ORDER NO. 05-1260

ENTERED 12/21/05

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

AR 492

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

DISPOSITION: RULES AMENDED

Procedural History.

At the March 8, 2005, regular public meeting, the Public Utility Commission of Oregon (Commission) initiated this rulemaking proceeding to amend Oregon Administrative Rules (OARs) 860-023-0055, 860-032-0012, and 860-034-0390. The purpose of the rulemaking is to revise service quality standards for small telecommunications utilities, large telecommunications utilities, and competitive telecommunications providers (carriers) pursuant to the requirements of ORS 759.450.

Notice of the rulemaking and a statement of need and fiscal impact were filed with the Oregon Secretary of State on March 8, 2005. The rulemaking Notice was published in the Oregon Bulletin on April 1, 2005. The Commission served notice of the rulemaking on an extensive list of telecommunications carriers and other potentially interested persons.

Opening comments were filed by the Commission Staff (Staff) on April 12, 2005. Opening comments representing the interests of incumbent local exchange carriers (ILECs) were filed on April 21, 2005, by CenturyTel, Oregon Telecommunications Association, Qwest Corporation, Sprint Corporation, and Verizon Northwest Inc. (hereafter, "the ILECs "); MCI, Inc. (MCI); and AT&T Communications of the Pacific Northwest, Inc./TCG Oregon (collectively, "AT&T"). Reply comments were filed by Staff on May 17, 2005, and by the ILECs and AT&T on May 20, 2005. A public hearing was held on June 8, 2005, in Salem, Oregon.

The three administrative rules that are the subject of this rulemaking – OAR 860-023-0055, 860-032-0012, and 860-034-0390 – are substantially the same. For purposes of this order, issues are arranged by section number because all three rules are impacted the same. Where that is not the case, reference is made to the specific rule.

The proposed rules make several substantive revisions to our existing rules, including numerous housekeeping changes. Those changes are discussed at length in the Staff Report presented at the March 8, 2005, public meeting, and are not repeated here. This order addresses only the modifications to the proposed rules that have resulted from the written and oral comments submitted in this matter.

General Comments.

Applicability of Service Quality Rules. MCI argues that service quality rules are unnecessary because of competition in the telecommunications industry. In the absence of a monopoly environment, the primary justification for service quality regulation no longer exists. Thus, carriers should be allowed to distinguish themselves based not only on price or service, but also on customer service. MCI further maintains that wireline carriers should not be hampered by regulatory costs that do not apply to other telecommunications carriers. Instead, the Commission should begin the process of eliminating service quality regulations to recognize the competitive, intermodal telecommunications marketplace.

While the Commission acknowledges that effective competition reduces the need for regulation, we cannot eliminate service quality requirements merely upon the representation that such competition exists. As discussed below, ORS 759.450 requires all telecommunications providers, including competitive providers, to meet minimum service quality standards. Section (16) of the proposed rule allows carriers to obtain an exemption from the service quality standards if they can demonstrate that effective competition exists. Thus, carriers such as MCI have the opportunity to excuse themselves from service quality regulation upon a proper showing.

Scope of Service Quality Rules. AT&T recommends that the Commission limit the application of retail service quality rules to customers with four or fewer access lines. It contends that the rules will be difficult to apply to business customers purchasing complex communications under contract. Typically, these customers have carrier-assigned account representatives who work with engineers to design systems and address specific customer needs. AT&T asserts that this category of customers will not benefit from the proposed rules. MCI joins in this argument.

AT&T also argues that ORS 759.450 gives the Commission ample discretion to tailor its rules to meet the needs of specific customer groups. In development of its rules, the Commission is instructed to consider, among other things, "general industry practice and achievement, normal operating conditions, technological improvements and trends, and other factors as determined by the Commission." AT&T stresses that these provisions allow the Commission to shape its rules to meet the needs of the telecommunications industry and its customers. It urges the Commission not to apply POTS-type[1] service quality regulation to business customers.

Staff does not support the AT&T/MCI proposal to apply retail service quality rules based on the number of customer access lines. It argues that selective reporting is unlawful and that all telecommunications customers should be treated the same.

ORS 759.450(1) states:

> It is the intent of the Legislative Assembly that every telecommunications carrier and those telecommunications utilities and competitive providers providing wholesale services meet minimum quality service standards on a nondiscriminatory basis.

We understand the legislative mandate of ORS 759.450(1) to require that every telecommunications carrier must maintain minimum quality service standards that apply to customers on a nondiscriminatory basis. We do not construe the statute to limit the Commission's ability to structure service quality standards to fit the needs of different customer classes. In other words, we agree with AT&T that the Commission has statutory authority to shape our rules to meet the specific requirements of telecommunications customers, provided of course, that each customer category is treated on a nondiscriminatory basis.

AT&T and MCI maintain that certain business customers, specifically those having separate contracts, will not benefit from the application of the retail service quality rules. While this argument may have merit, we find three problems with adopting AT&T/MCI's proposal: First, it appears to be overbroad. While business customers with contracts for telecommunications services may not require the protection of service quality rules, there may be many other business customers with more than four access lines who have not executed such agreements. We need to know more about this issue before adopting a rule that excludes the vast majority of business access lines from service quality regulation.

Second, the record in this proceeding does not contain any input from members of the business community in support of the AT&T/MCI proposal. We are hesitant to exclude any category of customers from the service quality rules without a showing that such action will yield significant benefits.

Finally, even if we were to determine that it might be appropriate to exclude certain business customers from the service quality rules, it is not clear that the ILECs currently have the capability to identify those customers with precision. To

[1] "POTS" is a term commonly used in the telecommunications industry to refer to "plain old telephone service."

comply with the statute, we must also be assured that any decision to exclude business customers can be implemented on a nondiscriminatory basis.

Section (1) – Definitions.

Subsection (1)(a) – "Access Line." Staff proposes revising the definition of "access line" included in the proposed rules. It seeks to clarify that service quality reporting applies only to basic retail telephone service, or POTS. In response to concerns raised by AT&T, Staff emphasizes that the rule does not apply to the broadband element of DSL service.

After reviewing the comments, the Commission finds that the "access line" definition should be revised as follows:

> A facility engineered with dialing capability to provide retail telecommunications service that connects a customer's service location to the Public Switched Telephone Network.

This definition incorporates elements of both the Staff and AT&T proposals. It clearly indicates that service quality reporting is limited to POTS-type telecommunications service. In addition, it deletes the reference to telephone switching equipment included in both the proposed rule and Staff's suggested revision. As Staff points out elsewhere, not all carriers providing telecommunications services employ switching equipment.

Subsection (1)(c) – "Average Speed of Answer." This definition is relevant to Section (8) regarding access to carrier representatives. Staff recommends revising the definition set forth in the proposed rule to clarify that the time calculation begins when a call is placed in the queue for a "live representative." Staff offers the following definition:

> The average time that elapses between the time the call is directed to a representative and the time it is answered.

Staff's proposed revision corresponds with comments filed by AT&T, who points out that many carriers employ sorting menus that allow customers to self-direct their calls to the appropriate destination, including a carrier representative. AT&T agrees that the answer time measurement should start once the customer is placed in the queue for a representative.

MCI recommends a somewhat different approach. It proposes 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." MCI points out that approximately 15 percent of customer problems are now resolved through its automated system.

Staff disagrees with MCI's proposal. It claims that counting calls resolved in the automated system will skew measurements by masking the holding times of customers waiting to speak to carrier representatives. Like AT&T, Staff agrees that the relevant measurement should be the holding time the customer experiences once they leave the automated system and are directed to a representative.

The Commission agrees with Staff and AT&T that the proper measurement is the amount of time a customer must wait to be connected to a carrier representative. While we agree with MCI that automated systems are valuable tools for resolving customer problems, its proposal will not provide an accurate picture of the time customers have to wait to talk to an actual person. Staff's definition is therefore adopted.

Subsection (1)(h) – Force Majeure." The ILECs and Staff recommend adding the following definition of a force majeure event:

> Circumstances beyond the reasonable control of a [large telecommunications utility, small telecommunications utility, competitive telecommunications provider] including but not limited to, delays caused by:
>
> (A) A vendor in the delivery of equipment, where the [large telecommunications utility, small telecommunications utility, competitive telecommunications provider] 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 [large telecommunications utility, small telecommunications utility, competitive telecommunications provider] 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 failure 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.

The proposal to add a force majeure definition is unopposed. The Commission finds that it is reasonable and should be adopted.

"**Initial Commitment Date.**" The proposed rule replaces the term "commitment date" with "initial commitment date." The change reflects the fact that the initial date pledged by the carrier to provide a facility may be changed for reasons described in Section (4). As defined, the initial commitment date is either the minimum six-business day period set forth in Section (4) or another date determined by good faith negotiations between the customer and the carrier.

MCI recommends that the "good faith" provision be deleted from the definition. As a carrier utilizing combinations of network elements purchased from another provider, MCI claims that it is not possible to inform customers of specific dates when orders will be completed. Instead, it proposes that carriers should be allowed to quote a timeframe within which service is expected to be installed. MCI emphasizes that carriers operating in a competitive environment have every incentive to provision orders in an efficient and timely manner.

Staff opposes deleting the "good faith" requirement. The provision was added to the rule in docket AR 375 because of problems caused by carriers who failed to meet service installation and repair due dates. Staff emphasizes that carriers are not responsible for missed commitments attributable to another carrier or the customer.

The Commission declines to adopt MCI's proposal. The "good faith" requirement does not impose an unreasonable burden upon carriers and, in fact, operates to protect both carriers and customers. As discussed below, it is reasonable to expect that a single POTS line installation will be completed within the six-day default period specified in Section (4). Carriers may negotiate an alternative installation date anytime a service order involves more than the installation of a simple POTS access line. In these circumstances, the good faith requirement merely requires that both the customer and the carrier work together to develop a reasonable installation date. Carriers are not required to register a missed commitment where a customer refuses to accept a reasonable installation date.

OAR 860-032-0012(1)(m) – "Service Area." The comments filed by AT&T and MCI emphasize that the network architecture employed by competitive local exchange carriers (CLECs) often differs from the traditional wire center-based architecture used by ILECs. CLEC operations can range from carriers who provide service as pure resellers to those who operate as facilities-based providers. The latter type of carrier may or may not maintain outside plant or operate a traditional switch.

In order to accommodate differences in CLEC networks, Staff recommends revising OAR 860-032-0012 to add a new "service area" definition. As proposed by Staff, the service area functions as the service quality reporting area for carriers that do not maintain wire centers,[2] and encompasses the entire geographic area the carrier is certified to serve. A carrier may petition the Commission for a different service area if it shows that it does not employ a business model based on wire centers or exchanges. Staff states that it will work with each carrier to obtain a mutually agreeable service quality reporting area.

Staff's proposed "service area" definition is unopposed. The Commission finds that the definition is reasonable and should be adopted.

Section (2) – Measurement and Reporting Requirements.

Staff recommends adding the following sentence to Section (2) to correspond with the new *force majeure* definition:

> The service quality objective service levels set forth in sections (4) through (8) of this rule apply only to normal operating conditions and do not establish a level of performance to be achieved during force majeure events.

Staff's proposal basically adopts a recommendation made by the ILECs. There was no opposition to the proposal. The Commission finds that it is reasonable and should be adopted.

Section (4) – Provisioning and Held Orders for Lack of Facilities.

Section (4) establishes the standard for provisioning access lines to retail customers and for measuring/reporting held orders due to lack of facilities. Telecommunications carriers must provide retail customers with 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 carrier. An order not completed by the initial commitment date for lack of facilities is considered a held order unless the customer changes the initial commitment date or the missed commitment is caused by the customer or another telecommunications provider.

Special Access Lines. At the hearing, Staff clarified that Section (4) allows carriers to take into account the time required to install special service access lines when establishing the initial commitment date. For purposes of this rule, a special service access line is any installation other than a simple POTS line. Thus, any installation involving multiple lines or additional requirements may be taken into account by a carrier when it sets up the initial commitment date. There was no dispute over Staff's interpretation of the rule. The Commission concurs.

[2] Thus, a competitive carrier will report the number of access lines in each of its designated service areas. Trouble report calculations will be based on the total number of trouble reports for the service area attributed to the reporting provider during the applicable study period.

Six-Day Default Date. AT&T expressed concern that the six-business day default date in Section (4) may not allow competitive carriers adequate time to provision facilities that have been purchased from another provider (typically an ILEC) on a wholesale basis. Apparently, many interconnection agreements allow the ILEC five days to provision the underlying facility, thus leaving the CLEC only one day to complete the installation before the line is considered a held order. In most cases, AT&T will take a customer's order before knowing whether the ILEC will have problems provisioning the access line(s) in question.

Based on independent studies and an analysis of service quality reports, Staff asserts that CLECs should not experience problems provisioning simple POTS service under the six-day rule, even where five of the six days are required for an ILEC to supply the underlying facility. Under normal circumstances, very little additional work needs to be done for a competitive carrier to provision a POTS access line purchased wholesale from another carrier. On the other hand, a CLEC can always extend the initial commitment date whenever a customer orders multiple lines or requests special features. Also, missed commitments are not counted in situations where a carrier fails to meet the default date because another carrier did not supply facilities on time. Finally, a CLEC that cannot supply POTS service within the six days on a regular basis may always seek a variance pursuant to Section (14).

The Commission is persuaded that the six-day period set forth in Section (4) is unlikely to pose problems for telecommunications carriers. We agree with Staff that the rule includes sufficient measures to accommodate special circumstances that may cause delays in provisioning service.

Section (5) – Trouble Reports.

Section (5) establishes trouble report measurement and reporting requirements for retail customers. Carriers are not required to report trouble for circumstances beyond their control, including events such as lightning strikes, cable cuts, and trouble caused by another provider. Subsection (5)(a)(A-K) lists the approved exclusions that may be taken.

Subsections (5)(a)(B) and (a)(C). MCI states that Subsections (5)(a)(B), Internet Service Provider Blockage, and (5)(a)(C), Modem Speed Complaints, should be deleted from the list of reporting exclusions because the Commission has no jurisdiction over information services. AT&T supports MCI's position on this issue.

Staff responds that these subsections do not assert jurisdiction over Internet Service Providers (ISP) blockage or modem speed issues. Rather, they merely indicate that telecommunications carriers are not required to include these types of problems in their trouble reports. At hearing, MCI indicated that Staff's explanation resolved its concern. AT&T did not comment.

The Commission agrees with Staff that excluding ISP blockage and modem speed complaints from trouble reporting does not amount to an assertion of jurisdiction over these matters. Accordingly, the proposal to delete these exclusions is denied.

<u>Subsection (5)(b) – Wire Centers with less than 1,000 access lines.</u> Subsection (5)(b) currently provides a trouble reporting rate of 2.0 per 100 access lines. Carriers must include an explanation in their monthly reports for each wire center exceeding the 2.0 rate.

The ILECs request that the report rate be increased to 3.0 reports/month for any wire center with 1,000 access lines or less. Given the small size of these centers, the ILECs maintain that 2.0 reports/month is a very small margin of error. The ILECs have analyzed several small wire centers and have determined that, in more cases, trouble reports are random and do not represent a pattern of common equipment or facility trouble. Rather, trouble reports tend to be spread throughout the wire center.

The ILECs point out that the trouble report rate standard in other states generally exceeds 2.0 reports/month for all wire centers, not merely those with less than 1,000 access line. They argue that increasing the threshold by one report per month is not unreasonable.

This issue was discussed extensively in the comments and at hearing. Following the hearing, the Staff withdrew its opposition to the ILEC proposal. No other objections to the proposal were raised.

The Commission finds that increasing the trouble report rate to 3.0 reports/month for wire centers with less than 1,000 access lines will reduce the reporting burden on carriers without significantly compromising the quality of service received by customers in small wire centers.

<u>Section (7) – Blocked Calls.</u>

Section (7) addresses the measurement and reporting of call blockage. Subsection (b) establishes the objective service level that must be maintained by large telecommunications utilities, small telecommunications utilities, and competitive telecommunications providers.

<u>Subsection (7)(b)(B).</u> AT&T proposes revising the description of the objective service level to remove the reference to “properly” dialed calls to prevent unnecessary strain on carrier resources by having to subtract out misdialed calls. Staff further proposes that the reference to “any normal busy hour” be changed to “the normal busy hour.” There were no objections to these proposals. The Commission finds that the changes are reasonable and should be adopted.

Subsection (7)(b)(C). Staff proposes adding Subsection (b)(C) to the proposed rules. This provision states:

> When a [large telecommunications utility, small telecommunications utility or 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 restoring the P.01 grade of service will be considered a continuation of the original blockage.

No comments were filed regarding Staff's recommended addition to Section (7)(b). The Commission finds that the change is reasonable and should be adopted.

Section (8) – Access to Carrier Representatives.

Section (8) establishes standards for answering telephone calls from customers.

Subsection (8)(b)(B). Proposed Subsection (b)(B) provides that carrier business office or repair service representatives must answer at least 80 percent of calls within 20 seconds or have an average speed of answer time of 50 seconds or less. The current rules provide that carrier representatives must answer at least 85 percent of customer calls within 20 seconds, and do not include provision for average speed of answer.

AT&T proposes that the call answer time be lengthened from 20 to 90 seconds.[3] AT&T asserts that competitive carriers have fewer customers and resources than large ILECs, and are therefore less able to afford the call center representatives necessary to comply with the 20 second requirement. Given limited resources, AT&T states that it is important for carriers to prioritize incoming calls; *i.e.*, giving repair calls top priority. Also, because of the competition, customers who do not get the attention they deserve can simply take their business to another company. MCI and the ILECs concur with AT&T's proposal to lengthen the call answer time.

Staff opposes lengthening the call answer time to 90 seconds. It states that the current rule is consistent with the standard adopted by the National Association of Regulatory Commissions and several other states. Furthermore, the proposed rule relaxes the requirements of the current rule by (a) reducing the percentage of calls that must be answered within 20 seconds from 85 to 80 percent, and (b) adding the alternative

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[3] As noted, AT&T also recommends limiting the rule to residential customers, or in the alternative, eliminating the rule as unnecessary in a competitive market.

"average answer speed" criterion. Thus, under the proposed rule, a carrier must either answer 80 percent of calls within 20 seconds, or have an average answer speed of 50 seconds.

The Commission is not persuaded that it is necessary to extend the call answer time set forth in the current rule. The existing 20 second answer time is reasonable and consistent with national standards in this area. We also agree with Staff that the changes included in the proposed rule will provide carriers with additional flexibility to meet the requirements of the rule.

Contrary to AT&T's claims, requiring competitive carriers to comply with the existing 20 second call answer time is not unreasonable or discriminatory. Although AT&T maintains a relatively small presence in Oregon, it is a large company with resources sufficient to provide customers with quality service. Moreover, there has been no showing that compliance with the existing rule imposes an undue financial burden upon AT&T or other competitive providers.

<u>Subsection (8)(a)(C)(ii).</u> If the Commission retains the existing rule, AT&T proposes that Subsection (8)(a)(C)(ii) be revised. As proposed, that subsection states:

> (C) Each [large telecommunications utility, competitive telecommunications provider] must calculate:
>
> (ii) the average speed of answer time for the total calls attempted to be placed to the business office and repair service center.

AT&T proposes deleting the phrase "attempted to be placed to," and replacing it with the words "received by." It contends that determining the number of attempted calls is not a simple matter nor even possible in some instances.

Staff initially opposed AT&T's proposal, but withdrew its objections. The Commission finds that AT&T's proposed revision of Subsection (8)(a)(C)(ii) is reasonable and should be adopted.

<u>Section (9) – Interruption of Service Notification.</u>

Section (9) is a new provision requiring carriers to report certain significant outages affecting customer service.

<u>Subsections (9)(a)(A) and (a)(B).</u> Subsection (9)(a)(A) deals with cable-related outages and Subsection (9)(a)(B) deals with toll or extended area service isolation. The proposed rule provides that carriers must report these types of outages if they last longer than 30 minutes and affect 50 percent or more of in-service lines.

In its reply comments, Staff suggested changes to Subsections (9)(a)(A) and (9)(a)(B) in an effort to reduce the amount of manual work necessary to determine if the threshold reporting levels were met. At hearing, all parties agreed that the suggested changes caused potential problems and agreed that the language set forth in the proposed rule should remain unchanged. The Commission concurs.

Subsection (9)(a)(D). Proposed Subsection (9)(a)(D) requires reporting a wire center isolation lasting longer than 10 minutes. Based on comments received, Staff recommends in its reply comments that the threshold be increased to 15 minutes. There was no opposition to the proposal. It is adopted.

Subsection (9)(a)(E). Proposed Subsection (9)(a)(E) requires reporting where there is an outage affecting a business office or repair center access system lasting longer than 15 minutes. In its opening comments, AT&T proposed deleting this provision as redundant and unnecessary. It notes that major outages will already be captured in the reporting requirements affecting cable cuts or other interruptions.

Staff responds that, in many cases, carrier business offices and repair centers are located outside of Oregon, and will not be reported. In addition, Staff notes that carriers are only required to send one report to the Commission even if there is more than one reportable interruption.

The Commission finds that proposed Subsection (9)(a)(E) does not impose an unreasonable burden upon carriers such as AT&T.

Subsection (9)(c). Proposed Subsection (9)(c) details the manner in which outage reports must be filed with the Commission. Staff made a number of changes to the wording of the proposed rule to make clear that carriers are only required to report significant outages. Staff also emphasizes that nonfacilities-based providers (*i.e.*, resellers) are not required to report. There is no opposition to Staff's proposed changes. The Commission finds that they are reasonable and should be adopted.

Section (15) – Remedies for Violation of This Standard.

Section (15) addresses remedies for violations of service quality standards. MCI argues that the competitive market should dictate service quality rather than regulatory requirements and proposes that Section (15) be deleted in its entirety. The Commission rejects this recommendation. As discussed in this order, ORS 759.450(5)-(7) requires the Commission to impose specific measures for service quality violations, including the implementation of a service quality improvement plan and assessment of penalties for failure to abide by service quality standards.

Subsection (15)(a). Subsection (15)(a) restates the requirements of ORS 759.450(5), which provides that the Commission shall require a carrier to submit a plan for improving performance where it has failed to meet minimum service quality standards. The proposed rule provides that the Commission "must require" submission of a plan under such circumstances. MCI recommends that the words "must require" be changed to "may require."

Staff's proposal is consistent with the mandatory language in ORS 759.450(5), and is therefore adopted. Also, consistent with our decision in docket AR 493, the Commission has added the following sentence to Subsection (15)(a) to correspond more closely to the statute:

> If a [large telecommunications utility, small telecommunications utility, competitive telecommunications provider] does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, the Commission may assess penalties in accordance with ORS 759.450(5)-(7).

Subsections (15)(b)(A) and (b)(B). These subsections specify relief that may be afforded by the Commission to affected customers where service quality violations have occurred. Subsection (15)(b)(A) provides that the Commission may require that customers be provided with an alternative means of telecommunications service for violations of Section (4)(b)(B) regarding held orders for lack of facilities. MCI argues that providing alternative telecommunications service should be deleted because it would impose costs on customers.

The Commission is not persuaded by this argument. In the past, the Commission has required the provision of alternative telecommunications service in instances where service quality problems have occurred. We strongly believe that this remedial option should be available to telecommunications customers where circumstances warrant.

Subsection (15)(b)(B) provides that the Commission may authorize billing credits to customers where service quality violations occur. AT&T states that this provision is difficult to understand and seeks clarification of how billing credits would be applied. In the alternative, AT&T seeks "a more generic way of providing bill credits based upon a Commission determination of what those credits ought to be in relation to the carrier's actual deficiency." Staff does not support deleting the bill credit requirement.

Under Subsection (15)(b)(B), the Commission could grant billing credits equal to the nonrecurring and recurring charges assessed by the carriers for the affected service for the period of the violation. Contrary to AT&T's claim, we do not believe that the billing credit calculation will be particularly difficult. Moreover, we note that billing credits are only one possible remedy under Subsection (15)(b). Other remedies are available if billing credits prove too difficult to determine or apply.

<u>Section (16) – Exemption From These Rules.</u>

Section (16) allows utilities and competitive providers to petition the Commission for exemption from retail service quality requirements by demonstrating that effective competition exists.

<u>Subsection (16)(d).</u> Proposed Subsection (16)(d) is a new provision that allows utilities and competitive providers to petition the Commission for an exemption from service quality reporting requirements if a carrier meets all service quality objective service levels set forth in Sections (4)-(8) for the 12-month period prior to the month in which the petition is filed. The ILECs assert that this is an overly rigorous standard and recommend that it be relaxed so that service standards may be exempted on an individual basis.

Staff opposes the ILEC's recommendation. It states that piecemeal reporting would be difficult to manage and would prevent the disclosure of crucial data the PUC engineering staff requires to monitor the network to ensure adequate service. Staff also notes that piecemeal reporting makes it difficult for customers to compare the service quality provided by different telecommunications carriers.

The Commission agrees that the proposed exemption should not be expanded for the reasons identified by Staff. Although Subsection (16)(d) establishes a high threshold for obtaining an exemption from service quality reporting, we believe ORS 759.450 contemplates such a result. Moreover, we observe that Subsection (16)(d) only provides an exemption from reporting; the necessary measurements must be made by carriers in any case. We are not persuaded that the reporting obligation required by the rule imposes an unreasonable burden on utilities and competitive carriers.

ORDER

IT IS ORDERED that:

1. Oregon Administrative Rules 860-023-0055, 860-032-0012, and 860-034-0390, are amended as set forth in Appendix A of this order.

2 The amended rules shall become effective upon filing with the Secretary of State.

Made, entered and effective DEC 2 1 2005.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

PUBLIC UTILITY COMMISSION OF OREGON

A party 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.

Telecommunications Service Standards

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 with dialing capability to provide retail telecommunications service that connects a customer's service location to the Public Switched Telephone Network;**

(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;

(~~c~~d) "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 large telecommunications utility, including but not limited to, delays caused by:

(A) A vendor in the delivery of equipment, where the large telecommunications utility 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 large telecommunications utility 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 failure 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~~**i**) "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;

(j) "Initial Commitment Date" - ~~A~~ The initial date pledged by the large telecommunications utility 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 large telecommunications utility;

(~~i~~**k**) "Network Interface" - The point of interconnection between the **large** telecommunications ~~carrier~~**utility**'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 **large** telecommunications ~~carrier~~**utility**'s protector;

(~~j~~**l**) "Retail Telecommunications Service" - A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by ~~one~~**a large** telecommunications ~~carrier~~**utility** to another telecommunications ~~carrier~~**utility or competitive telecommunications provider**, unless the ~~carrier~~**telecommunications utility or competitive telecommunications provider** receiving the service is the end user of the service;

(~~k~~**m**) "Tariff" - A schedule showing rates, tolls, and charges that the **large** telecommunications ~~carrier~~**utility** 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~~**n**) "Trouble Report" - A report of a malfunction **that affects the functionality and reliability of retail telecommunications service** on existing **access** lines, **switching equipment,** circuits, or features made up to and including the network interface, to a **large** telecommunications ~~carrier~~**utility** by or on behalf of that **large** telecommunications ~~carrier~~**utility**'s customer;

(~~n~~**o**) "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 ~~p~~**P**ublic ~~s~~**S**witched **Telephone** ~~n~~**N**etwork, including remote switching units and host switching units. A wire center does not include collocation arrangements in a connecting ~~carrier~~**large telecommunications utility**'s wire center or broadband hubs that have no switching equipment.

(2) Measurement and Reporting Requirement**s**. 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 (i.e., 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 apply only to normal operating conditions and do not establish a 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 shall~~**utility must** give a **retail** customer a**n 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. When establishing the initial commitment date, the large telecommunications utility may take into account the actual time required for the customer to meet prerequisites; e.g., 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 a 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 **larger** 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~~**a**n 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~~**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~~**for** the same ~~household~~**access line** ~~shall~~**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~~**should** not be counted;
(I) Trouble with Other **Telecommunications Utilities or Competitive Telecommunications** Provider**s**: 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 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**:**
(A) For wire centers with more than 1,000 access lines: two per 100 working access lines per wire center more than three times during a sliding 12-month period~~;~~**.**
(B) For wire centers with 1,000 or less access lines: three 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) ~~t~~**T**he trouble report rate by wire center**;**
(B) ~~and t~~**T**he ~~specific~~ reason**(s)** a wire center **meeting the standard (did not exceed the trouble report rate threshold 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 the standard, after the exclusion adjustment, exceeded the trouble report rate threshold per 100 access lines during the reporting month; and
(D) The access line count for each wire center.
(d) Retention Requirement: Each ~~reporting~~**large** telecommunications ~~carrier shall~~**utility must** maintain a record of reported trouble in such **a** 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 **the**:
(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~~ **A 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 **(7)**(b) of this ~~section~~**rule**.
(a) Measurement:
(A) ~~The~~ **A large** telecommunications ~~carrier shall~~**utility must** collect traffic data**;** ~~that is~~**i.e.**, 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~~**is** 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**age** of ~~completion of the~~ calls **completed** ~~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);
(B) A **large** telecommunications ~~carrier shall~~**utility must** maintain its switch operation so that 99 percent of ~~all properly dialed~~**the** calls ~~shall~~**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 restoring the P.01 grade of service 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 groups that do ~~if the carrier does~~ not meet the objective service level for trunk group block~~ing~~**age, measured from each of its switches, regardless of the ownership of the terminating switch**~~. 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 telecommunications utility or competitive telecommunications provider, if other than the reporting large telecommunications utility, responsible for maintaining those final trunk groups not meeting the 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** ~~B~~**b**usiness ~~O~~**o**ffice or ~~R~~**r**epair ~~S~~**s**ervice ~~C~~**c**enter 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., when the call leaves the Voice Response Unit;**
(C) Each **large** telecommunications ~~carrier shall~~**utility must** calculate~~,~~**:**
(i) ~~as a~~**The** monthly percentage of the total calls ~~attempted~~**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 received by 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~~.~~**; and**
(B) The large ~~T~~**t**elecommunications ~~carrier~~**utility** representatives ~~shall~~**must** answer at least 8~~5~~**0** 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, electronic outage, cable cut, or construction.
(a) Measurement: A large telecommunications utility must notify the Commission when an interruption occurs that exceeds the following thresholds:

(A) Cable cuts, excluding service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.
(B) Toll or Extended Area Service isolation lasting longer than 30 minutes and affecting 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 15 minutes.
(E) Outage of the business office or repair center access system lasting longer than 15 minutes in those instances where the traffic cannot 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. Interim reports will be given to the Commission 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 is restored.
(d) Retention Requirement: None.
(~~9~~**10**) 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.
(1~~0~~**1**) 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**s** 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;**~~
(~~B~~**A**) Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts ~~shall~~**must** receive dial tone within three seconds;
(~~C~~**B**) 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.
(1~~1~~**2**) 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.
(1~~2~~**3**) **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.
(1~~3~~**4**) 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.
(1~~4~~**5**) Remedies for Violation of ~~t~~**T**his Standard~~:~~**.**
(a) If ~~the Commission believes that~~ a **large** telecommunications ~~carrier~~**utility** subject to this rule ~~has~~**fails to meet a minimum** ~~violated one or more of its~~ service **quality** standard~~s~~, 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 as provided in ORS 759.450(5)~~; **If a large telecommunications utility does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, the Commission may assess penalties in accordance with ORS 759.450(5) through (7).**
(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 **paragraph**~~section~~ (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.

(1~~5~~**6**) Exemption ~~f~~**F**rom ~~t~~**T**hese ~~r~~**R**ules.

(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 exchange**(s)**, it may exempt all telecommunications ~~carriers~~**utilities and competitive telecommunications providers** providing telecommunications services in th**e**~~ose~~ exchange**(s)** 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**(s)**~~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;

(~~E~~**F**) **Price** to cost ratios;

~~(G) Number of suppliers;~~

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

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

(c) When a **large** telecommunications ~~carrier~~**utility** petitions the Commission for exemption under this provision, the Commission ~~shall~~**must** provide notice of the petition to all relevant telecommunications ~~carriers~~**utilities and competitive telecommunications providers** providing the applicable service(s) in the exchange(s) in question. **The Commission will provide s**~~S~~uch notified telecommunications ~~carriers~~**utilities and competitive telecommunications providers** ~~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 **paragraphs**~~Sections~~ (1~~5~~**6**)(b)~~(A)-(H)~~**(A) through (H)**, the commenting telecommunications ~~carriers~~**utilities and competitive telecommunications providers** 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 **No.** 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)

860-032-0012

Retail Telecommunications Service Standards for Competitive Telecommunications Providers

Every **large** telecommunications utility, as defined in **OAR 860-023-0001(2),**~~**ORS 759.005 that is not partially exempt from regulation under ORS 759.040,**~~ **must**~~**shall**~~ adhere to the standards in OAR 860-023-0055. Every **small** telecommunications utility, as defined in ~~**ORS 759.005**~~**OAR 860-034-0010(3)(a)** ~~and partially exempt from regulation under ORS 759.040,~~ **must**~~**shall**~~ adhere to the standards in OAR 860-034-0390. Every competitive ~~**local exchange carrier**~~**telecommunications provider,** as defined in **ORS 759.005(2)(a)**~~**section (1)(l) of this rule**~~, **that maintains more that 1,000 access lines on a statewide basis,** ~~shall~~ **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 with dialing capability to provide retail telecommunications service that connects a customer's service location to the Public Switched Telephone Network;**

(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;

(~~**e**~~**d**) "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 competitive telecommunications provider, including but not limited to, delays caused by:

(A) A vendor in the delivery of equipment, where the competitive telecommunications provider 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 competitive telecommunications provider 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 failure 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~~**i**) "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;
(j) "Initial Commitment Date" - The initial date pledged by the competitive telecommunications provider 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 competitive telecommunications provider;
(~~i~~**k**) "Network Interface" - The point of interconnection between the **competitive telecommunications provider's** ~~telecommunicationscarrier'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 **competitive telecommunications provider's** ~~telecommunications carrier's~~ protector;
(~~j~~**l**) "Retail Telecommunications Service" - A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by ~~one~~**a** **competitive telecommunications provider** to another **competitive telecommunications provider or** telecommunications ~~carrier~~**utility**, unless the **competitive telecommunications provider or** telecommunications ~~carrier~~**utility** receiving the service is the end user of the service;
(m) "Service Area" - The entire geographic area the Commission has certified a competitive telecommunications provider to serve. A competitive telecommunications provider may petition the Commission to designate a different geographic area as its service quality reporting area.
(~~k~~**n**) "Tariff" - A schedule showing rates, tolls, and charges that the **competitive telecommunications provider**~~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~~**o**) "Trouble Report" - A report of a malfunction **that affects the functionality and reliability of retail telecommunications service** on existing **access** lines, **switching equipment**, circuits, or features made up to and including the network interface, to a **competitive telecommunications provider**~~telecommunications carrier~~ by or on behalf of that **competitive**

telecommunications provider's ~~telecommunications carrier's~~ customer**, which affects the functionality and reliability of retail telecommunications service**;
(~~n~~**p**) "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 ~~p~~**P**ublic ~~s~~**S**witched **Telephone** ~~n~~**N**etwork, including remote switching units and host switching units. A wire center does not include collocation arrangements in a connecting **competitive telecommunications provider's**~~telecommunications carrier's~~ wire center or broadband hubs that have no switching equipment.
(2) Measurement and Reporting Requirement**s**. A **competitive telecommunications provider**~~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 (i.e., 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 apply only to normal operating conditions and do not establish a 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 a**n 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 only if requested by the customer. When establishing the initial commitment date, the competitive telecommunications provider may take into account the actual time required for the customer to meet prerequisites; e.g., line extension charges or trench and conduit requirements. If**~~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~~ **competitive telecommunications provider or telecommunications utility may** be excluded from the calculation of the "commitments met" results;

(B) Held Orders **for Lack of Facilities** - A **competitive** telecommunications ~~carrier shall~~**provider 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 **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 ~~telecommunications carrier's Oregon service territory~~**entire Oregon geographic area served by the competitive telecommunications provider**, or five held orders **for lack of facilities** per 1,000 inward orders~~;~~ **and**
(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 ~~telecommunications carrier's Oregon service territory~~**entire Oregon geographic area served by the competitive telecommunications provider**.
(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** ~~A~~**a**n 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~~**the 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~~**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~~**for** the same ~~household~~**access line** ~~shall~~**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~~**should** not be counted;
(I) Trouble with Other **Competitive Telecommunications** Provider**s or Telecommunications Utilities**: A trouble report caused **solely** by another ~~carrier~~**competitive telecommunications provider or telecommunications utility**;
(J) ~~Weather~~**Lightning Strikes**: ~~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~~**competitive telecommunications provider,** 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**:**
(A) For wire centers, or designated service areas with more than 1,000 access lines: two per 100 working access lines per wire center**, or designated service area,** more than three times during a sliding 12-month period~~;~~**.**
(B) For wire centers, or designated service area, with 1,000 or less access lines: three 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) ~~t~~**T**he trouble report rate by wire center**, or designated service area;**
(B) ~~and t~~**T**he ~~specific~~ reason**(s)** a wire center**, or designated service area, meeting the standard (did not exceed the trouble report rate threshold 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, or designated service area, not meeting the standard, after the exclusion adjustment, exceeded the trouble report rate threshold per 100 access lines during the reporting month; and
(D) The access line count for each wire center, or designated service area.
(d) Retention Requirement: Each ~~reporting~~**competitive** telecommunications ~~carrier shall~~**provider must** maintain a record of reported trouble in such **a** 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 **the**:
(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~~**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 competitive telecommunications provider or telecommunications utility 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 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 **(7)**(b) of this ~~section~~**rule**.
(a) Measurement:

(A) ~~The~~**A** **competitive** telecommunications ~~carrier shall~~**provider must** collect traffic data; ~~that is~~**i.e.**, 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~~**is** 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**age** of ~~completion of the~~ calls **completed** ~~shall~~**must** be calculated.
(b) Objective Service Level:
(A) A **competitive** telecommunications ~~carrier shall~~**provider 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 **competitive** telecommunications ~~carrier shall~~**provider must** maintain its switch operation so that 99 percent of ~~all properly dialed~~**the** calls ~~shall~~**do** not experience block~~ing~~**age** 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 restoring the P.01 grade of service 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 groups that do ~~if the carrier does~~ not meet the objective service level for trunk group block~~ing~~**age, measured from each of its switches, regardless of the ownership of the terminating switch**~~. 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 competitive telecommunications provider, responsible for maintaining those final trunk groups not meeting the 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** business office or repair service 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., when the call leaves the Voice Response Unit;**
(C) Each **competitive** telecommunications ~~carrier shall~~**provider must** calculate~~,~~**:**
(i) ~~as a~~**The** monthly percentage of the total calls ~~attempted~~**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 received by 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~~**t**elecommunications ~~carrier~~**provider** representatives ~~shall~~**must** answer at least 8~~5~~**0** 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 telecommunications provider must report significant outages that affect customer service. These interruptions could be caused by switch outage, electronic outage, cable cut, or construction.
(a) Measurement: A competitive telecommunications provider must notify the Commission when an interruption occurs that exceeds any of the following thresholds:
(A) Cable cuts, excluding service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.
(B) Toll or Extended Area Service isolation lasting longer than 30 minutes and affecting 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 15 minutes.
(E) Outage of the business office or repair center access system lasting longer than 15 minutes in those instances where the traffic cannot 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. Interim reports will be given to the Commission 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 is restored.
(d) Retention Requirement: None.
(~~9~~**10**) 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 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);**and**
(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.
(1~~0~~**1**) 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**s** 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 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;**~~
(~~B~~**A**) Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts ~~shall~~**must** receive dial tone within three seconds;**and**
(~~C~~**B**) A **competitive** telecommunications ~~carrier shall~~**provider 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.
(1~~1~~**2**) 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.
(1~~2~~**3**) **Competitive** Telecommunications ~~Carrier~~**Provider** Interconnectivity. A **competitive** telecommunications ~~carrier~~**provider** connected to the facilities of another **competitive** telecommunications ~~carrier shall~~**provider or telecommunications utility 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.
(1~~3~~**4**) Alternatives to ~~t~~**T**hese 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.
(14~~4~~**5**) Remedies for Violation of ~~t~~**T**his Standard~~:~~**.**
(a) If ~~the Commission believes that~~ a **competitive** telecommunications ~~carrier~~**provider** subject to this rule ~~has~~**fails to meet a minimum** ~~violated one or more of its~~ **service quality** standard~~s~~, the Commission ~~shall~~**must** require the **competitive telecommunications 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 as provided in ORS 759.450(5);~~ **If a competitive telecommunications provider does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, the Commission may assess penalties in accordance with ORS 759.450(5) through (7).**
(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a **competitive** telecommunications ~~carrier~~**provider** subject to this rule has violated one or more of its service standards, the Commission ~~shall~~**must** give the **competitive** telecommunications ~~carrier~~**provider** notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the **competitive** telecommunications ~~carrier~~**provider** to provide the following relief to the affected customers:
(A) An alternative means of telecommunications service for violations of **paragraph**~~section~~ (4)(b)(B) of this ~~standard~~**rule**;
(B) Customer billing credits equal to the associated non-recurring and recurring charges of the **competitive** telecommunications ~~carrier~~**provider** for the affected service for the period of the violation; and
(C) Other relief authorized by Oregon law.
(1~~5~~**6**) Exemption From These ~~r~~**R**ules.
(a) A **competitive** telecommunications ~~carrier~~**provider** 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 exchange**(s)**, 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 exchange~~**(s)**;
(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~~**e.g.**, customer perceptions of competitors as viable alternatives); and
(H) Any other factors deemed relevant by the Commission.
(c) When a **competitive** telecommunications ~~carrier~~**provider** 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 ~~carriers~~**utilities** providing the applicable service(s) in the exchange(s) in question. **The Commission will provide s**~~S~~uch notified **competitive telecommunications providers and** telecommunications ~~carriers~~**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 **paragraphs**~~Sections~~ (1~~5~~**6**)(b)~~(A)-(H)~~**(A) through H)**, the commenting **competitive telecommunications provider or** telecommunications ~~carrier~~**utilities** 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, 759.035, 759.240 & 759.450
Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order **No.** 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)

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 with dialing capability to provide retail telecommunications service that connects a customer's service location to the Public Switched Telephone Network;**
(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) "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~~**d**) "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~~**e**) "Exchange" - Geographic area defined by maps filed with and approved by the Commission for the provision of local exchange telecommunications service;
(~~g~~**f**) "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;
(g) "Force Majeure"- Circumstances beyond the reasonable control of a small telecommunications utility, including but not limited to, delays caused by:
(A) A vendor in the delivery of equipment, where the small telecommunications utility 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 small telecommunications utility 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 failure 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 small telecommunications utility 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 small telecommunications utility;
(~~i~~j) "Network Interface" - The point of interconnection between the **small** telecommunications ~~**carrier**~~**utility provider**'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 **small** telecommunications ~~**carrier**~~**utility**'s protector;
(~~j~~**k**) "Retail Telecommunications Service" - A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by ~~**one**~~**a small** telecommunications ~~**carrier**~~**utility** to another telecommunications ~~**carrier**~~**utility or competitive telecommunications provider**, unless the ~~**carrier**~~**telecommunications utility or competitive telecommunications provider** receiving the service is the end user of the service;
(~~k~~**l**) "Tariff" - A schedule showing rates, tolls, and charges that the **small** telecommunications ~~**carrier**~~**utility** 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 **that affects the functionality and reliability of retail telecommunications service** on existing **access** lines, **switching equipment,** circuits, or features made up to and including the network interface, to a **small** telecommunications ~~**carrier**~~**utility** by or on behalf of that **small** telecommunications ~~**carrier**~~**utility**'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**~~**equipment that** provides access to the ~~**p**~~**P**ublic ~~**s**~~**S**witched **Telephone** ~~**n**~~**N**etwork, including remote switching units and host switching units. A wire center does not include collocation arrangements in a connecting **small** ~~**carrier**~~**telecommunications utility**'s wire center or broadband hubs that have no switching equipment.
(2) Measurement and Reporting Requirement**s**. 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 must be reported to the first significant digit (i.e., one number should be reported to the right of the decimal point).** A 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 apply only to normal operating conditions and do not establish a 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 **small** telecommunications ~~carriershall~~ **utility must** give a **retail** customer a**n 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 date only if requested by the customer. When establishing the initial commitment date, the small telecommunications utility may take into account the actual time required for the customer to meet prerequisites; e.g., line extension charges or trench and conduit requirements. If**~~Once~~ a request for service becomes a held order **for lack of facilities**, 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 ~~carriershall~~ **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~~**telecommunications utility or competitive telecommunications provider** ~~shall~~**may** be excluded from the calculation of the "commitments met" results;
(B) Held Orders **for Lack of Facilities** - A **small** telecommunications ~~carriershall~~ **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 **small** telecommunications ~~carriershall~~ **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 **small** telecommunications ~~carriershall~~ **utility 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;**and**
(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 ~~carriershall~~ **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~~**small** telecommunications ~~carriershall~~ **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 **small** telecommunications ~~carriershall~~ **utility must** maintain an accurate record of all reports of malfunction made by its customers.
(a) Measurement: A **small** telecommunications ~~carriershall~~ **utility must** determine the number of customer trouble reports that were received during the month. The **small** telecommunications ~~carriershall~~ **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: **A small 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~~**small telecommunications utility** or a ~~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, ~~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~~**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~~**for** the same ~~household~~**access line** ~~shall~~**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~~**should** not be counted;
(I) Trouble with Other **Telecommunications Utilities or Competitive Telecommunications** Provider**s**: 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 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 ~~carriershall~~ **utility must** maintain service so that the monthly trouble report rate**, after approved trouble report exclusions,** does not exceed**:**
(A) For wire centers with more than 1,000 access lines: two per 100 working access lines per wire center more than three times during a sliding 12-month period~~;~~**.**
(B) For wire centers with 1,000 or less access lines: three 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 ~~carriershall~~ **utility must** report monthly to the Commission:
(A) ~~t~~**T**he trouble report rate by wire center**;**
(B) ~~and t~~**T**he ~~specific~~ reason**(s)** a wire center **meeting the standard (did not exceed the trouble report rate threshold 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 the standard, after the exclusion adjustment, exceeded the trouble report rate threshold per 100 access lines during the reporting month; and
(D) The access line count for each wire center.
(d) Retention Requirement: Each ~~reporting~~**small** telecommunications ~~carriershall~~ **utility must** maintain a record of reported trouble in such **a** manner that it can be forwarded to the Commission upon the Commission's request. The **small** telecommunications ~~carriershall~~ **utility must** keep all records for a period of one year. The record of reported trouble ~~shall~~**must** contain as a minimum **the**:
(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 ~~carrier~~**small telecommunications utility** ~~shall~~**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 ~~carriershall~~ **utility must** calculate the percentage of trouble reports cleared within 48 hours for each repair center~~;~~**.**
(b) Objective Service Level: A **small** telecommunications ~~carriershall~~ **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 ~~carriershall~~ **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 ~~carriershall~~ **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~~ingage~~**age** or equipment irregularities in excess of levels listed in subsection **(7)**(b) of this ~~section~~**rule**.
(a) Measurement:
(A) ~~The~~**A** **small** telecommunications ~~carriershall~~ **utility must** collect traffic data; ~~that is~~**i.e.**, 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~~**is** determined by special testing at the wire center. ~~PUC~~**Commission** Staff or a ~~carrier~~**small 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**age** of ~~completion of the~~ calls **completed** ~~shall~~**must** be calculated.
(b) Objective Service Level:
(A) A **small** telecommunications ~~carriershall~~ **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 **small** telecommunications ~~carriershall~~ **utility must** maintain its switch operation so that 99 percent of ~~all properly dialed~~**the** calls ~~shall~~**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 restoring the P.01 grade of service will be considered a continuation of the original blockage.
(c) Reporting Requirement: Each ~~reporting~~**small** telecommunications ~~carriershall~~ **utility must** report **monthly** to the Commission**:**
(A) Local and extended area service (EAS) final trunk groups that do ~~if the carrier does~~ not meet the objective service level for trunk group block~~ing~~**age, measured from each of its switches, regardless of the ownership of the terminating switch**~~. 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 telecommunications utility or competitive telecommunications provider, if other than the reporting small telecommunications utility, responsible for maintaining those final trunk groups not meeting the standard.

(d) Retention Requirement: Each ~~reporting~~**small** telecommunications ~~carriershall~~ **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, electronic outage, cable cut, or construction.

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

(A) Cable cuts, excluding service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.

(B) Toll or Extended Area Service isolation lasting longer than 30 minutes and affecting 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 15 minutes.

(E) Outage of the business office or repair center access system lasting longer than 15 minutes in those instances where the traffic cannot 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. Interim reports will be given to the Commission 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 is restored.

(d) Retention Requirement: None.

(~~9~~**10**) 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 **small** telecommunications ~~carriershall~~ **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);**and**

(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 **small** telecommunications ~~carriershall~~ **utility must** report measurement readings as directed by the Commission~~;~~**.**
(d) Retention Requirement: None.
(1~~0~~**1**) 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**s** 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 ~~carriershall~~ **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;~~
(~~B~~**A**) Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts ~~shall~~**must** receive dial tone within three seconds**; and**
(~~C~~**B**) A **small** telecommunications ~~carriershall~~ **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.
(1~~1~~**2**) 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.
(1~~2~~**3**) **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 ~~carriershall~~ **utility must** report interconnection operational problems promptly to the Commission.
(1~~3~~**4**) 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.
(1~~4~~**5**) Remedies for Violation of ~~t~~**T**his Standard~~:~~**.**
(a) If ~~the Commission believes that~~ a **small** telecommunications ~~carrier~~**utility** subject to this rule ~~has~~ **fails to meet a minimum** ~~violated one or more of its~~ **service** **quality** standard~~s~~, the Commission ~~shall~~**must** require the **small** 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 as provided in ORS 759.450(5)~~; **If a**

small telecommunications utility does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, the Commission may assess penalties in accordance with ORS 759.450(5) through (7).
(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a **small** telecommunications ~~carrier~~**utility** subject to this rule has violated one or more of its service standards, the Commission ~~shall~~**must** give the **small** telecommunications ~~carrier~~**utility** notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the **small** telecommunications ~~carrier~~**utility** to provide the following relief to the affected customers:
(A) An alternative means of telecommunications service for violations of **paragraph**~~section~~ (4)(b)(B) of this ~~standard~~**rule**;
(B) Customer billing credits equal to the associated non-recurring and recurring charges of the **small** telecommunications ~~carrier~~**utility** for the affected service for the period of the violation; and
(C) Other relief authorized by Oregon law.
(1~~5~~**6**) Exemption ~~f~~**F**rom ~~t~~**T**hese ~~r~~**R**ules.
(a) A **small** 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 exchange**(s)**, it may exempt all telecommunications ~~carriers~~**utilities or competitive telecommunications providers** providing telecommunications services in th**e**~~ose~~ exchange**(s)** 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**(s)**~~ 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~~**e.g.**, 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 telecommunications ~~carriers~~**utilities and competitive telecommunications providers** providing the applicable service(s) in the exchange(s) in question. **The Commission will provide s**~~S~~uch notified **small** telecommunications ~~carrier~~**utilities and competitive telecommunications providers** ~~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 **paragraphs**~~Sections~~ (1~~5~~**6**)(b)~~(A)-(H)~~**(A) through (H)**, the commenting telecommunications ~~carriers~~**utilities and competitive telecommunications providers** 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
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