

ORDER NO. 02-102

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

AR 433

In the Matter of a Proposed Rulemaking to)
Amend Oregon Administrative Rules) ORDER
860-023-0055, 860-032-0012, and)
860-034-0390. Relating to the Application of)
Retail Telecommunications Services)
Standards.)

DISPOSITION: RULE AMENDED

At its November 6, 2001, Public Meeting, the Public Utility Commission (PUC) opened a rulemaking proceeding to revise Oregon Administrative Rules 860-023-0055, 860-032-0012, and 860-034-0390 relating to the application of retail telecommunications services standards.

The Commission filed Notice of the Proposed Rulemaking with the Secretary of State on November 9, 2001, and subsequently provided notice to all interested persons on the Commission's rule changes list. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the December 1, 2001, *Oregon Bulletin*.

No written comments were filed and no request was made for a public hearing as a result of the notice.

At its January 29, 2002, Public Meeting, the Commission approved Staff's recommendation to adopt the proposed rule as set forth in Appendix A.

ORDER

IT IS ORDERED that:

1. Oregon Administrative Rules 860-023-0055, 860-032-0012, and 860-034-0390, as set forth in Appendix A, are adopted.
2. The amended rules shall be effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
Commissioner

A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-023-0055

Retail Telecommunications Service Standards for Large Telecommunications Utilities

Every ~~telecommunications carrier, as defined in section (1)(l) of this rule,~~ **large telecommunications utility** shall 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;

(b) "Average Busy Season Busy Hour" - The hour which 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) "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 may receive first-route traffic for which there is no alternative route;

(h) "Held Access Line Service Order" - Request for access line service delayed beyond the 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) "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 be located on the customer's side of the telecommunications carrier's protector;

(j) "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;

(k) "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 lines, 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;

(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 which 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 Requirement. A telecommunications 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. 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.

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

(4) Provisioning and Held Orders: The representative of the telecommunications carrier shall give a customer a 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 telecommunications carrier. Once a request for service becomes a held order, the serving telecommunications carrier must, within five days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met - A telecommunications carrier shall calculate the monthly percentage of commitments met for service across its Oregon service territory. Commitments missed for reasons attributed to customers or another carrier shall be excluded from the calculation of the “commitments met” results;

(B) Held Orders - A telecommunications carrier shall determine the total monthly number of held orders and the number of primary (initial access line) held orders over 30 days past the initial commitment date.

(b) Objective Service Level:

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

(B) Held Orders:

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

(ii) The total number of primary held orders in excess of 30 days past the initial commitment date shall not exceed 10 percent of the total monthly held orders within the telecommunications carrier’s Oregon service territory.

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

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

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

(a) Measurement: A telecommunications carrier shall determine the number of customer trouble reports that were received during the month. The telecommunications carrier shall relate the count to the total working access lines within a reporting wire center. A carrier need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) Cable Cuts: An exclusion may be taken if the “buried cable location” (locate) was either not requested or was requested and was accurate. If a carrier or a carrier’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) 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 and subsequent reports shall 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). If a repeat trouble report is received within the following 30 day period, it and subsequent reports shall be counted;

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

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

(I) Trouble with Other Provider: A trouble report caused by another carrier;

(J) Weather: Trouble reports cannot be excluded for normal Oregon weather. Unusual weather conditions shall 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 at the damaged location;

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

(b) Objective Service Level: A telecommunications carrier shall maintain service so that the monthly trouble report rate 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 telecommunications carrier shall report monthly to the Commission the trouble report rate by wire center and the specific reason a wire center exceeded a trouble report rate of 3.0 per 100 working access lines;

(d) Retention Requirement: Each reporting telecommunications carrier shall maintain a record of reported trouble in such manner that it can be forwarded to the Commission upon the Commission's request. The telecommunications carrier shall 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 telecommunications carrier until the carrier resolves the problem. The carrier shall provide each customer making a network trouble report with a commitment time when the telecommunications carrier will repair or resolve the problem.

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

(b) Objective Service Level: A telecommunications carrier shall 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 telecommunications carrier shall 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 telecommunications carrier shall 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 or equipment irregularities in excess of levels listed in subsection (b) of this section.

(a) Measurement:

(A) The telecommunications carrier shall 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 levels of the interoffice final trunk groups;

(B) System blocking will be determined by special testing at the wire center. PUC Staff or a carrier 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 be calculated.

(b) Objective Service Level:

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

(B) A telecommunications carrier shall maintain its switch operation so that 99 percent of all properly dialed calls shall not experience blocking during any normal busy hour.

(c) Reporting Requirement: Each reporting telecommunications carrier shall report to the Commission 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;

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

(8) Access to Telecommunications Carrier Representatives. This rule sets the allowed time for telecommunications carrier Business Office or Repair Service Center representatives to answer customer calls.

(a) Measurement:

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

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

(C) Each telecommunications carrier shall calculate, as a monthly percentage of the total calls attempted to the business office and repair service center, the number of calls answered by representatives within 20 seconds.

(b) Objective Service Level: No more than 1 percent of calls to the telecommunications carrier business office or repair service center shall encounter a busy signal. Telecommunications carrier representatives shall answer at least 85 percent of calls within 20 seconds.

(c) Reporting Requirement:

(A) Each telecommunications carrier shall report monthly to the Commission the percentage of calls answered within 20 seconds for both the business office and repair service center;

(B) Each telecommunications carrier shall 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.

(d) Retention Requirement: None.

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

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

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

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, shall 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 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 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 not exceed 80 dBrnC.

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

(d) Retention Requirement: None.

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

(a) Measurement: Each reporting telecommunications carrier shall 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;

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

(C) A telecommunications carrier shall 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 .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.

(11) Special Service Lines. All special service access lines shall meet the performance requirements specified in applicable telecommunications carrier tariffs or contracts.

(12) Telecommunications Carrier Interconnectivity. A telecommunications carrier connected to the facilities of another telecommunications carrier shall operate its system in a manner that will not impede either telecommunications carrier's ability to meet required standards of service. A telecommunications carrier shall report interconnection operational problems promptly to the Commission.

(13) Alternatives to these Telecommunications Standards. A telecommunications carrier 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.

(14) Remedies for Violation of this Standard:

(a) If the Commission believes that a telecommunications carrier subject to this rule has violated one or more of its service standards, the Commission shall require the telecommunications carrier 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 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 telecommunications carrier subject to this rule has violated one or more of its service standards, the Commission shall give the telecommunications carrier notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the telecommunications carrier to provide the following relief to the affected customers:

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

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

(C) Other relief authorized by Oregon law.

(15) Exemption from these rules.

(a) A telecommunications carrier 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 telecommunications carriers providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission shall 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) to cost ratios;

(G) Number of suppliers;

(F) Price 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 telecommunications carrier petitions the Commission for exemption under this provision, the Commission shall provide notice of the petition to all relevant

telecommunications carriers providing the applicable service(s) in the exchange(s) in question. Such notified telecommunications carriers 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 Section (15)(b)(A)-(H), the commenting telecommunications carrier be exempt from these rules for the applicable service(s) in the relevant exchange(s).

[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)

860-032-0012

Retail Telecommunications Service Standards

~~(4)~~ Every telecommunications utility, as defined in ORS 759.005 that is not partially exempt from regulation under ORS 759.040, shall adhere to the standards in OAR 860-023-0055. Every telecommunications utility, as defined in ORS 759.005 and partially exempt from regulation under ORS 759.040, shall adhere to the standards in OAR 860-034-0390. Every ~~competitive local exchange telecommunications~~ carrier, as defined in section ~~(2)~~ (1)(l) of this rule, shall adhere to the following service standards:

~~(a) If the telecommunications carrier has 50,000 or more total statewide access lines, it must adhere to the standards in OAR 860-023-0055;~~

~~(b) If the telecommunications carrier has less than 50,000 total statewide access lines, it must adhere to the standards in OAR 860-034-0390.~~

(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;

(b) "Average Busy Season Busy Hour" - The hour which 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) "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 may receive first-route traffic for which there is no alternative route;

(h) “Held Access Line Service Order” - Request for access line service delayed beyond the 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) “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 be located on the customer’s side of the telecommunications carrier’s protector;

(j) “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;

(k) “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 lines, 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;

(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 which 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 Requirement. A telecommunications 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. 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.

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

(4) Provisioning and Held Orders: The representative of the telecommunications carrier shall give a customer a 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 telecommunications carrier. Once a request for service becomes a held order, the serving telecommunications carrier must, within five days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met - A telecommunications carrier shall calculate the monthly percentage of commitments met for service across its Oregon service territory. Commitments missed for reasons attributed to customers or another carrier shall be excluded from the calculation of the "commitments met" results;

(B) Held Orders - A telecommunications carrier shall determine the total monthly number of held orders and the number of primary (initial access line) held orders over 30 days past the initial commitment date.

(b) Objective Service Level:

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

(B) Held Orders:

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

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

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

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

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

(a) Measurement: A telecommunications carrier shall determine the number of customer trouble reports that were received during the month. The telecommunications carrier shall relate the count to the total working access lines within a reporting wire center. A carrier need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) Cable Cuts: An exclusion may be taken if the "buried cable location" (locate) was either not requested or was requested and was accurate. If a carrier or a carrier'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) 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 and subsequent reports shall 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). If a repeat trouble report is received within the following 30-day period, it and subsequent reports shall be counted;

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

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

(I) Trouble with Other Provider: A trouble report caused by another carrier;

(J) Weather: Trouble reports cannot be excluded for normal Oregon weather. Unusual weather conditions shall 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 at the damaged location;

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

(b) Objective Service Level: A telecommunications carrier shall maintain service so that the monthly trouble report rate 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 telecommunications carrier shall report monthly to the Commission the trouble report rate by wire center and the specific reason a wire center exceeded a trouble report rate of 3.0 per 100 working access lines;

(d) Retention Requirement: Each reporting telecommunications carrier shall maintain a record of reported trouble in such manner that it can be forwarded to the Commission upon the Commission's request. The telecommunications carrier shall 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 telecommunications carrier until the carrier resolves the problem. The telecommunications carrier shall provide each customer making a network trouble report with a commitment time when the telecommunications carrier will repair or resolve the problem.

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

(b) Objective Service Level: A telecommunications carrier shall 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 telecommunications carrier shall 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 telecommunications carrier shall 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 or equipment irregularities in excess of levels listed in subsection (b) of this section.

(a) Measurement:

(A) The telecommunications carrier shall 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 levels of the interoffice final trunk groups;

(B) System blocking will be determined by special testing at the wire center. PUC Staff or a carrier 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 be calculated.

(b) Objective Service Level:

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

(B) A telecommunications carrier shall maintain its switch operation so that 99 percent of all properly dialed calls shall not experience blocking during any normal busy hour.

(c) Reporting Requirement: Each reporting telecommunications carrier shall report to the Commission 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;

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

(8) Access to Telecommunications Carrier Representatives. This rule sets the allowed time for telecommunications carrier Business Office or Repair Service Center representatives to answer customer calls.

(a) Measurement:

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

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

(C) Each telecommunications carrier shall calculate, as a monthly percentage of the total calls attempted to the business office and repair service center, the number of calls answered by representatives within 20 seconds.

(b) Objective Service Level: No more than 1 percent of calls to the telecommunications carrier business office or repair service center shall encounter a busy signal. Telecommunications carrier representatives shall answer at least 85 percent of calls within 20 seconds;

(c) Reporting Requirement:

(A) Each telecommunications carrier shall report monthly to the Commission the percentage of calls answered within 20 seconds for both the business office and repair service center;

(B) Each telecommunications carrier shall 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.

(d) Retention Requirement: None.

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

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

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

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, shall 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 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 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 not exceed 80 dBrnC;

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

(d) Retention Requirement: None.

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

(a) Measurement: Each reporting telecommunications carrier shall 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;

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

(C) A telecommunications carrier shall 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 .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.

(11) Special Service Lines. All special service access lines shall meet the performance requirements specified in applicable telecommunications carrier tariffs or contracts.

(12) Telecommunications Carrier Interconnectivity. A telecommunications carrier connected to the facilities of another telecommunications carrier shall operate its system in a manner that will not impede either telecommunications carrier's ability to meet required standards of service. A telecommunications carrier shall report interconnection operational problems promptly to the Commission.

(13) Alternatives to these Telecommunications Standards. A telecommunications carrier 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.

(14) Remedies for Violation of this Standard:

(a) If the Commission believes that a telecommunications carrier subject to this rule has violated one or more of its service standards, the Commission shall require the telecommunications carrier 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 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 telecommunications carrier subject to this rule has violated one or more of its service standards, the Commission shall give the telecommunications carrier notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the telecommunications carrier to provide the following relief to the affected customers:

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

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

(C) Other relief authorized by Oregon law.

(15) Exemption from these Rules.

(a) A telecommunications carrier 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 telecommunications carriers providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission shall 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) 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 telecommunications carrier petitions the Commission for exemption under this provision, the Commission shall provide notice of the petition to all relevant telecommunications carriers providing the applicable service(s) in the exchange(s) in question. Such notified telecommunications carriers 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 Section (15)(b)(A)-(H), the commenting telecommunications carrier be exempt from these rules for the applicable service(s) in the relevant exchange(s).

[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)

860-034-0390

Retail Telecommunications Service Standards for Small Telecommunications Utilities

Every ~~telecommunications carrier, as defined in section (1)(1) of this rule,~~ **small telecommunications utility** shall 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;

(b) "Average Busy Season Busy Hour" - The hour which 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) "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 may receive first-route traffic for which there is no alternative route;

(h) "Held Access Line Service Order" - Request for access line service delayed beyond the 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) "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 be located on the customer's side of the telecommunications carrier's protector;

(j) “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;

(k) “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 lines, 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;

(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 which 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 Requirement. A telecommunications 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. 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.

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

(4) Provisioning and Held Orders: The representative of the telecommunications carrier shall give a customer a 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 telecommunications carrier. Once a request for service becomes a held order, the serving telecommunications carrier must, within five days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met - A telecommunications carrier shall calculate the monthly percentage of commitments met for service across its Oregon service territory. Commitments missed for reasons attributed to customers or another carrier shall be excluded from the calculation of the “commitments met” results;

(B) Held Orders - A telecommunications carrier shall determine the total monthly number of held orders and the number of primary (initial access line) held orders over 30 days past the initial commitment date.

(b) Objective Service Level:

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

(B) Held Orders:

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

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

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

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

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

(a) Measurement: A telecommunications carrier shall determine the number of customer trouble reports that were received during the month. The telecommunications carrier shall relate the count to the total working access lines within a reporting wire center. A carrier need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) Cable Cuts: An exclusion may be taken if the "buried cable location" (locate) was either not requested or was requested and was accurate. If a carrier or a carrier'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) 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 and subsequent reports shall 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). If a repeat trouble report is received within the following 30-day period, it and subsequent reports shall be counted;

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

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

(I) Trouble with Other Provider: A trouble report caused by another carrier;

(J) Weather: Trouble reports cannot be excluded for normal Oregon weather. Unusual weather conditions shall 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 at the damaged location;

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

(b) Objective Service Level: A telecommunications carrier shall maintain service so that the monthly trouble report rate 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 telecommunications carrier shall report monthly to the Commission the trouble report rate by wire center and the specific reason a wire center exceeded a trouble report rate of 3.0 per 100 working access lines;

(d) Retention Requirement: Each reporting telecommunications carrier shall maintain a record of reported trouble in such manner that it can be forwarded to the Commission upon the Commission's request. The telecommunications carrier shall 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 telecommunications carrier until the carrier resolves the problem. The telecommunications carrier shall provide each customer making a network trouble report with a commitment time when the telecommunications carrier will repair or resolve the problem.

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

(b) Objective Service Level: A telecommunications carrier shall 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 telecommunications carrier shall 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 telecommunications carrier shall 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 or equipment irregularities in excess of levels listed in subsection (b) of this section.

(a) Measurement:

(A) The telecommunications carrier shall 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 levels of the interoffice final trunk groups;

(B) System blocking will be determined by special testing at the wire center. PUC Staff or a carrier 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 be calculated.

(b) Objective Service Level:

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

(B) A telecommunications carrier shall maintain its switch operation so that 99 percent of all properly dialed calls shall not experience blocking during any normal busy hour.

(c) Reporting Requirement: Each reporting telecommunications carrier shall report to the Commission 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;

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

(8) Access to Telecommunications Carrier Representatives. ~~This rule sets the allowed time for telecommunications carrier Business Office or Repair Service Center representatives to answer customer calls. Small telecommunications utilities are not required to measure or report repair center and sales office access times to the Commission.~~

~~(a) Measurement:~~

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

~~(B) Driven, Automated, or Interactive Answering System: The option of transferring to the telecommunications carrier representative shall be included in the initial local service screening message. The telecommunications carrier shall measure the answering time from the point a call is directed to its representatives;~~

~~(C) Each telecommunications carrier shall calculate, as a monthly percentage of the total calls attempted to the business office and repair service center, the number of calls answered by representatives within 20 seconds.~~

~~———(b) Objective Service Level: No more than 1 percent of calls to the telecommunications carrier business office or repair service center shall encounter a busy signal. Telecommunications carrier representatives shall answer at least 85 percent of calls within 20 seconds;~~

~~———(c) Reporting Requirement:~~

~~———(A) Each telecommunications carrier shall report monthly to the Commission the percentage of calls answered within 20 seconds for both the business office and repair service center;~~

~~———(B) Each telecommunications carrier shall 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.~~

~~———(d) Retention Requirement: None.~~

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

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

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

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, shall 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 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 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 not exceed 80 dBrnC;

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

(d) Retention Requirement: None.

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

(a) Measurement: Each reporting telecommunications carrier shall 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;

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

(C) A telecommunications carrier shall 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 .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.

(11) Special Service Lines. All special service access lines shall meet the performance requirements specified in applicable telecommunications carrier tariffs or contracts.

(12) Telecommunications Carrier Interconnectivity. A telecommunications carrier connected to the facilities of another telecommunications carrier shall operate its system in a manner that will not impede either telecommunications carrier's ability to meet required standards of service. A telecommunications carrier shall report interconnection operational problems promptly to the Commission.

(13) Alternatives to these Telecommunications Standards. A telecommunications carrier 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.

(14) Remedies for Violation of this Standard:

(a) If the Commission believes that a telecommunications carrier subject to this rule has violated one or more of its service standards, the Commission shall require the telecommunications carrier 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 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 telecommunications carrier subject to this rule has violated one or more of its service standards, the Commission shall give the telecommunications carrier notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the telecommunications carrier to provide the following relief to the affected customers:

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

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

(C) Other relief authorized by Oregon law.

(15) Exemption from these Rules.

(a) A telecommunications carrier 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 telecommunications carriers providing telecommunications

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services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission shall 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) 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 telecommunications carrier petitions the Commission for exemption under this provision, the Commission shall provide notice of the petition to all relevant telecommunications carriers providing the applicable service(s) in the exchange(s) in question. Such notified telecommunications carriers 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 Section (15)(b)(A)-(H), the commenting telecommunications carrier be exempt from these rules for the applicable service(s) in the relevant exchange(s).

[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)