

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Petition of the Department of Public Service	)	
for an Investigation into the Service Quality	)	
Provided by Telephone Operating Company	)	Case No. 18-3231-PET
of Vermont, Inc. d/b/a Consolidated	)	
Communications, Inc.	)	

PREFILED DIRECT TESTIMONY OF
CAROL FLINT

ON BEHALF OF THE
VERMONT DEPARTMENT OF PUBLIC SERVICE

APRIL 26, 2019
REVISED REDACTIONS – OCTOBER 8, 2019

Summary: Ms. Flint’s testimony presents an overview of Consolidated Communications’ recent service quality and customer service history and reliability, as well as an overview of comments and concerns raised by consumers via public comment or through complaints filed with the Consumer Affairs and Public Information Division. Ms. Flint’s testimony demonstrates a pattern of poor customer service, particularly for scheduling of repairs and communication to customers about the scheduling of repairs. Her testimony also demonstrates poor service quality as measured by the “Troubles Cleared in 24” metric.

Ms. Flint Sponsors the Following Exhibits:

Exhibit DPS-CF-1	Fastiggi letter August 10, 2015
Exhibit DPS-CF-2	2019-04-01 Vermont Service Quality Metrics (CONFIDENTIAL)
Exhibit DPS-CF-3	Delivery of Service Complaints by Town July – October 2018
Exhibit DPS-CF-4	Repair Complaints by Town July – October 2018

Direct Testimony
of
Carol Flint

1 **Q1. Please introduce yourself.**

2 A1. My name is Carol Flint. I am the Director of the Consumer Affairs and Public
3 Information Division (“CAPI”) of the Vermont Department of Public Service.

4

5 **Q2. Please describe your educational background and experience.**

6 A2. I hold a Bachelor of Arts degree with a focus in Sociology from Norwich University
7 (Vermont College), Northfield, Vermont. I joined the Department as the CAPI Director
8 in February 2016. Previously I served as Executive Director for BROCC—Community
9 Action in Southwestern Vermont, beginning in 2014. Prior to that, I worked at Capstone
10 Community Action for over 20 years, most recently as its Program Director for Family
11 and Community Support Services.

12

13 **Q3. Have you previously testified before the Public Utility Commission?**

14 A3. Yes. I have provided testimony previously in Dockets 8701, 8881, and Case Nos. 17-
15 1238-INV, 17-3112-INV, 17-3232-PET, 18-0409-TF, 18-0726-INV and 18-0974-TF.

16

17 **Q4. What is the purpose and focus of your testimony?**

1 A4. The purpose of my testimony is to present an overview of Telephone Operating
2 Company of Vermont, LLC d/b/a Consolidated Communications, Inc.'s
3 ("Consolidated") recent service quality and customer service history and reliability of
4 service. My testimony also provides information regarding comments and concerns
5 raised by consumers via public comment or through complaints filed with CAPI.

6

7 **Q5. Please give a procedural history of regulatory service quality performance**
8 **expectations for and service quality investigations involving Consolidated.**

9 A5. In 1999, in Docket 5903, the Public Utility Commission ("Commission") established
10 generic retail service quality standards ("5903 Standards") for telecommunications
11 companies offering local exchange service. This included a Service Quality Stipulation
12 with performance areas as well as consumer protection standards with a customer Bill
13 of Rights. These standards were not accompanied by automatic penalties for inadequate
14 performance. Instead, they called for companies to submit an Action Plan to address
15 performance that falls below an Action Level. In the event companies required to make
16 an Action Plan fail to bring their service quality performance up to a Baseline Standard
17 in a certain year, they are subject to penalties pursuant to 30 V.S.A. § 30. Verizon,
18 which would be succeeded by FairPoint Communications ("FairPoint"), became subject
19 to these standards.

20

1 In 2000, the Commission authorized an incentive regulation plan (“IRP”) for Verizon
2 that was updated in 2005 in Docket 6959. In 2006, the Commission approved an
3 amended Retail Service Quality Plan (“RSQP”) as part of the IRP for 2005-2010 in
4 Docket 7142, which replaced Verizon’s obligations with respect to the 5903 Standards.
5 Some of the performance standards in the RSQP set higher expectations than the 5903
6 Standards. For example, 90% business troubles cleared in 24 hours in the RSQP is a
7 more stringent standard than the 70% baseline requirement from Docket 5903. Also,
8 unlike the 5903 Standards, the RSQP included automatic penalties for failing to meet
9 performance standards.

10

11 In 2008, the Commission approved FairPoint’s acquisition of Verizon’s properties in
12 Vermont, New Hampshire and Maine in Docket 7270. Condition 9 in the Certificate of
13 Public Good required FairPoint to continue to operate under the 2005 IRP as well as the
14 amended RSQP, both set to expire in 2010. Docket 7270 also included a Performance
15 Enhancement Plan (“PEP”), to create strong incentives for FairPoint to improve historic
16 areas of poor performance and to complete broadband investment commitments in a
17 timely manner. The PEP also required monthly reporting on the metric troubles cleared
18 within 24 hours.

19

20 In 2010, the Commission authorized an extension of the existing IRP and RSQP through
21 March 31, 2011. Subsequently, in Docket 7724, the Commission approved an Amended

1 IRP and an Amended RSQP. The new RSQP was substantially similar to the 2005-2010
2 RSQP and terminated on March 31, 2013, after FairPoint met the criteria for at least
3 eight of the ten performance areas in the RSQP for three consecutive months. As a
4 result, beginning April 1, 2013, FairPoint began reporting again under Docket 5903
5 service quality performance standards.

6 In 2014, the Department filed a petition with the Commission to open an investigation
7 of service quality provided by FairPoint. The petition included, but was not limited to,
8 concerns over FairPoint's failure to meet certain 5903 Standards and concerns over a
9 labor strike. The Commission subsequently approved an MOU agreed upon between
10 FairPoint and the Department in 2015. The MOU provided for minor reporting changes,
11 a future proceeding on service quality metrics and to consider any requisite changes to
12 the IRP (Docket 8337) that might be necessary. An additional agreement relating to the
13 MOU was memorialized in a letter from FairPoint to the Department on August 10,
14 2015, promising that FairPoint will give priority to certain customer groups when
15 responding to complaints and requests.

16
17 A successor IRP was approved by the Commission in Docket No. 8337 on March 18,
18 2016, authorized until December 31, 2019.

19
20 In 2016, the Commission opened Docket 8701 following a petition by FairPoint to open
21 a proceeding investigating possible amendments to FairPoint's service quality reporting

1 requirements established in Docket 5903. The Docket was closed on June 2, 2017,
2 following a request by FairPoint to withdraw its petition.

3

4 In 2017, Consolidated's acquisition of FairPoint was approved by the Commission in
5 Docket 8881. The order indicated that "Consolidated shall assume all existing FairPoint
6 regulatory obligations, including service quality metrics identified in Dockets 5903 and
7 8701, as well as related agreements from Docket 8390 and applicable Board Rules."

8

9 **Q6. For which customer groups is Consolidated obligated to prioritize complaints and**
10 **requests according to the agreement from August 10, 2015 and Docket 8881?**

11 A6. Consolidated must prioritize services that affect public safety, customers with medical
12 issues and customers that contact Consolidated about a pending repair request for more
13 than seven days. Exhibit PSD-Flint-1.

14

15 **Q7. Has Consolidated met its obligations to give priority to these customer groups?**

16 A7. Complaints received by CAPI indicate that Consolidated does mark repair tickets if the
17 customer gives notice that there is a household member who is medically vulnerable.
18 However, in July 2018, consumers reported long delays for repairs, including those with
19 medically vulnerable household members. In one instance, Consolidated confirmed that
20 the case was not handled internally as it should have been and addressed the situation.

21

1 Moreover, there are numerous examples that show a delay in prioritizing services for
2 the affected customer groups, the resolution for which occurs promptly only after
3 Consolidated is notified of the issue by CAPI. Three such instances are provided for
4 herein.

5
6 The first is a complaint filed recently on March 6th, 2019, regarding a truck of standard
7 height ripping down and snapping a phone line and the cable tension anchor from a
8 building. The city promptly notified Consolidated and closed the street. The company
9 failed to respond after five hours, which resulted in a private citizen coiling the hazard
10 line into a tree and the city subsequently reopening the street. After two more days
11 passed, the city notified CAPI about a broken line remaining over an elementary school
12 bus stop, a line on the ground adjacent to a public sidewalk and a sagging line supported
13 by tree branches. Consolidated confirmed that it corrected the situation within one day
14 following notification of the situation from CAPI.

15
16 The second example is a complaint filed about two neighbors' phone lines becoming
17 switched during a telephone repair. The first repair ticket dated to late November 2018,
18 the partial repair occurred on December 11 and a follow-up repair date of December 18
19 was offered by Consolidated, potentially leaving these households with incorrect 911
20 addresses in the interim. Consolidated confirmed that the situation was remedied within
21 one day following notification from CAPI.

1

2 The third example is a complaint about telephone service not working during a power
3 outage. Consolidated replaced the battery back up at the terminal approximately three
4 months after being notified by the customer and one month after notification from CAPI.

5

6 Multiple consumers have contacted CAPI about pending repair requests in excess of
7 seven days. These complaints include, but are not limited to: (1) reports of landlines
8 being out for more than five weeks; (2) an instance where a senior citizen residing in a
9 rural area sent CAPI a letter complaining about his phone service being out for an
10 additional six weeks following a visit from a technician; (3) complaints for repairs for
11 which, upon investigation, Consolidated reported not having an open repair ticket; (4)
12 repairs scheduled more than seven days out following an outage; (5) repeated
13 rescheduling of repair tickets; (6) reports of repair tickets having been closed without
14 the problem being resolved by Consolidated; and (7) repeated trouble with static on the
15 line with no resolution, or resolution weeks or months after originally being reported.
16 Customers also report having to make multiple repair requests before they are addressed.

17

18 **Q8. Is Consolidated in compliance with 5903 Standards?**

19 A8. No. Specifically, performance under service quality metric (2c), Out of Service (OOS)
20 Troubles Cleared w/in 24 Hours Total is alarming. Service quality performance reports
21 for Consolidated show the annual rolling average at the end of 2016 at 61%, declining

1 to 46% at the end of 2017 and falling to 26% at the end of 2018. The Baseline for this
2 metric is 70%, with an action level of 60%. Performance under this metric for residential
3 customers has typically shown lower compliance compared with business repairs, which
4 had an annual rolling average of 63% in 2018.

5

6 Consolidated's most recent quarterly service quality report for the period ending March
7 31, 2019 shows 46% for the metric Out of Service (OOS) Troubles Cleared w/in 24
8 Hours Total. This is a marked improvement over the prior quarter's report of 23%.
9 Notably the sub metric, OOS for Business metric is reported at 73%, well above the
10 Action Level of 60% and above the Baseline of 70%. However, the company has still
11 missed the 60% Action Level for OOS Total in the performance report for the first
12 quarter of 2019.

13

14 While it is not a focus of this investigation, it is worth noting that the annual rolling
15 average for the performance metric, Calls Answered w/in 20 Seconds, Residence has
16 declined from 84% at the end of 2016 (well above the Baseline of 75%) to 60% at the
17 end of 2018 (the Action Level for this metric).

18

19 Figure 1 highlights where Consolidated has missed metrics for quarterly performance.

Reported by Telephone Operating Company of Vermont dba Consolidated									
Service Quality Performance									
	Network Troubles	Out of Service Residence	Out of Service Business	Total of Out of service	Calls Answered w/in 20 Sec	Installations for Residence	Installations for Business	Average Delay Days for Missed Appts Residence	Average Delay Days for Missed Appts Business
<i>Baseline</i>	4	70%	70%	70%	75%	90%	90%	10	10
<i>Action Level</i>	6	60%	60%	60%	60%	75%	75%	15	15
1st Q 2015	2.2	26%	44%	28%	81%	94%	90%		
2nd Q 2015	1.8	50%	92%	54%	92%	97%	97%		
3rd Q 2015	2	34%	86%	39%	88%	86%	88%	9	5
4th Q 2015	1.3	64%	93%	66%	89%	97%	96%		
1st Q 2016	1.2	75%	92%	77%	92%	98%	93%		
2nd Q 2016	1.4	71%	93%	73%	88%	97%	97%		
3rd Q 2016	2	45%	89%	49%	80%	97%	97%		
4th Q 2016	1.4	48%	90%	52%	79%	97%	96%		
1st Q 2017	1	59%	88%	62%	64%	98%	96%		
2nd Q 2017	1.6	52%	81%	54%	75%	98%	97%		
3rd Q 2017	1.8	34%	79%	39%	58%	96%	96%		
4th Q 2017	1.9	31%	68%	35%	83%	97%	93%		
1st Q 2018	1.2	26%	67%	30%	72%	97%	94%		
2nd Q 2018	1.8	26%	73%	31%	64%	98%	97%		
3rd Q 2018	2.3	19%	62%	23%	40%	93%	90%		
4th Q 2018	2.4	20%	54%	23%	65%	96%	92%		
1st Q 2019	1.5	43%	73%	46%	89%	97%	96%		
Note: Bold type and shading indicates missed metric									

Figure 1 TOCV/CONSOLIDATED Service Quality Performance (Consolidated began reporting in the 3rd quarter for 2017).

Q9. What additional service quality reporting has the Department received from Consolidated?

A9. Beginning in August 2018, Consolidated began providing weekly updates to the Department regarding install and repair tickets. This initiative was part of an action level report pursuant to the Stipulation Agreement between Vermont incumbent local exchange carriers (including Consolidated's predecessor) and the Department in Docket 5903 that Consolidated assumed in Docket 8881. The August 20, 2018 report indicated

1 **[START CONFIDENTIAL INFORMATION]** **[END CONFIDENTIAL**
2 **INFORMATION]** open install and repair tickets compared to 919 for August 2017.
3 The April 1, 2019 report indicates the total open install and repair tickets dropped to
4 490, a 76% decrease compared to the previous August.

5 **[START CONFIDENTIAL INFORMATION]**

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15 **[END CONFIDENTIAL INFORMATION]**

16 **Q.10 Did Consolidated also report OOS metrics on a weekly basis?**

17 A.10 Yes. Consolidated provided weekly updates for the OOS metrics for residential and
18 business lines separately. They also provided the percentage of OOS for residential
19 and business lines that were cleared in 48 hours. For the week of August 20, 2018,
20 Consolidated reported **[START CONFIDENTIAL INFORMATION]** **[END**
21 **CONFIDENTIAL INFORMATION]** residential trouble tickets having cleared

1 within 48 hours. The company's weekly report for March 25, 2019 indicates 70.5%
2 cleared within 48 hours, demonstrating marked improvement.

3

4 **Q11. What concerns have consumers expressed during public hearings regarding this**
5 **investigation?**

6 A.11 Consumers at public hearings held in Readsboro and St. Albans repeatedly expressed
7 concerns over long repair and installation delays, aging infrastructure, static on the line
8 and lack of an adequate number of repair technicians. Of particular concern was the
9 account of a medically vulnerable Readsboro woman whose phone service was down.
10 She was told by Consolidated customer service that service would be restored within 10
11 minutes or 10 days. She subsequently drove to Readsboro Central School to call her
12 representative, Laura Sibilis, to inform her of the service outage and obtain assistance
13 to restore her service in case she had a medical emergency. Representative Sibilis was
14 told by Consolidated that in this particular case, her constituent's case was not classified
15 to that of a medical emergency, which would have prioritized restoration of her phone
16 service.

17

18 **Q12. What concerns have consumers expressed in either public comments to the**
19 **Commission or directly to the Department regarding this investigation?**

20 A12. Two consumers contacted CAPI directly regarding this investigation and relayed
21 concerns about repeated service delivery issues and long delays when waiting to reach

1 a Consolidated representative by telephone. There were 27 people who filed public
2 comments directly with the Commission. Issues reported in the public comments were
3 varied and include static on the line, delayed restoration of service, technicians failing
4 to come to the residence, poor service reliability, deteriorating trunk line, lines on the
5 ground for months, repeated failure to address repair tickets, service going out when it
6 rains, failure to notify customers of cancelled appointments, boxes left open to the
7 weather, lines left at the base of utility poles, out of service, difficulty reaching the
8 company, repair delays, installation delays, billing errors, excessive customer hold
9 times, repair appointments scheduled in eight hour blocks on weekdays, repeated
10 cancellation of appointments, scheduled service appointment five days out to address
11 the phone lines serving the fire alarm system for a lodging establishment, poor customer
12 service and battery backup not replaced for months at the terminal. Positive comments
13 include the helpfulness of technicians and overall telephone service reliability once the
14 line is installed. Public comments relating to internet concerns were not included in the
15 preceding list of issues.

16
17 **Q13. What type of complaints has CAPI received regarding Consolidated generally?**

18 A13. Complaints received by CAPI during the period July 1, 2017 through December 31,
19 2018 raise issues and concerns very similar to the public comments filed with the
20 Commission as previously described. Generally, complaints follow a few themes: (1)
21 static on the line, particularly during wet seasons; (2) no shows for scheduled

1 appointments; (3) repairs scheduled days, weeks and even months in after the company
2 was notified by the customer; (4) installations booked weeks after the service order
3 request; (5) difficulty reaching the company; (6) repair tickets unresolved but
4 nevertheless closed, necessitating multiple tickets; and (7) worries about the safety of
5 self or others during extended service outages.

6

7 Consolidated's response in the second round of discovery regarding the percentage of
8 residential customers who were out of service for long periods of time corroborates the
9 complaints of long repair delays relayed to CAPI by consumers. Consolidated

10 Confidential Attachment DPS.CC.2-48 [START CONFIDENTIAL
11 INFORMATION] [END CONFIDENTIAL

12 INFORMATION] indicates that large percentages of residential customers who were
13 out of service waited more than [START CONFIDENTIAL INFORMATION]

14 [END CONFIDENTIAL INFORMATION] for their telephone service to be
15 restored.

16 [START CONFIDENTIAL INFORMATION]

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2 **[END CONFIDENTIAL INFORMATION]**

3 Consolidated Confidential Attachment DPS.CC.2-49 **[START CONFIDENTIAL**
 4 **INFORMATION]** **[END**

5 **CONFIDENTIAL INFORMATION]** shows that between July 2017 and December
 6 2018, the monthly percentage of repeat troubles, of total troubles missed ranges from
 7 14.7% to nearly 38%, peaking in September 2018 (Consolidated's Confidential
 8 Attachment DPS-CC-1-53).

9

10 **Q14. Please describe the history of complaints made to CAPI regarding Consolidated**
 11 **since it merged with FairPoint in 2017.**

12 A14. There have been significant increases in complaints regarding Consolidated about
 13 service orders, repairs and reliability in 2018. See Figure 3, "Investigated Complaints
 14 by Type." Complaints about repairs increased by 742% from 2017 to 2018. Complaints
 15 about service orders increased by 362% over the same time period.

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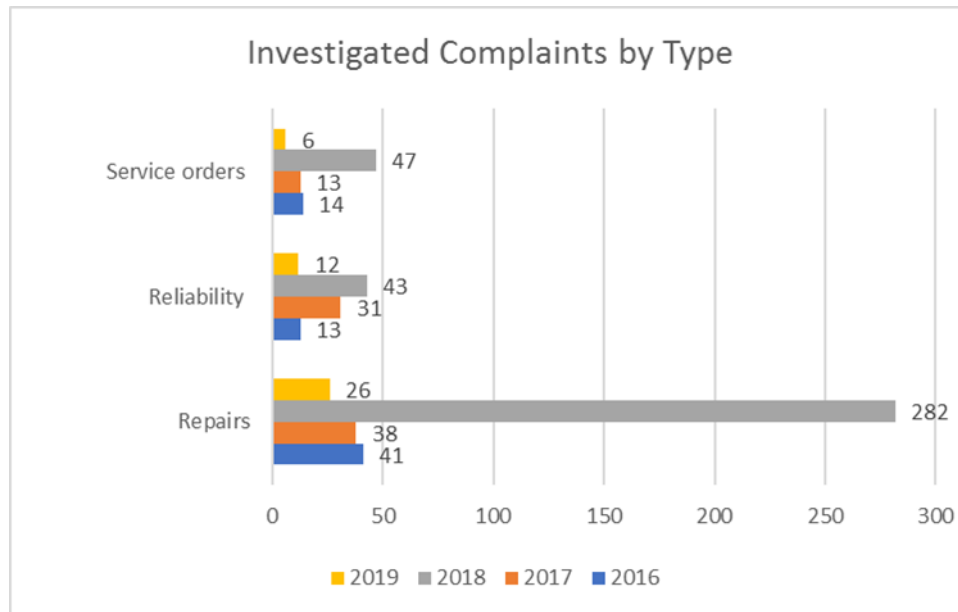
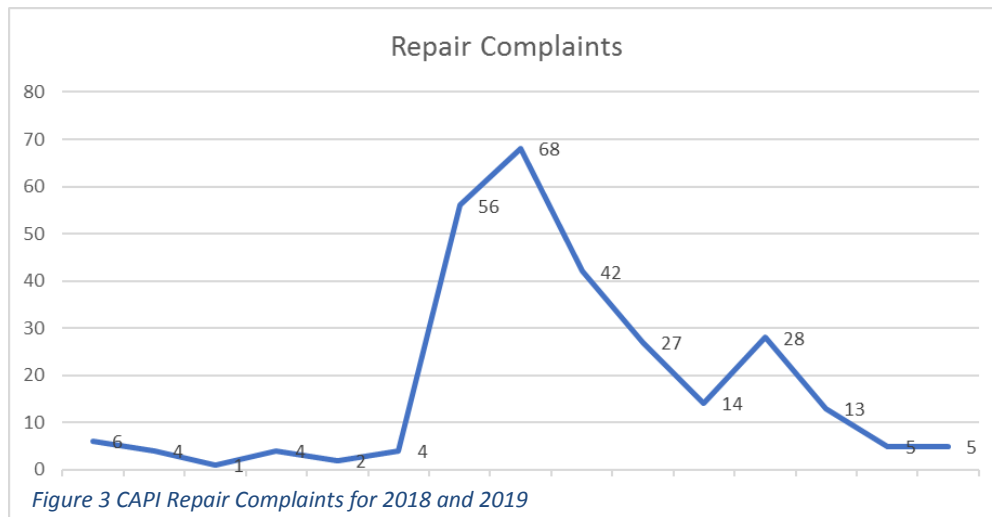


Figure 2 Investigated Complaints by Type

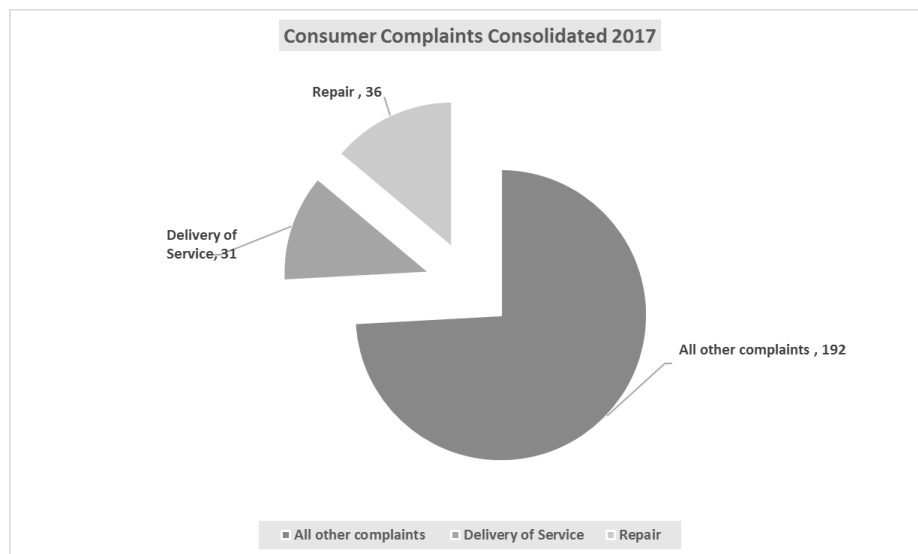
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Typically, consumers make complaints about repairs against Consolidated to CAPI three or four times per month. Repair complaints increased from four in June 2018 to 56 in July 2018 and to 68 in August of 2018. See Figure 4, “Repair Complaints.”

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Figures 5 and 6 demonstrate increases for repairs and delivery of service complaints made by consumers regarding Consolidated during 2018 compared to 2017.



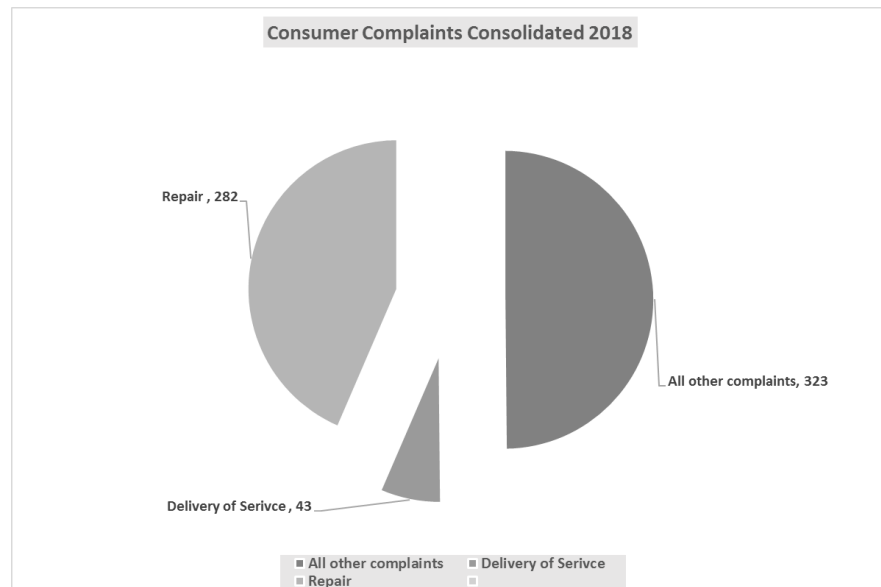


Figure 5

10 Complaints

made by consumers are widespread across the state for both delivery of service and repairs. See Exhibits PSD-Flint-3 and PSD-Flint-4.

The above referenced charts and graphs represent information recorded in two separate databases used to track complaints. The first database (CATS) contains complaints made to CAPI prior to July 1, 2017. CAPI began using ePSD to make a record of consumer complaints beginning July 1, 2017. The queries were for complaints pertaining to telephone service or telephone bundles. The years in Figures 3, 4, 5 and 6 represent calendar years. Data for 2019 includes just the first calendar quarter.

1 **Q15. What is your opinion regarding Consolidated’s customer service and service**
2 **reliability?**

3 A15. The record of complaints regarding Consolidated’s customer service demonstrates a
4 pattern of poor customer service, particularly for scheduling of repairs and
5 communication to its customers about said scheduling. In nearly all of the cases where
6 CAPI requested expedited repair for medically vulnerable households, Consolidated
7 quickly addressed the outstanding repair or had already addressed it. Consolidated’s
8 service reliability is also poor as measured by the metric Out of Service Troubles
9 Cleared w/in 24 Hours, as discussed previously.

10

11 **Q16. Does this conclude your testimony?**

12 A16. Yes.