BEFORE THE PUBLIC UTILITIES COMMISSION OF OREGON

AR 492

In the Matter of the Rulemaking to Amend OAR 860-023-0055, 860-032-0012 and 860-034-0390, Retail Telecommunications Service Standards	))))	**AT&T's INITIAL COMMENTS**

AT&T Communications of the Pacific Northwest, Inc. and TCG Oregon (collectively "AT&T") hereby submit these initial comments in the above-captioned rulemaking. AT&T appreciates the Commission's continuing review of its rules and offers the following comments aimed at assisting the Commission in its efforts.

INTRODUCTION

As a preliminary matter, AT&T would like to point out that this Commission, like many others, found that the local telecommunications market was open to competition.[1] As competition displaces monopoly the need for regulatory oversight—in fact the primary justification for such regulation—disappears. Thus, the statutorily-required "minimum"[2] retail regulation should only be employed where the market itself actually fails to address the customers' issues. AT&T recommends that the Oregon Commission further adjust its proposed rules to regulate only those areas wherein the market may not, as yet, be providing consumers with an adequate remedy.

Furthermore, the Oregon Legislature demands that telecommunications service be offered to the public at "reasonable" rates.[3] Regulation beyond the point of necessity merely injects unwarranted costs into the carriers' services and consequently increases

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[1] *See In the Matter of Application by Qwest Communications International, Inc. for Authorization to Provie In-Region, InterLATA Services in New Mexico, Oregon and South Dakota,* Memorandum Opinion and Order, WC Docket No. 03-11, FCC 03-81 (Rel. Apr. 15, 2003) at ¶¶ 4-5.

[2] ORS 759.450.

[3] ORS 759.035.

costs to consumers, both residential consumers and businesses alike. The higher the regulatory burdens in any given state, the higher the rates and the higher the cost of living in the state. Consequently, appropriate regulation is a delicate balance between what is actually needed to protect consumers and what will stifle the economy and discourage deployment of communications systems. AT&T offers the proposals that follow in an effort to assist the Commission in achieving that delicate balance.

COMMENTS

I. THE NECESSARY NEXUS BETWEEN REGULATION AND NETWORK REALITY

Before addressing specific rules, AT&T, first, requests that the Commission expressly limit the application of its retail service standards to those customers that will actually benefit from them. For example, the standards all dictate commitments met measurements and trouble repair standards that are difficult, if not impossible, to apply in the context of numerous business customers that purchase complex communications systems under contracts. These customers typically have carrier-assigned account representatives that work with engineers to design the customers' systems and address their repair needs. These customers do not need Commission rule to protect their interests. Moreover, the rules themselves do not fit the reality and complexity of these systems or the carriers' networks.[4] Consequently, AT&T suggests—and, in other states, consumer advocates have agreed[5]—that the Commission limit application of these standards to consumers with four or fewer access lines.

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[4] E.g., trouble reports by wire centers and 48-hour repair times based upon "households."

[5] *See e.g., In the Matter of the Proposed Repeal and Reenactment of Rules regulating Telephone Utilities and Providers as Found [in Colorado Commission Rules]*, Colorado Docket No. 03R-524T, Hearing Transcript (Sept. 9, 2003) (testimony of Barbara Alexander, expert witness for the Colorado Office of Consumer Counsel representing Colorado consumers) at 54, lns. 2 – 8.

Second, these rules—like many, including the NARUC White Paper[6] on retail service quality rules—continue to employ an outdated ILEC network architecture and ignore the network realities of a multi-carrier, integrated provisioning system used in today's communications market. For example, the NARUC White Paper asserts that carriers should accomplish basic service installations in "3 working days" from the date of the customer order.[7] NARUC bases this standard on ILEC ARMIS data that it has reviewed and thereby tacitly assumes that one-size-fits-all in service quality regulation. The problem with this theory is that it doesn't work for CLECs that must obtain wholesale loops from the underlying ILEC. That is, Qwest enjoys a five-day provisioning interval for wholesale analog loops[8] (the typical basic service loop), and when a CLEC obtains a customer order for basic service, it cannot even begin to fill the order until Qwest provisions the wholesale loop—at least five days after the CLEC orders the loop and assuming that Qwest promptly fills the order. NARUC has created an impossible standard for CLECs.

Furthermore, large corporations order basic service among other services that may require far more than 3-working days to install. So this NARUC model rule clearly misses the mark in today's communications market. Thus, this Commission should insist that there exist a nexus between the regulation and network reality such that the rules actually do not create unnecessary or impossible regulatory requirements.

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[6] *NARUC Service Quality White Paper,* March 5, 2004 as attached to Staff's Opening Comments in Attachment 5.

[7] *Id.* at 4.

[8] *Qwest Service Interval Guide for Resale, UNE and Interconnection Services* V 43.0 at 92.

II. COMMENTS RELATED TO SPECIFIC RULES APPLICABLE TO CLECS

A. Definitions 860-032-0012(1)

Consistent with its concerns described above, AT&T will provide some observations related to rules that the Commission has not proposed changes to as well as commenting on the rules wherein changes are proposed. AT&T has concerns regarding the following definitions:

1. Access Line

While the current definition of Access Line has not changed, AT&T would, nonetheless, appreciate clarification on the application of the rule. The rule states:

> (a) "Access Line" – A 4 KHz channel with dialing capability that provides local exchange telecommunications service extending from a telecommunications carrier's switching equipment to a point of termination at the customer's network interface;

As the Commission knows, 4 KHz of bandwidth is the bandwidth associated with traditional voice telephony. Hence the rule defines only limited bandwidth channels, apparently only used for plain old telephone service ("POTs"), as "access lines" and nothing else. In practice, however, AT&T believes that the rule is applied more broadly to encompass customer loops that offer far more than 4 KHz channels. The definition need not change, but its application should be clearly limited to small business and residential lines for purposes of service quality reporting.

2. Average Speed of Answer

The proposed definition for "average speed of answer" states as follows:

> (c) "Average Speed of Answer" – The average time that elapses between the time the call reaches the interactive answering system queue and the time it is connected to a representative;

Based upon this definition, AT&T is uncertain when the measurement actually starts. For example, is the time a call "reaches the interactive answering system queue" when the caller is first asked to make selections such that his or her call can be sent to the correct representatives or is it when the call leaves the interactive sorting menu and is placed into queue awaiting the appropriate representative? The latter interpretation is the one that makes most sense from a practical perspective, and it is the one the Commission probably intends.

Many carriers employ "sorting menus" that allow customers to self-direct their calls to the appropriate destination. Often customers may have their needs addressed without even speaking to a representative so no "queue" would be involved in such calls. For those calls where the customer does desire to speak to a representative, the sorting menu serves to get the customer call directed to the appropriate representative. Once the customer is placed in the queue for the appropriate representative, it is then that the answer time measurement should start; that is, after the call has left the interactive answering system. Thus, AT&T proposes altering the definition as follows:

> (c) "Average Speed of Answer" – The average time that elapses between the time the call ~~reaches~~ **leaves** the interactive answering system ~~queue~~ and the time it is connected to a representative;

Modifying the definition as AT&T suggests would actually reflect the typical way customer calls are handled in an interactive answering system and still provide the Commission with the standard measure it seeks.

3. Wire Center

Rule 860-032-0012(1)(n) defines a wire center as:

> A telecommunications "wire center" is a facility where local telephone subscribers' access lines converge and are connected to ~~a~~ switching ~~device which~~ equipment that provides access to the public switched network, including remote switching units and host switching units. A wire center does not include collocation arrangements in a connecting carrier's wire center or broadband hubs that have no switching equipment.

As the Commission knows, most competitive carriers cannot reasonably be expected to construct loops or access lines to the majority of the customers' premises in the State of Oregon. Thus, competitors must purchase unbundled loops or resell an incumbent's service to access customers. That said, CLECs do not generally have customer access lines converging directly into their switches. In fact, CLECs serving most residential and small business customers must collocate equipment in the wire centers of ILECs to pick up their customers' lines and backhaul their customers' traffic to their switches located a large distance from the customer. Further, for those CLECs serving customers via UNE-P or resale, the CLEC may not even have a switch. Consequently, what the Commission traditionally thinks of as an access line, loop or wire center in an incumbent's network does not at all reflect a loop, access line or wire center in a CLEC's network. In fact, the difference leaves CLECs with a definitional conundrum: depending upon how one interprets this definition, CLECs either have: (a) zero wire centers; or (b) statewide wire centers located where the customer's traffic eventually makes it to their switch(es).

CLECs may be interpreting this definition in inconsistent and differing ways. Nonetheless, the Commission should make express that a CLECs, not employing wire center network architecture, should not employ any measurements on a wire center basis, but rather on a statewide basis per 100 access lines. AT&T will describe more fully why this is appropriate with respect to individual measures discussed below.

B. Measurements and Reporting Requirements 860-032-0012(2)

The previous rule is altered, in pertinent part, to enlarge the measurement requirements:

> A competitive telecommunications ~~carrier~~ provider that maintains 1,000 or more access lines on a statewide basis must take the measurements required by this rule and report them to the Commission as specified. Basic telephone service that is provisioned through alternative technologies, as an example Digital Subscriber Line (DSL), will be included in the calculation of total access lines. ...

This rule is of concern to AT&T for two reasons. First, it is overly broad in that it appears to count higher bandwidth business lines as POTS[9] "access lines," and second it has been modified to sweep in "basic telephone service" offered over DSL. The modification appears to be an attempt to capture Voice over Internet Protocol ("VoIP") service and as such it violates the Federal Communications Commission's ("FCC's") recent order preempting States from regulating VoIP services that originate on the Internet (*e.g.*, over a DSL service).[10] Presumably counting these DSL lines as access lines would subject the basic service offered over them to measurement, reporting and standards compliance obligations. Moreover, attempting to measure trouble reports, for example, for VoIP service according to a wire center methodology is impossible. Thus, from both the legal and practical standpoint such inclusion and measurement is inappropriate and infeasible.

C. Provisioning and Held Orders for Lack of Facilities 860-032-0012(4)

Turning first to the general provision, it states in relevant part:

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[9] Plain Old Telephone Service("POTS") or the 4kHZ channel described in the definition of an access line.

[10] *In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission,* Memorandum Opinion and Order, WC Docket 03-211, FCC 04-267 (Nov. 12, 2004) at ¶¶ 14-38.

> The representative of the competitive telecommunications ~~carrier shall~~ provider must give a retail customer an initial commitment date of not more than six business days after a request for access line service, unless a later date is determined through good faith negotiations between the customer and the competitive telecommunications carrier provider. The competitive telecommunications provider may change the initial commitment date if requested by the customer. ...

The general installation interval of "not more than six business days" does not contemplate the reality faced by most CLECs attempting to serve retail customers using unbundled loops or unbundled network platforms ("UNE-P") (as UNE-P exists today or in the future under Qwest Corporation's QPP service). For example, according to Qwest's Service Interval Guide—under which it provides provisioning intervals for things such as UNE loops to CLECs—Qwest itself has five business days to deliver the UNE loop to the requesting CLEC.[11] The CLEC requests the loop from Qwest only after it has taken a customer's "initial" order for service. Even assuming the CLEC can get the loop order to Qwest early enough on the day it receives the "initial" order and Qwest delivers the loop on time, the CLEC would then be left with a single business day to prepare the loop for service to the newly acquired customer. This standard leaves CLECs with one of two options: (a) always having to negotiate due dates beyond the six business days or (b) frequently missing the six-day interval. The standard itself, thus, places the CLECs in an untenable position and should be deleted.[12]

An additional issue associated with this rule is its implication that only customers may alter the initial commitment date. Again this does not take into consideration the

[11] Insert cite to service interval guide at p. 213 for analog loops.

[12] AT&T will generally cancel a residential customer's order where it appears that it will be held for more than 14-days. It is AT&T's experience that most residential customers will not tolerate held orders over 14-days; so it makes little sense to place such customers in a holding pattern that may test the limits of their patience.

real problems CLECs face in providing services to customers where they do not own the local loops. For example, if a loop requires some kind of line conditioning before the CLEC may obtain the loop from the underlying ILEC and neither carrier knows that such conditioning is required at the time of the initial commitment, then the CLEC must contact the customer and inform the customer that the commitment date must be altered. Establishing service is utterly dependent upon the conditioning whether or not the customer agrees to alter the original date. That is, if the customer doesn't agree, then the customer may not acquire the service. Because of competition, carriers do not want their commitment dates to slip if at all avoidable. Nevertheless, some circumstances may require those dates to be mutually altered by the carrier and the customer. Therefore, the Commission should simply strike the sentence that reads "[t]he competitive telecommunications provider may change the initial commitment date if requested by the customer." As in any business transaction, both parties need to work together to set mutually agreeable schedules. If a carrier refuses to cooperate with customers, the customers can dump the uncooperative carrier in favor of one that provides better customer service. The Commission need not regulate customer/carrier scheduling.

Finally, a six-day interval apparently applicable to business customers buying complex communications systems makes no sense at all. These customers, as noted above, are generally served under contracts that lay-out the necessary installation requirements and neither party needs a Commission rule telling them to negotiate in good faith.

1. Commitments Met 860-032-0012(4)(a)(A)

This rule requires:

> A competitive telecommunications ~~carrier shall~~ provider must calculate the monthly percentage of commitments met for service, based on the initial commitment date, across its Oregon service territory. Commitments missed for reasons solely attributed to customers or another ~~carrier shall~~ telecommunications utility or competitive telecommunications provider may be excluded from the calculation of the "commitments met" results;

While the rule allows CLECs to ignore, in the calculation, initial commitments missed "solely" because of somebody else's fault, it really does not address the "initial" commitments issues described above nor does it apparently allow the parties to mutually adjust dates where, for example, the customer calls to change the date to a particular day and the carrier makes further adjustments to that date based upon issues it may have discovered. Therefore, AT&T suggests that the rule be altered to measure commitments met in a way the fits the real world experience of the carriers; AT&T proposes the following adjustments to the rule:

> A competitive telecommunications ~~carrier shall~~ provider must calculate the monthly percentage of commitments met for service, based on the mutually agreed upon ~~initial~~ commitment date, across its Oregon service territory. Commitments missed for reasons ~~solely~~ attributed to customers or another ~~carrier shall~~ telecommunications utility or competitive telecommunications provider may be excluded from the calculation of the "commitments met" results;

AT&T's proposed alterations would actually measure all the commitments met and allow customers and carriers to work together toward mutually agreeable dates without the unnecessary and overly restrictive provisioning structures superimposed onto varying networks, varying customer needs and varying carrier-to-carrier relations. The "one-size fits all" approach to measuring commitments met does not work in today's

retail telecommunications market. Moreover, unless the Commission has received significant customer complaints about CLECs' commitments missed, it does not appear that the strict standards to which ILECs in a monopoly market were held is appropriate in a competitive market.[13]

2. Objective Service Level; Held Orders 860-032-0012(4)(b)(B)

AT&T notes that this rule suffers from the wire center network design problems discussed above. Thus, CLECs do not enjoy parity with ILECs in relation to the alternative measure and further requires that the Commission employ inconsistent measures as between ILECs and CLECs. As previously advocated, AT&T believes retail regulatory rules should be network neutral.

AT&T's additional concern with this particular rule is that it does not appear to contemplate that the "order" may be held because the underlying incumbent does not have the facilities available. In such a situation, the reselling or UNE-based CLEC has no control over whether or when orders may be filled. Thus, the "objective" measure should be altered as follows:

> (B) Held Orders
>
> (i) The number of held orders for lack of facilities for each competitive telecommunications ~~carrier shall~~ provider must not exceed the greater of two per wire center per month averaged over the competitive telecommunications carrier provider's Oregon service territory, or five held orders, for lack of facilities, per 1,000 inward orders. Where the "lack of facilities" is a lack of resold or wholesale facilities available to a competitive telecommunications provider, the competitor shall not report these held orders, but the incumbent provider or other telecommunications utility that owns the facilities shall report the lack of facilities in its held order retail report.

[13] Staff's review of the Consumer Services Division complaint data base does not appear to have revealed significant, if any, complaints about CLEC's missing installation commitments. *See* Staff's Comments at 4.

Subpart (ii) of this rule should likely be altered as well to accommodate the wholesale problem. In addition, subpart (ii) contains an undefined term; that is, it contains the term "primary held orders." While this may mean a held order for a primary access line or the only or first line, it is not entirely clear. Therefore, AT&T suggests that the term be defined or better explained in the rule itself.

D. Trouble Reports 860-032-0012(5)

Again, AT&T is concerned that this rule employs the wire center network architecture and thus sets ILECs and CLECs at odds in reporting requirements. AT&T notes, however, that an easy solution is simply to change this rule to allow CLECs to measure troubles using total qualifying access lines across their territories. This suggestion would essentially produce a similar measure for both ILECs and CLECs and accommodate differing network architectures and provisioning methodologies. Thus, the rule should be further changed as follows:

> (5) Trouble Reports. Each competitive telecommunications ~~carrier shall~~ provider must maintain an accurate record of all reports of malfunction made by its customers.
>
> (a) Measurement: A competitive telecommunications ~~carrier shall~~ provider must determine the number of customer trouble reports that were received during the month. The competitive telecommunications ~~carrier shall~~ provider must relate the count to the total working access lines with **the total monthly reports of malfunction.** ~~**in a reporting wire center.**~~ A ~~carrier~~ competitive telecommunications provider need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:
>
> 1. Objective Service Level 860-032-0012(b)

Subpart (b) sets out an allegedly "objective" service level that, in fact, is anything but "objective" because it is based upon ILEC network technology and ignores

various provisioning methodologies. That said, AT&T offers the following modification to make the rule network neutral and not slanted toward facilities-based provisioning alone.

> (b) Objective Service Level: A competitive telecommunications ~~carrier shall~~ provider must maintain service so that the monthly trouble report rate, after approved trouble report exclusions, does not exceed two per 100 working access lines ~~per wire center~~ more than three times during a sliding 12-month period.
>
> 2. Reporting Reasons 860-032-0012(5)(c)(B)
>
> Subpart (B) of the reporting requirements states:
>
> The ~~specific~~ reason(s) a wire center meeting standard (did not exceed 2.0 for more than three of the last twelve months) exceeded a trouble report rate of 3.0 per 100 working access lines, during the reporting month;

As is clear from reading this sentence, it probably does not state what is meant; in fact, it is not exactly clear what this sentence is attempting to express. AT&T believes the Commission is seeking the reasons providers fail to meet the objective standard within any given wire center. Furthermore the change to decimal representation of "2" and "3" appears unnecessary and inconsistent with previous rules.[14] Is there something less than a whole number of reports (*e.g.*, 1/2 of a report)? Likely, there is not. This rule should, therefore, be further changed to clarify its intent and to eliminate the wire center reporting obligation.

3. Retail Access Line Count 860-032-0012(5)(c)(D)

This subpart of the trouble report rule has been modified to including DSL line counts where basic telephone service is offered over DSL. Here again, this rule violates the FCC's recent pronouncements preempting states from regulating VoIP

[14] Several other subparts continue the decimal use; this is probably not appropriate and should therefore be changed.

service. Thus, the sentence adding DSL service to the line count requirement should be deleted.

E. Repair Clearing Time 860-032-0012(6)

Here again, this rule is based upon the legacy systems of the Regional Bell Operating Companies ("RBOCs"). And while much of the modification to this rule is not substantive, AT&T will take this opportunity to point out a particular situation, among many, wherein the rule does not function in light of the numerous provisioning methodologies of multi-carrier networks. An example follows.

1. Measurement 860-032-0012(6)(a)

This rule requires:

> The competitive telecommunications ~~carrier shall~~ provider must calculate the percentage of trouble reports cleared within 48 hours for each repair center;

In a multi-carrier situation, the CLEC may not be the carrier that is doing the repair nor the carrier that owns or operates the "repair center" even though it is the carrier that interfaces with the customer. Furthermore, even if the CLEC does not have to report a trouble because it is "solely" caused by another carrier, there may be instances where the CLEC cannot determine if the trouble is "solely" caused by another carrier because it is, for example, a problem affecting all the equipment in a single wire center where the CLEC is collocated. The CLEC's repair efforts in this instance are not necessarily based in or out of a "repair center." As a consequence, reporting under such a standard is confusing at best.

F. Blocked Calls 860-032-0012(7)

With one exception, this rule applies where the CLEC owns the switching equipment and trunking, which unlike other rules, clearly considers the multi-carrier market by limiting its application to those who own the equipment. One issue that is not clear, however, is that contained in subpart 860-034-0012(7)(b)(B). The rule states in pertinent part:

> (b) Objective Service Level:
>
> (B) A competitive telecommunications ~~carrier shall~~ provider, so equipped, must maintain its switch operation so that 99 percent of all properly dialed calls shall must not experience block~~ing~~age during any normal busy hour.

The use of "properly dialed calls" requires that carriers take the incoming and outgoing traffic loads and subtract out misdialed calls. Furthermore, misdialed calls coming from another switch might not appear as customer dialed calls at all such that the calls remain in the calculation. In short, the measurement of "properly dialed calls" places an unnecessary strain on carriers' limited resources even though the misdialed calls consume network resources.

G. Access to Competitive Telecommunications Provider Representatives 860-032-0012(8)

These rules tell carriers how long customers should wait before their calls to business office or repair centers will be answered by company representatives. Having numerous employees man banks of telephones to answer potential customer calls is extremely expensive for any business—not just telephone companies. Most competitive businesses do not have regulatory commissions demanding that customer calls be answered within 20 seconds. Instead, customers that do not get the attention they deserve

simply take their business away from the delinquent company. And while the "revisions" to these rules may not cause carriers to incur additional costs to comply, AT&T believes the Commission should re-examine the cost of compliance with this rule.

That said, AT&T believes it is important to prioritize incoming calls, giving—for example—repair calls top priority. This is one of the few ways carriers can allocate limited resources and still provide service at competitive and reasonable rates.

AT&T notes further that incumbents have generally had a guaranteed rate of return over time in which to establish call centers and CLECs have not. Thus, CLECs must develop their call centers based on far fewer customers and far less capital to support the centers. Consequently, CLECs cannot afford numerous call representatives and still manage to keep operating expenses under control. Nonetheless, these rules purport to hold CLECs to a similar "objective" standard as large ILECs with the lion's share of all the State's customers. Moreover, small ILECs (generally speaking monopolists with all the customers, and some with far more customers than the CLECs) are not even required to meet or report these standards.[15]

Therefore, AT&T suggests further modifying these rules to limit their application to residential customers, and lengthening slightly the call answer time to 90 seconds to accommodate those carriers that have never enjoyed the benefit of a guaranteed rate of return. Alternatively, AT&T recommends merely eliminating this rule as unnecessary in a competitive market and discriminatory against CLECs.

Finally, if the Commission determines it shall keep this rule, AT&T seeks slight modification to subpart 860-032-0012(8)(a)(C)(ii); the proposed rule changes at present state:

[15] OAR 860-034-0390(8).

(C) Each competitive telecommunications ~~carrier shall~~ provider must calculate,

(ii) the average speed of answer time for the total calls attempted to be placed to the business office and repair service center.

AT&T suggests that determining calls "attempted to be placed" is not a simple matter nor even possible in some instances. Consequently, AT&T recommends changing the proposed rule to the following:

(C) Each competitive telecommunications ~~carrier shall~~ provider must calculate,

(ii) the average speed of answer time for the total calls ~~attempted to be placed to~~ **received by** the business office and repair service center.

H. Interruption of Service Notification 860-032-0012(9)

This proposed rule requires CLECs to notify the Commission of "significant" outages. Again, this rule, like others, needs modification to take into consideration a multi-carrier provisioning methodology. For example, where CLECs are serving some customers by resale, UNE-P or its equivalent, or sometimes through UNE loops, the interruptions that occur may be limited solely to a problem in another carriers' network that—often times—CLECs may not discover until a customer calls the CLEC complaining about the interruption. The CLEC then contacts the underlying wholesale carrier to determine what the problem and potential repair times will be. Moreover, the wholesale carrier has likely reported the interruption to the Commission in advance of when the CLEC even discovers the issue. Thus, the rule should be modified to expressly require carriers to report "significant outages" that occur on their own networks.

For planned outages (*e.g.*, maintenance and repairs), the various carriers should notify each other such that they can adequately respond to customer inquiries, but only

the carrier whose network is actually under maintenance or repair should contact the Commission with the physical locations that will be affected.

In addition, AT&T proposes the adjustments to subpart 860-032-0012(9)(a)(E), which presently reads as follows:

> (a) Measurement: The competitive telecommunications providers must notify the Commission when an interruption occurs that exceeds the following thresholds:
>
> (E) Outage of the Business Office or Repair Center access system lasting longer than 15 minutes.

Assuming the "access system" to "the" Business Office or Repair Center is the ability to contact, via the telephone, a carrier's business or repair departments, AT&T doesn't believe this particular reporting requirement is necessary, and in fact, where there exists a major outage it may already be captured in the cable cut or other interruption that takes out phone service all together. Thus, AT&T recommends simply deleting this reporting requirement as redundant and otherwise unnecessary.

I. Remedies for Violation of this Standard 860-032-0012(15)

Subpart 860-032-0012(15)(b)(B) states:

> (b) In addition to the remedy provided under ORS 759.450(5), ... If the Commission finds a violation has occurred, the Commission may require the competitive telecommunications ~~carrier~~ provider to provide the following relief to the affected customers:
>
> (B) Customer billing credits equal to the associated non-recurring and recurring charges of the competitive telecommunications ~~carrier~~ provider for the affected service for the period of the violation;

Given the manner in which retail service is priced and offered, this particular provision is difficult to understand in some circumstances. For instance, where a bundled offer is priced at a flat rate and the offering is not associated with the service quality failure, how

are carriers to calculate the bill credit? AT&T requests clarification in regard to this provision or alternatively AT&T seeks perhaps a more generic way of providing bill credits based upon a Commission determination of what those credits ought to be in relation to the carrier's actual deficiency.

CONCLUSION

For the foregoing reasons, AT&T requests that the Commission consider and accept AT&T's proposals contained herein.

Respectfully submitted this 21st day of April, 2005.

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.

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