regressed in the last six months to a year. He reported that his neighbors have had no phone or internet service for four weeks. They expected a service visit on September 20, but no one came or called to reschedule. Mr. Richter reported he experiences very slow internet service, especially in the evenings. Despite his complaints over poor service, he has not been given any bill credits.¹⁵³

109. **Internet Access** Mitch Voehl drove 50 miles to attend the hearing. He complained of the quality of Frontier’s internet access service – its speed, reliability, and repair service. Thus far in 2018, Mr. Voehl stated, he has made 18 service calls, many related to the quality of his service, and in 2016, he made 21 such calls. Most recently, on September 17, Mr. Voehl’s DSL service was intermittent and a repair visit was set up for Saturday, September 22, but no one came. A technician finally did come on September 25th (the day of the hearing) and said the service was working. Mr. Voehl stated that he is not receiving high-speed service of 6 megabytes, which he is paying for. He contends that Internet service should be regulated the way that phone service is regulated.¹⁵⁴

¹⁵⁰ *Id.* at 40-41.

¹⁵¹ *Id.* at 41-42.

¹⁵² *Id.* at 43-44.

¹⁵³ *Id.* at 59-61.

¹⁵⁴ *Id.* at 61-69.

110. **Internet and Phone** Sylvan Tekrony spoke on behalf of Denise's Tax and Accounting Service. On behalf of the firm, Mr. Tekrony subscribed to Frontier's phone and internet service and was promised a guaranteed rate for two years. However, after one year, he stated, the rate increased and this prompted Mr. Tekrony to call customer service. Customer service insisted that although the promotion was for two years, the price guarantee was for one year, not two.¹⁵⁵

111. **Internet Access and Phone** Nancy Olson's 98-year-old mother-in-law is on Lifeline service. Her phone went out and Ms. Olson called and requested emergency service, 24-hour repair. After six more calls to customer service and after ten days had passed with no repair visit, Ms. Olson called an electrician, who came and fixed her mother's line. The Frontier tech who visited later said that no one had told him it was an emergency. Ms. Olson also complained about her own internet service from Frontier. She stated she had been able to receive email, but not send it. She could watch Netflix or use her computer, but not both at the same time. She stated her internet service might go out 12 out of 24 days. After a technician visited, her service temporarily improved and all of the emails that Ms. Olson had written over the past two years, but which failed to send at the time they were written, were all sent out, to the confusion of the recipients.¹⁵⁶

112. **Internet Access and Phone** Trish Grieme reported that when her internet service worked at all, it was very slow. In what Ms. Grieme took as giving up on providing good service, a Frontier employee suggested that she switch providers. Ms. Grieme is required to fax time sheets to her employer on Sundays but has been unable to do so, and she called customer service. She has also had problems with her phone service. Ms. Grieme stated her line was dug up and she bought a more expensive phone, but callers still report being unable to hear her.¹⁵⁷

113. **Internet Access** Brad Gass lives in Iona and is between six and seven hundred feet from a Frontier central office but the download speeds he receives are "horseshit." The typical download speed he receives is 600 kbps. Only at night does he receive the maximum speed of 6 megabytes. He has taken Frontier's DSL service for five years, experiencing "horrible" service the entire time. At first, he paid \$29.99; now he is paying \$46.98 for service that has gotten worse. Mr. Gass observed that "it is stunning how far behind Frontier is in terms of technology."¹⁵⁸

114. **Internet Access and Phone** John Gibeau is on the Ceylon City Council and spoke generally of the service issues his community has suffered over the last five or six years. He spoke of service wires lying on the ground for over three years, or tied to trees, or staked up to pass over sidewalks. He argued that Frontier preys on the fact it does not have much competition. Although Frontier's technicians do what they can,

¹⁵⁵ *Id.* at 69-71.

¹⁵⁶ *Id.* at 71-73.

¹⁵⁷ *Id.* at 73-74.

¹⁵⁸ *Id.* at 75-78.

management provides nothing but excuses. The City signed up for 26 megabyte service only to be later told by a technician that the lines serving that location could never provide that level of service. Mr. Gibeau complained to the OAG. The OAG sent three letters to Frontier before it responded.¹⁵⁹

115. Internet Access and Phone Ted Reisdorfer reported that his internet service is so slow that he gets cut off due to inactivity. After a vacation hold, Mr. Reisdorfer's bill increased by \$5. He complained and was given a credit. The next month he was again billed an additional \$5. When he complained, the customer service person told him he had agreed to the higher price. Mr. Reisdorfer concluded: "I'm a 50-year customer and they treat you like dirt."¹⁶⁰

E. Lakeville Hearings, September 26

116. Internet Access David Davenport of Farmington has been a Frontier customer for 18 years and has "had continual primarily internet problems." He reported that while he was paying for high-speed internet, he was not receiving high speeds. In an effort to improve his service, he replaced his modem several times and even disconnected his telephone "landline" service, but his internet service did not improve. Mr. Davenport said his broadband service is disconnected every day. He is locked into a multi-year contract and feels he is forced to pay for service he is not receiving.¹⁶¹

117. Internet Access and Phone Harry Tolzman of Waterville drove 50 miles to attend one of the hearings in Lakeville. He purchases both telephone and internet access services from Frontier. Mr. Tolzman explained that whenever it rains, his services go out. He has spoken with agents in various offices around the country who would perform tests and then advise Mr. Tolzman that his outages were due to problems with his interior wiring. By the time a technician would be sent to his home, the problem would be temporarily resolved. A Frontier technician advised him that the telephone cable to his home needed to be reburied, and two and one-half years ago, a temporary cable was installed, which lay atop the ground. Frontier did not obtain a permit for that work and the temporary cable has been cut by a county lawnmower as well as by a motorcycle. Mr. Tolzman filed a complaint with the FCC, which contacted Frontier. Frontier informed the FCC that Mr. Tolzman's problems were fixed; he stated they were not. Mr. Tolzman is no fan of Frontier's customer service.¹⁶²

118. Internet Access, VoIP, and Analog Phone Mark Doffing is the representative for Local 7270 of the Communications Workers of America (CWA). Mr. Doffing provided a detailed statement of the union's view of Frontier's service problems.¹⁶³ He stated that Frontier had not invested adequately in either its network or its work force. He described Frontier's network as consisting of a deteriorating plant

¹⁵⁹ *Id.* at 78-85.

¹⁶⁰ *Id.* at 86-88.

¹⁶¹ Lakeville Tr. at 20-21 (Sept. 26, 2018).

¹⁶² *Id.* at 21-26.

¹⁶³ Ex. 29 (statement of Mr. Doffing).

which instead of being replaced is maintained by “jury-rigged, quick fixes” or “band aides,” which only provide temporary improvements and ultimately create more work with more “quick fixes.” Even as the Company’s lack of plant investment increases the demands on its technical field staff, Frontier is reducing the numbers of its field technicians. Mr. Doffing stated that now two technicians are doing what eight formerly did, with the assistance of some outside contractors, who lack in the specialized knowledge that a union technicians possess. One case that came close to home for him involved his 90-year-old mother who was without telephone service for one week.¹⁶⁴

119. **Vantage TV** Ron Birkemeyer complained of his TV reception from Frontier’s Vantage service. In addition to daily screen freezes, Mr. Birkemeyer loses TV reception entirely. To restore his TV service following each outage, Mr. Birkemeyer must reboot his routers and the receivers on each of his several televisions, which is time consuming. Mr. Birkemeyer has concluded that Frontier’s digital infrastructure is fragile. When advised that a new router would fix his issues, Mr. Birkemeyer paid \$35 for a new router that Frontier never sent. His Frontier-supplied router has a 2012 manufacturing date.¹⁶⁵

120. **Internet Access and Phone** Rich Storlie of Lakeville related that he reported to Frontier that a tree had fallen on his telephone line. He was told that Frontier would not “take care of that unless service goes out.” He too complained of frequent disruption of his internet access service. Again and again, Mr. Storlie stated, he would have to unplug, reboot, and reconnect, a cumbersome fix that would only work for minutes to hours. Twice he has been told he would be sent a new router but he has not received one. His router was built in China in 2012 and Mr. Storlie suspects it needs to be replaced.¹⁶⁶

121. **Internet Access and Phone** Terry Kielty complained of Frontier’s billing, but not his actual services. He had telephone and internet access service for \$67 per month and thought he could save money by dropping his phone service from Frontier, since Mr. Kielty and his wife both have cell phones. He spoke with a Frontier service representative, who “indicated I could probably keep everything the same, the same charge and so on,” which at the time was \$19.99 for internet access. Mr. Kielty then discontinued his phone service and his next bill was for \$44.99. He spent an hour talking with a Frontier service technician to reduce his bill to the \$19.99 per month without success: “it’s like talking to a dead oak tree because nothing happens.”¹⁶⁷

122. **Internet Access and Phone** Paul Neubauer related that on August 9, 2018, his son informed him that calls to Mr. Neubauer’s Apple Valley phone were not getting through. Mr. Neubauer spoke with customer service and got a work order and a “large orange tag from Frontier placed on our front door that we thought had something to do with the phone line, but it didn’t specify what.” Mr. Neubauer “spoke to six different

¹⁶⁴ *Id.* at 27-32.

¹⁶⁵ *Id.* at 33-35.

¹⁶⁶ *Id.* at 36-38.

¹⁶⁷ *Id.* at 39-41; Ex. 30 (Mr. Kielty’s Frontier bills for several months).

women from Frontier that day trying to get anyone to issue a work order for a technician to come out to our home and test the phone line,” taking four hours to accomplish what should have been done in a single call. The technician who came to repair his service did not know what the orange tag was for. As it turned out, the service issue originated in the central office, not in Mr. Neubauer’s home. Mr. Neubauer also complained of Frontier’s erratic billing. In July he received a bill for \$105, an increase from the \$92.35 on his previous bills. He called and got the bill reduced to \$92.35 and was told he would be continued to be billed at that rate. However, Mr. Neubauer’s September bill was again for \$106. He called customer service again and was told that his internet discount had expired.¹⁶⁸

123. **Phone** Judy Hamlin says that while her internet is fine, she has a problem with her “landline.” She experiences frequent outages of her phone service when it rains. In 2017, she intermittently lost telephone service in May, June, July, and August. In May of this year, she was without service from the 22nd to the 24th. When she called for a repair, she was shuttled between three different people, the last of whom hung up on her – “I’d just had it then.” Ms. Hamlin also reported, in contrast to the experience of many others at the hearing, that “whenever I’ve had billing problems, they’ve correct them.”¹⁶⁹

124. **Internet Access** Tim Cook, who has a technical background, lives in Lydia, which is roughly 15 miles due east of Lakeville and about 5 miles south of Prior Lake. He stated that from 4:00 p.m. to 9:00 p.m. every night there is significant congestion in Frontier’s network, which slows down the data transmission speeds received by subscribers. Mr. Cook explained that the network route to serve his area is oversubscribed, a problem that cannot be fixed by sending a technician on a home repair visit. The entire Lydia area experienced a week-long service outage this last July, which Frontier never explained. Mr. Cook rejects the argument that Frontier’s rural customers are poorly served because of the high cost of serving them. The fundamental cause of Frontier’s service problems, he contends, is the absence of competitive providers, i.e. Frontier provides bad service because it can get away with doing so because its customers have no other option.¹⁷⁰

125. **Internet Access and Phone** Joe Niedermayr expressed great frustration with Frontier’s management. Once in the last few years, Mr. Niedermayr’s internet and voice services were out for two weeks. He said that Frontier’s customer service people had no idea what the problem was or how long it would take to restore service. Mr. Niedermayr blamed the Company’s management team for the poor service. He thought Frontier technicians were trying hard but were not properly managed and directed.¹⁷¹

¹⁶⁸ Lakeville Tr. at 41-44 (Sept. 26, 2018).

¹⁶⁹ *Id.* at 44-47.

¹⁷⁰ *Id.* at 48-50.

¹⁷¹ *Id.* at 51-52.

126. **Internet Access and Phone** Lindsay Preuss spoke on behalf of the City of Fairmont, which is a roughly 130 mile drive to the Lakeville hearing. Businesses located in Fairmont employ roughly 1,000 people. Several Fairmont employers have contacted Ms. Preuss (she works for the City of Fairmont) to enlist her assistance in getting Frontier to improve its service or to encourage another provider to serve Fairmont. Recently, Frontier's internet service to Fairmont was disrupted for three days: "The downed internet connections cost these companies thousands of dollars when considering that they were without reliable service for three straight days." Ms. Preuss said that concerns with Frontier's service have led "the City of Fairmont and Martin County . . . to pay a portion of construction costs for another broadband provider to get service to them. Frontier has been given multiple opportunities to address these issues with little to no response." Ms. Preuss also read from a local newspaper about the "hundreds of cables" Frontier has left "lying in the grass and hanging on the trees around town."¹⁷²

127. **Internet Access** Connie Glattly of Willow River, roughly 120 miles from Lakeville, read a letter from her neighbor about service outages that affected both of them, which gives the following chronology:

- August 27, 2018 – Internet service outage begins for both homes.
- August 29, 2018 – On hold 30 minutes with Frontier customer service then told technician would come on September 4.
- September 5, 2018 – Frontier technician, "Mark," calls and informs them that service has been restored.
- September 7, 2018 – Internet service goes out at 9:15 p.m.
- September 10, 2018 – Left voicemail for Mark about outage and called customer service to report outage. After being on hold for 45 minutes, told someone would come out on September 12, and was transferred to billing to get an adjustment. Gave up on getting bill adjustment after 25 minutes on hold.
- September 12, 2018 – Frontier technician "Mike" calls to say that their internet service was working again.
- September 17, 2018 – Internet service out again. Called Mike who restored service.
- September 24, 2018 – Received normal bills with no reduction for service outages from Frontier despite that both households were without service during the month for 319 hours.

¹⁷² *Id.* at 52-55.

Ms. Glattly noted that her download speeds range between .4 and 1.4 megabytes per second. In Ms. Glattly's view, the Company's service problems "start at the top." She also noted that while Frontier's stock price was in the neighborhood of \$7 per share, it paid a 30 percent dividend (\$2.60) per share. Frontier's Executive Vice President and Chief Technical Officer has 1,470,000 shares and would have received \$3,528,000 in dividends. Ms. Glattly stated, "Just think of how much that could have helped the infrastructure in rural Minnesota." Ms. Glattly said she is finding out that it is not just rural Minnesotans living in the woods who have poor internet service.¹⁷³

128. **Internet Access** James May has Frontier's internet service. In 2010, he ported his phone number to a third-party (Ooma) VoIP device. Initial difficulties were caused by Frontier's router, which turned Ooma's connection off after 20 minutes. Mr. May had to purchase another router and he was annoyed that he could not return Frontier's router to its local office. Instead, Mr. May had to call Frontier and request that he be sent a box in which he could return the equipment to a distant location. Another concern Mr. May voiced was that Frontier is billing him federal, state, and local Apple Valley sales taxes for the internet service his Ooma device uses. On September 11, 2017, he sent his old router to Frontier and was told Frontier would adjust his bill. He continues to be billed taxes on his internet-only service.¹⁷⁴

129. **Analog Phone** Sharon Danley of Lakeville has been a Frontier customer for 25 years. When Frontier's Vantage TV offering became available, she subscribed to the service, but only after being assured that she would keep her "landline" phone service just as it was and that she would not be charged an installation fee. Shortly after the Vantage service was installed, she found out that her phone service was not working because "they had switched it to the voice over IP, or DSL, or whatever it was, through the internet they did . . . That's when the nightmare started of trying to get them to switch our phone back to the landline . . . I was on the phone for an hour at times, an hour and a half one time. It was just crazy." Ms. Danley also complained that she was charged for phone service as part of the Vantage service and also charged for the "landline." Recently, Ms. Danley began being charged for three-way calling, which she does not use. Eventually she learned that customers were being charged for three-way calls when they hung up and promptly called someone else. She reported she pays her bill online before the due date, but receives an overdue notice on her bill. Apparently, Frontier does not promptly credit customer accounts for online payments. She called customer service but could not reach anyone.¹⁷⁵

130. **Phone** Richard Orndorff is a resident of Farmington who has had a Frontier phone number "forever" and took telephone, internet, and TV service from the Company through its Vantage program. He would regularly lose his phone service when it rained. Mr. Orndorff recently moved and was unable to port his phone number or get

¹⁷³ *Id.* at 56-60.

¹⁷⁴ *Id.* at 60-67.

¹⁷⁵ *Id.* at 71-77. Ms. Danley is one of three speakers who complained of erroneous charges for three-way calling. All three speakers attended the Lakeville hearing. See *infra* ¶¶ 132, 137.

Vantage service in his new location. Accordingly, he cancelled his Vantage services and ordered new phone and internet access service from Frontier at his new location. The order for service was mishandled and Mr. Orndorff had to place a new order, during which he was assigned a third phone number. He also reported difficulty bundling his internet access and voice service from Frontier with Dish TV service. During this process, he learned that despite what other Frontier service representatives had said, his original phone number was available to him at his new location if he wanted it.¹⁷⁶

131. Internet Access Sally Turek's "problem is mostly with internet, not so much with the phones. It's very slow when it does work." She said that it had been particularly bad this last summer. Her service went out the first week of July and then again between August 27 and September 7. During this time, she reported, she made four calls to Frontier customer service and was told no one could come to restore her service for seven to ten days. The technician who restored service on the 7th said that a mouse had "eaten one of the wires." Ms. Turek also spoke on behalf of her daughter, who experienced the same outage and had to drive to the library each night so her children could submit their homework via the library's service.¹⁷⁷

132. Internet Access and Analog Phone Arindam Taran describes himself as a "telco guy." He has been a customer of Frontier for 18 years. He criticizes Frontier for having troubleshooting techniques that "typically do not work." Frontier has billed Mr. Taran for three-way calling on his analog phone line, from which it is not possible to make a three-way call.¹⁷⁸ Mr. Taran "spent countless hours" investigating the problem. He was often promised that a manager would call him back, but no one ever did. Mr. Taran stated that making a second call within three seconds of hanging up on a prior call triggers the three-way calling charge. Mr. Taran complained that he did not receive any credits for the frequent outages or the slow speed of his internet service.¹⁷⁹

133. Analog Phone Gail Stenquist is from Apple Valley and has been a Frontier customer for 30 years. She has been getting erroneous charges on her phone bill since June. She reported she was billed for calls to Coco Beach, for operated assisted, and for information calls she did not make. She was insulted when she was asked by customer support, "Are you sure you're the only one living in the house?" Although Frontier removed these charges, they did not remove the taxes associated with them. When she received inadequate responses from a customer service representative, Ms. Stenquist asked to speak to a supervisor and was refused and instead transferred to technical support, which, she was informed, had nothing to do with billing. Ms. Stenquist's phone service went out in September, as, she relayed, it typically does when it rains. She was told it would be two weeks before repairs could be made. Ms. Stenquist would have cancelled her phone service but for wanting 911 access.¹⁸⁰

¹⁷⁶ Lakeville Tr. at 77-83 (Sept. 26, 2018).

¹⁷⁷ *Id.* at 84-85.

¹⁷⁸ *Id.* at 87-88.

¹⁷⁹ *Id.* at 86-90.

¹⁸⁰ *Id.* at 91-94.

134. **Internet Access** Trish Glassburn spoke on behalf of her husband and eight neighbors who all experienced similar problems. Ms. Glassburn's husband calls Frontier every month to complain about their slow internet service. He is taken through the same ineffectual troubleshooting procedures each time. The average download speed they receive is .2 megabytes despite that they pay for high-speed service. Ms. Glassburn said that her phone service was fine, but her internet service experienced outages every time it rained. One service representative explained that their service issues occurred because "your internet comes out of Chicago." As a Frontier customer for 18 years, Ms. Glassburn has concluded that Frontier's management is the problem, because service representatives are not well-trained.¹⁸¹

135. **Internet Access** Brent Koepp is a resident of and the Clerk of Blakeley Township. He has had good phone service from Frontier since 1992 and reported that Frontier's dial up internet access service "worked great." But Frontier's high-speed internet access service has deteriorated since September of 2017, he reported. Those residents who could do so have switched to Jaguar Communications, which offers fiber optic internet access service. Mr. Koepp stated that there are 180 households in Blakeley Township seeking an alternative to Frontier's service.¹⁸²

136. **Internet Access and Phone** Richard Price lives in Apple Valley and has been a Frontier customer since 1972. The last three or four years he has experienced service problems, primarily with his internet service. His residence is served by underground cable that Mr. Price believes has been in place since 1969. He reported he experiences very slow internet speeds despite getting a new router. The troubleshooting techniques Frontier instructs him to follow are not effective. Despite having a number of technicians come by over the years, no one had checked the demarc box. When someone finally did open it up, "it basically crumbled." Mr. Price's service has improved since the box was changed and some rewiring was done. Mr. Price also experienced an outage of his phone and internet service for five or six days. He stated it was fixed in three days by a contractor. Mr. Price complained of Frontier's "internet access surcharge," which he should not have been charged to begin with because he was on a two-year fixed price agreement; however, this increased without explanation from \$2.00 to \$4.00 per month.¹⁸³

137. **Analog Phone** Tim and Carolyn Curtin subscribe to Frontier's phone service. Every time it rains, their phone service either goes out entirely or has load static that renders communication difficult. Mr. Curtin's name is on the bill and when Ms. Curtin called customer service, she was told that the representative could not speak with her. Later Mr. Curtin called to put her name on the account, but when Ms. Curtin subsequently called, her name was not on the account. They have been charged \$5.00 for three-way calling they did not use. In early May following a rain storm, police came to their home at 5:00 a.m. because there had been two 911 calls made from her phone.

¹⁸¹ *Id.* at 95-99.

¹⁸² *Id.* at 99-102.

¹⁸³ *Id.* at 118-25.

The Curtins did not make any 911 calls and were highly alarmed by the early morning arrival of the police. Mr. Curtin has an information technology background. He reported he called Frontier customer service multiple times about their phone outage. A technician came three or four days later, by which time the problem had gone away. Mr. Curtin found a three- to four-day response time for an essential service “not normal.”¹⁸⁴

138. **Internet Access** Cathy Lund has a fax line and internet service with Frontier. She observed that in the last year or two, Frontier’s service has gotten worse. During each of the last two years, she reported, her service has gone out four to six times, often for multiple days. She has a home business and is online most of the day, frequently resorting to using her cell phone’s hotspot internet access service. She consumes much of her cell phone data allowance because her Frontier service is so bad. She reported that one service outage was caused by mice in the junction boxes and another by a line cut, which took six days to repair. Although the Frontier people she speaks with are very courteous, it is not acceptable to have to wait six days for service to be restored.¹⁸⁵

139. **Internet Access** Wayne Neirenhausen has been an internet access service customer of Frontier for the last five years. He stated that he pays for download speeds of 5 megabytes per second. But, despite being only a quarter mile from Frontier’s hub, he receives only 500 kilobytes per second, and the service is often dropped. Mr. Neirenhausen has observed a deterioration in Frontier’s service in the last two or three years and would switch to another provider if one were available. He was told that when one customer served out of the same hub as he is complains, Frontier technicians “swap cards out” to “oil the squeaky wheel” so the complainer’s service improves and service to others deteriorates.¹⁸⁶

140. **Internet Access** Tom Grant is a neighbor of Mr. Neirenhausen and has the same problems with his internet access service. Mr. Grant’s work requires high-speed internet access services for video conferencing and downloading large files. For these uses, five megabytes download speeds are not sufficient, and Mr. Grant typically receives much less than that, ranging from up to 2 megabytes to under 1 megabyte download speeds. Mr. Grant stated he has given up calling Frontier’s technical support because he can no longer tolerate the useless Level 1 troubleshooting. Every two weeks or so, he has seen a Frontier truck at the service node in his neighborhood. He reported it is clear there is a problem at the node, but the problem keeps getting passed around rather than resolved. While advertising internet download speeds of “up to 5 megs” might mean 4.5 megabytes or 4.25 megabytes at times, the phrase does not describe the service Mr. Grant actually receives. On 12 days in July, August, and September of this year, Mr. Grant measured his download speeds. The average speed he received was 1.54 megabytes. Although Mr. Grant has gotten bill credits when he

¹⁸⁴ *Id.* at 125-29.

¹⁸⁵ *Id.* at 130-32.

¹⁸⁶ *Id.* at 132-36.

has called, it has been an onerous process. He estimates in the past 5 years he has spent a minimum of 10 hours on the phone with Frontier.¹⁸⁷

141. **Internet Access and Phone** Rebecca Carson lives in Montgomery, a rural area south of New Prague, and she subscribes to phone and internet access services from Frontier. She stated:

There have been multiple times when the phone service has been interrupted due to storms or whatever and it has been several days and over a weekend or they'll say, well, we'll get to it later . . . I really can't comprehend how many hours I have spent on the phone with Frontier customer service reps . . . there have been some that have been decent, some that have been rude, but nothing ever gets resolved.

Her telephone still buzzes and her internet service "drops all the time." Most recently, her service went out on August 7. Ms. Carson called for service. On the 9th or 10th, a technician came who installed a temporary wire. Her service is still being provided by a temporary wire running through a hole in the ground.¹⁸⁸

142. **Internet Access** Keith Rozeboom subscribes to Frontier's high-speed internet service. The highest download speed he has ever recorded was 2.5 megabytes. His download speeds average 512 to 6020 kilobytes per second. His service goes out "pretty much every day."¹⁸⁹

143. **Vantage TV** Kristi Paulson-Mingus lives in Burnsville and first subscribed to Frontier's internet access service in 2002. She had digital subscriber line service for \$19.99 per month. In July 2017 she sought to upgrade her service and was told that she could subscribe to the Vantage service, and that for only \$5 per month more than she was currently paying for phone and DSL, she could have high-speed internet, plus TV and VoIP phone service. Installation was scheduled for the following Friday between 8 a.m. and 12 p.m. At noon, Ms. Paulson-Mingus was advised the installer would arrive between 12 p.m. and 4 p.m., and again no one showed. No one showed for the appointment scheduled for the next Tuesday, either. Over the next eight weeks, Frontier sent 12 technicians to her home. All were courteous, but no one could get the service working properly. Ms. Paulson described calls to customer service as a torturous process of long holds, having to describe the service issue again and again as she is transferred from department to department, and often being disconnected and having to start the process again. Notwithstanding having been told her bill for Vantage service would be \$55 per month, Ms. Paulson-Mingus' first bill for Vantage service was \$795.00. Despite her complaints, the second bill was for \$1250. In addition to having to struggle with Frontier to correct billing issues, Frontier's TV service did not work for the first four months and its internet service was very poor despite multiple technician visits. Eventually, Ms. Paulson-Mingus obtained the phone number of a person in the

¹⁸⁷ *Id.* at 136-42.

¹⁸⁸ *Id.* at 142-49.

¹⁸⁹ *Id.* at 149-50.

corporate office in California who has intervened on her behalf many times to resolve billing and service issues.¹⁹⁰

144. **Internet Access and Phone** James Fisher lives in Le Sueur County. He was employed as a facilities manager and consequently is knowledgeable about communications technology. He has had phone and internet service with Frontier since 1990. He reported his internet service is extremely slow and frequently the connection drops. His phone service buzzes continuously. When he calls customer service, he is told to check his equipment first and is warned that if a technician is dispatched and the trouble is with his inside wiring, he will be charged for the visit. He reported it is clear that the problem is in the cabling from the Kilkenny switch, which is four and one-half miles distant from his home. Mr. Fisher contends that Frontier's service issues are caused by its inadequate infrastructure.¹⁹¹

145. **Internet Access** Marla Vagts is a resident of Empire Township and has subscribed to Frontier's internet access service for 25 years. She relayed that her service has always been poor, especially between 6 p.m. and 10 p.m. Ms. Vagts spoke of making "countless" service calls and of technicians who would temporarily improve the service, only for it to degrade again. Being offered internet speeds that the Company cannot deliver is fraud, in Ms. Vagt's opinion.¹⁹²

146. **Internet Access** David Berg of Dakota Heights takes both phone and internet service from Frontier. He is served by a buried copper cable, and while his phone is always in service, his internet service, which typically operates at a good speed, goes out when there is rain or even heavy cloud cover. Because internet access is required for daily life, both for school and for employment, Mr. Berg believes that it should be regulated as a public utility. Frontier provides online billing and Mr. Berg contends that if he cannot get online, he should not have to pay the bill.¹⁹³

147. **Internet Access** Kari Lundin stated that she could "echo almost 100 percent of what everybody has said here tonight. I can't speak to my internet speeds because I'm rarely connected. Most of the time I've been booted off." Ms. Lundin has five modems because customer service said her problems were due to her modem, but new modems made no difference. Nor did a \$165 booster system. She stated service improved for a time, but then on September 23, 2018, her internet service went out. It came on Monday night only to go out again Tuesday. She called customer service and waited on hold. She stated, "The usual wait time before you can speak with a representative is somewhere between 25 and 30 minutes." The service person Ms. Lundin spoke with found that she had been disconnected 55 times since September 6. She stated that "after numerous visits from the technicians . . . it was finally discovered,

¹⁹⁰ *Id.* at 151-68.

¹⁹¹ *Id.* at 169-74.

¹⁹² *Id.* at 174-77.

¹⁹³ *Id.* at 177-79.

and after paying for the booster and getting five modems, that there was indeed a mouse down in the box at the corner.”¹⁹⁴

148. **Internet Access and Phone** Jim Korsas stated that poor infrastructure affected everyone, and that Frontier is the only provider available to many.¹⁹⁵

VII. Conclusion

149. There were significant numbers of complaints concerning Frontier’s voice services, but not nearly as many as there were complaints of its Internet service. It seems likely that many voice service complaints stemmed from Frontier’s VoIP service rather than from its analog voice service, but some complaints clearly involved analog phone service. Voice service complaints identified call quality (excessive static or hiss), frequent outages, frustrating interactions with Frontier’s customer service, long repair intervals, and incorrect billing as common problems.

150. A widely-held view of Frontier’s internet access service customers is that they are not getting the service they are paying for. Customer after customer stated that they had accepted Frontier’s offer of internet access service, for example, at download speeds of “up to 6 megs,” as establishing their expectation that they would receive downloads at something close to that speed. Frontier then shatters that expectation with its actual service and forces customers to repeatedly traverse the purgatory of its overwhelmed customer service and repair processes. When customers report complaints, their complaints are treated as repair issues, encouraging the expectation that once the “repair” is made, their service will improve. Although some customers do report improved internet speeds following a repair visit, the improvement is generally not sustained. It is a small wonder many of Frontier’s customers are unhappy.¹⁹⁶

151. Several customers with technical backgrounds stated that problems with internet access services lie in Frontier’s inadequate infrastructure, which needs to be replaced with equipment of more recent technology to provide the services Frontier markets.¹⁹⁷ For these customers, service issues are not caused by equipment that is malfunctioning but rather by Frontier’s effort to provide advanced services over a network that is not capable of delivering them.

152. Person after person stated they only subscribed to Frontier’s services because the services were essential to them. They complained of Frontier taking

¹⁹⁴ *Id.* at 179-87.

¹⁹⁵ *Id.* at 187-88.

¹⁹⁶ Only a small proportion of Frontier’s Minnesota customers attended the hearings, but as Gregory Doyle observed, many Frontier customers with service issues were not able to attend the hearings: “This isn’t a collection of everyone who has a problem, these are the people that were able to make it tonight.” McGregor Tr. at 57 (Sept. 5, 2018). Also, a number of people who spoke at the hearings were no longer Frontier customers. However, they were so resentful of their treatment by the Company that they came to the hearing to put their experiences on the record.

¹⁹⁷ See, e.g., *supra* note 35.

advantage of its monopoly power to overcharge them for abysmally poor service.¹⁹⁸ To be sure, the majority of complaints concerned Frontier's information services and not its telecommunication services.

153. With regard to the Commission's consideration of future steps in the proceeding, it may wish to inquire further to determine whether Frontier is meeting the service quality standards with respect to its telecommunications services set out in Frontier's AFOR Plan.¹⁹⁹ Frontier's AFOR Plan requires Frontier to monitor and report annually on the following five service quality standards:²⁰⁰

- Time intervals for service installation (primary service installed within three business days, or on the requested installation date, if later;
- Time intervals for restoration or repair of service (95% of all out-of-service troubles cleared within 24 hours after troubles are reported, or by appointment date, if later);
- Trouble rates (no greater than 6.5 trouble reports in an exchange per 100 telephones per month);
- Held orders (a daily average of no more than 4 held orders for primary line service); and
- Answer time (calls on hold no more than 60 seconds on average after the last menu option is selected).

154. As detailed in the Report, the testimony given at the public hearings suggests either that Frontier's service quality standards such as those for restoration or repair of service and answer time are not being met, or, if they are being met, the standards are inadequate to secure reasonable service quality. For example, testimony concerning excessive holding times was clear and unequivocal. If Frontier is meeting this standard, many of Frontier's customers would contend the standard is inadequate.

155. The AFOR plan for Frontier Communications of Minnesota, Inc. expired on May 1, 2018, and the AFOR plan for Citizens Telecommunications Company of MN, LLC will expire on October 31, 2018.²⁰¹ In addition to considering whether Frontier has complied with the service quality standards in its AFOR Plans, the Commission should

¹⁹⁸ See *supra* ¶¶ 19-148.

¹⁹⁹ See *In re a Petition by Frontier Communications of Minnesota, Inc. for Approval of its Revised Alternative Regulation (AFOR) Plan*, MPUC Docket No. P405/AR-14-735, Alternative Form of Retail Regulation Plan for the State of Minnesota (Mar. 3, 2015).

²⁰⁰ *Id.* at 13.

²⁰¹ Petition of the Minnesota Department of Commerce for Reconsideration and/or Clarification at 4 (May 2, 2018).

consider revising the service quality standards in any future Frontier AFOR: “The purpose of an alternative regulation plan is to provide a telephone company’s customers with service of a quality consistent with commission rules”²⁰² Accordingly, the Commission should consider whether Frontier is meeting the service quality standards in the Commission’s rules.

156. Minnesota Rule 7810.1200 (2017) requires telephone utilities to keep records of all customer complaints. Minnesota Rule 7810.5900 (2017) requires telephone utilities to “maintain an accurate record of trouble reports made by its customers.” Because only a small subset of Frontier’s approximately 100,000 Minnesota customers attended the hearing or sent a complaint to the Commission in this docket, the Commission might consider requesting that Frontier match the complaints made at the hearings with entries in its record of customer complaints. Minnesota Rule 7810.5000 (2017) requires a utility operated in conjunction with any other enterprise (such as internet access) maintain “suitable records . . . so that the results of the telephone operation may be determined” Being unable to match complaints made at the hearing to its own records could indicate problems in Frontier’s complaint recording procedures.

157. Minnesota Rule 7810.1100, subps. 1 and 2 (2017) require telephone utilities to investigate complaints and contact the customer within five business days to advise on the status of the investigation. Many customers reported that customer service representatives frequently failed to get back to them. It was not obvious that customer service representatives provided better service to telecommunication customers than to internet access customers.²⁰³

158. Minnesota Rule 7810.1400, subp. 2 (2017) provides that if a customer’s service is interrupted without customer fault or negligence and remains out for 24 hours, the utility must make a pro rata refund of that month’s charges. The testimony at the hearing indicates that Frontier does not always provide pro rata refunds of charges.²⁰⁴

159. Minnesota Rule 7810.3300 (2017) requires telephone utilities to maintain their plant and equipment “so as to permit the rendering of safe and adequate service” and “[b]roken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced.” There was testimony at the hearing that Frontier’s network was not being maintained and equipment was not being repaired or replaced as necessary for adequate service.²⁰⁵

160. Minnesota Rule 7810.5200 (2017) requires that

“[n]inety percent of repair service calls, calls to the business office, and other calls shall be answered within 20 seconds. An ‘answer’ shall mean

²⁰² Minn. Stat. § 237.76 (2018).

²⁰³ See *supra* notes 30-31.

²⁰⁴ See *supra* note 45.

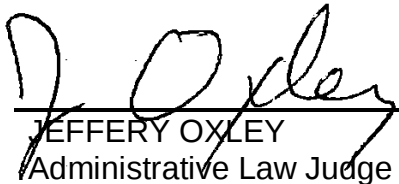
²⁰⁵ See *supra* note 35, ¶ 113.

that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgement that the customer is waiting on the line shall not constitute an answer.” Many individuals at the hearing stated that these standards were not being met in their experience.²⁰⁶

161. Minnesota Rule 7810.5800 (2017) establishes a minimum objective for telephone utilities “to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported.” One frequently reported concern was that many service outages were not being cleared within 24 hours of being reported.²⁰⁷

162. It must be noted however, that there was extraordinary praise for Frontier’s local employees, especially certain repair technicians.²⁰⁸

Dated: November 16, 2018



JEFFERY OXLEY
Administrative Law Judge

²⁰⁶ See *supra* note 25.

²⁰⁷ See *supra* note 38.

²⁰⁸ See, e.g., McGregor Tr. at 30 (Robert Lundquist), 67 (Kelly Butler), 89 (Jane Nolan-Komoto), 97 (Jess Aldrich) (Sept. 5, 2018); Slayton Tr. at 85 (John Gibeau) (Sept. 25, 2018); Lakeville Tr at 52 (Joe Niedermayr) (Sept. 26, 2018).

November 16, 2018

See Attached Service List

**Re: In the Matter of a Commission Inquiry into the Service Quality,
Customer Service, and Billing Practices of Frontier Communications
OAH 19-2500-35222
MPUC P-407, 405/CI-18-122**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **REPORT ON
PUBLIC HEARINGS** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7888,
lisa.armstrong@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

/s/ Lisa Armstrong

LISA ARMSTRONG
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of a Commission Inquiry into the Service Quality, Customer Service, and Billing Practices of Frontier Communications	OAH Docket No.: 19-2500-35222 MPUC P-407, 405/CI-18-122
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Lisa Armstrong certifies that on November 16, 2018, she served the true and
correct **REPORT ON PUBLIC HEARINGS** by eService to the following individuals:

First Name	Last Name	Email	Company Name
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce
Brent	Christensen	bchristensen@mnta.org	Minnesota Telecom Alliance
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC
Ian	Dobson	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD
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