

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Docket No. 21-4060-PET

Petition of Consolidated Communications of)
Vermont Company, LLC and Consolidated)
Communications of Northland Company for)
approval of a successor Incentive Regulation)
Plan, pursuant to 30 V.S.A. § 226b)

**CORRECTED PREFILED DIRECT TESTIMONY OF
CAROL FLINT
ON BEHALF OF THE
DEPARTMENT OF PUBLIC SERVICE**

~~January 21~~February 17, 2022

Summary: Ms. Flint's testimony presents an overview of Consolidated Communications' recent service quality and customer service history and reliability. Ms. Flint also highlights comments and concerns raised by consumers via public comment or through complaints filed with the Department of Public Service and Public Utility Commission. While Ms. Flint's testimony acknowledges improvement by Consolidated over the past four years, persistent service quality problems remain in captive areas and to a more limited extent, for Emergency Households. Ms. Flint therefore supports a 48-hour troubles cleared metric for customers in Tier 1 Areas and additional service quality reporting for Emergency Households.

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
8 Director in February 2016. Currently, I manage the Administrative Services and CAPI
9 Divisions. Previously I served as Executive Director for BROCC—Community Action
10 in Southwestern Vermont, beginning in 2014. Prior to that, I worked at Capstone
11 Community Action for over 20 years, most recently as its Program Director for Family
12 and Community Support Services.
13

14 **Q3. Have you previously testified before the Vermont Public Utility Commission**
15 **(“Commission”)?**

16 A3. Yes. I have provided testimony previously in Dockets 8701, 8881, and Case Nos. 17-
17 1238-INV, 17-3112-INV, 17-3232-PET, 18-0409-TF, 18-0726-INV, 18-0974-TF, 18-
18 3231-PET and 20-0654-CC.

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

A4. The purpose of my testimony is to present an overview of Consolidated Communications Vermont Company, LLC and Consolidated Communications of Northland Company's ("Consolidated") recent service quality and customer service history and reliability of service. My testimony also provides information regarding comments and concerns raised with the Commission by consumers about Consolidated's Incentive Regulation Plan ("IRP") via public comment or through complaints filed with CAPI. Based on the data presented here and by Department witness August Ankum, I support modifying the Out of Service ("OOS") Troubles Cleared metric to 48 hours with increases to both the baseline (70% to 80%) and action (60% to 70%) levels in Tier 1 Areas. I also recommend adding a new service quality metric for Emergency Households.

Q5. What concerns have consumers expressed about this proceeding to the Commission or to the Department?

A5. The Department received one inquiry about the IRP from a consumer who questioned how the proceeding might impact their phone bill. Two consumers filed public comments with the Commission. The first commenter communicated that deregulation was detrimental to the public. The second commenter from Marlboro indicated that as a rural Vermonter, there was no competitive choice of provider and asked that the Commission encourage competition and refuse any rate increases.

Q6. What is an Emergency Household?

A6. An Emergency Household is comprised of residential customers that notify Consolidated of a medical or other emergency and/or condition which could place the customer at risk of suffering serious harm if there were a loss of telecommunications service.

Q7. Does Consolidated give priority to Emergency Households?

A7. Consolidated is immediately responsive to repairs at Emergency Households when CAPI brings an out-of-service complaint to the company's attention. However, since 2018, two complaints were received that CAPI classified as the company's failure to prioritize an Emergency Household. In 2020, the customer, identified as CAPI complaint **START CONFIDENTIAL [REDACTED] END CONFIDENTIAL**, indicated a medical need when they reported the need for a repair. The company representative failed to code the repair as a medical priority and as such, it took three days to restore service. The second violation was in 2021 for CAPI complaint **START CONFIDENTIAL [REDACTED] END CONFIDENTIAL**. In this case, a worried son reported that his 91-yr-old mother lost phone service on a Wednesday. His legislative representative alerted CAPI early on the following Friday afternoon and CAPI in turn notified Consolidated. The company restored service by late Friday afternoon.

Q8. Please provide other examples of complaints made by Emergency Households.

A8. The following are examples of complaints made by Emergency Households, as transcribed by CAPI staff:

Consumer lives in East Bakersfield and there is no cell service. Consumer stated that last Wednesday something pulled her phone line down that is hanging from the pole on her property. Consumer stated that for nine days she has not had phone service and her husband had open heart surgery this year. Consumer has called Consolidated every day since this happened and each time, until today, she was told that they were working on it, but still no service. Today the consumer was told that this isn't something they can deal with because the issue is due to tree branches that the electric company needs to deal with. Consumer states that there are no tree branches on the line.

A consumer reported phone service being out for seven weeks Consolidated initially told the consumer they needed a new cable to make the repair, and then two weeks later he was told the cable needed to be ordered, but it would take longer to arrive because of the pandemic. During the outage his elderly mother had a stroke, and the consumer was not able to receive calls about this. I contacted Consolidated on 2/2; later that day the company responded: "There is an open ticket that was opened just after 7am today [3 ½ hours before I contacted Consolidated]. We have this behind a technician for tomorrow. We have touched base with the customer to advise and that we will be following this through with the local manager." I sent the consumer an email about this, and she responded, saying: "Yes, thank you, I did receive that information. It is, however, disconcerting that it took my reaching out to the Department and your outreach to set the ball in motion. Would Consolidated have let this just go on and on? Operating a business like this is unacceptable. If they can't provide the service, they should let us know. We will see how tomorrow plays out." Consolidated sent a subsequent response on 2/3, saying service had been restored and had issued a credit for seven weeks out of service (\$94.21). It's not clear what caused the delay in fixing the problem.

Q9. Does Consolidated currently report to the Department the number of Emergency Households to which it gives priority service?

A9. No, nor does the company report on the number of times a priority escalation is missed or delayed.

1 **Q10. Do you have a recommendation for how best to address service outages for**
2 **Emergency Households?**

3 A10. Yes. I recommend one additional service quality metric be added for Emergency
4 Households. ~~Although the number of complaints received from Emergency Households~~
5 ~~is fairly low, they are from captive customers who need~~ in order to provide them with
6 enhanced protections. ~~Further, while~~ Specifically, the OOS Troubles Cleared in 48
7 service quality metric would apply to these households ~~(as further explained below),~~
8 ~~and with a Baseline level of 100 percent – meaning that service for an Emergency~~
9 ~~Household should be repaired or restored within 48 hours 100 percent of the time.~~
10 Notwithstanding the foregoing, based on Consolidated's past prompt response to CAPI
11 notifying the company of Emergency Household service outages, it is the expectation
12 of the Department that any OOS tickets of this nature be accelerated and resolved in less
13 than 48 hours, ~~as reflected in the Department's proposed IRP~~ but for purposes of the
14 proposed service quality metric, a clearance threshold of 48 hours will apply.
15

16 **Q11. What type of complaints has CAPI received regarding Consolidated's telephone**
17 **service?**

18 A11. CAPI reviewed customer complaint data from calendar years 2018 through 2021.
19 Repairs were the most complained about issue by customers in 2018 (248), 2019 (57)
20 and 2020 (40). In 2021, repair complaints (29) were eclipsed by delivery of service
21 complaints (41) and billing (39) complaints. Complaints are shown in the figures
22 below for the various issues by year for telephone and telephone bundles. Repair

complaints are generally unique to the address and do not encompass outages impacting multiple addresses. Delivery of service complaints can be issues such as the telephone service going out every time it rains; typically, a technician is unable to resolve delivery of service issues on the first visit. Service order refers to a request for new service (installation).

Complaint Type Count of Case Number					
2018		2019		2020	2021
Availability	2	Availability	3	Availability	5
Billing	89	Billing	34	Billing	19
Business practice	17	Business practice	14	Business practice	6
Change order	22	Change order	7	Change order	7
Delivery of service	41	Delivery of service	36	Delivery of service	31
Disconnection	5	Disconnection	3	Facilities	28
Facilities	38	Facilities	28	Fees	15
Fees	24	Fees	13	IVR	6
IVR	16	IVR	2	Line extension	1
Line extension	5	Line extension	1	Other	1
Payment Arrangement	2	Payment Arrangement	2	Payment Arrangement	2
Rates	1	Rates	4	Rates	1
Repair	248	Repair	57	Repair	40
Service Order	58	Service Order	22	Service Order	28
Service Outage	3	Service Outage	2	Service Outage	3
			VCAAP	1	VCAAP
Grand Total	571	Grand Total	228	Grand Total	194
				Grand Total	170

Q12. Please provide examples of complaints for service delivery.

A12. The following are examples of a service delivery complaint, as transcribed by CAPI staff, mostly within calendar year 2021:

A consumer who lives in Calais contacted CAPI for assistance regarding problematic phone and internet service from Consolidated; problems had been ongoing for over a month. She had called Consolidated several times about loud static on the phone line and dropped internet service. She said that Consolidated would open and close repair tickets with no change and sent modems that didn't fix the problem. When she would call in about Internet service, she would also mention the static on the line, but she said that Consolidated didn't really want to address the phone issue. She finally called CAPI after speaking earlier with Consolidated to ask why she hadn't been texted about the repair ticket she had called in the day before (she was told she would be texted about this) and was told that they had closed the ticket. CAPI contacted Consolidated to ask for a repair history of the line for the past few months, which Consolidated provided. Between October 29th and December 28th Consolidated opened eight repair

1 tickets. Most were about Internet issues only, but two also included that there
2 was static on the phone line after the modem was unplugged. Consolidated said
3 they made a repair on December 29th that they believed would permanently
4 resolve the problems and issued a credit for one month of service.

5 Consumer stated that for the past 15 years he has dealt with the fact that he
6 cannot, at least 50% of the time, connect to his exchange with his Consolidated
7 telephone. Consumer stated that he *can* connect with his Burlington Telecom
8 business phone. Consumer stated that he just tried to call his neighbor in South
9 Starksboro, and he was unable to again, it was just dead air. He has called
10 Consolidated and he just gets "!*#" from them, saying it is a long distance issue,
11 a PIC code issue. However, they always fix it but it is always temporary.
12 Consumer wants this issue fixed on a permanent basis. Consumer stated that it
13 doesn't matter who he calls, it is all the exchanges.
14

15 Consumer has no Internet or cell service in his area. The consumer's
16 NID/termination point is approximately one mile from his home, so he takes care
17 of all of the line and equipment from that point. Consumer stated that the cable
18 that comes from the switching station is very old and gets water in it and they
19 only put band-aids, which has been going on for years. Or if one neighbor
20 complains, they change the wires around and take the good service from another
21 neighbor, until they then complain. The consumer has had no telephone service
22 since 8/7. Consumer has been on the phone with tech services at least four or
23 five times. The first tech, out of Virginia, told the consumer he did not have the
24 capability to deal with the Consolidated owned cable. He called again, that was
25 going to be a four-day wait, but they closed that ticket without any repair. The
26 consumer does go out to the NID and plugs his phone into it and gets nothing –
27 if he does it is all static. They did come yesterday and did tighten up the NID,
28 and he had the phone last night but it was VERY staticky and now, with the rain,
29 it is dead again.
30

31 Consumer stated that calls keep getting dropped and there is static on the line, it
32 is not reliable. Consumer stated that he calls Consolidated and they make repair
33 orders, but they are not fixing it. Consumer stated that now, because they can't
34 figure out the issue, they have started charging him for work outside of his house.
35 Consumer called Consolidated today, they put him on hold to research the issue
36 and the call got dropped. Consumer stated that he was charged \$80.00 on his last
37 bill for a tech visit and they did agree to credit that amount back. This most recent
38 bill the consumer was charged \$160.00. When he asked them to credit the charge
39 back, they only agreed to credit half of it back. Consumer has asked for a
40 supervisor's supervisor to call him back.
41

42 Consumer had been experiencing static on her phone line and intermittent
43 Internet service for the past two months; first Internet started dropping and then

1 she started getting static on the line. Internet drops several times per day or per
2 hour. Sometimes static is so loud she and other party can't hear each other.
3 Sometimes it lasts several hours; sometimes can last longer than a day. Every
4 time she has called about internet service she tells them about the static;
5 Consolidated doesn't really talk about phone service although they do
6 acknowledge that the problem is on their line. She's had to call every few days.
7 Consolidated opens and closes tickets but the problems persist. Techs have been
8 out although others haven't come when expected. She's been given three
9 modems (one that was defective) but that hasn't solved the internet problem. On
10 12/22 I contacted Consolidated and asked for a repair history for the past six
11 weeks. Consolidated provided the repair history: eight repair tickets opened from
12 10/29 to 12/28. One involved phone service specifically; the rest were about
13 Internet or Internet and phone.
14

15 **Q13. Please provide examples of repair delay complaints received by CAPI.**

16 A13. The following is an example of a repair delay complaint as transcribed by CAPI staff:

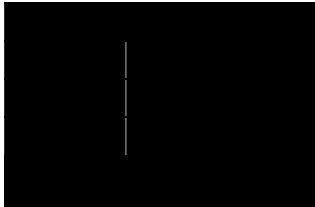
17 Consumer states that service has been out since April 30, 2021. Consumer's
18 husband is hearing impaired and has a caption phone. Consumer called
19 Consolidated on 4/30 and they said someone would be there 5/1, no show no
20 call. Consumer stated that the morning of 5/3 they received a call from a
21 Consolidated tech that he would be there by 6:00 pm that evening. Consumer
22 stated that they got a call from Consolidated later that the phone was repaired,
23 but it wasn't. No tech showed up on 5/6. Consumer called Consolidated to tell
24 them it wasn't fixed but they are just getting the run around with Consolidated.
25 Consumer called Consolidated again on 5/5 they got a call back on 5/6 saying
26 that someone would be there on 5/7 but again, no one showed. Consumer called
27 again on 5/8 they were told, again, that someone would be there on 5/9.
28 Consumer stated that no tech was there on 5/9 but again, no one showed. The
29 consumer just does not know what to do at this point.
30

31 **Q14. What trends do you observe in complaint data for Consolidated since 2018?**

32 A14. Complaints about telephone repairs have declined significantly since 2018.

33
34 **Q15. To what do you attribute the decline in telephone repair complaints?**

1 A15. Although it's difficult from CAPI's perspective to assign the improvement to any one
2 thing, Consolidated reports fewer lines in service year over year for the same period.
3 Service Quality reporting from Consolidated between 2018 and 2021 shows a decline
4 in the number of lines from **START CONFIDENTIAL** [REDACTED]



5 **END CONFIDENTIAL**

6
7 **Q16. Did you notice any other trends for complaints against Consolidated?**

8 A16. Yes. Beginning in 2020, Consolidated customers began complaining more about
9 broadband than telephone service. Complaints about broadband totaled 340 in 2018,
10 203 complaints in 2019, 530 in 2020 and 249 complaints in 2021. These numbers are
11 higher than telephone complaints for 2020 and 2021.

12
13 **Q17. Is Consolidated in compliance with 5903 Standards?**

14 A17. No. Consolidated missed one metric in 2021, failing to meet the Calls Answered
15 within 20 seconds requiring the need for an Action Plan from the company. However,
16 the company demonstrates improvement meeting metrics in 2020 and 2021 over its
17 experience in 2018 and 2019. The company files its reports on time.

Consolidated (Telephone Operating Company of Vermont) Service Quality Performance									
	Network Troubles	Out of Service Residence	Out of Service Businesses	Total of Out of Service	Calls Answered w/in 20 Seconds	Installations Residence	Installations Business	Average Delay Days Missed Appts Residence	Average Delay Days Missed Appts Business
Baseline	4	70%	70%	70%	75%	90%	90%	10	10
Action Level	6	60%	60%	60%	60%	75%	75%	15	15
4 th QTR 2018	2.4	20%	54%	23%	65%	96%	92%		
4 th QTR 2019	2.0	47%	79%	50%	77%	97%	89%		6
4 th QTR 2020	1.8	64%	84%	66%	60%	97%	93%		
4 th QTR 2021	1.8	62%	76%	64%	65%	97%	95%		

Note: Bold with green shading indicates missed Baseline but met Action Level

Q18. Do Consolidated's competitors file service quality reports?

A18. Yes. Certain Competitive Local Exchange Carriers file service quality reports, including ACN Communications Services, AT&T Corporation, BullsEye Telecom, Burlington Telecom, inContact, Inc., Matrix Telecom, MCI Metro dba Verizon, MetTel, Mobilitie, LLC, Mobilitie Management, LLC. Four of these companies report no service lines. MCI's reports state that "data is from MCI systems only. No data has been received from [Consolidated] for this reporting period. Delays in installations and repair are caused by the [Consolidated] systems problems."

Q19. What is your opinion regarding Consolidated's customer service and service reliability?

A19. Decreases in the number of telephone service complaints, in addition to a demonstrated pattern of improving service quality for network troubles and out of

1 service metrics over the past four years indicates that Consolidated is making strong
2 attempts to improve its customer service and service reliability.

3
4 **Q20. Please respond to Consolidated's proposal to move to an OOS Troubles Cleared**
5 **in 48 hours metric for competitive areas.**

6 A20. CAPI is primarily concerned with Consolidated's captive customers. These customers
7 are increasingly disenfranchised due to lack of access to technology that their more
8 urban counterparts take for granted. Affordability for both the aged and modest
9 income households is of particular concern. Vermont's small businesses employ nearly
10 61% of the workforce and constitute 99%¹ of all businesses in the state. These
11 businesses include agricultural enterprises and are nestled in all corners, hills and
12 valleys across Vermont. It is therefore critical that Basic Local Exchange Service be
13 available to all captive residential and business customers during the term of the IRP.

14
15 My testimony demonstrates that providing adequate service quality to captive
16 customers continues to be a problem for Consolidated. That said, for OOS troubles in
17 particular, CAPI does not typically receive complaints until a customer experiences a
18 service outage for 48 hours or longer. Therefore, I support modifying the Out of
19 Service Troubles Cleared Metric from 24 hours to 48 hours with increases to both the
20 baseline (70% to 80%) and action levels (60% to 70%), so long that metric applies to

¹ [Vermont Small Business Economic Profile \(sba.gov\)](https://www.sba.gov/vermont-small-business-economic-profile)

1 the Department's proposed Tier 1 Areas. I will note that the Department considered
2 increasing the baseline level to 90%, but the reporting history described herein
3 indicates that is not possible for Consolidated to achieve. A baseline of 80% thus
4 potentially prevents an unattainable regulatory framework.

5
6 **Q21. Does this conclude your testimony?**

7 A21. Yes.