

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1352

In the Matter of)	
)	
CITIZENS TELECOMMUNICATIONS)	ORDER
COMPANY OF OREGON, dba FRONTIER)	
COMMUNICATIONS OF OREGON)	
)	
Petition For Exemption From Certain Service)	
Quality Reporting Requirements as Allowed)	
Under OAR 860-034-0390.)	

DISPOSITION: PETITION GRANTED

At its Public Meeting on November 8, 2007, the Public Utility Commission of Oregon (Commission) adopted Staff's recommendation to grant Citizens Telecommunications Company of Oregon, dba Frontier Communications of Oregon's petition requesting an exemption from the monthly service quality reporting requirements (SQR). OAR 860-034-0390(16)(d) authorizes the Commission to grant an exemption from the SQR for any Small Telecommunications Utility who meets or exceeds the service quality standards for the twelve successive months immediately preceding the filing of the petition.

Staff's recommendation is attached as Appendix A and is incorporated by reference.

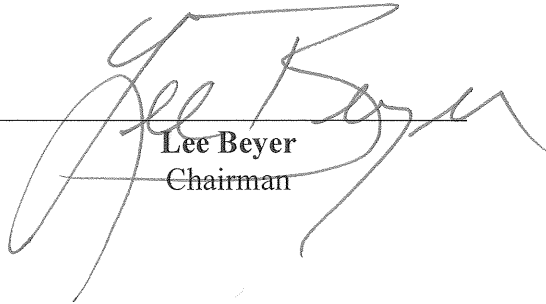
ORDER

IT IS ORDERED that:


1. Frontier Communications of Oregon's petition for exemption of service quality reporting requirements is granted.

2. The Public Utility Commission of Oregon reserves the right to revoke the exemption should a staff investigation reveal poor Frontier Communications of Oregon network performance.

Made, entered, and effective NOV 15 2007.



Lee Beyer
Chairman



John Savage
Commissioner



Ray Baum
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 8, 2007

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: October 29, 2007

TO: Public Utility Commission

FROM: Rick Carter *RC*
lis *DB* *WLS*

THROUGH: Lee Sparling, Dave Booth and Dave Sloan

SUBJECT: CITIZENS TELECOMMUNICATIONS COMPANY OF OREGON dba FRONTIER COMMUNICATIONS OF OREGON: (Docket No. UM 1352)
Petition for exemption from filing certain service quality reports in accordance with the provisions of OAR 860-034-0390(16)(d).

STAFF RECOMMENDATION:

Staff recommends the Commission grant the petition for exemption from certain service quality reporting requirements filed by Citizens Telecommunications Company of Oregon, dba Frontier Communications of Oregon, hereafter Frontier, but expressly reserve the authority to revoke the exemption for cause as further explained in this staff memo.

DISCUSSION:

On October 8, 2007, Frontier filed a petition pursuant to Oregon Administrative Rule (OAR) 860-034-0390(16) requesting exemption from the rule's monthly service quality reporting requirement (SQR).¹ Frontier qualifies as a small telecommunications utility under Oregon Revised Statute (ORS) 759.040.

In 2005, staff initiated Docket AR 492² to update and modify the service quality rules found in OAR 860-023-0055, 860-032-0012 and 860-034-0390, as applied to: Large Telecommunications Utilities, Competitive Telecommunications Providers, and Small Telecommunications Utilities (STU), respectively.

¹ SQRs are routinely posted to the Commission's website. The website, and specific Small Telecommunications Utility service quality information page, can be found at: <http://www.puc.state.or.us/PUC/telecom/squality/small/index.shtml>

² Order 05-1260 was signed 12/21/2005.

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These rules govern reporting requirements, service standards, service objective levels, and the retention of records for quality of service performance indicators. Importantly, OAR 860-034-0390(16)(d) authorizes the Commission to grant an exemption from the SQR reporting requirements for any STU who meets or exceeds the service quality standards for the twelve successive months immediately preceding the filing of the petition.

Staff notes that granting an exemption request under the rule does not vacate Frontier's continuing requirement to measure service quality metrics, gather information and retain a complete record of service quality data. Frontier's request, if granted, would only exempt Frontier from submitting the SQR to the Commission on a monthly basis.

SERVICE QUALITY REPORTING EXEMPTION REQUIREMENTS MET

Staff has reviewed the petition and concludes that Frontier has met or exceeded the service quality objectives within the study period of September 2006 to August 2007 as required by OAR 860-034-0390(16)(d).

Frontier has achieved the objective service levels found in OAR 860-034-0390(4)-(7):

- OAR 860-034-0390(4)- Provisioning, Held Orders and Held Orders over 30 days, Due to Lack of Facilities,
- OAR 860-034-0390(5)- Trouble Reports,
- OAR 860-034-0390(6)- Repair Clearing Time, and
- OAR 860-034-0390(7)- Blocked Calls.³

Additionally, staff has reviewed Consumer Services Division's complaint archive for Frontier and has found no complaints relating to service quality or a network performance issue within the study period. Staff further notes that Frontier is exempt from OAR 860-034-0390(8)-"Access to Representative in the Sales (Business) Office and Repair Centers," by Legislative action.

³ The Blocking report does not appear on the SQR posted to the OPUC website. Respondents are only required to submit data when they fail to meet the threshold of greater than 1% blocking in the final trunk group, during the normal busy hour.

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POTENTIAL REPORTING RESUMPTION CONDITIONS

In its Order granting the petition staff recommends the Commission include a statement that it may revoke the exemption if a staff investigation shows poor Frontier network performance.⁴ Staff, with Commission authorization, would initiate such an inquiry on the basis of, but not limited to, the following network performance concerns.

- The filing of complaints, by existing service patrons or potential subscribers, lodged with the Commission's Consumer Services Division, against Frontier regarding:
 - Service Denial: Due to Lack of Network Facilities (Held Orders and Held Orders over 30 Days, Due to Lack of Facilities),
 - Multiple Network Trouble Reports (resulting from a single cause or equipment failure on a repetitive basis), Repeat Trouble Reports, or a significant volume of Trouble Report complaints centered in one exchange or wire center, or both, which can be analyzed and calculated to be above the service quality standard based on the wire center size and the appropriate objective service level⁵ (Trouble Report Rate),
 - Lack of Responsiveness to Service Concerns, delayed service interruption resolution (Trouble Reports Cleared within 48 hours),
 - A Company's inability to meet its Service Commitments, due to, but not limited to, a lack of workforce (Commitments Met/Provisioning).
- Complaint(s) lodged by connecting Carrier(s), alleging Frontier is at fault in its network management of traffic volumes resulting in intermittent or repetitive Blocking incidents, or both.

⁴ 860-034-0380, "Maintenance of Plant and Equipment by Small Telecommunications Utilities: Each small telecommunications utility shall have and maintain its entire plant and system in such condition that it will furnish safe, adequate, and reasonably continuous service. Each small telecommunications utility shall inspect its plant distribution system and facilities in such manner and with such frequency as may be needed to ensure a reasonably complete knowledge about their condition and adequacy at all times. The small telecommunications utility shall keep such records of the conditions found as the utility considers necessary to properly maintain its system, unless in special cases the Commission requires a more complete record."

⁵ OAR 860-034-0390(5)(b), Objective Service Level: A small telecommunications 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.

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The examples illustrated above, or other service anomalies brought to the Commission's attention, would have to be contributing factors within reasonable control of Frontier, readily identifiable, confirmed and quantified through data gathering and field analysis, as deemed appropriate. Additionally, staff recommends that the Commission not initiate any investigation against Frontier, for the purpose of resuming service quality reporting, based on billing issues or claims that an account is in arrears for non-payment, which could include a disconnection or termination of a customer's service.

PROPOSED COMMISSION MOTION:

Frontier's petition for exemption from monthly service quality reporting requirements be approved with the caveat that the Commission may revoke the exemption for poor Frontier network performance.

Frontier Communications –Service Quality Report (SQR) Reporting Exemption