

ENTERED OCT 23 2018

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1961

In the Matter of

XO COMMUNICATIONS SERVICES, LLC,

Service Quality Performance Plan for Access
to Competitive Telecommunications Provider
Representatives.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on October 23, 2018, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



A handwritten signature in blue ink, appearing to read "Michael Grant", is written over a horizontal line.

Michael Grant
Chief Administrative Law Judge

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

ORDER NO. **18 416**
ITEM NO. CA3

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 23, 2018**

REGULAR _____ CONSENT X EFFECTIVE DATE Upon Approval

DATE: October 8, 2018

TO: Public Utility Commission

FROM: Malia Brock *MB*

THROUGH: *JE* Jason Eisdorfer, *BC* Bryan Conway, and *JB* Bruce Hellebuyck

SUBJECT: XO COMMUNICATIONS SERVICES, LLC.: (Docket No. UM 1961)
Service Quality Performance Plan, Commission Review and
Determination.

STAFF RECOMMENDATION:

Staff recommends that the Oregon Public Utility Commission (OPUC or Commission) approve the Service Quality Performance Plan (Performance Plan) filed by XO Communications Services, LLC. (XO or Company) with the performance review period to begin November 1, 2018, and end April 30, 2019, allowing the Company until June 15, 2019, to report its results for April, 2019.

DISCUSSION:

Issue

Whether the Commission should approve XO's Performance Plan describing how the Company will bring its performance for access to the repair representative's retail service quality metric into compliance within six months.

Applicable Law

The Commission establishes minimum service quality standards to ensure safe and adequate services for all telecommunications carriers pursuant to Oregon Revised Statute (ORS) 759.450. Under Section (5) of this statute, the Commission is required to direct a telecommunications carrier, utility or competitive provider that is not meeting the minimum service quality standards to submit a plan for improving performance to meet

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the standards. The Commission is further required to review and approve or disapprove the plan.

Oregon Administrative Rule (OAR) 860-032-0012 provides the statutorily required retail service quality standards for competitive telecommunications providers and also mirrors much of the relevant statute ORS 759.450. The relevant standard is:

Access to Competitive Telecommunications Provider Representatives--
Per OAR 860-032-0012(8), 80 percent of calls to the business office or repair service center must be answered within 20 seconds or measure an average speed of answer time of 50 seconds or less.

XO has opted to measure the average speed of answer time.

At the public meeting on July 31, 2018, the Commission required XO to submit a plan to improve access to repair representatives.¹

Analysis

Background

XO timely filed its Performance Plan on September 14, 2018.

Staff notes that the Company, in its Performance Plan, states that it provides competitive services, provisioned to large, multi-national customers under multi-jurisdictional agreements that do not include basic local exchange service lines offered to residential customers.

XO's plan to improve service quality metrics for access to repair representatives includes customer education efforts to use XO's secure portal, "my XO" and the Company will offer a call back option to customers. As XO has national call centers, these options will be applied to all XO customers. Additionally, XO has identified alternate Verizon call centers with capacity and shorter hold interval times to accept XO overflow calls.

The Required Commission Performance Plan Review

Staff finds that XO has submitted a Performance Plan that may result in remedying the retail service quality standard deficiencies. The Company provides enough information to indicate that it has taken steps and has plans that have the potential to return its service quality metric results to meeting Commission established standards.

¹ Commission Order No. 18-283, Docket No. UM 1961.

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While the Performance Plan is intended to remedy compliance for access to repair center representatives, Staff will continue to monitor all other metrics during the Performance Plan review period and take any necessary action to remedy deficiencies.

Performance Plan Review Period Considerations

The Performance Plan provides a plan to meet the Commission's minimum service quality standards for access to repair representatives. The success or failure of the plan will be evaluated with compliance as the goal.

Because the service quality performance results have a significant consequence, the timeframe for measurement of the Company's results should be established. All companies are allowed to report monthly service quality results up to forty-five days after the end of each data-month. For example, the April data-month is due on June 15th. As a result of the data-month reporting delay, the statutorily required six-month Performance Plan time frame for the Company to remediate its service quality to meet standards may need to be defined or otherwise set by the Commission to allow for the normal course of reporting to reflect the success or failure of the Company's Performance Plan.

Staff proposes that the six-month statutory Performance Plan review period begin in November, 2018; the next full month after the Commission approves the Performance Plan. If successfully implemented, the Company's Performance Plan should allow for the Company's reported results through April, 2019, to be consistent with the relevant service quality standards. This provides a standard timeframe for measuring whether or not the Company has met the goals of its Performance Plan.

The Company will have up to forty-five days from the end of each month reported to report service quality metrics during the six-month Performance Plan review period.

Conclusion

Staff concludes that XO has submitted a plan that may result in remedying the access to repair center representative service quality standard deficiency.

Staff concludes that it would be beneficial for the Commission to establish the objective measurement of Company progress by setting the beginning and ending month of the six-month Performance Plan review period, and the due date for final reporting.

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PROPOSED COMMISSION MOTION:

Approve XO Communication Services, LLC.'s Service Quality Performance Plan and set the Performance Plan review period to begin November 1, 2018, and end April 30, 2019. Monthly service quality reports are due forty-five days from the end of the reported month with the final April, 2019, report due no later than June 15, 2019.

UM1961.XO.Service.Quality.Performance.Plan.Submission