August 27, 2020

VIA EMAIL
Ms. Connie Graley
Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Charleston, West Virginia 25301

CASE NO. 18-0291-T-P
FRONTIER WEST VIRGINIA, INC., and
CITIZENS TELECOMMUNICATIONS COMPANY OF WEST VIRGINIA, dba FRONTIER COMMUNICATIONS OF WEST VIRGINIA, public utilities.

Dear Ms. Graley:

Enclosed for filing in the above referenced matter on behalf of the West Virginia Broadband Enhancement Council is the "West Virginia Broadband Enhancement Council Petition to Intervene".

This filing is made via email in accordance with the Public Service Commission of West Virginia's General Order No. 262.3 Regarding Processing of Cases During COVID-19 West Virginia State of Emergency. Please do not hesitate to contact me if you have any questions regarding this filing or require additional information.

Very truly yours,

Lee F. Feinberg (WV State Bar No. 1173)
Susan J. Riggs (WV State Bar No. 5246)

LFF/jmc/13290037
Enclosure
c: Certificate of Service
PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 18-0291-T-P

FRONTIER WEST VIRGINIA, INC. and
CITIZENS TELECOMMUNICATIONS COMPANY OF WEST VIRGINIA d/b/a
FRONTIER COMMUNICATIONS OF WEST VIRGINIA,
public utilities.

Petition to initiate a general investigation into the current status
of Frontier's copper network in West Virginia and the service
quality problems related to the network.

WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL
PETITION TO INTERVENE

COMES NOW the West Virginia Broadband Enhancement Council (the "Council"), by
counsel, and pursuant to Rule 12.6 of the Public Service Commission of West Virginia’s
("Commission") Rules of Practice and Procedure, petitions to intervene in the above-captioned
proceeding, asserting that it has a legal interest in such proceeding sufficient to satisfy the
requirements of Rule 12.6. In support of this Petition, the Council states as follows:

1. Petitioner is the Council, a body of thirteen voting members appointed by the
   Governor with the advice and consent of the Senate. The West Virginia Legislature established
   the Council to, among other things, explore ways to expand access to broadband services, and
   explore the potential for increased use of broadband service for the purposes of education, career
   readiness, workforce preparation and alternative career training. Additionally, the Council was
   created to advocate for the development of policies to extend broadband access to all West
   Virginians, by removing restraints on development and construction of the necessary
   infrastructure.
2. The names and addresses of Petitioner's attorneys are:

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The Council requests that the Commission and all parties add the above counsel to their respective service lists to receive all future filings.

3. On August 30, 2018, the Commission initiated a focused management audit ("Audit") of Frontier West Virginia, Inc. and Citizens Telecommunications Company of West Virginia d/b/a Frontier Communications of West Virginia ("Frontier"). After an RFP process and further orders of the Commission on July 25, 2019, Schumaker and Company ("Auditor") was selected to conduct the Audit. By March 2020, confidential and redacted versions of the Audit were filed with the Commission. After the Audit was filed, Frontier responded, and later "further" responded. The other parties to the case replied to the initial and further responses of Frontier. Frontier's last response was filed July 27, 2020. Replies were filed in early August 2020.

4. In addition to the above-mentioned filings, an additional and lengthy series of motions and responses were filed by Frontier and the other parties over confidentiality issues in the Audit. That battle resulted in an August 14, 2020 Commission Order, and in response to that Order, a revised public version of the Audit was filed on August 24, 2020.

5. As is demonstrated in the recitations above, although the Order initiating the Audit was entered nearly two years ago, the state of the record is just now reaching a point where real progress could be made toward reaching a meaningful resolution responsive to the Commission's
expressed concerns in the August 30, 2018 Order (subsequently repeated in additional orders). The Council certainly accepts the record as it is and believes it can meaningfully participate in any remaining steps in the Audit process.

6. A major focus of the Audit is Frontier's copper network, specifically, its current status and condition, the adequacy of staffing levels dedicated to the copper network, adequacy of capital investment since July 2010, and the impact of the declining customer base on current copper infrastructure maintenance and capital expenditures.

7. However, notwithstanding the above, presently both telephone service and internet access are provided over the same network. Unlike a number of other affiliated companies in other states, Frontier does not provide end-user broadband service over fiber. Broadband speeds are thus limited to DSL speeds. Consequently, internet access in West Virginia through Frontier is inextricably intertwined with Frontier's copper network. Investments in broadband will help Frontier retain customers with bundled service, resulting in improvements in Frontier's telephone network, which is a major focus of the Audit.

8. Broadband services are critically important and an essential service to nearly every aspect of West Virginians' lives, be it online education for students, or healthcare, safety, and enjoyment for seniors and myriad beneficial uses for every age in between. It is also an absolutely vital requirement for West Virginia's economic development. Thus, it is obvious that the Council would be vitally concerned with improvements and maintenance to Frontier's present network which is how it provides its internet service.

9. As set forth herein, the Council has direct and significant interests in the above-captioned proceeding, and its interests are not represented by any other party of record. The
Council petitions the Commission for leave to intervene in order to protect its interests. The Council does not request to broaden the issues in this case nor delay the proceeding in any way.

WHEREFORE, the West Virginia Broadband Enhancement Council respectfully requests that the Commission grant this Petition to Intervene with full party status and the right to have notice of and, by its counsel, to appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard on the argument of the matter.

Respectfully submitted this 27th day of August, 2020.

WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

By SPILMAN THOMAS & BATTLE, PLLC

[Signature]

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CERTIFICATE OF SERVICE

I, Lee F. Feinberg, counsel to the West Virginia Broadband Enhancement Council, do hereby certify that on this 27th day of August, 2020, a copy of the foregoing letter was served upon the following counsel of record as follows:

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