

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of Frontier Communications Corporation, Frontier California Inc. (U 1002 C), Citizens Telecommunications Company of California Inc. (U 1024 C), Frontier Communications of the Southwest Inc. (U 1026 C), Frontier Communications Online and Long Distance Inc. (U 7167 C), Frontier Communications of America, Inc. (U 5429 C) For Determination That Corporate Restructuring Is Exempt From or Compliant With Public Utilities Code Section 854.

A. 20-05-010
(Filed May 22, 2020)

MOTION OF

**FRONTIER COMMUNICATIONS CORPORATION, FRONTIER CALIFORNIA, INC.,
CITIZENS TELECOMMUNICATIONS COMPANY OF CALIFORNIA INC.,
FRONTIER COMMUNICATIONS OF THE SOUTHWEST INC., FRONTIER
COMMUNICATIONS ONLINE AND LONG DISTANCE INC. AND FRONTIER
COMMUNICATIONS OF AMERICA, INC.**

**FOR ORDER TO SHORTEN TIME FOR COMMENTS TO JOINT MOTIONS FOR
ADOPTION OF SETTLEMENT AGREEMENTS**

Mark P. Schreiber
Patrick M. Rosvall
Sarah J. Banola
William F. Charley
Aaron P. Shapiro
COOPER, WHITE & COOPER LLP
201 California Street, 17th Floor
San Francisco, CA 94111
Phone: (415) 433-1900
Fax: (415) 433-5530
E-mail: prosvall@cwclaw.com

Attorneys for Frontier Communications Corporation, Frontier California Inc., Citizens Telecommunications Company of California Inc., Frontier Communications of the Southwest Inc., Frontier Communications Online and Long Distance Inc., and Frontier Communications of America, Inc.

December 30, 2020

Pursuant to Rule 11.1 of the California Public Utilities Commission’s Rules of Practice and Procedure (“Rules”), Frontier Communications Corporation (“Frontier”), Frontier California Inc. (U 1002 C), Citizens Telecommunications Company of California Inc. (U 1024 C), Frontier Communications of the Southwest Inc. (U 1026 C), Frontier Communications Online and Long Distance Inc. (U 7167 C), and Frontier Communications of America, Inc. (U 5429 C) (collectively, “Applicants”) hereby submit this broadly unopposed Motion for Order to Shorten Time for comments on the Joint Motion of Applicants and the Public Advocates Office at the California Public Utilities Commission (“Cal Advocates”), The Utility Reform Network (“TURN”), and the Communications Workers of America, District 9 (“CWA”) submitted on December 24, 2020, and the separate Joint Motion of Applicants and the California Emerging Technology Fund (“CETF”) for Adoption of Settlement Agreement submitted on December 29, 2020 (collectively, the “Joint Motions”). To ensure a timely resolution to this proceeding and an efficient consideration of the proposed Settlement Agreements, Applicants request that comments to the Joint Motions, if any, be submitted no later than Friday, January 15, 2021.¹ Frontier also requests that reply comments, if any, be submitted no later than Monday, January 25, 2021.²

Rule 12.2 provides for a 30-day comment period on settlements, but that timeframe is unreasonably long in the context of this proceeding given the exigencies associated with Frontier’s prospective emergence from Chapter 11 bankruptcy. Applicants have previously stressed the importance of an expeditious resolution of this proceeding in order to allow them to exit the bankruptcy process as quickly as possible³ and the presiding judge in the Bankruptcy Court likewise emphasized that it is “indisputable” that Frontier “suffer[s] for being extra days, not even weeks, let alone months in Chapter 11.”⁴ Shortening the timeframe for comments will facilitate the preparation of a Proposed Decision in time for it to be considered at Commission's Voting Meetings in early March 2021.⁵

¹ Frontier has conferred with the other parties about this requested order shortening time on opening comments to the Joint Motions. Cal Advocates, CWA, and CETF support the requested order shortening time on opening comments, and TURN and the Centers for Accessible Technology do not oppose it. The Rural County Representatives of California stated that it has no position on the comment period as it has not been active in this proceeding beyond monitoring. The Yurok Tribe opposed the order shortening time. Frontier has not heard back from the Greenlining Institute.

² Frontier has not conferred with the other parties about this abbreviated time period for reply comments.

³ *Frontier Opening Brief* at 12.

The requested deadline will not prejudice Parties who may wish to submit comments on the settlements. Parties will have 22 calendar days (14 business days) to evaluate Applicants' settlement with Cal Advocates, TURN and CWA, and 17 calendar days (12 business days) to evaluate Applicants' settlement with CETF. In addition, the Parties will have ten calendar days (five business days) to prepare any reply comments. The issues resolved by the settlements have been fully considered in the Parties' opening and reply briefs. The Settlement Agreements do not address new issues that would require substantial additional attention. In addition, the Parties convened a properly-noticed telephonic Settlement Conference on December 11, 2020, which provided an opportunity for all Parties to discuss the principal terms in the Settlement Agreements for over ten days before the Joint Motions were filed. The Settlement Agreement with Cal Advocates, TURN and CWA contains several provisions addressing concerns raised by the Yurok Tribe in this proceeding.⁶

As described more fully in the Joint Motions for Adoption, the settlements reflect the agreed-upon resolution of issues raised by TURN, Cal Advocates, CforAT and CETF in this proceeding and are reasonable in light of the record, are in the public interest, and are consistent with the law of the State of California. Prompt resolution of these issues is in the public interest and therefore, Applicants hereby request the Commission approve an expedited comment schedule for the Joint Motions for Adoption.

A shortening of the comment period on the Joint Motions is also appropriate to avoid the unreasonable result that the parties' Settlement Agreements would delay the proceeding. But for the Joint Motions, this matter would be fully submitted with the anticipated January 5, 2021 reply briefs addressing the issues raised by the Yurok Tribe. This would allow time for the Commission to prepare a proposed decision to resolve the proceeding in February or March. If the full 30-day period is permitted for comment on the Settlement Agreements, this process

⁴ *In re Frontier Communications Corporation, et al.*, Case No. 20-22476 (RDD) (S.D.N.Y.) (Disclosure Statement Hearing Tr. June 29, 2020, at 70:10-12) (June 29, 2020).

⁵ These Voting Meetings are scheduled for March 4 and March 18.

⁶ See 12/24/20 Joint Motion for Adoption of Settlement Agreement, Exh. 1 (Settlement Agreement) at ¶¶ 2-4, 6, 10-11, 12-13, 20, 22 (containing extensive requirements for reporting to the parties and meetings, including the Yurok Tribe, regarding capital expenditures, service quality improvement and expenditures, broadband deployment, backhaul and customer satisfaction); ¶15 (retaining two employees as tribal liaisons dedicated to improving service quality in tribal lands and for tribal governments and customers in Frontier's service territory); ¶ 22 (agreeing to target a portion of its capital expenditure commitment to improving scale, quality, and reliability of backhaul and expanding broadband deployment in unserved and underserved communities in rural areas, including tribal lands).

could be delayed by more than a month. It would be contrary to the Commission's policy of encouraging settlements for the resolution of parties' differences to have this effect. A more expedited treatment is therefore appropriate.

For the reasons described herein, there is good cause to grant this Motion for Shortened Time and direct that opening comments on the Settlement Agreement be submitted no later than January 15, 2021, and that reply comments be submitted no later than January 25, 2021. Frontier further requests that this Motion for Shortened Time be considered on an expedited basis and that any responses to this motion be submitted no later than January 4, 2021.

Executed at San Francisco, California on this 30th day of December 2020.

Mark P. Schreiber
Patrick M. Rosvall
Sarah J. Banola
William F. Charley
Aaron P. Shapiro
COOPER, WHITE & COOPER LLP
201 California Street, 17th Floor
San Francisco, CA 94111
Phone: (415) 433-1900
Fax: (415) 433-5530
E-mail: prosvall@cwclaw.com

By: /s/ Patrick M. Rosvall
Patrick M. Rosvall

Attorneys for Frontier Communications Corporation, Frontier California Inc., Citizens Telecommunications Company of California Inc., Frontier Communications of the Southwest Inc., Frontier Communications Online and Long Distance Inc., and Frontier Communications of America, Inc.