

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

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

**CONSOLIDATED COMMUNICATIONS' MOTION FOR MODIFICATION OF THE
SCHEDULE, INCLUDING RESETTING THE EVIDENTIARY HEARING, AND
ORDERING MEDIATION**

Consolidated Communications of Vermont Company, LLC (formerly Telephone Operating Company of Vermont LLC) d/b/a Consolidated Communications (“Consolidated”) respectfully requests the Public Utility Commission (the “Commission”) modify the procedural schedule in this case, including resetting the evidentiary hearing set for October 11 and 14, and ordering mediation for the reasons set forth below:

1. Consolidated seeks a modification of this schedule for two principal reasons. First, it seeks to demonstrate to the Commission and the Department of Public Service (the “Department”) Consolidated’s ongoing commitment to continuing to improve customer satisfaction, and therefore, that this Investigation can be closed because Consolidated has demonstrated sustained and improved cleared in 24 metric (“TC24”) results. Second, Consolidated requests the Commission order the parties to mediate a resolution of this Investigation through a Commission-appointed mediator or party-selected mediator. If a resolution was reached in lieu of or as to penalties resulting from this Investigation, the Parties could then propose any such agreement for Commission approval.

2. Since this Investigation was initiated on September 26, 2018, Consolidated has taken many and diverse steps to improve its performance on the TC24 metric and it has seen significant improvement in its repair times. These efforts are detailed in the prefiled testimony

submitted by Consolidated witnesses Gabe Waggoner and Ryan Whitlock. The positive impact of these steps is evidenced by the quarterly reports submitted by Consolidated to the Department, as well as the decreased number of customer complaints. Due to events outside of its control, Consolidated has seen its TC24 percentages dip below acceptable levels in the last several weeks. Specifically, due to an unrelated dispute with the labor union covering Maine, New Hampshire, and Vermont (NNE), Consolidated was unable to hire additional technicians in Vermont between May through September of 2019. This situation was manageable because of outside contractor resources, but ultimately, the TC24 metric was impacted more significantly in September 2019 when approximately 30% of the outside contractor resources Consolidated utilized in NNE left the area to take Hurricane Dorian repair work.

3. While Consolidated has observed a decline in the TC24 metric over the last several weeks, it is very important that the Commission understand this situation is qualitatively different than the repair time issues that occurred in the summer of 2018, and which triggered this Investigation. For example, the number of complaints to Consolidated and the Department's Consumer Affairs and Public Information Division ("CAPI") has not significantly escalated for Plain Old Telephone Service ("POTS") Service, as it did in the summer of 2018. Consolidated believes this is because the mean time to repair POTS Service has not recently exceeded 48-50 hours, as compared to the summer of 2018 when repair times were considerably longer.

4. As to Consolidated's first stated reason for requesting this extension, Consolidated reiterates that it has made very considerable improvement over the last year on the TC24 metric. However, it has more work yet to do to meet its customer satisfaction objectives, which it intends to do over the next three months. With the ongoing labor dispute now resolved and thus the hiring freeze lifted, Consolidated is preparing to post up to 10 positions in Vermont

for SST positions and will work to locate qualified individuals to fill those positions as promptly as possible. The status of this planned additional hiring, as well as the September 2019 TC24 metric results, are new evidentiary issues that can be addressed in further supplemental testimony Consolidated proposes be added to the schedule in this proceeding.

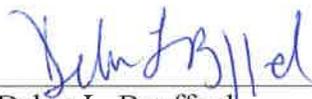
5. With respect to the request for mediation, Consolidated believes mediation is the best option to attempt to resolve this Investigation in a way that is actually meaningful and beneficial to Consolidated customers. This Investigation was opened pursuant to 30 V.S.A. § 30. Absent an agreement between the Parties, any penalty assessed under this statute would be deposited in the State's general fund. In lieu of any penalty being assessed, Consolidated believes that there may be alternative means of resolving this case that would satisfy the Commission, the Department, and directly benefit Consolidated customers. Those alternatives are best achievable if the Parties are able to resolve this matter with the assistance of a mediator. The Commission has observed recently the value in alternative dispute resolution. (See PUC's December 28, 2018 Notice of Workshop regarding the use of alternative dispute resolution techniques.) Whether or not mediation results in an agreement as to remedies, Consolidated expects there will be a full evidentiary hearing at which time the Commission will be able to question Consolidated and Department witnesses regarding all aspects of this Investigation.

6. For these reasons, Consolidated seeks to extend the Schedule as follows:
- a. Consolidated Supplemental Prefiled Testimony – January 18, 2020;
 - b. Department Supplemental Rebuttal Prefiled Testimony – February 20, 2020;
 - c. Mediation - March 6, 2020 (with any agreement to be filed with the Commission within 7 days); and
 - d. Evidentiary Hearing – March 20, 2020

WHEREFORE, Consolidated respectfully requests that the Commission approve this requested schedule modification.

DATED at Burlington, Vermont, this 7th day of October, 2019.

CONSOLIDATED COMMUNICATIONS
OF VERMONT COMPANY LLC
d/b/a Consolidated Communications

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