

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 508

In the Matter of)	
)	ORDER
A Rulemaking to Amend)	
OAR 860-023-0054(3)(b)(B) Intrastate)	
Toll Service Provider Blockage.)	

DISPOSITION: RULE AMENDED

On August 15, 2006, the Commission filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. Notice was provided to certain legislators specified in ORS 183.335(1)(d) on August 15, 2006, and to all interested persons on the service lists maintained pursuant to OAR 860-011-0001 on August 30, 2006. Notice of the rulemaking was published in the *Oregon Bulletin* on September 1, 2006. No hearing was requested, and no one filed comments.

Discussion

This rule amendment corrects an inadvertent omission of the word “not” in OAR 860-023-0054 previously adopted by the Commission on December 15, 2005, in its Order No. 05-1259 in docket AR 493 and filed with the Secretary of State on December 23, 2005. It was intended that the first sentence of paragraph B of OAR 860-023-0054(3)(b) read, “An intrastate toll service provider must maintain its network operation so that 99 percent of the calls do *not* experience blockage during any normal busy hour.” (Emphasis added.)

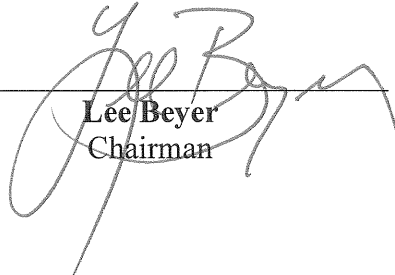
We have reviewed the proposed amendment and find that it should be adopted. The amended rule becomes effective upon filing with the Secretary of State.

ORDER

IT IS ORDERED that:

- 1. The modification to Oregon Administrative Rule 860-023-0054, as set forth in Appendix A, is adopted.
- 2. The amended rule is effective upon filing with the Secretary of State.

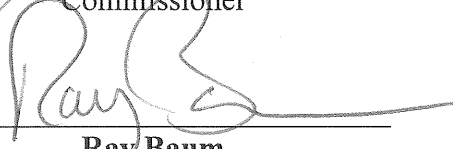
Made, entered, and effective OCT 09 2006.



Lee Beyer
 Chairman



John Savage
 Commissioner



Ray Baum
 Commissioner



A person may petition the Commission for 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

860-023-0054

Retail Intrastate Toll Service Provider Service Standards

Every intrastate toll service provider must adhere to the following standards:

(1) **Measurement and Reporting Requirement.** Each intrastate toll service provider must take the measurements required by this rule and report them to the Commission as specified.

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

(3) **Blocked Calls.** An intrastate toll service provider must engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of all properly dialed calls made during the average busy season busy hour without encountering blockage or equipment irregularities in excess of the Commission-approved service levels listed in subsection (b) of this section, or alternatively, provide the level of service specified by the intrastate toll service provider in accordance with ORS 759.020(6).

(a) **Measurement:**

(A) An intrastate toll service provider must collect traffic data; that is, peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate blockage levels of the interoffice final trunk groups;

(B) System blockage will be determined by special testing at the wire center.

Commission Staff or a carrier technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percent of completion of the calls shall be calculated.

(b) **Commission-Approved Service Level:**

(A) An intrastate toll service provider must maintain interoffice final trunk groups to allow 99 percent completion of calls during the average busy season busy hour without blockage (P01 grade of service);

(B) An intrastate toll service provider must maintain its network operation so that 99 percent of the calls do not experience blockage during any normal busy hour. If a final trunk group provisioned by an intrastate toll service provider exceeds the blockage standard specified herein for four consecutive months, the trunk group will be considered in violation of this standard.

(c) **Reporting Requirement:** In accordance with ORS 759.020(6), each intrastate toll service provider must inform customers of the service level furnished by the carrier. Each provider must also identify the service level it plans to furnish in its annual report filed with the Commission. An intrastate toll service provider must file a switching system blockage report after a Commission-directed switching-system blockage test is completed.

(d) **Retention Requirement:** Each intrastate toll service provider must maintain records for one year.

(4) **Special Service Lines.** All special service access lines must meet the performance requirements specified in applicable intrastate toll service provider tariffs or contracts.

(5) An intrastate toll service provider connected to the facilities of other telecommunications carriers as defined in ORS 759.400(3) shall operate its system in a manner that will not impede a telecommunications carrier's or intrastate toll service provider's ability to meet required standards of service. A telecommunications carrier or intrastate toll service provider shall report interconnection operational problems promptly to the Commission.

(6) Alternatives to These Telecommunications Standards. An intrastate toll service 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.

(7) Remedies for Violation of This Standard:

(a) If a telecommunications carrier subject to this rule violates one or more of its service standards, the Commission must require the intrastate toll service provider to submit a plan for improving performance as provided in ORS 759.450(5). If an intrastate toll carrier does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, penalties may be assessed 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 an intrastate toll service provider subject to this rule has violated one or more of its service standards, the Commission shall give the intrastate toll service provider notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the intrastate toll service provider to provide the following relief to the affected customers:

(A) Customer billing credits equal to the associated nonrecurring and recurring charges of the intrastate toll service provider for the affected service for the period of the violation;

or

(B) Other relief authorized by Oregon law.

(8) Exemption from these rules:

(a) An intrastate toll service 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, it may exempt all telecommunications carriers providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission must consider:

(A) The extent to which the service is available from alternative providers in the relevant 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) Price to cost ratios;

(F) Number of suppliers;

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

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

(c) When a telecommunications carrier or intrastate toll service provider petitions the Commission for exemption under this provision, the Commission must provide notice of the petition to all relevant telecommunications carriers providing the applicable service(s) in the exchange(s) in question. Such notified telecommunications carriers will be provided an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission's analysis outlined above in Section 8(b)(A) through (H), the commenting telecommunications carrier be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(d) For purposes of this rule, if a final trunk group provisioned by an intrastate toll provider exceeds the blockage standard specified by the provider for four consecutive months, that trunk group will be considered in violation of the provider's service standard.

[Publications: Publications referenced are available from the agency.]

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

Stats. Implemented: ORS 756.040, ORS 759.020, ORS 759.030, ORS 759.050 & ORS 759.450

Hist.: PUC 9-2005, f & ef. 12-23-05 (Order No. 05-1259)