

ORDER NO. 19-150

ENTERED Apr 26 2019

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2006

In the Matter of

TELEPORT COMMUNICATIONS  
AMERICA, LLC,

Request for Exemption from All Service  
Quality Reporting Requirements under OAR  
860-032-0012.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 23, 2019, 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 "Nolan Moser".

**Nolan Moser**  
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.

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 23, 2019

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

DATE: April 15, 2019

TO: Public Utility Commission

FROM: Malia Brock MB

THROUGH: Jason Eisdorfer, Bryan Conway, and Bruce Hellebuyck EPM BKC

SUBJECT: TELEPORT COMMUNICATIONS AMERICA, LLC.:  
(Docket No. UM 2006) Petition for exemption of service quality reporting requirements under OAR 860-032-0012(15)(c).

**STAFF RECOMMENDATION:**

The Public Utility Commission of Oregon (Commission) should approve the petition filed by Teleport Communications America, LLC (Teleport or Company) but expressly reserve the authority to withdraw the exemption for cause as explained in this Staff report.

**DISCUSSION:**

Issue

Whether the Commission should approve Teleport's petition for exemption from service quality reporting requirements.

Applicable Law

The Commission establishes minimum service quality standards to ensure safe and adequate services for telecommunications carriers pursuant to Oregon Revised Statute (ORS) 759.450. 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.

Under OAR 860-032-0012(15)(c) the Commission may grant an exemption from service quality reporting requirements if the competitive telecommunications provider meets all

Teleport Communications America, LLC.  
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service quality objective service levels set forth in the rule for the 12 months prior to the month in which the petition is filed.

### Analysis

On March 29, 2019, Teleport filed a petition pursuant to Oregon Administrative Rule (OAR) 860-032-0012(15)(c) requesting exemption from the rule's monthly Service Quality Reporting requirements. Teleport is certified as a Competitive Telecommunications Provider in the state of Oregon.

Teleport has met all service quality objective service levels as set forth in sections (4) through (8) of OAR 860-032-0012 for the 12 consecutive months ending in February 2019. See Attachment A for Staff's cumulative yearly report of Teleport's metrics that is posted to the OPUC website.

Staff has reviewed the Consumer Services Division archives of complaints relating to Teleport and found no complaints within the study period. Further, the Company advises that Teleport provides service only to business customers in Oregon and that those customers already have service level agreements with Teleport that provide measures to address service quality problems. Therefore, Staff does not oppose the petition.

Staff notes that granting an exemption request under the rule does not vacate Teleport's continuing obligation to measure service quality metrics, gather information and retain a complete record of service quality data for up to one year as outlined in OAR 860-032-0012.

### Conclusion

Teleport's request, if granted, would only exempt Teleport from submitting Service Quality Reports to the Commission on a monthly basis. Any exemption from Service Quality Reporting may be withdrawn for cause, such as a showing by Staff that service has degraded, primarily by a resumption of service complaints.

### **PROPOSED COMMISSION MOTION:**

Approve Teleport's request for an exemption from service quality reporting requirements, conditioned upon the Commission's continuing authority to withdraw the exemption for cause.



# TELEPORT COMMUNICATIONS AMERICA LLC SERVICE QUALITY REPORT

## CHARTS

Business Office Center Answer Time  
(Seconds)

	2018	2019
January		17.0
February		13.0
March	5.0	
April	10.0	
May	11.0	
June	17.0	
July	13.0	
August	11.0	
September	12.0	
October	13.0	
November	9.0	
December	8.0	

Repair Service Center Answer Time  
(Seconds)

	2018	2019
January		16.0
February		13.0
March	15.0	
April	14.0	
May	14.0	
June	25.0	
July	14.0	
August	39.0	
September	31.0	
October	39.0	
November	33.0	
December	35.0	

Standard: Average Speed of Answer Time of 50 Seconds or Less

DID NOT MEET OAR STANDARD

Commitments for Service - Provisioning

	2018	2019
January		100.0%
February		100.0%
March	100.0%	
April	100.0%	
May	100.0%	
June	100.0%	
July	100.0%	
August	100.0%	
September	100.0%	
October	100.0%	
November	100.0%	
December	100.0%	

OAR Standard: 90%

DID NOT MEET OAR STANDARD

Repair Cleared Within 48-Hours\*

	2018	2019
January		100.0%
February		100.0%
March	100.0%	
April	100.0%	
May	100.0%	
June	100.0%	
July	100.0%	
August	100.0%	
September	100.0%	
October	100.0%	
November	100.0%	
December	100.0%	

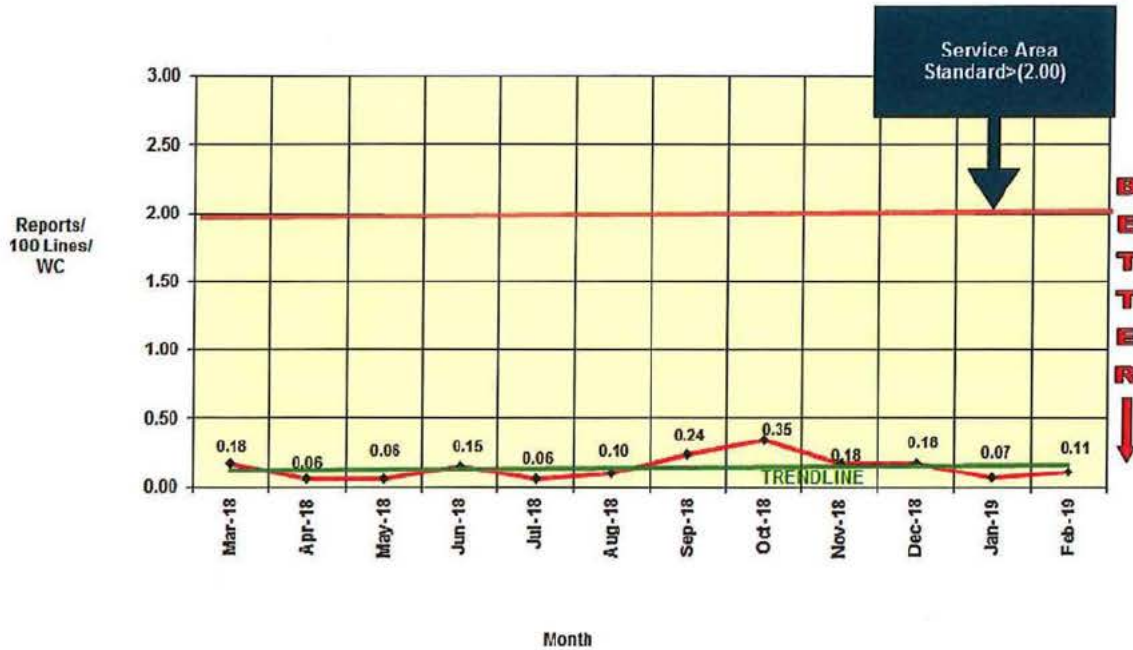
OAR Standard: 90%

\*Exclusion to Standard per Order 14-016, less than 10 repairs for the month

DID NOT MEET OAR STANDARD



### Trouble Report Rate Monthly State Average



MONTHLY TROUBLE REPORT RATE

Service Area	MO > 2.00 <sup>1</sup>	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19
Teleport Communications America LLC	#REF!	0.18	0.06	0.06	0.15	0.06	0.10	0.24	0.35	0.18	0.18	0.07	0.11
Statewide Average		0.18	0.06	0.06	0.15	0.06	0.10	0.24	0.18	0.18	0.18	0.07	0.11
Service Area Count <sup>2</sup>	0	0	0	0	0	0	0	0	0	0	0	0	0

NOTE 1: The "MO > 2.00" column is the number of times a designated service area of over 1,000 access lines exceeded a 2.00 trouble report rate during the reported twelve month period. The "Designated Service Area Count" is the number the designated service area did not meet standard for the reported month.

NOTE 2: The number at the bottom of the monthly columns are the number of times the designated service area exceeded 2.00 for the reported month.