

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 100px;">Petitioner,</p> <p style="text-align:center">v.</p> <p>FRONTIER COMMUNICATIONS OF IOWA,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:right">DOCKET NO. FCU-2014-0003 (C-2013-0096)</p>
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**ORDER APPROVING SETTLEMENT
AND GIVING NOTICE OF VIOLATION**

(Issued March 20, 2014)

On January 15, 2014, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a petition for a formal proceeding against Frontier Communications of Iowa (Frontier) to investigate a complaint involving a telephone line that was allegedly left lying on the ground for a period of years. The petition was based on the record made in an informal complaint proceeding identified as C-2013-0096. In that proceeding, Ms. Madonna McKibbin of Kingsley complained that Frontier had installed a temporary line some years ago, laying it in a ditch, across two driveways, and along a fence line from one pedestal to another. The McKibbins suffered years of bad telephone service using that line, despite numerous complaints to Frontier.

Frontier responded that it had repaired the line and scheduled it to be buried within a week. On January 7, 2014, Board staff issued a proposed resolution finding that Frontier had buried the cable as scheduled and that the ongoing service problems had been addressed.

In its petition, Consumer Advocate asserts that further investigation of this matter is needed because the fact that the cable was left unburied for a period of years is troublesome. Consumer Advocate sought an investigation of the company's policies, practices, and timelines regarding the placement of temporary cables and the subsequent replacement of those cables with permanent installations.

On February 12, 2014, Frontier filed a request to revise the filing date for its response to Consumer Advocate's petition, saying that the parties were engaged in discussions to try to resolve the matter without the need for Board intervention. Frontier requested a 30-day extension of time, to March 19, 2014. Frontier indicated that Consumer Advocate did not object to the request.

On March 11, 2014, Frontier and Consumer Advocate filed a "Settlement Agreement and Joint Motion for Approval of Settlement Agreement." The parties summarized Consumer Advocate's allegations and Frontier's position with respect to those allegations. The parties agreed that a settlement was in their best interests, so Frontier agreed to issuance of a Board order, pursuant to Iowa Code § 476.51(1), notifying Frontier that it has violated 199 IAC 22.5(1). That rule requires that telecommunications utilities design, construct, install, maintain, and operate their

facilities pursuant to the provisions of the Iowa electrical safety code and in accordance with accepted good engineering practice to ensure, as far as reasonably possible, continuity of service and the safety of persons and properties, among other things. Giving Frontier written notice of this violation means that if Frontier violates the same rule in the future, the Board may assess a civil penalty against Frontier for that future violation, pursuant to the terms of Iowa Code § 476.51.

Based upon the foregoing description of events and the representations contained in the parties' settlement agreement, the Board finds the proposed settlement is reasonable, in the public interest, and should be approved. The service issues for this particular customer have been resolved and Frontier has agreed to be notified of the specified violation.

IT IS THEREFORE ORDERED:

1. The joint motion for approval of settlement agreement filed on March 11, 2014, by the Consumer Advocate Division of the Department of Justice and Frontier Communications of Iowa is granted and the proposed settlement is approved.

2. Frontier Communications is hereby notified that it has violated 199 IAC 22.5(1) and that future violations of the same rule may result in the assessment of civil penalties, pursuant to Iowa Code § 476.51.

3. Docket No. FCU-2014-0003 and File No. C-2013-0096 are closed.

UTILITIES BOARD

/s/ Elizabeth S. Jacobs

/s/ Nick Wagner

ATTEST:

/s/ Joan Conrad
Executive Secretary

/s/ Sheila K. Tipton

Dated at Des Moines, Iowa, this 20th day of March 2014.