



Oregon

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May 17, 2005

OREGON PUBLIC UTILITY COMMISSION
ATTENTION: FILING CENTER
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RE: **OPUC Docket No. AR 492** - In the Matter of a Rulemaking to Amend OAR Chapter 860, Division 023, 032 and 034 to Adopt Rule Changes, Minimum Service Quality Standards for Providing Retail Telecommunications Services.

Enclosed for filing in the above-captioned docket is the Public Utility Commission's AR 492 Staff's Reply Comments. This document is being filed by electronic mail with the PUC Filing Center.

/s/ Judy Ogilvie

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 492

In the Matter of a Rulemaking to Amend)
OAR Chapter 860, Division 023, 032 and) **STAFF’S REPLY COMMENTS**
034 to Adopt Rule Changes, Minimum)
Service Quality Standards for Providing)
Retail Telecommunications Services)

The Public Utility Commission Staff (Staff) submits the following reply comments and recommendations regarding the rules proposed in AR 492. Opening comments were received on April 21, 2005. Staff’s reply comments refer to the received industry comments. Staff stands by its initial proposal and comments, except where specifically modified in these comments.

1. Introduction

The Commission Staff reviewed the industry opening comments. Some of the comments are supported by Staff and included as recommendations in this report. Those comments that are not supported by Staff and were not addressed in Staff’s Opening Comments are addressed in this report. Four sets of comments were received:

1. CenturyTel, Oregon Telecommunications Association, Qwest Corporation, Sprint and Verizon Northwest Inc. (ILECs)
2. CenturyTel, Qwest Corporation, Sprint and Verizon Northwest Inc. (Large Utilities)
3. MCI (MCI)
4. AT&T Communications of the Pacific Northwest, Inc. and TCG Oregon (AT&T)

Staff wishes to maintain common rules between OAR 860-023-0055, OAR 860-032-0012 and OAR 860-034-0390, where possible, but realizes that some specific changes to individual rules are needed. Staff organizes its following comments by rule sections. If the comments affect all three sets of rules, Staff does not reference the rule numbers. If the comments affected one or two sets of rules, those affected rules are referenced. Staff also identifies, for each section, the company that provided comments to that section and a summary of its individual comments. For example, an AT&T comment on page two of its submittal is referenced as “AT&T (page 2).”

Where Staff recommends additional changes to the rules that it did not address in its opening comments, those recommendations are included in Attachment 1 of this report. Text changes that differ from the original recommended rules submitted in Staff’s Public Meeting Memo, dated February 24, 2005, are marked with a single vertical line in the left margin, next to the changed paragraph.

2. Staff's Reply Comments and Recommendations.

A. General Comments.

- a. **AT&T (page 2).** Limit application of these standards to customers with four or fewer lines.

STAFF RESPONSE: Staff does not support selective reporting based on the number of customer lines. Oversight of telecommunications service quality is required by ORS 759.450(1).

- b. **AT&T (page 3).** "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."

STAFF RESPONSE: Staff does not agree with AT&T's comment. Staff's service quality program is focused on "retail telecommunications service." For the most part, the transport part of the system is transparent. For example, if a twisted pair is configured as a Digital Subscriber Line (DSL), the Commission looks at that vehicle of transport as DSL service that is under the jurisdiction of the Federal Communications Commission (FCC) and a retail telecommunications service that is under its jurisdiction. Both of these services use the same two wires, but the Commission's service quality rules focus solely on the basic service element of DSL service.

If a "competitive local exchange carrier (CLEC)" is facilities-based, it has clear service quality responsibilities. If it is a pure reseller, it has less direct control over its service quality. The Commission's service quality rules were developed with industry input and can be adapted to the infrastructure of the service provider. With the exception of network blockage and its application to a switched central office facility, all eight service quality indexes can be tailored to the operation of the reporting competitive or incumbent local exchange carrier. Historically Staff has worked with the different CLECs and adapted their service quality reporting to match their "multi-carrier, integrated provisioning system."

B. Section 1, Definitions.

- a. **AT&T (page 4) – "Access Line" definition.** AT&T seeks clarification that an access line is only associated with "plain old

telephone service (POTS).” They also state, “The definition need not change, but its application should be clearly limited to small business and residential lines for purposes of service quality reporting.”

STAFF RESPONSE: Staff does not support AT&T’s limited reporting recommendation. As mentioned above, Staff’s service quality program is focused on “retail telecommunications service” (also called “plain old telephone service”). When it established the 1,000 line threshold for reporting, the Commission required companies to report the number of access lines that have retail telecommunications service. This number is not affected by other services that may be using the same access line. Staff has considered how to better align the “access line” definition with current methodology. Staff now proposes a new definition in Attachment 1.

Staff also points out that a twisted pair is the vehicle for many services including DSL service. The broadband element of DSL service is not included as a retail telecommunications service, but the voice component is. Additionally, with respect to AT&T wanting to exclude large business lines from service quality reporting, Staff does not support selective reporting, and treats all telecommunication customers in Oregon, whether large business, small business or residential, the same. As noted above, Staff does not believe selective reporting is lawful.

- b. **AT&T (page 4) and MCI (page 2) – “Average Speed of Answer” definition.** AT&T requests clarification of the “Average Speed of Answer” measurement. MCI recommends that the definition be revised to “The average time to reach a customer service representative or an automated system that can be utilized to resolve the concern.” OAR 860-032-0012(8)(a)(C)(i) would also need to be revised.

STAFF RESPONSE: Staff modified this definition in its opening comments and does not see a need for additional changes to this rule. Staff considered, but rejected, the concept of including those calls that are resolved solely in the automated system in the average answer time calculations. The measurement that is important to Staff is the holding time of the customer once they leave the automated system and are directed to a representative. Counting those calls that were resolved within the automated system would skew the measurement such that it would mask the holding times of customers waiting to speak to a representative. MCI’s suggestion misses the point of the measurement and is thus unacceptable. Staff encourages companies to handle routine

calls within their automated systems and considers this outcome to be in the best interest of customers. The main gain for companies would be fewer representatives required to meet customer needs as more customers take advantage of the fully automated system.

- c. **ILECs (page 2) – “Force Majeure” definition.** The ILECs requested the addition of the following “Force Majeure” definition.

“Force Majeure” – Circumstances beyond the reasonable control of a carrier including, but not limited to, delays caused by:

1. A vendor in the delivery of equipment, where the LEC has made a timely order of equipment;
2. Local, state, federal, or tribal government entities in approving easements or access to rights-of-way, where the LEC has made a timely application for such approval;
3. The customer, including but not limited to, the customer’s construction project or lack of facilities or inability to provide access to the customer’s premises;
4. Uncontrollable events such as acts of God, explosion, fires, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties including but not limited to outages originating from the introduction of a virus onto the provider’s network.

STAFF RESPONSE: Staff concurs with this suggestion, which is shown in Attachment 1. Staff removed the words “acts of God” and changed the word “carrier” to “telecommunications carrier.” Staff recommends that the modified definition be added to the rules.

- d. **MCI (page 3) – “Initial Commitment Date” definition.** MCI recommends the deletion of the “good faith negotiation” statement and deletion of the requirement for a minimum time.

STAFF RESPONSE: Staff does not support MCI’s recommended changes. The American Association of Retired Persons (AARP) recommended adding the phrase “good faith negotiations” during AR 375, the previous service quality rule making. Some of the AARP members had experienced difficulty in negotiating with service providers for service order and repair due dates. Staff continues to support AARP’s recommendation.

Further, the CLEC can take an exclusion for a missed commitment date if its miss was solely attributed to a customer or another utility/provider. Staff strongly supports a default commitment date. Based upon Staff's studies and from reported service quality reports, Staff believes the six-day commitment date is reasonable. Prior to AR 375, the default commitment date was five days. The extra day was added to allow the CLEC an extra business day to coordinate with the "incumbent local exchange carrier (ILEC)."

e. **Staff addition – "Service Area" definition (OAR 860-032-0012 only).**

STAFF RESPONSE: Staff, in response to comments from AT&T and MCI, has modified some of the language in its recommended rule OAR 860-032-0012. It became necessary to add a definition for "service area" to provide an equivalent reporting area for the competitive telecommunications providers that do not have a wire center. This reporting area is being called a "service area." Competitive telecommunications providers will report the number of access lines served in each of its designated "service areas." Accordingly, trouble report rate calculations will be based on the total number of trouble reports for the service area that are solely attributed to the reporting provider during the specific study period. See Attachment 1 for the proposed "Service Area" definition.

f. Staff change – "Trouble Report" definition.

STAFF RESPONSE: As a result of the proposed change to the definition of "Access Line," Staff recommends changes to the definition of "Trouble Report" to bring it in alignment with the other recommended changes in the rule. See Attachment 1 for the proposed changes to the "Trouble Report" definition.

g. **AT&T (page 6) – "Wire Center" definition.** AT&T comments: "Consequently, what the Commission traditionally thinks of as an access line, loop or wire center in incumbent's network does not at all reflect a loop, access line or wire center in a CLEC's network."

STAFF RESPONSE: The CLEC configurations range from the pure reseller to the facilities-based provider. The latter might have a traditional switch but no outside plant, outside plant but no traditional switch, or have outside plant and a traditional switch. Staff works with the various companies to determine the best way to subdivide their operation areas for service quality reporting. A pure reseller can, for

example, opt for their “service area” to be the entire state. It would be difficult to cover all of the different configurations in the rule and Staff would therefore prefer to work with each company to obtain a mutually agreeable service quality reporting method based on their configuration. The default “service area” for a CLEC without wire centers and exchanges would be the entire geographic area it has been certified to serve. A different “service area” would require Commission approval. A “service area” definition for OAR 860-032-0012 is recommended by Staff in Attachment 1.

C. Section 2, Measurement and Reporting Requirements.

AT&T (page 7), MCI (page 4), and ILECs (page 2) (OARs 860-032-0012 and 860-034-0390 only). AT&T states two concerns with the new language recommended by Staff: “First, it is overly broad in that it appears to count higher bandwidth business lines as POTS “access lines,” and second it has been modified to sweep in “basic telephone service” offered over DSL. The company continues by giving an example of Voice over Internet Protocol (“VoIP”) service being provided over DSL and it states this would be violating the FCC’s recent order preempting States from regulating VoIP services that originate on the Internet. AT&T also comments: “Presumably counting these DSL lines as access lines would subject the basic service offered over them to measurement, reporting and standards compliance obligations.” MCI is concerned about counting the POTS portion of a DSL service in the access line count.

Additionally, MCI recommends deleting the language “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.” It states this language implicitly subjects alternative technologies such as DSL and VoIP to PUC oversight of which state commissions have no authority to impose such regulation. The ILECs recommend the deletion of the new recommended sentence stated above.

STAFF RESPONSE: See Staff’s response in 2Ab above. As a preliminary matter, Staff will not comment on the Voice over Internet Protocol (VoIP) or any broadband regulatory oversight issues. Staff recognizes the current FCC ruling that VoIP is an Information Service.

Staff’s focus is on access lines that provide retail telecommunications service. Staff is indifferent to the technology a service provider selects for transporting its voice service from the provider’s switch to the customer service location, either owned or leased under an “unbundled network element” (UNE)-type arrangement. Staff could have just as easily

illustrated a “hybrid fiber-coax” or “fixed-based wireless” methodology as a means of last mile transport of retail telecommunications service. Staff will use the required information in determining that a reporting provider has met the 1,000 access line reporting threshold. The non-basic services on the remainder of a circuit are not relevant. To repeat and emphasize, Staff is not recommending the Commission expand its authority to broadband-type services that are currently under FCC jurisdiction. Staff notes that DSL lines are eligible for Oregon Universal Service fund support because of their basic service component.

Staff agrees with the ILECs’ and MCI’s recommendation to delete the referenced sentence.

D. Section 3, Additional Reporting Requirements.

ILECs (page 3). The ILECs recommend the following addition to this section: “The service quality objective service levels set forth in sections 4 through 8 of this rule shall only apply to normal operating conditions and do not establish a level of performance to be achieved during force majeure events.”

STAFF RESPONSE: If the force majeure definition is adopted, Staff does not object to the addition of this sentence, with minor modification, but Staff believes it is more appropriate to add it to section 2 of the rules. Staff also made a review of the rules and removed part of a current exemption that would now be covered under the force majeure definition. The modified sentence reads “The service quality objective service levels set forth in sections 4 through 8 of this rule only apply to normal operating conditions and do not establish an expected level of performance to be achieved during force majeure events.”

E. Section 4, Provisioning and Held Orders for Lack of Facilities.

a. **AT&T (page 8).** AT&T argues: “A six-day interval apparently applicable to business customers buying complex communications systems makes no sense at all.”

STAFF RESPONSE: In AR 375, an additional day was added to the “meeting of the commitment date” to allow for the exchange of information and coordination between ILECs and CLECs. Staff’s understanding of a pure reseller environment is that the network facilities are usually the responsibility of the ILEC or the specified network provider, and that any work to condition, prepare, or provision a loop for retail telecommunications services would occur

prior to the commitment date. Staff is aware that special services-type service orders can be significantly more complex, and should be accorded sufficient time for loop conditioning and service location preparation, as needed. These special circuits are outside the Commission's jurisdiction and additional time required to provision these broadband circuits should be taken into consideration when establishing the initial commitment date. Providing the retail telecommunications service would require completion of the broadband services and would therefore by default, have the same extended commitment date. Staff encourages parties to establish the initial commitment date required for these services through "good faith" negotiations.

- b. **AT&T (page 8, footnote 12).** AT&T points out: "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."

STAFF RESPONSE: Staff recommends that AT&T eliminate the practice described in footnote 12. Staff has a concern with AT&T's 14-day cancellation policy. This policy has the appearance of sidestepping a problem and could cause further delay in provisioning a "retail telecommunications service" primary service order that was held for a lack of facilities. For service quality reporting purposes an order, as described in AT&T's footnote, could qualify for the exclusion mentioned in the existing service quality standards (subsection 4(A)).

Staff has clarified that a held order is nothing more than a missed commitment that is due to a lack of facilities. Staff continues to support the 6-day initial commitment date, a position which is reinforced by consumer reports to the Commission's Consumer Services Division. In some of those cases, subscribers had the perception of being coerced into accepting a commitment date far exceeding the 6-day limit described to them at the time needed for a competitive service provider to qualify the client for service.

- c. **AT&T (page 9).** AT&T states: "[i]f 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, 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." "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." And "The Commission need not regulate customer/carrier scheduling."

STAFF RESPONSE: Staff does not support AT&T's recommendation and strongly recommends that the existing language be retained. See Staff's responses in this report at paragraphs 2Bd, 2Ea and 2Ed.

- d. **AT&T (page 9).** AT&T recommends striking the sentence "[t]he competitive telecommunications provider may change the initial commitment date if requested by the customer."

STAFF RESPONSE: Staff does not support AT&T's recommendation. The modification of this rule is intended to prevent a commitment date from being changed in an attempt by the provider to avoid a missed commitment. Staff has observed incidents where potential subscribers have reported a coerced acceptance of additional commitment dates just prior to the previous commitment date being met. Staff is aware that competitive telecommunications providers in a UNE-type ("L" or "P") arrangement and ILECs could have situations which require preliminary actions or construction by either the subscriber or the network provider. The competitive telecommunications provider may take an exclusion for reasons solely attributed to customers or another utility/provider. It is in the company's best interest to keep the customer advised of mitigating circumstances beyond the company's control, which could require due date modifications.

- e. **AT&T (page 10 and footnote 13 on page 11).** AT&T believes "The "one-size fits all" approach to measuring commitments met does not work in today's retail telecommunications market." The footnote references Staff's Opening Comments presentation of Consumer Services Division complaint data and AT&T points out that the data does not reveal significant complaints of CLEC missing installation commitments.

STAFF RESPONSE: Staff does not agree with AT&T's comment. Staff agrees that the data provided in Staff's Opening Comments on

page 4 did not speak directly to missed commitments nor any other specific complaint. Staff did not review each of the 2,479 CLEC complaints received in 2004 to categorize them by complaint. The CLECs did have a significant number of complaints. Staff's example in chart 1 and 2 of its Opening Comments was intended to illustrate that the total number of complaints in 1999, as reported in AR 375, was significantly higher than the 2004 total. Staff went on to say on page 5 of the report that the data support the conclusion that the current service quality levels are reasonable and achievable. Detailed consumer data can be reviewed and compared on the Commission web site at <http://www.puc.state.or.us/consumer/mnthrpts.htm>.

Both ILECs and CLECs can affect the commitments met standard. If an ILEC doing business with AT&T meets the contractual date for providing service, but AT&T does not allow enough time for AT&T's portion of the work, then the missed commitment will be attributed to AT&T. If a missed commitment is caused by an ILEC not meeting the contractual date, and AT&T completes its work within its original allotted time period, then the ILEC will be solely responsible for the missed commitment. In such a case AT&T need not count the miss. If AT&T were to go beyond its original allotted time period in the last example, it would assume part of the responsibility, and therefore, must count the missed commitment.

- f. **AT&T (page 12).** AT&T notes the term "primary held orders" is undefined.

STAFF RESPONSE: This is covered in subsection (4)(a)(B) of the rule with "(initial access line)." Staff does not see a need to specifically define the term.

F. Section 5, Trouble Reports.

- a. **AT&T (page 13).** AT&T presents a concern with the trouble report rates and trouble reports and recommends eliminating the wire center reporting obligation.

STAFF RESPONSE: The "trouble report rate" (TRR) calculation is a simple calculation that takes the number of trouble reports for a given wire center in a month, divides it by the number of access lines for that wire center in that month and then multiplies that result by 100 to normalize it. This basically allows each wire center to have trouble reports on 2% of the associated access lines for the reported month. Staff has worked with numerous service providers to assure this

performance measure illustrates the service quality achievement in their service territory, especially for those service providers utilizing the network facilities of other providers. Staff added “Service Area” to OAR 860-032-0012 to address the “wire center reporting obligation.”

Human error can have the same effect on network performance as a deficient network element, and can occur with facilities-based and non-facilities-based telecommunication providers. The identification of these types of man-made incidents is relevant for the overall analysis of the quality of service provided. See Attachment 1 for the actual wording.

- b. **MCI (page 8).** MCI wants to delete paragraph (5)(a)(B), Internet Service Provider Blockage and (5)(a)(C), Modem speeds.

STAFF RESPONSE: Staff does not support either of the two MCI requests. Section 5 of the rule contains a set of exclusions that a service provider can employ when totaling the number of trouble reports attributed to the reporting carrier during a study period. MCI has requested that the current exclusions listed in 860-032-0012 (5)(a)(B) and (5)(a)(C) be removed from the rule. As to (5)(a)(B), Staff has been involved with incidents of Internet Service Providers (ISPs) moving into small exchanges and the resulting ISP traffic volumes have exceeded the requested trunk capacity. This has caused network blockage resulting in customer complaints. A telecommunications carrier should be able to exclude this type of trouble when identifying the number of trouble reports.

As to (5)(a)(C), Staff understands the underlying concern that MCI expresses, but the exclusion speaks directly to the performance of the loop facility, as the loop relates to standards listed in subsections 9(b)(A through D) of the existing rules. If there is a loop deficiency relating to a reported line, this report could signal that the loop is not meeting the above Commission standards. If it is found that the loop does meet standard, then, even if there exists a negative effect on modem speed, the trouble report can be excluded. The ISP jurisdictional boundary limits are unrelated to the exclusion.

- c. **MCI (page 9).** MCI wants subsection (5)(c) stricken from the rules.

STAFF RESPONSE: Staff does not support MCI’s recommendation. Trouble Report Rate reporting is vital to service quality analysis as it directly calls attention to service problems. A CLEC must only report troubles for which it was in some part responsible. Trouble reports

solely caused by another LEC or the customer can be excluded. Staff's response in paragraph 2Be also applies to MCI's comments on wire center/statewide reporting.

- d. **ILECs (page 3).** The ILECs request that small wire centers (i.e., less than 1,000 lines) be allowed more than 2 trouble reports per 100 access lines due to the large impact a few trouble reports can cause in the monthly results.

STAFF RESPONSE: Staff stands by its opening comments. Staff considered, but rejected, three options for small wire center relief. Staff discussed the proposed 3.0 threshold change; adding one more month to the number of out-of-standard months in a 12-month period (i.e., five months instead of four) before a small wire center is considered out of standard; and finally, grouping small rural wire centers together. The last option would try to arrange small rural wire centers into mutually agreed groups while keeping the group under 1,000 lines and ideally in the same geographical region. Industry reporting would still be by individual wire centers, but the out-of-standard threshold would be tabulated by group numbers and would be reported in Staff's monthly service quality report and posted to the web site as a group trouble report rate.

G. Section 6, Repair Clearing Time (OAR 860-032-0012 only).

MCI (page 10). MCI requests that it be permitted to report on a statewide basis.

STAFF RESPONSE: See the Staff Response in paragraph 2Be above. MCI has recommended a modification to Section 6(c), Reporting Requirements, by suggesting the addition of the phrase "...by each wire center or on a statewide basis." Staff agrees with the concept of the recommendation, as it fits well into the fact that some service providers do not employ the boundaries of wire centers or exchanges, as it relates to their service area. See Attachment 1 for Staff's recommended change to subsection 6(c).

H. Section 7, Blocked Calls.

- a. **AT&T (15).** AT&T comments on "properly dialed calls" putting an unnecessary strain on carriers' limited resources.

STAFF RESPONSE: Staff concurs with the AT&T comment and recommends one additional change. The phrase “all properly dialed calls” should be replaced with “the calls” and “any normal busy hour” should be replaced with “the normal busy hour.” See Attachment 1 for the new wording.

- b. **ILECs (page 3).** “The LECs request that Staff consider the LEC to be in compliance with the rule if the LEC has engineered the trunk group and maintained the trunk group to meet the Commission standard.”

STAFF RESPONSE: Staff has reviewed the ILECs’ concern and now recommends new criteria for determining when a final trunk group will be considered out-of-standard. Staff recommends that a final trunk group be considered out-of-standard when it has had blockage greater than 1% for four consecutive months. This time interval was selected using the following scenario. Traffic engineers usually do not add trunks when a blockage is first reported. An exception to this would be a known change in the calling pattern that would justify immediate augmentation. On the second consecutive month of blockage, the traffic engineer, depending on usage or traffic data, would probably recommend an augmentation. The new trunks would be installed during the third month. Staff recommends that the final trunk group be considered out-of-standard on the fourth consecutive month. See Attachment 1 for the new wording.

I. Section 8, Access to Representatives.

- a. AT&T (page 16). AT&T states “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.”

STAFF RESPONSE: Staff does not support the AT&T recommendation. ORS 759.450(3) states, “The minimum service quality standards for providing retail telecommunications services adopted by the commission shall relate directly to specific customer impact indices including but not limited to held orders, trouble reports, repair intervals and carrier inquiry response times.” Staff does not support selective reporting and treats all telecommunication customers in Oregon, whether large business, small business, or residential the same. Any degradation from Staff’s proposed levels may be

counterproductive to the subscriber service experience and the public interest.

Additionally, newly numbered section 16 of the rules states that a telecommunications utility or competitive communications provider may petition the Commission for an exemption, in whole or in part, from these rules and that the Commission may grant an exemption if effective competition exists. The rule also lists areas that the Commission will consider when making this determination. All utilities/providers providing telecommunication services in those exchanges would be exempt from these rules, in whole or in part. If AT&T feels that they can prove that a competitive market exists in an exchange, it already has a vehicle to petition the Commission within the existing rules.

- b. **AT&T (page 17).** AT&T requests the deletion of the phrase “attempted to be placed” in subsection (8)(a)(C)(ii).

STAFF RESPONSE: Staff does not support AT&T’s recommendation. All calls placed in queue for a representative answer need to be counted in the average speed of answer time. If the words “attempted to be placed” were removed, the dropped calls could be excluded. Staff does not require an additional breakout of data for those calls that are “attempted to be placed” but requires the total time within which all calls that entered the queue were either answered or dropped.

J. New Section 9, Interruption of Services Notification.

- a. **ILECs (page 4).** ILEC comments request that we adopt the FCC reporting requirements.

STAFF RESPONSE: The FCC outage reporting criteria is set for incidents that affect multi-state, or densely populated metropolitan areas, which is evident in their 900,000 end-user minute threshold. The ILECs’ 30,000 end-user threshold recommendation is considered by Staff as an unreasonably high threshold. Staff proposes to eliminate any reference to the number of customers and base the notification strictly on a time period, thus relieving the company of the additional manual work to determine if the interruption meets the customer threshold count. Staff also removed its recommendation that required a final report no later than five business days following the corrective action. Notification, by methods mentioned in the rule when the work

is complete and the service is restored, would be the final reporting requirement. See Attachment 1 for the new wording.

- b. **AT&T (page 17).** AT&T states: “Thus, the rule should be modified to expressly require carriers to report “significant outages” that occur on their Oregon based network.”

STAFF RESPONSE: Staff agrees with AT&T’s recommendation and in its attempt to qualify “significant outages,” rewrote this section. See Attachment 1 for the new wording.

- c. **AT&T (page 18).** AT&T recommends the deletion of the “Business Office or Repair Center” reporting threshold. AT&T provided an example of a major outage, such as a cable cut, taking out phone service, thereby affecting the Business Office or Repair Center. This reporting requirement would be redundant and unnecessary.

STAFF RESPONSE: Staff does not support AT&T’s recommendation. In reference to AT&T’s example, most carrier Business Office or Repair Centers are outside of Oregon, therefore the Commission would probably not be aware of interruptions that would affect the centers. Additionally, if a cable cut affected a number of services from the list of reportable interruptions, only one interruption report would be sent to the Commission that would list the affected services.

- d. **MCI (page 11).** MCI comments that non facilities-based providers should not have to report. **(OAR 860-032-0012 only).**

STAFF RESPONSE: Staff concurs. If a company does not have any facilities, i.e., is a reseller, it need not report any service interruptions.

K. Renumbered Section 10, Customer Access Line Testing.

STAFF RESPONSE: No Comment.

L. Renumbered Section 11, Customer Access Lines and Wire Center Switching Equipment.

STAFF RESPONSE: No Comment.

M. Renumbered Section 12, Special Service Access Lines.

STAFF RESPONSE: No Comment.

N. Renumbered Section 13, Section 13, Interconnectivity.

STAFF RESPONSE: No Comment.

O. Renumbered Section 14, Alternatives to these Telecommunications Standards.

STAFF RESPONSE: No Comment.

P. Renumbered Section 15, Remedies for Violation of this Standard.

- a. **AT&T (page 18).** AT&T requests the deletion of the “bill credit” requirement for CLECs.

STAFF RESPONSE: Staff does not support AT&T’s recommendation. “Bill Credit” is encompassed in all three service quality rules. It provides a starting point in seeking a resolution to prior, poor network performance or operational management practices on the part of service providers that directly affect subscribers. The billing credit alternative is only one of two alternatives the rules offer as a remedy that the Commission may seek as relief for affected subscribers.

- b. **MCI (page 11).** MCI wants to change the “must” to “may” in subsection (a).

STAFF RESPONSE: Staff does not agree with this recommendation. Staff is advised by legal council that this requirement is required by law.

- c. **MCI (page 12).** MCI recommends the removal of the entire set of remedies outlined in this paragraph, allowing the marketplace to dictate service quality.

STAFF RESPONSE: Staff does not support MCI’s recommendation. Staff agrees that the idea of letting the telecommunications market resolve service problems has merit when robust competition exists. However, the Commission is bound by ORS 759.450, which states a performance plan is required if a LEC fails to meet minimum service quality standards, that every LEC must meet minimum service quality standards on a nondiscriminatory basis, and that penalties can be imposed if the standards are not met. Revised section 15 is constructed

to provide possible remedies that are within the Commission's authority to impose.

Q. Renumbered Section 16, Exemption from these Rules.

Large Utilities (page 2 subsection (d)). The Large Utilities recommend that the new subsection (16)(d) be changed to allow any individual service quality standard for the previous 12 months to be exempted instead of the "all."

STAFF RESPONSE: Staff does not support this recommendation and stands by its opening comments.

DATED this 17th day of May 2005.

Respectfully submitted,

Irv Emmons
Senior Telecommunications Engineer

Rick Carter
Senior Telecommunications Engineer

Attachments

**Proposed Changes to OAR 860-023-0055
Updated with Staff's Reply Comments**

**Retail Telecommunications Service Standards for
Large Telecommunications Utilities**

860-023-0055

Retail Telecommunications Service Standards for Large Telecommunications Utilities

Every large telecommunications utility ~~shall~~must adhere to the following standards:

(1) Definitions.

(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;~~ A facility engineered to provide retail telecommunications service between a customer's service location, and a telecommunications carrier's switching equipment;

(b) "Average Busy Season Busy Hour" - The hour ~~which~~that has the highest average traffic for the three highest months, not necessarily consecutive, in a 12-month period. The busy hour traffic averaged across the busy season is termed the average busy season busy hour traffic;

(c) "Average Speed of Answer" - The average time that elapses between the time the call is directed to a representative and the time it is answered;

(ed) "Blocked Call" - A properly dialed call that fails to complete to its intended destination except for a normal busy (60 interruptions per minute);

~~(d) "Commitment Date" - A date pledged by the telecommunications carrier to provide a service, facility, or repair action. This date is within the minimum time period set forth in these rules or a date determined by good faith negotiations between the customer and the telecommunications carrier;~~

(e) "Customer" - Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other legal entity that has applied for, been accepted, and is currently receiving local exchange telecommunications service;

(f) "Exchange" - Geographic area defined by maps filed with and approved by the Commission for the provision of local exchange telecommunications service;

(g) "Final Trunk Group" - A last-choice trunk group that receives overflow traffic and ~~which~~that may receive first-route traffic for which there is no alternative route;

(h) "Force Majeure"- Circumstances beyond the reasonable control of a telecommunications carrier including, but not limited to, delays caused by:

(A) A vendor in the delivery of equipment, where the carrier has made a timely order of equipment;

(B) Local, state, federal, or tribal government authorities in approving easements or access to rights of way, where the carrier has made a timely application for such approval;

C) The customer, including but not limited to, the customer's construction project or lack of facilities, or inability to provide access to the customer's premises;

D) Uncontrollable events, such as explosion, fire, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties including but not limited to outages originating from introduction of a virus onto the provider's network;

~~(h)~~ "Held-Access Line Service Order for Lack of Facilities" - Request for access line service delayed beyond the initial commitment date due to lack of facilities. ~~An order requiring the customer to meet specific reasonable prerequisites (for example, line extension charges) shall be measured from the time the prerequisites have been met.~~ An access line service order includes an order for new service, transferred service, additional lines, or change of service;

(i) "Initial Commitment Date" - The initial date pledged by the telecommunications carrier to provide a service, facility, or repair action. This date is within the minimum time set forth in these rules or a date determined by good faith negotiations between the customer and the telecommunications carrier;

~~(j)~~ "Network Interface" - The point of interconnection between the telecommunications carrier's communications facilities and customer terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface ~~shall~~must be located on the customer's side of the telecommunications carrier's protector;

~~(k)~~ "Retail Telecommunications Service" - A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by one telecommunications carrier to another telecommunications carrier, unless the carrier receiving the service is the end user of the service;

~~(l)~~ "Tariff" - A schedule showing rates, tolls, and charges that the telecommunications carrier has established for a retail service;

~~(m)~~ "Telecommunications Carrier" - ~~Any provider of retail telecommunications services, except a call aggregator as defined in ORS 759.690. This rule does not apply to radio communications service, radio paging service, commercial mobile radio service, personal communications service, cellular communications service, or a cooperative corporation organized under ORS Chapter 62 that provides telecommunications services;~~

(~~mn~~) “Trouble Report” - A report of a malfunction on existing access lines, switching equipment, circuits, or features made up to and including the network interface, to a telecommunications carrier by or on behalf of that telecommunications carrier’s customer, which affects the functionality and reliability of retail telecommunications service;

(~~no~~) “Wire Center” - A telecommunications carrier “wire center” is a facility where local telephone subscribers’ access lines converge and are connected to a switching ~~device~~ 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.

(2) Measurement and Reporting Requirements. A large telecommunications ~~utility carrier 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. Reported measurements must be reported to the first significant digit (one number should be reported to the right of the decimal point). A telecommunications carrier that maintains fewer than 1,000 access lines on a statewide basis need not take the required measurements and file the required reports unless ordered to do so by the Commission. The service quality objective service levels set forth in sections 4 through 8 of this rule only apply to normal operating conditions and do not establish an expected level of performance to be achieved during force majeure events.

(3) Additional Reporting Requirements. The Commission may require a large telecommunications ~~carrier~~ utility to ~~provide~~ submit additional reports on any item covered by this rule.

(4) Provisioning and Held Orders for Lack of Facilities.: The representative of the large telecommunications ~~carrier~~ utility 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 large telecommunications ~~carrier~~ utility. The large telecommunications utility may change the initial commitment date only if requested by the customer. The large telecommunications utility may take into account, when establishing the initial commitment date, the actual time required for the customer to meet prerequisites, for example, line extension charges or trench and conduit requirements. If ~~Once~~ a request for service becomes a held order for lack of facilities, the serving large telecommunications ~~carrier~~ utility must, within five

business days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met - A large telecommunications ~~carrier shall~~utility 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;

(B) Held Orders for Lack of Facilities - A large telecommunications ~~carrier shall~~utility must determine the total monthly number of held orders, due to lack of facilities, not completed by the initial commitment date during the reporting month and the number of primary (initial access line) held orders, due to lack of facilities, over 30 days past the initial commitment date.

(b) Objective Service Level:

(A) Commitments Met - Each large telecommunications ~~carrier shall~~utility must meet at least 90 percent of its commitments for service;

(B) Held Orders:

(i) The number of held orders for the lack of facilities for each large telecommunications ~~carrier shall~~utility must not exceed the greater of two per wire center per month averaged over the large telecommunications ~~carrier~~utility's Oregon service territory, or five held orders for lack of facilities per 1,000 inward orders;

(ii) The total number of primary held orders for lack of facilities in excess of 30 days past the initial commitment date ~~shall~~must not exceed 10 percent of the total monthly held orders for lack of facilities within the large telecommunications ~~carrier~~utility's Oregon service territory.

(c) Reporting Requirement: Each ~~reporting large~~ telecommunications ~~carrier shall~~utility must report monthly to the Commission the percentage of commitments met for service, total number of held orders for lack of facilities, and the total number of primary held orders for lack of facilities over 30 days past the initial commitment date.;

(d) Retention Requirement: Each ~~reporting large~~ telecommunications ~~carrier shall~~utility must maintain records about held orders for lack of facilities for one year. The record ~~shall~~must explain why each order is held and the initial commitment date.

(5) Trouble Reports. Each large telecommunications ~~carrier shall~~utility must maintain an accurate record of all reports of malfunction made by its customers.

(a) Measurement: A large telecommunications ~~carrier shall~~utility must determine the number of customer trouble reports that were received during the month.

The large telecommunications ~~carrier shall~~utility must relate the count to the total working access lines within a reporting wire center. A ~~carrier~~ large telecommunications utility need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) Cable Cuts: A large telecommunications utility may take A~~an~~ exclusion ~~may be taken~~ if the “buried cable location” (locate) was either not requested or was requested and was accurate. If a ~~carrier~~large telecommunications utility or a ~~carrier~~the utility’s contractor caused the cut, the exclusion can only be used if the locate was accurate and all general industry practices were followed;

(B) Internet Service Provider (ISP) Blockage: If an ISP does not have enough access trunks to handle peak traffic;

(C) Modem Speed Complaints: An exclusion may be taken if the copper cable loop is tested at the subscriber location and the objective service levels in ~~Paragraphs (9)(b)(A), (B), and (C)~~section 10 of this rule were met;

(D) No Trouble Found: Where no trouble is found, one exemption may be taken. If a repeat report of the same trouble is received within a 30-day period, ~~it~~the repeat report and subsequent reports ~~shall~~must be counted;

(E) New Feature or Service: Trouble reports related to a customer’s unfamiliarity with the use or operation of a new (within 30 days) feature or service;

(F) No Access: An exclusion may be taken if a repair appointment was kept and the copper based access line at the nearest accessible terminal met the objective service levels in ~~Paragraphs (9)(b)(A), (B), and (C)~~section 10 of this rule. If a repeat trouble report is received within the following 30-day period, it and subsequent reports ~~shall~~must be counted;

(G) Subsequent Tickets/Same Trouble/Same ~~Household~~Access Line: Only one trouble report for a specific complaint ~~from~~for the same ~~household~~access line ~~shall~~must~~should~~ be counted within a 48-hour period. All repeat trouble reports after the 48-hour period ~~shall~~must be counted;

(H) Non-Regulated ~~and~~/or Deregulated Equipment: Trouble associated with such equipment ~~shall~~may~~should~~ not be counted;

(I) Trouble with Other Telecommunications Utilities or Providers: A trouble report caused solely by another ~~carrier~~telecommunications utility or competitive telecommunications provider;

(J) ~~Weather~~Lightning Strikes: ~~Trouble reports cannot be excluded for normal Oregon weather. Unusual weather conditions shall~~must ~~be considered on an individual case basis.~~ Trouble reports received for damage caused by lightning strikes

can be excluded if all accepted grounding, bonding, and shielding practices were followed by the ~~carrier~~**large telecommunications utility** at the damaged location; and

(K) Other exclusions: As approved by the Commission.

(b) Objective Service Level: A **large** telecommunications ~~carrier shall~~**utility 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;

(c) Reporting Requirement: Each ~~reporting~~**large** telecommunications ~~carrier shall~~**utility must** report monthly to the Commission:

(A) the trouble report rate by wire center;

(B) and the specific reason(s) a wire center meeting standard (did not exceed 2.0 for more than three of the last 12 months) exceeded a trouble report rate of 3.0 per 100 working access lines during the reporting month;

(C) The reason(s) a wire center not meeting standard, after the exclusion adjustment, exceeded 2.0 per 100 access lines during the reporting month; and

(D) Provide the retail access line count for each wire center. Basic telephone service that is part of a Digital Subscriber Line (DSL) must be included in this reported number;

(d) Retention Requirement: Each ~~reporting~~**large** telecommunications ~~carrier shall~~**utility must** maintain a record of reported trouble in such manner that it can be forwarded to the Commission upon the Commission's request. The **large** telecommunications ~~carrier shall~~**utility must** keep all records for a period of one year. The record of reported trouble ~~shall~~**must** contain as a minimum:

(A) Telephone number;

(B) Date and time received;

(C) Time cleared;

(D) Type of trouble reported;

(E) Location of trouble; and

(F) Whether or not the present trouble was within 30 days of a previous trouble report.

(6) Repair Clearing Time: This standard establishes the clearing time for all trouble reports from the time the customer reports the trouble to the **large** telecommunications ~~carrier~~**utility** until the ~~carrier resolves the problem~~**trouble is resolved**. The ~~carrier shall~~**large telecommunications utility must** provide each customer making a network trouble report with a commitment time when the **large** telecommunications ~~carrier~~**utility** will repair or resolve the problem.

(a) Measurement: The large telecommunications ~~carrier shall~~utility must calculate the percentage of trouble reports cleared within 48 hours for each repair center;

(b) Objective Service Level: A large telecommunications ~~carrier shall~~utility must monthly clear at least 95 percent of all trouble reports within 48 hours of receiving a report. ~~This requirement will not apply in situations of natural disasters or other emergencies when approved by the Commission;~~

(c) Reporting Requirement: Each ~~reporting~~large telecommunications ~~carrier shall~~utility must report monthly to the Commission the percentage of trouble reports cleared within 48 hours by each repair center;

(d) Retention Requirement: None.

(7) Blocked Calls. A large telecommunications ~~carrier shall~~utility must engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of ~~all dialed~~ calls made during the average busy season busy hour without encountering block~~ing~~age or equipment irregularities in excess of levels listed in subsection (b) of this ~~section~~rule.

(a) Measurement:

(A) The large telecommunications ~~carrier shall~~utility must collect traffic data, that is, peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate block~~ing~~age levels of the interoffice final trunk groups;

(B) System block~~ing~~age will be determined by special testing at the wire center. ~~PUC~~Commission Staff or a ~~carrier~~telecommunications utility technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percent of completion of the calls ~~shall~~must be calculated.

(b) Objective Service Level:

(A) A large telecommunications ~~carrier shall~~utility must maintain interoffice final trunk groups to allow 99 percent completion of ~~all dialed~~ calls during the average busy season busy hour without block~~ing~~age (P.01 grade of service); **and**

(B) A large telecommunications ~~carrier shall~~utility must maintain its switch operation so that 99 percent of ~~all properly dialed~~the calls ~~shall~~must do not experience block~~ing~~age during ~~any~~the normal busy hour.

(C) When a large telecommunications utility fails to maintain the interoffice final trunk group P.01 grade of service for four or more consecutive months, it will be considered out-of-standard until the condition is resolved. A single repeat blockage within two months of “resolving the blockage” will be considered a continuation of the original blockage.

(c) Reporting Requirement: Each **reporting large** telecommunications **carrier shall utility must** report **monthly** to the Commission;

(A) Local and extended area service (EAS) final trunk group blockages measured from each of its switches, regardless of the ownership of the terminating switch, that do if the carrier does not meet the objective service level for trunk group blocking. ~~The switching system blocking report is required after a Commission-directed switching system blocking test is completed;~~

(B) Its tandem switch final trunk group blockages associated with EAS traffic;

(C) Any known cause for the blockage and actions to bring the trunks into standard; and

(D) Identity of the competitive telecommunications provider or telecommunications utility, if other than the reporting large telecommunications utility, responsible for maintaining those final trunk groups not meeting standard.

(d) Retention Requirement: Each **reporting large** telecommunications **carrier shall utility must** maintain records for one year.

(8) Access to **Large** Telecommunications **Carrier Utility** Representatives. This rule sets the allowed time for **large** telecommunications **carrier utility** business office or repair service center representatives to answer customer calls.

(a) Measurement:

(A) Direct Representative Answering: A **large** telecommunications **carrier shall utility must** measure the answer time from the first ring at the **large** telecommunications **carrier utility** business office or repair service center;

(B) Driven, Automated, or Interactive Answering System: The option of transferring to the **large** telecommunications **carrier utility** representative **shall must** be included in the initial local service-screening message. The **large** telecommunications **carrier shall utility must** measure the answering time from the point a call is directed to its representatives; **e.g., leave the Voice Response Unit;**

(C) Each **large** telecommunications **carrier shall utility must** calculate;

(i) as at the monthly percentage of the total calls **attempted to be placed** to the business office and repair service center; **and** the number of calls answered by representatives within 20 seconds; **or**

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

(b) Objective Service Level:

(A) No more than 1 percent of calls to the large telecommunications carrier/utility business office or repair service center shall may encounter a busy signal.

(B) The large telecommunications carrier/utility representatives shall must answer at least 850 percent of calls within 20 seconds or have an average speed of answer time of 50 seconds or less.

(c) Reporting Requirement:

(A) Each large telecommunications carrier shall utility must report monthly to the Commission the percentage of calls answered within 20 seconds for both the business office and repair service center, an exception report if busy signals were encountered in excess of 1 percent for either the business office or repair service center; and

(B) Each large telecommunications carrier shall utility must report monthly to the Commission an exception report if busy signals were encountered in excess of 1 percent for either the Business Office or Repair Service Center, the percentage of calls answered within 20 seconds or the average speed of answer time for both the business office and repair service center. Once a method of measurement is reported by the provider, that method can only be changed with permission of the Commission.

(d) Retention Requirement: None.

(9) Interruption of Service Notification. A large telecommunications utility must report significant outages that affect customer service. These interruptions could be caused by switch outage, cable cut, or major work that would affect customers.

(a) Measurement: The large telecommunications utility must notify the Commission when an interruption occurs that exceeds the following thresholds:

(A) Cable, which excludes service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes, that affect 50 percent or more of in-service lines of a central office (host or remote).

(B) Toll or Extended Area Service isolation lasting longer than 30 minutes, that affects 50 percent or more of in-service lines.

(C) Isolation of a central office (host or remote) from the E 9-1-1 emergency dialing code or isolation of a Public Safety Answering Position (PSAP).

(D) Isolation of a wire center for more than ten 15 minutes.

(E) Outage of the Business Office or Repair Center access system lasting longer than 15 minutes in those instances where the traffic can not be re-routed to a different center.

(b) Objective Service Level: Not applicable.

(c) Reporting Requirement: A large telecommunications utility must report service interruptions to the Commission engineering staff by telephone, by facsimile, by electronic mail, or personally within two hours during normal work hours of the business day after the company becomes aware of such interruption of service. This initial/Interim reports should/will be communicated/given to the Commission as soon as significant information changes (e.g., estimated time to restore, estimated impact to customers, cause of the interruption, etc.) until it is reported that the affected service was restored.as the company representative receives field notification and the report should provide the locations of the outage, estimated impact, services interrupted, and the estimated time to restore. The large telecommunications utility should provide updated information when significant events occur, including when the outage is restored. The large telecommunications utility must send the final report no later than five business days following the corrective action. The large telecommunications utility must provide, as a minimum, facility, incident date, system down time, estimated number of customers affected, services affected, outage description, outage cause, and corrective action taken.

(d) Retention Requirement: None.

(910) Customer Access Line Testing: All customer access lines shall/must be designed, installed, and maintained to meet the levels in subsection (b) of this rule/section.

(a) Measurement: Each large telecommunications ~~carrier shall~~utility must make all loop parameter measurements at the network interface, or as close as access allows;

(b) Objective Service Level: Each access line shall/must meet the following levels:

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, shall/must be at least 20 milliamperes;

(B) Loop Loss: The maximum loop loss, as measured with a 1004-hertz tone from the serving wire center, shall/must not exceed 8.5 decibels (dB);

(C) Metallic Noise: The maximum metallic noise level, as measured on a quiet line from the serving wire center, shall/must not exceed 20 decibels above referenced noise level - C message weighting (dBrnC);

(D) Power Influence: As a goal, power influence, as measured on a quiet line from the serving wire center, shall/must not exceed 80 dBrnC.

(c) Reporting Requirement: A large telecommunications ~~carrier shall~~utility must report measurement readings as directed by the Commission;

(d) Retention Requirement: None.

(101) Customer Access Lines and Wire Center Switching Equipment. All combinations of access lines and wire center switching equipment shall must be capable of accepting and correctly processing at least the following network control signals from the customer premise equipment. The wire center shall must provide dial tone and maintain an actual measured loss between interoffice and access trunk groups.

(a) Measurement: Each ~~reporting large~~ telecommunications ~~carrier shall~~utility must make measurements at or to the serving wire center;

(b) Objective Service Level:

~~—(A) Network Control Signals. The network shall be capable of accepting and processing the following control signals: dial pulse of 8 to 12 pulses per second and 58 to 64 percent break; and tone pulsing at 50 milliseconds Dual Tone Multi Frequency (DTMF) on and 50 milliseconds DTMF off;~~

~~(BA)~~ Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts shall must receive dial tone within three seconds;

~~(CB)~~ A large telecommunications ~~carrier shall~~utility must maintain all interoffice and access trunk groups so that the actual measured loss (AML) in no more than 30 percent of the trunks deviates from the expected measured loss (EML) by more than 0.7 dB and no more than 4.5 percent of the trunks deviates from EML by more than 1.7 dB.

(c) Reporting Requirement: None;

(d) Retention Requirement: None.

(112) Special Service Access Lines. All special service access lines shall must meet the performance requirements specified in applicable large telecommunications ~~carrier utility~~ tariffs or contracts.

(123) Large Telecommunications ~~Carrier Utility~~ Interconnectivity. A large telecommunications ~~carrier utility~~ connected to the facilities of another telecommunications ~~carrier shall utility or competitive telecommunications provider~~ must operate its system in a manner that will not impede either ~~telecommunications carrier company~~'s ability to meet required standards of service. A large telecommunications ~~carrier shall~~utility must report interconnection operational problems promptly to the Commission.

(134) Alternatives to these Telecommunications Standards. A large telecommunications ~~carrier utility~~ whose normal methods of operation do not provide for exact compliance with these rules may file for a variance from, or waiver of, one or more

of these rules if it specifically indicates the alternative standards to be applied or indicates which standards would be waived.

(145) Remedies for Violation of this Standard:

(a) If ~~the Commission believes that~~ a large telecommunications carrier utility subject to this rule has failed to meet a minimum ~~violated one or more of its~~ service quality standards, the Commission shall must require the large telecommunications utility to submit a plan for improving performance as provided in ORS 759.450(5) ~~[1999 Oregon Laws Chapter 1093]~~. The Commission may seek penalties against the ~~carrier~~ large telecommunications utility as provided in ORS 759.450(5);

(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a large telecommunications carrier utility subject to this rule has violated one or more of its service standards, the Commission shall must give the large telecommunications carrier utility notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the large telecommunications carrier utility to provide the following relief to the affected customers:

(A) An alternative means of telecommunications service for violations of subsection (4)(b)(B) of this standard rule;

(B) Customer billing credits equal to the associated non-recurring and recurring charges of the large telecommunications carrier utility for the affected service for the period of the violation; and

(C) Other relief authorized by Oregon law.

(156) Exemption from these ~~r~~ Rules.

(a) A large telecommunications carrier utility may petition the Commission for an exemption, in whole or in part, from these rules.

(b) The Commission may grant an exemption including, but not limited to, the following circumstance: If the Commission determines that effective competition exists in one or more exchanges, it may exempt all competitive telecommunications providers and telecommunications carriers utilities providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission shall will consider:

(A) The extent to which the service is available from alternative providers in the relevant exchange or exchanges;

(B) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

(C) Existing barriers to market entry;

(D) Market share and concentration;

- (E) Number of suppliers;
~~(F) Price~~ to cost ratios;
~~(G) Number of suppliers;~~
~~(F) Price~~ ~~d~~Demand side substitutability (for example, customer perceptions of competitors as viable alternatives); and
(H) Any other factors deemed relevant by the Commission.

(c) When a **large** telecommunications **carrierutility** petitions the Commission for exemption under this provision, the Commission **shall**~~must~~ provide notice of the petition to all relevant **competitive telecommunications providers and** telecommunications **carriersutilities** providing the applicable service(s) in the exchange(s) in question. **The Commission will provide s**Such notified **competitive telecommunications providers and** telecommunications **carriersutilities** ~~will be provided~~ an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission's analysis outlined above in **Ssubsections (156)(b)(A)-(H)**, the commenting **competitive telecommunications provider or** telecommunications **carrierutility** be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(d) The Commission may grant a large telecommunications utility's petition for an exemption from service quality reporting requirements if the large telecommunications utility meets all service quality objective service levels set forth in sections (4) through (8) of this rule for the 12 months prior to the month in which the petition is filed.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 183, 756 & 759
Stats. Implemented: ORS 756.040, 759.035, 759.240 & 759.450
Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order 74-307); PUC 23-1985, f. & ef. 12-11-85 (Order No. 85-1171); PUC 1-1997, f. & ef. 1-7-97 (Order No. 96-332) PUC 13-2000, f. & ef. 6-9-00 (Order No. 00-303); PUC 13-2001, f. & ef. 5-25-01 (Order No. 01-428); PUC 7-2002, f. & ef. 2-26-02 (Order No. 02-102)

**Proposed Changes to OAR 860-032-0012
Updated with Staff's Reply Comments**

**Retail Telecommunications Service Standards for
Competitive Telecommunications Provider**

Telecommunications Service Standards

860-032-0012

Retail Telecommunications Service Standards for Competitive Telecommunications Providers

Every **large** telecommunications utility, as defined in ORS 759.005 that is not partially exempt from regulation under ORS 759.040, **and maintains more than 50,000 access lines on a statewide basis must** ~~shall~~ adhere to the standards in OAR 860-023-0055. Every **small** telecommunications utility, as defined in ORS 759.005 ~~and that is~~ partially exempt from regulation under ORS 759.040, **and that maintains 50,000 or less access lines on a statewide basis must** ~~shall~~ adhere to the standards in OAR 860-034-0390. Every competitive ~~local exchange carrier~~ **telecommunications provider, as defined in section (1)(1) of this rule, shall** ~~that maintains more than 1,000 access lines on a statewide basis, must~~ adhere to the following service standards:

(1) Definitions.

(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; A facility engineered to provide retail telecommunications service between a customer's service location, and a telecommunications carrier's switching equipment;~~

(b) "Average Busy Season Busy Hour" - The hour ~~which~~ **that** has the highest average traffic for the three highest months, not necessarily consecutive, in a 12-month period. The busy hour traffic averaged across the busy season is termed the average busy season busy hour traffic;

(c) **"Average Speed of Answer" – The average time that elapses between the time the call is directed to a representative and the time it is answered;**

(~~ed~~) "Blocked Call" - A properly dialed call that fails to complete to its intended destination except for a normal busy (60 interruptions per minute);

~~——~~ (d) **"Commitment Date" – A date pledged by the telecommunications carrier to provide a service, facility, or repair action. This date is within the minimum time period set forth in these rules or a date determined by good faith negotiations between the customer and the telecommunications carrier;**

(e) "Customer" - Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other legal entity that has applied for, been accepted, and is currently receiving local exchange telecommunications service;

(f) "Exchange" - Geographic area defined by maps filed with and approved by the Commission for the provision of local exchange telecommunications service;

(g) "Final Trunk Group" - A last-choice trunk group that receives overflow traffic and ~~which~~that may receive first-route traffic for which there is no alternative route;

h) "Force Majeure"- Circumstances beyond the reasonable control of a telecommunications carrier including, but not limited to, delays caused by:

(A) A vendor in the delivery of equipment, where the carrier has made a timely order of equipment;

(B) Local, state, federal, or tribal government authorities in approving easements or access to rights of way, where the carrier has made a timely application for such approval;

(C) The customer, including but not limited to, the customer's construction project or lack of facilities, or inability to provide access to the customer's premises;

(D) Uncontrollable events, such as explosion, fire, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties including but not limited to outages originating from introduction of a virus onto the provider's network;

(hi) "Held Access Line Service Orders for Lack of Facilities" - Request for access line service delayed beyond the initial commitment date due to lack of facilities. ~~An order requiring the customer to meet specific reasonable prerequisites (for example, line extension charges) shall be measured from the time the prerequisites have been met.~~ An access line service order includes an order for new service, transferred service, additional lines, or change of service;

(ij) "Initial Commitment Date" – The initial date pledged by the telecommunications carrier to provide a service, facility, or repair action. This date is within the minimum time set forth in these rules or a date determined by good faith negotiations between the customer and the telecommunications carrier;

(ijk) "Network Interface" - The point of interconnection between the telecommunications carrier's communications facilities and customer terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface ~~shall~~must be located on the customer's side of the telecommunications carrier's protector;

(jkl) "Retail Telecommunications Service" - A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by one telecommunications carrier to another telecommunications carrier, unless the carrier receiving the service is the end user of the service;

(m) "Service Area" – Service Area as used in these rules means the entire geographic area the Commission has certified a competitive telecommunications provider to serve. The competitive telecommunications provider may petition the Commission to designate a different geographic area as its service area if the competitive telecommunications carrier shows that it does not employ a business model based upon wire centers or exchanges.

(kln) "Tariff" - A schedule showing rates, tolls, and charges that the telecommunications carrier has established for a retail service;

~~**(l) "Telecommunications Carrier" – Any provider of retail telecommunications services, except a call aggregator as defined in ORS 759.690. This rule does not apply to radio communications service, radio paging service, commercial mobile radio service, personal communications service, cellular communications service, or a cooperative corporation organized under ORS Chapter 62 that provides telecommunications services;**~~

(mo) "Trouble Report" - A report of a malfunction on existing access lines, switching equipment, circuits, or features made up to and including the network interface, to a telecommunications carrier by or on behalf of that telecommunications carrier's customer, **which affects the functionality and reliability of retail telecommunications service;**

(np) "Wire Center" - A telecommunications carrier "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;

(2) Measurement and Reporting 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. **Reported measurements will be reported to the first significant digit (one number will be reported to the right of the decimal point).** A **competitive telecommunications carrier provider** that maintains fewer than 1,000 access lines on a statewide basis need not take the required measurements and file the required reports unless ordered to do so by the Commission. **The service quality objective service levels set forth in sections 4 through 8 of this rule only apply to normal operating conditions and do not establish an expected level of performance to be achieved during force majeure events.**

(3) Additional Reporting Requirements. The Commission may require a **competitive** telecommunications **carrier/provider** to **provide/submit** additional reports on any item covered by this rule.

(4) Provisioning and Held Orders **for Lack of Facilities**.: 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 competitive telecommunications provider may take into account, when establishing the initial commitment date, the actual time required for the customer to meet prerequisite, for example, line extension charges or trench and conduit requirements. If a request. Once a request** for service becomes a held order **for lack of facilities**, the serving **competitive** telecommunications **carrier/provider** must, within five **business** days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met - 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;

(B) Held Orders **for Lack of Facilities** - A **competitive** telecommunications **carrier shall/provider will** determine the total monthly number of held orders, **due to lack of facilities, not completed by the initial commitment date during the reporting month** and the number of primary (initial access line) held orders, **due to lack of facilities**, over 30 days past the initial commitment date.

(b) Objective Service Level:

(A) Commitments Met - Each **competitive** telecommunications **carrier shall/provider must** meet at least 90 percent of its commitments for service;

(B) Held Orders:

(i) The number of held orders **for the lack of facilities** for each **competitive** telecommunications **carrier shall/provider must** not exceed the greater of two per wire center **or designated service area** 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;

(ii) The total number of primary held orders, for lack of facilities, in excess of 30 days past the initial commitment date shall must not exceed 10 percent of the total monthly held orders for lack of facilities within the competitive telecommunications carrier provider's Oregon service territory.

(c) Reporting Requirement: Each reporting competitive telecommunications carrier shall provider must report monthly to the Commission the percentage of commitments met for service, total number of held orders for lack of facilities, and the total number of primary held orders for lack of facilities over 30 days past the initial commitment date;

(d) Retention Requirement: Each reporting competitive telecommunications carrier shall provider must maintain records about held orders for lack of facilities for one year. The record shall must explain why each order is held and the initial commitment date.

(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 within a reporting wire center or designated service area. 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:

(A) Cable Cuts: A competitive telecommunications provider may take an exclusion may be taken if the "buried cable location" (locate) was either not requested or was requested and was accurate. If a carrier competitive telecommunications provider or a carrier competitive telecommunications provider's contractor caused the cut, the exclusion can only be used if the locate was accurate and all general industry practices were followed;

(B) Internet Service Provider (ISP) Blockage: If an ISP does not have enough access trunks to handle peak traffic;

(C) Modem Speed Complaints: An exclusion may be taken if the copper cable loop is tested at the subscriber location and the objective service levels in Paragraphs (9)(b)(A), (B), and (C) section (10) of this rule were met;

(D) No Trouble Found: Where no trouble is found, one exemption may be taken. If a repeat report of the same trouble is received within a 30-day period, it the repeat report and subsequent reports shall must be counted;

(E) New Feature or Service: Trouble reports related to a customer's unfamiliarity with the use or operation of a new (within 30 days) feature or service;

(F) No Access: An exclusion may be taken if a repair appointment was kept and the copper based access line at the nearest accessible terminal met the objective service levels in ~~Paragraphs (9)(b)(A), (B), and (C)~~ **section (10) of this rule**. If a repeat trouble report is received within the following 30-day period, it and subsequent reports **shall must** be counted;

(G) Subsequent Tickets/Same Trouble/Same ~~Household~~ **Access Line**: Only one trouble report for a specific complaint ~~from for~~ the same ~~household~~ **access line** **shall must should** be counted within a 48-hour period. All repeat trouble reports after the 48-hour period **shall must** be counted;

(H) Non-Regulated ~~and/or~~ Deregulated Equipment: Trouble associated with such equipment **shall must should** not be counted;

(I) Trouble with Other **Telecommunications Utilities or Providers**: A trouble report caused **solely** by another ~~carrier~~ **telecommunications utility or competitive telecommunications provider**;

(J) ~~Weather~~ **Lightning Strike**: Trouble reports cannot be excluded for normal Oregon weather. Unusual weather conditions **shall must** be considered on an individual case basis. Trouble reports received for damage caused by lightning strikes can be excluded if all accepted grounding, bonding, and shielding practices were followed by the ~~carrier~~ **competitive telecommunications provider, so equipped**, at the damaged location; **and**

(K) Other exclusions: As approved by the Commission.

(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 or **designated service area**, more than three times during a sliding 12-month period;

(c) Reporting Requirement: Each ~~reporting~~ **competitive** telecommunications ~~carrier~~ **shall provider must** report monthly to the Commission;

~~(A) the~~ **(A) Trouble report rate by wire center or designated service area; and**
~~(B) The~~ **(B) The specific reason(s) a wire center or designated service area 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;**

(C) The reason(s) a wire center or designated service area not meeting standard, after the exclusion adjustment, exceeded 2.0 per 100 access lines during the reporting month; and

(D) Provide the retail access line count for each wire center or designated service area. Basic telephone service that is part of a Digital Subscriber Line (DSL) will be included in this reported number.

(d) Retention Requirement: Each ~~reporting~~**competitive** telecommunications ~~carrier shall~~**provider must** maintain a record of reported trouble in such manner that it can be forwarded to the Commission upon the Commission's request. The **competitive** telecommunications ~~carrier shall~~**provider must** keep all records for a period of one year. The record of reported trouble ~~shall~~**must** contain as a minimum:

- (A) Telephone number;
- (B) Date and time received;
- (C) Time cleared;
- (D) Type of trouble reported;
- (E) Location of trouble; and
- (F) Whether or not the present trouble was within 30 days of a previous trouble

report.

(6) Repair Clearing Time: This standard establishes the clearing time for all trouble reports from the time the customer reports the trouble to the **competitive** telecommunications ~~carrier~~**provider** until the ~~carrier resolves the problem~~**trouble is resolved**. The **competitive** telecommunications ~~carrier shall~~**provider must** provide each customer making a network trouble report with a commitment time when the **competitive** telecommunications ~~carrier~~**provider** will repair or resolve the problem.

(a) Measurement: The **competitive** telecommunications ~~carrier shall~~**provider must** calculate the percentage of trouble reports cleared within 48 hours for each repair center **or designated service area**;

(b) Objective Service Level: A **competitive** telecommunications ~~carrier~~**shall provider must** monthly clear at least 95 percent of all trouble reports within 48 hours of receiving a report. **Trouble reports attributed solely to customers or another carrier may be excluded from the calculation of the "repair clearing time" results;** ~~†This requirement will not apply in situations of natural disasters or other emergencies when approved by the Commission;~~

(c) Reporting Requirement: Each ~~reporting~~**competitive** telecommunications ~~carrier shall~~**provider must** report monthly to the Commission the percentage of trouble reports cleared within 48 hours by each repair center **or designated service area**;

(d) Retention Requirement: None.

(7) Blocked Calls. A **competitive** telecommunications ~~carrier shall~~**provider, so equipped, must** engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of ~~all dialed~~ calls made during

the average busy season busy hour without encountering ~~blocking~~**blockage** or equipment irregularities in excess of levels listed in subsection (7)(b) of this ~~section~~**rule**.

(a) Measurement:

(A) The competitive telecommunications ~~carrier shall~~**provider must** collect traffic data, that is, peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate ~~blocking~~**ingage** levels of the interoffice final trunk groups;

(B) System ~~blocking~~**ingage will be** determined by special testing at the wire center. **PUC Commission** Staff or a carrier competitive telecommunications provider technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percent of completion of the calls ~~shall~~**must** be calculated.

(b) Objective Service Level:

(A) A competitive telecommunications ~~carrier shall~~**provider, so equipped, must** maintain interoffice final trunk groups to allow 99 percent completion of all dialed calls during the average busy season busy hour without ~~blocking~~**ingage** (P.01 grade of service);

(B) A competitive telecommunications ~~carrier shall~~**provider, so equipped, must** maintain its switch operation so that 99 percent of ~~all properly dialed~~**the** calls ~~shall~~**must do** not experience ~~blocking~~**ingage** during ~~any~~**the** normal busy hour.

(C) When a competitive telecommunications provider fails to maintain the interoffice final trunk group P.01 grade of service for four or more consecutive months, it will be considered out-of-standard until the condition is resolved. A single repeat blockage within two months of "resolving the blockage" will be considered a continuation of the original blockage.

(c) Reporting Requirement: Each ~~reporting~~**competitive** telecommunications ~~carrier shall~~**provider must** report monthly to the Commission:

(A) Local and extended area service (EAS) final trunk group blockages measured from each of its switches, regardless of the ownership of the terminating switch, that do if the carrier does not meet the objective service level for trunk group blockingingage. The switching system blocking report is required after a Commission-directed switching system blocking test is completed;

(B) Its tandem switch final trunk group blockages associated with EAS traffic;

(C) Any known cause for the blockage and action to bring the trunks into standard; and

(D) Identity of the competitive telecommunications provider or telecommunications utility, if other than the reporting competitive telecommunications provider, responsible for maintaining those final trunk groups not meeting standard.

(d) Retention Requirement: Each **reporting competitive** telecommunications **carrier shall provider must** maintain records for one year.

(8) Access to **Competitive Telecommunications Carrier Provider** Representatives. This rule sets the allowed time for **competitive** telecommunications **carrier provider B** business **O** office or **R** repair **S** service **C** center representatives to answer customer calls.

(a) Measurement:

(A) Direct Representative Answering: A **competitive** telecommunications **carrier shall provider must** measure the answer time from the first ring at the **competitive** telecommunications **carrier provider** business office or repair service center;

(B) Driven, Automated, or Interactive Answering System: The option of transferring to the **competitive** telecommunications **carrier provider** representative **shall must** be included in the initial local service-screening message. The **competitive** telecommunications **carrier shall provider must** measure the answering time from the point a call is directed to its representatives; **e.g., leaves the Voice Response Unit;**

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

(i) the as a monthly percentage of the total calls attempted to be placed to the business office and repair service center, and the number of calls answered by representatives within 20 seconds; or

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

(b) Objective Service Level:

(A) No more than 1 percent of calls to the **competitive** telecommunications **carrier provider** business office or repair service center **shall may** encounter a busy signal.

(B) The competitive T telecommunications **carrier provider** representatives **shall must** answer at least **8580** percent of calls within 20 seconds **or have an average speed of answer time of 50 seconds or less;**

(c) Reporting Requirement:

(A) Each **competitive** telecommunications **carrier shall provider must** report monthly to the Commission **the percentage of calls answered within 20 seconds for both the business office and repair service center an exception report if busy signals**

were encountered in excess of 1 percent for either the business office or repair service center; and

(B) Each competitive telecommunications carrier shall provider must report monthly to the Commission an exception report if busy signals were encountered in excess of 1 percent for either the Business Office or Repair Service Center the percentage of calls answered within 20 seconds or the average speed of answer time for both the business office and repair service center. Once a method of measurement is reported by the provider, that method can only be changed with permission of the Commission.

(d) Retention Requirement: None.

(9) Interruption of Service Notification. A competitive telecommunication provider must report significant outages that affect customer service. These interruptions could be caused by switch outage, cable cut, or major work that would affect customers.

(a) Measurement: The competitive telecommunications providers must notify the Commission when an interruption occurs that exceeds the following thresholds:

(A) Cable, which excludes service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes. that affect 50 percent or more of in-service lines of a central office (host or remote).

(B) Toll or Extended Area Service isolation lasting longer than 30 minutes. that affects 50 percent or more of in-service lines.

(C) Isolation of a central office (host or remote) from the E 9-1-1 emergency dialing code or isolation of a Public Safety Answering Position (PSAP).

(D) Isolation of a wire center for more than ten 15 minutes.

(E) Outage of the Business Office or Repair Center access system lasting longer than 15 minutes in those instances where the traffic can not be re-routed to a different center.

(b) Objective Service Level: Not applicable.

(c) Reporting Requirement: A competitive telecommunications provider must report service interruptions to the Commission engineering staff by telephone, by facsimile, by electronic mail, or personally within two hours during normal work hours of the business day after the company becomes aware of such interruption of service. This initial Interim reports should will be communicated given to the Commission as soon as significant information changes (e.g., estimated time to restore, estimated impact to customers, cause of the interruption, etc.) until it is reported that the affected service was restored. as the company representative receives field notification and the report should provide the location of the outage, estimated

~~**impact, services interrupted, and the estimated time to restore. The competitive telecommunications provider should provide updated information when significant events occur, including when the outage is restored. The competitive telecommunications provider must send the final report no later than five business days following the corrective action. The competitive telecommunications provider must provide, as a minimum, facility, incident date, system down time, estimated number of customers affected, services affected, outage description, outage cause, and corrective action taken.**~~

(d) Retention Requirement: None

~~**(910)**~~ Customer Access Line Testing: All customer access lines ~~**shall**~~**must** be designed, installed, and maintained to meet the levels in subsection (b) of this ~~**rule**~~**section**.

(a) Measurement: Each ~~**competitive**~~ telecommunications ~~**carrier**~~**shall**~~**provider**~~, ~~**so equipped, must**~~ make all loop parameter measurements at the network interface, or as close as access allows;

(b) Objective Service Level: Each access line ~~**shall**~~**must** meet the following levels:

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, ~~**shall**~~**must** be at least 20 milliamperes;

(B) Loop Loss: The maximum loop loss, as measured with a 1004-hertz tone from the serving wire center, ~~**shall**~~**must** not exceed 8.5 decibels (dB);

(C) Metallic Noise: The maximum metallic noise level, as measured on a quiet line from the serving wire center, ~~**shall**~~**must** not exceed 20 decibels above referenced noise level - C message weighting (dBrnC);

(D) Power Influence: As a goal, power influence, as measured on a quiet line from the serving wire center, ~~**shall**~~**must** not exceed 80 dBrnC;

(c) Reporting Requirement: A ~~**competitive**~~ telecommunications ~~**carrier**~~**shall**~~**provider**~~ **must** report measurement readings as directed by the Commission;

(d) Retention Requirement: None.

~~**(101)**~~ Customer Access Lines and Wire Center Switching Equipment. All combinations of access lines and wire center switching equipment ~~**shall**~~**must** be capable of accepting and correctly processing at least the following network control signals from the customer premise equipment. The wire center ~~**shall**~~**must** provide dial tone and maintain an actual measured loss between interoffice and access trunk groups.

(a) Measurement: Each ~~**reporting**~~~~**competitive**~~ telecommunications ~~**carrier**~~**shall**~~**provider**~~, ~~**so equipped, must**~~ make measurements at or to the serving wire center;

(b) Objective Service Level:

~~——(A) Network Control Signals. The network shall be capable of accepting and processing the following control signals: dial pulse of 8 to 12 pulses per second and 58 to 64 percent break; and tone pulsing at 50 milliseconds Dual Tone Multi Frequency (DTMF) on and 50 milliseconds DTMF off;~~

~~(BA)~~ Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts **shall must** receive dial tone within three seconds;

~~(CB)~~ A **competitive** telecommunications ~~carrier shall provider, so equipped,~~ **must** maintain all interoffice and access trunk groups so that the actual measured loss (AML) in no more than 30 percent of the trunks deviate from the expected measured loss (EML) by more than 0.7 dB and no more than 4.5 percent of the trunks deviates from EML by more than 1.7 dB.

(c) Reporting Requirement: None;

(d) Retention Requirement: None.

~~(12)~~ Special Service **Access** Lines. All special service access lines **shall must** meet the performance requirements specified in applicable **competitive** telecommunications ~~carrier provider~~ tariffs or contracts.

~~(23)~~ **Competitive** Telecommunications ~~Carrier Provider~~ Interconnectivity. A **competitive** telecommunications ~~carrier provider~~ connected to the facilities of another **competitive** telecommunications ~~carrier provider or telecommunications utility~~ **shall must** operate its system in a manner that will not impede either ~~telecommunications carrier company~~'s ability to meet required standards of service. A **competitive** telecommunications ~~carrier shall provider must~~ report interconnection operational problems promptly to the Commission.

~~(34)~~ Alternatives to these Telecommunications Standards. A **competitive** telecommunications ~~carrier provider~~ whose normal methods of operation do not provide for exact compliance with these rules may file for a variance from, or waiver of, one or more of these rules if it specifically indicates the alternative standards to be applied or indicates which standards would be waived.

~~(45)~~ Remedies for Violation of this Standard:

(a) If ~~the Commission believes that~~ a **competitive** telecommunications ~~carrier provider~~ subject to this rule has ~~violated one or more of its~~ **failed to meet a minimum** service **quality** standards, the Commission **shall must** require the **competitive** telecommunications ~~carrier provider~~ to submit a plan for improving performance as provided in ORS 759.450(5) ~~[1999 Oregon Laws, Chapter 1093]~~. The Commission may seek penalties against the ~~carrier competitive telecommunications provider~~ as provided in ORS 759.450(5);

(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a competitive telecommunications carrierprovider subject to this rule has violated one or more of its service standards, the Commission ~~shall~~**must** give the competitive telecommunications carrierprovider notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the competitive telecommunications carrierprovider to provide the following relief to the affected customers:

(A) An alternative means of telecommunications service for violations of subsection (4)(b)(B) of this standardrule;

(B) Customer billing credits equal to the associated non-recurring and recurring charges of the competitive telecommunications carrierprovider for the affected service for the period of the violation; and

(C) Other relief authorized by Oregon law.

(156) Exemption from these Rules.

(a) A competitive telecommunications carrierprovider may petition the Commission for an exemption, in whole or in part, from these rules;

(b) The Commission may grant an exemption including, but not limited to, the following circumstance: If the Commission determines that effective competition exists in one or more exchanges, it may exempt all competitive telecommunications carrierproviders and telecommunications utilities providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission ~~shall~~**will** consider:

(A) The extent to which the service is available from alternative providers in the relevant exchange or exchanges;

(B) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

(C) Existing barriers to market entry;

(D) Market share and concentration;

(E) Number of suppliers;

(F) Price to cost ratios;

(G) ~~Price d~~**Price d**Demand side substitutability (for example, customer perceptions of competitors as viable alternatives); and

(H) Any other factors deemed relevant by the Commission.

(c) When a competitive telecommunications carrierprovider petitions the Commission for exemption under this provision, the Commission ~~shall~~**must** provide notice of the petition to all relevant competitive telecommunications carrierproviders and telecommunications utilities providing the applicable service(s) in the exchange(s)

in question. **The Commission will provide s**Such notified **competitive** telecommunications **carriersproviders and telecommunications utilities will be provided**—an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission’s analysis outlined above in **sub**Sections **(156)**(b)(A)-(H), the commenting **competitive** telecommunications **carrierprovider and/or telecommunications utility** be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(d) The Commission may grant a competitive telecommunications provider’s petition for an exemption from service quality reporting requirements if the competitive telecommunications provider meets all service quality objective service levels set forth in sections (4) through (8) of this rule for the 12 months prior to the month in which the petition is filed.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.020, 759.030 & 759.050

Hist.: PUC 5-1991, f. & cert. ef. 4-3-91 (Order No. 91-395); PUC 4-2000, f. & ef. 2-9-00 (Order No. 00-068); PUC 13-2001, f. & ef. 5-25-01 (Order No. 01-428); PUC 7-2002, f. & ef. 2-26-02 (Order No. 02-102)

**Proposed Changes to OAR 860-034-0390
Updated with Staff's Reply Comments**

**Retail Telecommunications Service Standards for
Small Telecommunications Utilities**

**Telecommunications Service Standards for
Small Telecommunications Utilities**

860-034-0390

Retail Telecommunications Service Standards for Small Telecommunications Utilities

Every small telecommunications utility ~~shall~~**must** adhere to the following standards:

(1) Definitions.

(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; A facility engineered to provide retail telecommunications service between a customer's service location, and a telecommunications carrier's switching equipment;~~

(b) "Average Busy Season Busy Hour" - The hour ~~which~~**that** has the highest average traffic for the three highest months, not necessarily consecutive, in a 12-month period. The busy hour traffic averaged across the busy season is termed the average busy season busy hour traffic;

~~(c) "Average Speed of Answer" - The average time that elapses between the time the call is directed to a representative and the time it is answered;~~

~~(ed) "Blocked Call" - A properly dialed call that fails to complete to its intended destination except for a normal busy (60 interruptions per minute);~~

~~(d) "Commitment Date" - A date pledged by the telecommunications carrier to provide a service, facility, or repair action. This date is within the minimum time period set forth in these rules or a date determined by good faith negotiations between the customer and the telecommunications carrier;~~

(e) "Customer" - Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other legal entity that has applied for, been accepted, and is currently receiving local exchange telecommunications service;

(f) "Exchange" - Geographic area defined by maps filed with and approved by the Commission for the provision of local exchange telecommunications service;

(g) "Final Trunk Group" - A last-choice trunk group that receives overflow traffic and ~~which~~**that** may receive first-route traffic for which there is no alternative route;

~~(h) "Force Majeure"- Circumstances beyond the reasonable control of a telecommunications carrier including, but not limited to, delays caused by:~~

(A) A vendor in the delivery of equipment, where the carrier has made a timely order of equipment;

(B) Local, state, federal, or tribal government authorities in approving easements or access to rights of way, where the carrier has made a timely application for such approval;

(C) The customer, including but not limited to, the customer's construction project or lack of facilities, or inability to provide access to the customer's premises;

(D) Uncontrollable events, such as explosion, fire, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties including but not limited to outages originating from introduction of a virus onto the provider's network;

~~(hi) "Held-Access Line Service Orders for Lack of Facilities"~~ - Request for access line service delayed beyond the initial commitment date due to lack of facilities. ~~An order requiring the customer to meet specific reasonable prerequisites (for example, line extension charges) shall be measured from the time the prerequisites have been met.~~ An access line service order includes an order for new service, transferred service, additional lines, or change of service;

(ij) "Initial Commitment Date" – The initial date pledged by the telecommunications carrier to provide a service, facility, or repair action. This date is within the minimum time set forth in these rules or a date determined by good faith negotiations between the customer and the telecommunications carrier;

~~(ijk)~~ (ijk) "Network Interface" - The point of interconnection between the telecommunications carrier's communications facilities and customer terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface ~~shall~~must be located on the customer's side of the telecommunications carrier's protector;

~~(jkl)~~ (jkl) "Retail Telecommunications Service" - A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by one telecommunications carrier to another telecommunications carrier, unless the carrier receiving the service is the end user of the service;

~~(klm)~~ (klm) "Tariff" - A schedule showing rates, tolls, and charges that the telecommunications carrier has established for a retail service;

~~(l) "Telecommunications Carrier" – Any provider of retail telecommunications services, except a call aggregator as defined in ORS 759.690. This rule does not apply to radio communications service, radio paging service, commercial mobile radio service, personal communications service, cellular~~

~~communications service, or a cooperative corporation organized under ORS Chapter 62 that provides telecommunications services;~~

(~~m~~) “Trouble Report” - A report of a malfunction on existing access lines, switching equipment, circuits, or features made up to and including the network interface, to a telecommunications carrier by or on behalf of that telecommunications carrier’s customer, which affects the functionality and reliability of retail telecommunications service;

(~~n~~) “Wire Center” - A telecommunications carrier “wire center” is a facility where local telephone subscribers’ access lines converge and are connected to a switching ~~device~~ 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;

(2) Measurement and Reporting Requirements. A small telecommunications carrier utility 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. Reported measurements will be reported to the first significant digit (one number will be reported to the right of the decimal point). A small telecommunications carrier utility that maintains fewer than 1,000 access lines on a statewide basis need not take the required measurements and file the required reports unless ordered to do so by the Commission. The service quality objective service levels set forth in sections 4 through 8 of this rule only apply to normal operating conditions and do not establish an expected level of performance to be achieved during force majeure events.

(3) Additional Reporting Requirements. The Commission may require a small telecommunications carrier utility to ~~provide~~ submit additional reports on any item covered by this rule.

(4) Provisioning and Held Orders for Lack of Facilities: The representative of the ~~telecommunications carriers~~ small telecommunications utility shall 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 small telecommunications carrier utility. The small telecommunications utility may change the initial commitment day only if requested by the customer. The small telecommunications utility may take into account, when establishing the initial commitment date, the actual time required for the customer to meet prerequisites, for example, line extension charges or trench and conduit requirements. Once ~~If~~ a request for service becomes a held order, the serving small

telecommunications ~~carrier~~utility must, within five business days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met - A small telecommunications ~~carrier~~utility shallmust 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~~telecommunications utility or competitive telecommunications provider shallmay be excluded from the calculation of the "commitments met" results;

(B) Held Orders for Lack of Facilities - A small telecommunications ~~carrier~~utility shallmust determine the total monthly number of held orders, due to lack of facilities, not completed by the initial commitment date during the reporting month and the number of primary (initial access line) held orders, due to lack of facilities over 30 days past the initial commitment date.

(b) Objective Service Level:

(A) Commitments Met - Each small telecommunications ~~carrier~~utility shallmust meet at least 90 percent of its commitments for service;

(B) Held Orders:

(i) The number of held orders for the lack of facilities for each small telecommunications ~~carrier~~shallutility must not exceed the greater of two per wire center per month averaged over the small telecommunications ~~carrier~~utility's Oregon service territory, or five held orders for lack of facilities per 1,000 inward orders;

(ii) The total number of primary held orders for lack of facilities in excess of 30 days past the initial commitment date ~~shall~~must not exceed 10 percent of the total monthly held orders for lack of facilities within the small telecommunications ~~carrier~~utility's Oregon service territory.

(c) Reporting Requirement: Each ~~reporting~~small telecommunications ~~carrier~~shallutility must report monthly to the Commission the percentage of commitments met for service, total number of held orders for lack of facilities, and the total number of primary held orders for lack of facilities over 30 days past the initial commitment date;

(d) Retention Requirement: Each ~~reporting~~small telecommunications ~~carrier~~shallutility must maintain records about held orders, for lack of facilities, for one year. The record ~~shall~~must explain why each order is held and the initial commitment date.

(5) Trouble Reports. Each small telecommunications ~~carrier~~shallutility must maintain an accurate record of all reports of malfunction made by its customers.

(a) Measurement: A small telecommunications ~~carrier~~shallutility must determine the number of customer trouble reports that were received during the month.

The small telecommunications carrier shall utility must relate the count to the total working access lines within a reporting wire center. A carrier small telecommunications utility need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) Cable Cuts: An small telecommunications utility may take an exclusion may be taken if the "buried cable location" (locate) was either not requested or was requested and was accurate. If a carrier small telecommunications utility or the carrier utility's contractor caused the cut, the exclusion can only be used if the locate was accurate and all general industry practices were followed;

(B) Internet Service Provider (ISP) Blockage: If an ISP does not have enough access trunks to handle peak traffic;

(C) Modem Speed Complaints: An exclusion may be taken if the copper cable loop is tested at the subscriber location and the objective service levels in Paragraphs (9)(b)(A), (B), and (C) section (10) of this rule were met;

(D) No Trouble Found: Where no trouble is found, one exemption may be taken. If a repeat report of the same trouble is received within a 30-day period, the repeat report and subsequent reports shall must be counted;

(E) New Feature or Service: Trouble reports related to a customer's unfamiliarity with the use or operation of a new (within 30 days) feature or service;

(F) No Access: An exclusion may be taken if a repair appointment was kept and the copper based access line at the nearest accessible terminal met the objective service levels in Paragraphs (9)(b)(A), (B), and (C) section (10) of this rule. If a repeat trouble report is received within the following 30-day period, the repeat report and subsequent reports shall must be counted;

(G) Subsequent Tickets/Same Trouble/Same Household Access Line: Only one trouble report for a specific complaint from the same household access line shall must should be counted within a 48-hour period. All repeat trouble reports after the 48-hour period shall must be counted;

(H) Non-Regulated and/or Deregulated Equipment: Trouble associated with such equipment shall may should not be counted;

(I) Trouble with Other Telecommunications Utilities or Providers: A trouble report caused solely by another carrier telecommunications utility or competitive telecommunications provider;

(J) Weather Lightning Strike: Trouble reports cannot be excluded for normal Oregon weather. Unusual weather conditions shall must be considered on an individual case basis. Trouble reports received for damage caused by lightning strikes can be

excluded if all accepted grounding, bonding, and shielding practices were followed by the ~~carrier~~small telecommunications utility at the damaged location; and

(K) Other exclusions: As approved by the Commission.

(b) Objective Service Level: A small telecommunications carrier shall utility 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;

(c) Reporting Requirement: Each ~~reporting~~small telecommunications carrier shall utility must report monthly to the Commission,

(A) the trouble report rate by wire center;

(B) and the specific reason(s) a wire center meeting standard (did not exceed 2.0 for more than three of the last 12 months) exceeded a trouble report rate of 3.0 per 100 working access lines during the reporting month;

(C) The reason(s) a wire center not meeting standard, after the exclusion adjustment, exceeded 2.0 per 100 access lines during the reporting month; and

(D) Provide the retail access line count for each wire center. Basic telephone service that is part of a Digital Subscriber Line (DSL) will be included in this reported number.

(d) Retention Requirement: Each ~~reporting~~small telecommunications carrier shall utility must maintain a record of reported trouble in such manner that it can be forwarded to the Commission upon the Commission's request. The small telecommunications carrier shall utility must keep all records for a period of one year. The record of reported trouble shall contain as a minimum:

(A) Telephone number;

(B) Date and time received;

(C) Time cleared;

(D) Type of trouble reported;

(E) Location of trouble; and

(F) Whether or not the present trouble was within 30 days of a previous trouble report.

(6) Repair Clearing Time: This standard establishes the clearing time for all trouble reports from the time the customer reports the trouble to the small telecommunications carrier utility until the ~~carrier resolves the problem~~trouble is resolved. The small telecommunications carrier shall utility must provide each customer making a network trouble report with a commitment time when the small telecommunications carrier utility will repair or resolve the problem.

(a) Measurement: The small telecommunications ~~carrier shall~~utility must calculate the percentage of trouble reports cleared within 48 hours for each repair center;

(b) Objective Service Level: A small telecommunications ~~carrier shall~~utility must monthly clear at least 95 percent of all trouble reports within 48 hours of receiving a report. ~~This requirement will not apply in situations of natural disasters or other emergencies when approved by the Commission;~~

(c) Reporting Requirement: Each ~~reporting~~small telecommunications ~~carrier shall~~utility must report monthly to the Commission the percentage of trouble reports cleared within 48 hours by each repair center;

(d) Retention Requirement: None.

(7) Blocked Calls. A small telecommunications ~~carrier shall~~utility must engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of all dialed calls made during the average busy season busy hour without encountering block~~ing~~age or equipment irregularities in excess of levels listed in subsection (b) of this ~~section~~rule.

(a) Measurement:

(A) The small telecommunications ~~carrier shall~~utility must collect traffic data, that is, peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate block~~ing~~age levels of the interoffice final trunk groups;

(B) System block~~ing~~age will be determined by special testing at the wire center. PUC Commission Staff or a ~~carrier~~telecommunications utility technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percent of completion of the calls ~~shall~~must be calculated.

(b) Objective Service Level:

(A) A small telecommunications ~~carrier shall~~utility must maintain interoffice final trunk groups to allow 99 percent completion of ~~all dialed~~ calls during the average busy season busy hour without block~~ing~~age (P.01 grade of service);

(B) A small telecommunications ~~carrier shall~~utility must maintain its switch operation so that 99 percent of ~~all properly dialed~~the calls ~~shall~~must do not experience block~~ing~~age during ~~any~~the normal busy hour.

(C) When a small telecommunications utility fails to maintain the interoffice final trunk group P.01 grade of service for four or more consecutive months, it will be considered out-of-standard until the condition is resolved. A single repeat blockage within two months of "resolving the blockage" will be considered a continuation of the original blockage.

(c) Reporting Requirement: Each ~~reportingsmall~~ telecommunications ~~carrier~~ ~~shall~~utility must report monthly to the Commission:

(A) Local and extended area service (EAS) final trunk group blockages measured from each of its switches, regardless of the ownership of the terminating switch, that do if the carrier does not meet the objective service level for trunk group blockingage.; The switching system blocking report is required after a Commission-directed switching system blocking test is completed;

(B) Its tandem switch final trunk group blockages associated with EAS traffic;

(C) Any known cause for the blockage and actions to bring the trunks into standard; and

(D) Identity of the competitive telecommunications provider or telecommunications utility, if other than the reporting small telecommunications utility, responsible for maintaining those final trunk groups not meeting standard.

(d) Retention Requirement: Each ~~reportingsmall~~ telecommunications ~~carrier~~ ~~shall~~utility must maintain records for one year.

(8) Access to Small Telecommunications ~~Carrier~~Utility Representatives. Small telecommunications utilities are not required to measure or report repair center and sales office access times to the Commission.

(9) Interruption of Service Notification. A small telecommunications utility must report significant outages that affect customer service. These interruptions could be caused by switch outage, cable cut, or major work that would affect customers.

(a) Measurement: The small telecommunications utility must notify the Commission when an interruption occurs that exceeds the following thresholds:

(A) Cable, which excludes service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30. minutes that affect 50 percent or more of in-service lines of a central office (host or remote);

(B) Toll or Extended Area Service isolation lasting longer than 30 minutes. that affects 50 percent or more of in-service lines.

(C) Isolation of a central office (host or remote) from the E 9-1-1 emergency dialing code or isolation of a Public Safety Answering Position (PSAP).

(D) Isolation of a wire center for more than ten15 minutes.

(E) Outage of the Business Office or Repair Center access system lasting longer than 15 minutes in those instances where the traffic can not be re-routed to a different center.

(b) Objective Service Level: Not applicable.

(c) Reporting Requirement: A small telecommunications utility must report service interruptions to the Commission engineering staff by telephone, by facsimile, by electronic mail, or personally within two hours during normal work hours of the business day after the company becomes aware of such interruption of service. This initial Interim reports should will be communicated given to the Commission as soon significant information changes (e.g., estimated time to restore, estimated impact to customers, cause of the interruption, etc.) until it is reported that the affected service was restored. as the company representative receives field notification and the report should provide the location of the outage, estimated impact, services interrupted, and the estimated time to restore. The small telecommunications utility should provide updated information should be provided when significant events occur, including when the outage is restored. The small telecommunications utility must send the final report no later than five business days following the corrective action. The small telecommunications utility must provide, as a minimum, facility, incident date, system down time, estimated number of customers affected, services affected, outage description, outage cause, and corrective action taken.

(d) Retention Requirement: None

(910) Customer Access Line Testing: All customer access lines shall must be designed, installed, and maintained to meet the levels in subsection (b) of this rulesection.

(a) Measurement: Each small telecommunications ~~carrier shall~~ utility must make all loop parameter measurements at the network interface, or as close as access allows;

(b) Objective Service Level: Each access line shall must meet the following levels:

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, shall must be at least 20 milliamperes;

(B) Loop Loss: The maximum loop loss, as measured with a 1004-hertz tone from the serving wire center, shall must not exceed 8.5 decibels (dB);

(C) Metallic Noise: The maximum metallic noise level, as measured on a quiet line from the serving wire center, shall must not exceed 20 decibels above referenced noise level - C message weighting (dBmC);

(D) Power Influence: As a goal, power influence, as measured on a quiet line from the serving wire center, shall must not exceed 80 dBmC;

(c) Reporting Requirement: A small telecommunications ~~carrier shall~~ utility must report measurement readings as directed by the Commission;

(d) Retention Requirement: None.

(101) Customer Access Lines and Wire Center Switching Equipment. All combinations of access lines and wire center switching equipment **shall**must be capable of accepting and correctly processing at least the following network control signals from the customer premise equipment. The wire center **shall**must provide dial tone and maintain an actual measured loss between interoffice and access trunk groups.

(a) Measurement: Each ~~reporting~~**small** telecommunications ~~carrier~~**shall**utility **must** make measurements at or to the serving wire center;

(b) Objective Service Level:

~~—(A) Network Control Signals. The network shall be capable of accepting and processing the following control signals: dial pulse of 8 to 12 pulses per second and 58 to 64 percent break; and tone pulsing at 50 milliseconds Dual Tone Multi Frequency (DTMF) on and 50 milliseconds DTMF off;~~

~~(AB) Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts shall~~must receive dial tone within three seconds;

~~(BC) A small telecommunications carrier~~utility shall**must** maintain all interoffice and access trunk groups so that the actual measured loss (AML) in no more than 30 percent of the trunks deviate from the expected measured loss (EML) by more than 0.7 dB and no more than 4.5 percent of the trunks deviates from EML by more than 1.7 dB.

(c) Reporting Requirement: None;

(d) Retention Requirement: None.

(112) Special Service Access Lines. All special service access lines **shall**must meet the performance requirements specified in applicable **small** telecommunications ~~carrier~~utility tariffs or contracts.

(123) Small Telecommunications ~~Carrier~~Utility Interconnectivity. A **small** telecommunications ~~carrier~~utility connected to the facilities of another telecommunications ~~carrier~~utility or competitive telecommunications provider shall**must** operate its system in a manner that will not impede either ~~telecommunications carrier~~company's ability to meet required standards of service. A **small** telecommunications ~~carrier~~**shall**utility must report interconnection operational problems promptly to the Commission.

(134) Alternatives to these Telecommunications Standards. A **small** telecommunications ~~carrier~~utility whose normal methods of operation do not provide for exact compliance with these rules may file for a variance from, or waiver of, one or more of these rules if it specifically indicates the alternative standards to be applied or indicates which standards would be waived.

(145) Remedies for Violation of this Standard;

(a) If ~~the Commission believes that~~ a small telecommunications carrierutility subject to this rule ~~has violated one or more of its~~ failed to meet a minimum service quality standards, the Commission shallmust require the small telecommunications carrierutility to submit a plan for improving performance as provided in ORS 759.450(5) ~~[1999 Oregon Laws, Chapter 1093]~~. The Commission may seek penalties against the carriersmall telecommunications utility as provided in ORS 759.450(5);

(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a small telecommunications carrierutility subject to this rule has violated one or more of its service standards, the Commission shallmust give the small telecommunications carrierutility notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the small telecommunications carrierutility to provide the following relief to the affected customers:

(A) An alternative means of telecommunications service for violations of subsection (4)(b)(B) of this standard rule;

(B) Customer billing credits equal to the associated non-recurring and recurring charges of the small telecommunications carrierutility for the affected service for the period of the violation; and

(C) Other relief authorized by Oregon law.

(156) Exemption from these Rules.

(a) A small telecommunications carrierutility may petition the Commission for an exemption, in whole or in part, from these rules;

(b) The Commission may grant an exemption including, but not limited to, the following circumstance: If the Commission determines that effective competition exists in one or more exchanges, it may exempt all competitive telecommunications providers and telecommunications carrierutilities providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission shallwill consider:

(A) The extent to which the service is available from alternative providers in the relevant exchange or exchanges;

(B) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

(C) Existing barriers to market entry;

(D) Market share and concentration;

(E) Number of suppliers;

(F) Price to cost ratios;

(G) ~~Price d~~Demand side substitutability (for example, customer perceptions of competitors as viable alternatives); and

(H) Any other factors deemed relevant by the Commission.

(c) When a small telecommunications ~~carrier~~utility petitions the Commission for exemption under this provision, the Commission ~~shall~~must provide notice of the petition to all relevant competitive telecommunications ~~carriers~~providers and telecommunications utilities providing the applicable service(s) in the exchange(s) in question. The Commission will provide sSuch notified competitive telecommunications ~~carriers~~providers and telecommunications utilities will be provided an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission's analysis outlined above in ~~S~~subsections (156)(b)(A)-(H), the commenting competitive telecommunications ~~carrier~~provider or telecommunications utility be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(d) The Commission may grant a small telecommunications utility's petition for an exemption from service quality reporting requirements if the small telecommunications utility meets all service quality objective service levels set forth in sections (4) through (8) of this rule for the 12 months prior to the month in which the petition is filed.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.035, 759.045, 759.240 & 759.450

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 2-1997, f. & ef. 1-7-97 (Order No. 96-332); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); PUC 13-2000, f. & ef. 6-9-00 (Order No. 00-303); PUC 13-2001, f. & ef. 5-25-01 (Order No. 01-428); PUC 7-2002, f. & ef. 2-26-02 (Order No. 02-102)