

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on September 20, 2000

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss
Neal N. Galvin

CASE 97-C-0139 - Proceeding on Motion of the Commission to
Review Service Quality Standards for Telephone
Companies.

MEMORANDUM AND RESOLUTION
ADOPTING REVISION OF
PARTS 602, 603 AND SECTION 644.2 OF 16 NYCRR

(Issued and Effective October 6, 2000)

BY THE COMMISSION:

INTRODUCTION

On February 16, 2000 we issued a Notice of Proposed Rulemaking (NPRM) to adopt revisions 16 NYCRR Parts 602, 603, and Section 644.2 relating to Consumer Service Standards and Telephone Service Quality. The intent of the revisions is to reflect the impact of a growing competitive environment for local exchange telephone service. The proposed revisions are designed to protect against deterioration in the current level of telephone service quality, streamline existing rules, and reduce regulatory burdens that may hinder the development of competition in the local exchange market.

The most significant revisions include: deletion of the Maintenance Service Incentive and Rebate Plan and the Installation Service Incentive and Rebate Plan, Directory Assistance Answer Time, and Percent Missed Repair Appointments; addition of measures of service affecting conditions longer than 48 hours and final trunk blockage; streamlining reporting requirements for companies with less than 500,000 access lines and, performance standards.

Comments were submitted by ten parties.¹ In addition, 58 people commented at one of the four public statement hearings held across the State, or by electronic mail or letter. Finally, five legislative members submitted comments.² We provide below a discussion of the substantive comments. The final rules we will adopt are contained in the Resolution attached hereto.

ANALYSIS OF COMMENTS AND DISCUSSION

The formal comments cover a broad spectrum of issues with most parties to the proceeding being in favor of the rules substantially as proposed. Verizon, Time Warner, and Choice One suggest little, if any changes stating that the proposed rules

¹ Formal comments were received from Verizon New York Inc. (f/k/a New York Telephone Company)(Verizon), Time Warner Telecom, Inc. (Time Warner), the New York State Telecommunications Association, Inc. (NYSTA), Cablevision Lightpath, Inc. (Cablevision), AT&T Communications of New York, Inc. (AT&T), the Telecommunications Resellers Association (TRA), the NYS Consumer Protection Board (the CPB), Choice One Communications of New York, Inc. (Choice One), the NYS Attorney General (the AG), and the Communications Workers of America (CWA).

² The legislators who wrote letters included Assemblymembers Robert Sweeney, Alex Gromack, David Townsend, Jr., and Barbara Clark. Senator Toby Staviskey also wrote a letter. Assemblymember Sweeney wrote two letters.

represent a reasonable compromise of parties' interests. AT&T, TRA, and CPB suggest some changes, but generally support the rules as proposed. Cablevision and NYSTA propose fairly significant changes to lighten regulation on their respective interest groups, the competing carriers, and the small incumbent carriers. The AG proposes additional rules with the view that continued oversight of local exchange carriers is necessary to protect the consumer despite the introduction of competition. Finally, the CWA urges significant modifications to the proposed rules in order to strengthen them in comparison to the existing rules. Aside from the formal comments, statements received from the public generally support the position of the CWA, as these commenters tended to be CWA members. Also, the state legislators who wrote letters on this subject tended to support the CWA position.

The more significant modifications suggested in the formal comments of the parties can be grouped into the following nine categories: 1. Strengthening of the Existing Standards, 2. Application of the Proposed Rules, 3. Responsibility for Failures Under the Rules, 4. Reporting Requirements, 5. Changes to the Customer Trouble Report Rate Metrics, 6. Changes to Installation Standards, 7. Retention of Rebate Plans, 8. Trouble Reporting, and 9. Other Issues. No new issues are raised in the formal comments, and all of these issues were fully examined during the two-year collaborative phase of this proceeding. Nevertheless, these issues are addressed below. Following this discussion is a summary of other, less significant issues raised in the comments. While we are adopting the proposed rules without change, we are making some minor modifications to the associated Uniform Measurement Guidelines to clarify the calculation of the performance results of certain standards. The Uniform Measurement Guidelines document is a statement of

policy intended to clarify the rule. As such, it will not be filed with the Secretary of State but will be made available to all parties.

Strengthening of the Existing Standards

Only two parties recommend changes to the proposed rules in order to strengthen them. The Communications Workers of America recommends across-the-board modifications that not only would revert back to the existing standards, but would also make those standards more stringent. The Attorney General recommends limited changes to the proposed rules in the areas of half-day installation appointments, creation of a directory assistance accuracy requirement, and retention of a directory assistance speed of answer metric. We will not adopt any of these recommendations.

The CWA states that the proposed rules would place consumers, workers, and economic development at risk in New York State. It claims that competition for local exchange telephone service will not necessarily ensure improved service quality, and that very specific and detailed regulatory requirements for service quality, equally applicable to all providers in the State, are a continuing necessity. For example, it recommends that all providers report on all established metrics, that standards be set at 100% performance rather than partial performance, that rebate plans be strengthened and expanded to include service affecting trouble reports and that new standards be imposed further limiting the use of automated response units.

The CWA's recommendations essentially represent a complete rejection of the proposed rules with only minor exceptions. However, the proposed rules are but an extension of changes adopted by the Commission in its Competition II

proceeding in 1996.¹ During the intervening years, as competition has been introduced into more markets and services, service quality for consumers has improved across the State. There is no evidence of a need to increase the regulatory burden on service providers, particularly when competition may provide consumers with benefits that increased regulatory requirements may preclude.

The Attorney General recommends that service providers offer half-day installation appointments in order to provide consumers with the added convenience of knowing what part of the day to expect service to be installed. The proposed rules do not contain such a requirement because a developing competitive marketplace most likely will meet this need. The Attorney General proposes rebates to consumers for any cost of obtaining directory assistance when the information provided turns out to be inaccurate. It believes that not charging for inaccurate directory service information should be a minimal expectation from all providers. Additionally, the Attorney General would retain a speed of answer metric for directory assistance operators, asserting that statewide competition for directory assistance has not developed sufficiently to justify complete deregulation. The proposed rules contain no provisions with respect to directory assistance, as adequate, competitive alternatives exist for end users from a number of statewide directory assistance providers. The alternatives include Verizon, AT&T, WorldCom, the internet, and other sources of information.

¹ Case 94-C-0095, Proceeding on the Provision of Universal Service and to Develop a Regulatory Framework for the Transition to Competition in the Local Exchange Market, Opinion No. 96-13 (issued May 22, 1996).

Application of the Proposed Rules

Two of the parties commented that the Commission not apply the service standards equally to all service providers. Cablevision suggested that the Commission exempt competitive local exchange carriers (CLECs) from the proposed rules, unless a pattern of poor performance occurs. Cablevision's reasoning is that new competitors in the market must provide their customers with superior service if they are to survive. Thus, it is unnecessary for the PSC to impose "burdensome" performance standards and reporting requirements. In case the Commission decides to apply the standards to CLECs, Cablevision proposes as an alternative, that the Commission impose only service quality standards and reporting requirements on those CLECs who are the object of numerous complaints to the Commission, or are otherwise suspected of providing substandard performance. Another alternative proposed by Cablevision is that CLECs be subjected to the service standards for a six-month trial period, after which the Commission would grant an automatic exemption for any CLEC demonstrating a high level of service.

Arguments such as those raised by Cablevision were considered at length by participants in the collaborative proceeding. At that time, it was decided that competition would indeed be a driver for good service quality, but that facilities-based CLECs must report CTRR results, in order for the Commission to be assured that the overall telephone network was working properly. Furthermore, the rules as proposed accommodate the concerns Cablevision expressed insofar as they require CLECs to report only Customer Trouble Report Rate (CTRR) results as long as they serve fewer than 500,000 access lines.

The Telephone Resellers Association (TRA) recognizes that the proposed rules contain a provision for the Commission to waive service standard reporting requirements for service

providers who rely on an underlying service provider. TRA opines that service providers such as resellers who rely on underlying service providers should not be held responsible for service quality performance standards that they are incapable of controlling or maintaining. Therefore, TRA asks the Commission to explicitly declare that some rules, such as network maintenance, and directory-publishing requirements, are inapplicable to resellers and the like. Also, TRA, Cablevision, and AT&T believe that the Commission should not hold CLECs or resellers responsible for any failure to achieve a performance standard if the poor performance was the fault of an underlying service provider. In particular, these comments focus on the Percent Initial Basic Local Service Orders Installed Within Five Days metric. In cases when a CLEC is dependent on the incumbent local exchange carrier (ILEC) to furnish all or a portion of the service, the CLEC may be unable to meet the mandated five day interval. Likewise, for the Percent Out-of-Service Over 24 Hours metric, the CLECs could often be dependent on the ILECs in order to repair service in a timely fashion.

This issue was discussed at length in the collaborative. It was understood that service providers, especially resellers and UNE-P providers, may not be responsible for any standards over which they exert no control. In these cases carriers may request waivers of relevant portions of the rule from the Director of the Office of Communications. It is important to remember that the purpose of the service standards is not to penalize or otherwise burden service providers, rather to protect the service providers' end users from unacceptably poor service. In the event that the Commission is compelled to investigate a reseller's or CLEC's service quality problems, the service provider would be able to present a case that any poor performance was the fault of an underlying service provider.

Reporting Requirements

Currently all service providers serving up to 50,000 access lines are considered "small" companies and are required to report only the CTRR performance. Carriers who serve between 50,001 and 500,000 access lines are considered "medium-sized" companies and are required to report Percent Out-of-Service Trouble Reports Over 24 Hours (005>24) and Percent Missed Repair Appointment performance, while "large-sized" companies, those which serve in excess of 500,000 access lines, are required to report performance on all of the performance metrics in Part 603. The proposed rules would eliminate the "medium-size" category whereby all service providers who serve 500,000 or fewer access lines would only have to report CTRR performance, unless otherwise specified by the Director of the Office of Communications. Those service providers serving in excess of 500,000 would be required to report on all metrics.

The Consumer Protection Board (CPB) and the Attorney General (AG) object to the proposed reporting structure, and urge that the Commission retain the medium-size category. The Attorney General questions reliance on the Commission's power to direct a provider to begin reporting more than CTRR service performance, finding it inadequate customer protection. CPB suggests that other metrics, with CTRR, the Percent Out-of-Service Trouble Reports Over 24 Hours (00>24) and Percent Installations Completed Within Five Days performance metrics, have implications for the public's health and safety and thus ought to be reported by the medium-sized companies. Both parties also argue that competition has not evolved sufficiently to warrant such a change in the rules. CPB finds that reporting on these few measures is not burdensome, and that the 50,000-access line threshold ought to be retained, while the AG

recommends that the Commission consider raising the medium-sized threshold from 50,000 to 100,000 access lines served.

The reduction in reporting requirements is a reasonable way to streamline regulations at this time, especially for competitive carriers entering the market. Because it involves the integrity of the network itself, CTRR is the only metric that the Commission has to monitor on a regular basis in order to protect the public interest. With regard to long repair and installation intervals, the Commission may investigate any service providers if there are excessive Commission complaints in these particular performance areas. And, in those locations where there are multiple service providers, the existence of competition should allow customers to choose the service provider who is best able to serve them. In any case, all service providers are expected to follow all of the Commission's standards, even if they are not required to report results to the Commission. Thus, if complaint levels or other factors trigger a service quality investigation, the Commission will be able to direct a company to report its results at that time.

AT&T comments that a service provider's reporting threshold should be based solely on the number of access lines that it serves via its own facilities; i.e., lines which the service provider serves on a resale basis or via Unbundled Network Elements not under its direct control should not count towards the 500,000 threshold because the service provider cannot control the service quality on those lines. AT&T's position appears to be reasonable. However, as AT&T itself noted, the rules already contain a provision for service providers to request exemptions from any or all reporting requirements when service providers serve access lines which they do not directly control. AT&T's request is, in essence, a

waiver request that would be addressed by the Director of the Office of Communications, as set forth in the proposed rules.

The New York State Telephone Association (NYSTA) notes that Section 603.4(c) of the proposed rules establishes reporting requirements on service providers based on the number of access lines served by the service providers unless otherwise specified by the Director of the Office of Communications. NYSTA seeks clarification and assurance that such service providers which are only required to report CTRR do not have to continuously measure the performance on all other metrics of Part 603.

As stated in Section 603.1(a), the proposed rules apply to all telephone corporations that provide local exchange service. Other than the Uniform Measurement Guidelines, which clarify how the metrics ought to be measured and reported, each company has the discretion to measure its performance in the manner best suited to it. In the event of a service quality investigation by the Commission, the targeted service provider will be expected to demonstrate compliance with the Commission's standards.

TRA, citing cost concerns for smaller service providers, suggests that the Commission consider allowing service providers to submit their monthly service quality reports on a quarterly basis. Monthly reporting is not burdensome, and Section 603.4 of the proposed rules allows the Director of the Office of Communications to offer such flexibility upon demonstration of hardship by any affected service provider.

Changes to the Customer Trouble Report Rate Metrics

The proposed rules contain two metrics applicable to CTRR. First, all service providers are to meet a CTRR for each

central office, each month, of 5.5 reports per 100 lines (RPHL) or fewer. Second, those service providers with seven or more central offices should have 85% or more of their central offices at or below a CTRR of 3.3 RPHL each month (the 85% rule). Parties suggested several changes to these two associated rules for CTRR.

NYSTA recommends changing the applicability of the 85% rule from those service providers with seven or more central offices to those service providers with 1 million or more access lines. Its recommendation is based on a perceived high cost burden to medium-sized providers (those with more than 50,000, but less than 500,000 lines). Cablevision and the AG would eliminate the 85% rule altogether because they believe it creates a dual standard wherein smaller service providers are allowed to meet a lower standard than those with seven or more central offices. They assert all consumers should expect the same level of performance regardless of the size of the service provider.

These issues were fully addressed during the collaborative phase of the proceeding. These two CTRR metrics taken together are designed to minimize the need to file corrective action reports¹ for poor performance in a given central office, and prevent any backsliding from the current level of service quality experienced statewide. Initially, Staff advocated a single CTRR metric based on a 3.3 RPHL performance level. However, this would have led to a large number of corrective action reports being filed by service providers even though service quality statewide is generally

¹ Under the proposed rules, service providers must file a Service Inquiry Report, a corrective action report, whenever a central office fails to meet the CTRR standard for two out of the previous four months.

good. By establishing a per central office metric of 5.5 RPHL, the number of corrective action reports is reduced to a level more reflective of the current statewide level of service quality. The 85% rule is necessary in order to prevent backsliding.

All consumers will receive comparable levels of service quality. Small service providers, those with less than seven central offices, have traditionally performed at or below 3.3 RPHL per month. These providers are not likely to allow their service quality to deteriorate, especially because of the close ties they maintain with the communities they serve. Larger providers also strive to provide good service quality, but are faced with a larger geography that often can be demanding. The 85% rule will ensure that the current level of service quality is maintained, and also avoid unduly burdening these providers with a large number of corrective action reports that would result if the CTRR per central office were set at 3.3 RPHL rather than 5.5 RPHL.

We do not expect that the proposed 85% rule will impose additional cost to medium-sized providers. Analysis of service data over the past year indicates that medium-sized providers are already in compliance with this rule. These carriers need only continue their efforts to maintain service quality in order to meet this rule in the future.

Changes to Installation Standards

The proposed rules would require service providers to install at least 80% of initial basic local exchange service access lines within five days, and to miss no more than 10% of installation commitments for basic local exchange service. CPB does not object to the application of installation standards only to initial basic local service, because the initial access

line is required for public health and safety. However, CPB sees no reason to weaken the threshold level from the current 85% installation orders completed within five days to 80%. NYSTA, on the other hand, recommends that the Commission retain the existing metrics and performance thresholds, which do not limit the metrics to initial basic local service. Initial service orders for basic service usually take longer than other types of installations (e.g., an order for an optional service such as Call Waiting), since a customer premise visit may be required. Reducing the Installations Completed Within Five Days performance threshold from 85% to 80% is not lenient enough, according to NYSTA, because only the toughest 20% to 30% of installations would be covered by the new metric. Also, retaining a Percent Missed Installations threshold at 10%, while eliminating from the calculation the easiest orders to complete on time, is burdensome. Thus, removing the easiest installations from the installation metrics would place a significant burden on the service providers according to NYSTA, because service providers would either have to increase their costs in order to install all types of installations quickly, or service providers would need to redirect their resources away from other types of orders to focus more closely on the initial service orders.

The proposed changes to the installation metrics correctly focus the service providers' attention on assuring that customers receive their initial basic local service line in a timely fashion. Most orders other than initial basic service orders are completed electronically and are almost always completed well within five days, and in accord with the installation commitment offered by the company. The initial basic service line, which establishes a customer's link to the entire telephone network, is important from a public interest

standpoint. Thus, while it is important from a business point of view for companies to meet all service order requests in a timely fashion, the initial basic service line, should be protected within the framework of minimum service standards as proposed. In recognition, however, that basic local access lines can be more time consuming to initiate, it would not be reasonable to keep the performance threshold for Orders Completed Within Five Days at the existing 85% level. The proposed reduction to 80% recognizes the fact that the revised metric will address a more difficult subset of installation orders, and also represents a reasonable level of protection for consumers.

Retention of Rebate Plans

CPB would retain existing consumer rebates (existing rules Parts 603.14 and 15) that give end users some compensation for poor service resulting from company error or negligence. The existing rules require service providers to give rebates to end users whenever there is consistently poor maintenance performance in a given central office, or when under certain conditions, an installation appointment is missed.¹ The proposed rules eliminate maintenance and installation rebates, but recognize that existing tariffs require end user credits for out-of-service conditions.

In streamlining the proposed rules, the intent was to identify those existing rules that were either obsolete, or would likely become so as a result of developing competition for

¹ Generally and subject to various conditions, a maintenance rebate is triggered by the CTRR of a given office being at or above 8.4 RPHL for at least three consecutive months. An installation rebate is given only by those service providers that offer full-day rather than half-day appointments, and the missed appointment is due to a company fault.

local telephone service. There have been no maintenance rebates given since this plan was instituted, and similarly, there have been very few installation rebates. The proposed rules eliminate these rebate plans, because they are rarely triggered and have been less effective than tariffs performance regulatory plans currently in effect. These provisions and competition will provide improved service performance from competing service providers to the benefit of end users.

Trouble Reporting

The TRA notes that the proposed rules, Section 602.7(b), impose a requirement on service providers to have representatives available at all hours to receive customer trouble reports. TRA says that paying for 24-hour staffing of a customer service center with live representatives would be a costly undertaking, especially for new service providers with a small customer base. As an alternative to live representatives available 24 hours a day, TRA requests that the Commission allow service providers to comply with this regulation via provision of an automated voice response system which would be capable of accepting voice messages and paging an on-call representative. The on-call representative could, if need be, respond to a customer via return phone call. Another suggestion by TRA is to modify the proposed rule to explicitly allow companies to comply with the 24-hour customer representative availability via provision of an emergency contact number after business hours.

The provision of an emergency contact number after business hours would satisfy the requirements of Section 602.7(b) as long as a live representative answers the emergency number. Voice messaging and paging would not. It is important that consumers have the ability to report problems with their service at any hour in view of the public safety aspects of

telephone service. The paging option could lead to situations where a specific page is not returned in a timely manner, and could lead to longer periods of service problems than necessary. Therefore, the paging option is not adopted.

Other Issues

Uniform Measurement Guideline Modifications

Some parties suggest minor modifications to the proposed Uniform Measurement Guidelines. These guidelines set forth basic methods of calculating performance results under the proposed standards for all service providers to follow. Verizon suggests changes to the definition of an employee report, calls to be counted/not counted as trouble reports, measured reports, and the exclusion of Sunday and holiday periods. The method of calculating final trunk blockages should reference the busy hour. AT&T suggests that the definition of central office entity should be expanded to "central office or like entity," to recognize the potential that service providers may use "hybrid-fiber-coaxial" platforms. Finally, AT&T suggests that its Digital Link Service be listed in the guidelines as excluded from the measurements because "in most instances, the service does not provide dial tone."

The guidelines are a living document meant to be revised relatively quickly by the Director of the Office of Communications as the network evolves. Consistent methods of measurement are needed for the standards of Part 603 for application to all service providers, even those providers employing new or future technology. With one exception we favor all of the suggested modifications to the guidelines which will be adopted. With respect to Digital Link Service, AT&T should present its case to the Director of the Office of Communications for possible exclusion from the services measured under Part 603.

Specific Metric Measurements

Percent Out of Service Over 24 Hours (%00S>24)
and Percent Service Affecting Over 48 Hours (%SA>48)

AT&T and Cablevision note that for purposes of calculating %OOS>24 and %SA>48 results, the Uniform Measurement Guidelines say that the trouble duration clock will continue to run during periods of time when the company is denied access to a customer's premises. They suggest that periods of "no access" should be excluded from the metric calculation because it is unfair to penalize a service provider for not fixing a trouble when the cause of the extended outage is beyond the company's control. They also suggest that including times of no access would create a false impression that service is worse than is in fact the case.

The calculation of OOS>24 Hours results has always included periods of no-access to customer premises. Indeed, we do not demand clearance of 100% of troubles within a certain time interval (either 24 or 48 hours) because we expect some trouble reports will last longer due to conditions beyond the service providers control such as no-access conditions. If we were to exclude the time of no-access to customer premises, we would also be inclined to raise the performance threshold.

Percent Missed Repair Appointments

The proposed rules call for the elimination of the Percent Missed Repair Appointment (MRA) metric. The Attorney General urges the Commission to keep the MRA metric because missed repair appointments are one of the most annoying and inconveniencing repair issues from a customer's viewpoint. The substitution of Service Affecting Troubles Not Cleared within 48 Hours is not an adequate substitute, according to the Attorney General, because this measure does not tell how long the customer was kept waiting for the trouble to be fixed.

The existing Missed Repair Appointment metric is deficient in that it allows companies to achieve the performance

threshold by setting repair appointment intervals as long as they like. To close that loophole, the Percent Service Affecting Over 48 hours metric was introduced to provide carriers and customers alike an outer range of acceptability for clearing service affecting troubles, and to ensure that all trouble reports generally be cleared within an expected timeframe (out of service troubles are already covered by the Percent Out of Service Over 24 hours metric). In addition, although we agree with the AG that missing repair appointments is inconvenient to customers, service providers can distinguish themselves in an era of competition by keeping appointments with consumers. We note that the proposed rules still require appointments to be made and kept but we will not be measuring performance in this area.

Answer Time

AT&T claims that it cannot easily provide state-specific answer time performance results under proposed rule 603.3(h), and wishes to submit more broad data (e.g., nationwide) as a reasonable substitute. The AG objects to "lowering" the standard for response time on business office and repair office calls from 90% answered in 20 seconds to 80% answered in 30 seconds, and the inclusion of 15% of abandoned calls and 10% of blocked calls in the performance results.

AT&T's request to submit more broad answer time performance data is not reasonable. The ability to produce state-specific results was discussed during the collaboration, and parties (including AT&T) did not object at that time. We note that modern equipment is capable of being arranged to produce the data required by proposed rule 603.3(h).

The AG argues against the proposed lowering of business office and repair office answer time standards. In

fact, we believe that consumers will not notice the change in the standards. This is based on analysis (during the collaborative phase of the proceeding) of a number of years of Verizon's performance data. Complaints are low when performance meets 80% answered in 30 seconds. To continue the existing answer time standards for business and repair offices is to place unreasonable and unnecessary costs on service providers for a level of service that consumers do not require.

The AG proposes that 100% of calls abandoned and blocked be included in the standard. During the collaboration, it was recognized that inclusion of all such calls could require staffing levels much higher than the current standard imposes and result in a phenomenally high and costly standard. When complaints are considered, and 100% of abandoned and busy calls are included, an equivalent standard of around 65%-70% answered in 30 seconds results, in comparison to the proposed standard. Rather than establish a standard of only 65% answered in 30 seconds, we choose a more reasonable level of 80% answered in 30 seconds, inclusive of 15% of abandoned calls and 10% of blocked calls. Our experience indicates that complaint levels reduce to nearly zero when Verizon was performing at 80% answered in 30 seconds as proposed in the adopted standards.

Automated Responses to Billing and Repair Calls

Cablevision and the TRA argue that rule 602.3(b) which limits the time allotted in an automated response to 60 seconds when a consumer calls about repair or billing issues may be especially difficult and costly for smaller service providers, and may not allow sufficient time to supply valuable information. They suggest that the minimum be increased to no less than 90 seconds.

TRA provides no support for its claim that the interval may lead to unreasonable costs for smaller service providers. The interval of 60 seconds actually allows considerable time to convey information to a calling party without unduly burdening the consumer with an automated response. Furthermore, the 60-second limit applies only to repair and billing issues, not to service ordering. We will retain the 60-second interval.

Voluntary Suspension

The proposed rule deletes a provision in the current service standards (Section 602.5) requiring service providers to suspend communications service at the request of the consumer for up to one year. The current rule also requires companies to provide a voluntary suspension rates in their tariffs. The AG urges the Commission to preserve this regulation. The AG argues that the elimination of this provision would affect service for large numbers of consumers who maintain seasonal households in New York. The AG is particularly concerned that, although proposed Section 603.5(d) requires operator/911 emergency access to be maintained on voluntarily suspended lines, the proposed rules do not compel service providers to offer voluntary suspension to consumers.

A regulation requiring companies to provide voluntary suspension service is not needed to protect the public welfare and the service will likely be provided voluntarily. Industry participants in the proceeding advised that it is actually less costly to provide this service than to terminate, then reconnect, service. By removing this provision from the service standards, we do not automatically allow the ILECs and other companies to remove this service from their tariffs. We do not expect companies to remove this service offering from their

tariffs, and we will monitor effects on consumers if any company withdraws voluntary suspension service from its tariff.

Billing

AT&T believes that proposed rule 602.6(a) should be clarified to allow service providers the ability to summarize local calling message units on an end user's monthly bill. In part, the proposed rule reads as follows: "Local service charges may be billed one month in advance and may be listed as a single flat fee." This wording provides the ability to summarize local message units in the manner desired by AT&T, and needs no modification. However, itemized billing detail is more specifically addressed in proposed rule 602.6(e) requiring consumers to be given itemizations in cases of billing disputes.

Directories

Proposed Section 602.10(d) governs a telephone company's obligations in the case of directory publishing errors. AT&T agrees with the rule, but suggests that it be supplemented to prescribe the assignment of cost responsibility for directory publishing errors. If the ILEC were responsible for the directory error, AT&T would have the ILEC bear the CLEC's costs for maintaining intercept messages and the like. Conversely, if a CLEC were the responsible party for the directory error, the CLEC would bear the required costs.

The issue raised by AT&T is not within the purview of the end user service standards. AT&T should deal directly with ILECs, perhaps in the context of interconnection agreements. This provision will not be added to the rate.

While not suggesting any changes at this time, Choice One suggests that Section 602.10, dealing with directories, may have to be modified when competitors gain a "meaningful" share

of the available market in New York. Currently, the ILEC must publish CLEC numbers to allow a unified directory. With robust competition, a unified single-provider directory may not be the most economic and useful way to provide directory information, according to Choice One. We will deal with such issues as they arise in the future.

Telephone Relay System

Choice One suggests that proposed Section 602.8, dealing with the Telephone Relay System for the hearing impaired, does not belong in the Telephone Service Standards. Insofar as the representatives in the Telephone Relay System are providing a form of "operator service" to the clientele who use the system, it is an appropriate service standard issue.

NXX Codes

Choice One advocates an addition to the proposed rules that would require local exchange carriers to update their networks for new or recently modified routing information such as exchange codes. It proposes that parties work cooperatively to draft such a rule to facilitate the completion of calls over the network.

We believe that such problems are relatively rare, and in the past have been easily resolved. Because of this, we do not see a need for a rule associated with exchange codes.

Publicly Available Service Data

The AG proposes an addition to proposed rule 602.4, Public Information, to require disclosure of service quality performance results data for consideration together with price and service features in the selection process.

Currently, all service quality data submitted under Part 603 is public, and will remain so under the proposed rules. Staff reports concerning service results are generally public documents. Because such information is currently public, and will become more readily available when placed on our website, there is no need to establish a rule.

Future Rule Changes

Choice One advocates that we institute a simple way to make changes to the service standards in the future, based on changes in technology or innovation by companies. The proposed Uniform Measurement Guidelines are a means of addressing changes in measurement practices that may be necessary as a result of changing technology and market conditions. Changes to the guidelines are to be delegated to the Director of the Office of Communications such that any future proposed modifications can be addressed quickly. While a quick mechanism to change the standards themselves would perhaps be desirable, the Commission may not deviate from the procedures prescribed by law for changing the Commission's Rules and Regulations, of which the Telephone Service Standards are a part.

SEQRA REVIEW

We have reviewed the proposed regulations pursuant to the State Environmental Quality Review Act and its implementing regulations and find that they are Type II actions (those

previously determined not to have a significant adverse effect on the environment) within the meaning of 16 NYCRR § 7.2(b)(5).

CONCLUSION

Having considered the comments received concerning the proposed revisions to 16 NYCRR Parts 602, 603 and Section 644.2, we will adopt the revisions as shown in the attached Resolution.

By the Commission,

(SIGNED)

JANET HAND DEIXLER
Secretary

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

RESOLUTION BY THE COMMISSION

Statutory Authority
Public Service Law, Sections 4(1), 94(2)

CASE 97-C-0139 - Proceeding on Motion of the Commission to
Review Service Quality Standards for Telephone
Companies.

At a session of the Public Service Commission
held in the City of Albany, on September 20, 2000, the
Commission, by a unanimous vote of all of its members present:

RESOLVED:

1. That the provisions of Section 202(1) of the State
Administrative Procedure Act and Section 101-a(2) of the
Executive Law having been complied with, Title 16 of the official
compilation of Codes, Rules and Regulations of the State of New
York is amended, effective upon publication of a Notice of
Adoption in the State Register, by repealing existing and
replacing Parts 602, 603 and Section 644.2 with provisions
Parts 602 and 603 and Section 644.2 of Subchapter A as shown on
the following 21 pages.

2. That the Secretary to the Commission is directed to
file a copy of this Resolution with the Secretary of State.

PART 602

CONSUMER RELATIONS AND OPERATIONS MANAGEMENT

602.1 DEFINITIONS

The following definitions apply to Part 602, Consumer Relations, and Part 603, Service Standards Applicable to Telephone Corporations:

- 602.1(a) Service Provider - A telephone corporation certified in New York State with the authority and tariff to provide local exchange service using either its own or leased facilities.
- 602.1(b) Basic Local Service - The provision of access to: one party line service, local/toll calling, local usage, tone dialing, emergency services, assistance services, telecommunications relay services, directory listings, privacy protections and non-published service associated with the public switched network.
- 602.1(c) Local Exchange Service - Any form of switched telecommunications provided within a defined geographic area known as the local calling area.
- 602.1(d) Customer Service Center - Any functional entity where consumers can initiate communication with the service provider for installation, billing, repair, operator and other services.
- 602.1(e) Access Line - A telecommunications channel of varying size with an associated telephone number.
- 602.1(f) Business Office - Any functional entity which accepts service orders, billing inquiries and/or provides consumer information.

- 602.1(g) Repair Office - Any functional entity which receives trouble reports.
- 602.1(h) Trouble - A trouble is an impairment of the telephone network, or a deviation from its design specifications.
- 602.1(i) Customer Trouble Report - The record of when the repair office personnel receives notification of a trouble or perceived trouble by a subscriber, third party, or employee acting as a subscriber or when other employees receive notification of a trouble or perceived trouble by a subscriber, third party, or employee acting as a subscriber and refers the report to the repair office.
- 602.1(j) Initial Report - The first customer trouble report associated with a specific trouble for which there is no pending report.
- 602.1(k) Out-Of-Service - A classification of a trouble report where the customer indicates either: (1) an inability to complete incoming or outgoing calls; or (2) the presence of interference which causes connected calls to be incomprehensible. Other service difficulties (slow dial tone, busy circuits, etc.) shall not be considered out-of-service conditions.
- 602.1(l) Service Affecting - All trouble reports not categorized as out-of-service will be considered service affecting.
- 602.1(m) Final Trunk Group - The last choice group of common interoffice communications channels for the routing of local, operator and/or toll calls.
- 602.1(n) Operator Assistance - The act of providing a consumer with help in placing a call including collect, third party billed, person-to-person and emergency calls.

- 602.1(o) Answer - The point in time when a call has been delivered to a representative who is ready to render assistance and/or accept the information necessary to process the call. An acknowledgment that the customer is on the line does not constitute an answer.
- 602.1(p) Subsequent Report - Any customer trouble report that is received prior to the closing of its associated initial report.

602.2 GENERAL PROVISIONS

As indicated by their wording, a number of regulations in this Part prescribe the normal procedures and practices to be directed in good faith by the service provider. However, the regulations in this Part are not intended to govern the implementation of such procedures in individual instances. The execution or non-execution of such procedures and practices in individual instances is not the sole indicator of whether the service provider has provided adequate service to a particular consumer or group of consumers.

602.3 CUSTOMER SERVICE CENTERS

- 602.3(a) Service providers shall ensure that customers have convenient access, by a toll free telephone number or in person, to customer service centers.
- 602.3(b) In instances where automated responses are used to handle billing or repair issues, service providers shall configure their menu system such that a consumer is able to be routed to a representative for billing or repair issues within 60 seconds from the time the automated response begins. In addition, service providers may use additional means of access (e.g., the Internet) that are not subject to this provision.
- 602.3(c) Service providers shall provide notice to their customers and to the public as to the means of contacting their customer service centers by notice on the bill and other appropriate means.
- 602.3(d) Customer service centers ordinarily shall be accessible to consumers during the normal working hours in the community being served and at such other times and in such other places as may be warranted in Sections 602.6(d) and 602.7(b).

602.3(e) Service providers shall strive to provide trained and qualified customer contact personnel.

602.4 PUBLIC INFORMATION

Access to the following information shall be made available upon request:

- 602.4(a) Rate information applicable to the area served by the service provider, as provided by Part 630 of this title.
- 602.4(b) Where a provider's rates are based upon rate area boundaries, maps, listings or other formats used by the provider showing rate area boundaries sufficiently detailed that mileage or zone charge can be determined.
- 602.4(c) Information pertaining to changes in services and rates as proposed in an informational filing or a pending tariff or rate filing.
- 602.4(d) Upon receipt of a request from a consumer for copies of the above described information, the service provider will provide a single copy of the information requested, up to 25 pages, without charge.

602.5 SERVICE ORDERS

- 602.5(a) Service providers shall receive and respond to applications for tariffed services in a timely manner. Upon the request of a consumer, each service provider shall provide an explanation of the rates, charges and provisions applicable to the services available, respond to questions the consumer may have, and provide additional appropriate information to assist the consumer in obtaining the communication service(s) that meet the consumers' needs.
- 602.5(b) Where special charges for extraordinary construction, maintenance, replacement costs, expenses or overtime

work are not specifically set forth in a service provider's tariff, the consumer will be advised of the options available. If the service provider is to perform any such work for a special charge, the service provider shall offer the customer the option of accepting a good faith estimate of the charge to be levied, or of being billed on an actual cost basis. Once an estimate is accepted by the customer it will become binding on both parties, and the customer pays the estimated charge whether the actual cost is greater or less than the estimate.

602.5(c) Service providers shall notify customers of connection fees and provide an estimated first bill, not reflecting usage charges, prior to processing the customer's request.

602.5(d) Each service provider shall inform new residential customers of a 60 day grace period whereby such consumer may select a different type of basic local flat rate service or basic local measured rate service from that provider without incurring any additional connection or installation charges for basic local service. A grace period applies only when the consumer actually incurred an installation charge for basic local service.

602.5(e)(1) Normally, the service provider shall offer a consumer applying for its initial basic local exchange service an installation appointment interval (e.g., the period of time that a premise visit is to take place) within five working days.

602.5(e)(2) After such an offer, the consumer may nonetheless agree to other terms that better meet the needs of

the consumer and the provider (e.g. installation appointments for either morning or afternoon).

602.5(e)(3) Prior to an appointment, arrangements to access a necessary third party's premises shall be discussed with the consumer.

602.5(f) Normally, when a service provider cannot meet a commitment date to complete an order, the provider shall make a reasonable effort to advise the applicant of the reason for the delay, and probable date service will be provided.

602.6 BILLING

602.6(a) Service providers shall clearly list all charges and credits on customers' bills, which shall be issued monthly unless provided otherwise by tariff. Local service charges may be billed one month in advance and may be listed as a single flat fee. All toll charges shall be itemized to allow consumer identification unless provided otherwise by tariff.

602.6(b) Credit shall be granted for any call for which a charge applies when the consumer has reported that a wrong number was reached or for that portion of a call the consumer has reported as inadequate for communication, unless there is reason to believe that an adequate connection to the desired party was effected.

602.6(c) Service providers shall require that agents authorized to receive bill payments on their behalf normally mail or report consumers' payments within one business day.

602.6(d) Service providers shall have a representative available for the purpose of explaining charges on bills and to adjust bill errors.

602.6(e) Upon reasonable consumer request, each service provider shall provide itemized statements of charges, if feasible, and if a customer disputes a bill, available call detail bill information shall be provided at no charge. However, requests for detailed bill information normally bulk billed may be provided at an additional charge pursuant to tariff.

602.7 CONSUMER COMPLAINTS AND TROUBLE REPORTS

602.7(a) Service providers shall provide full and prompt investigation of complaints, oral or written, received either through normal reporting channels or through the Commission, and appropriate responses shall be made with respect to complaints.

602.7(b) Service providers shall have a representative available to receive customer trouble reports at all hours.

602.7(c) Troubles of an emergency nature shall be cleared at all hours, consistent with the bona fide needs of consumers and the personal safety of service provider personnel.

602.7(d) All other out-of-service troubles not requiring unusual repairs shall normally be cleared within 24 hours excluding Sundays and holidays.

602.7(e) Commitments made with consumers should be kept. In the event of unavoidable change by the service provider, such as if unusual repairs are required, or rehabilitation programs or other factors preclude clearing of reported trouble promptly, reasonable attempts shall be made to notify the customer as to when the trouble will be cleared.

602.7(f) During major service outages of extended duration, the service provider shall make every effort to inform the general public of the details of the outage, including the areas affected and a schedule for expected service restoral. Whenever reasonable and practical, affected offices shall be intercepted and callers advised that a service outage has taken place, in accordance with accepted industry standards.

602.7(g) All local service providers shall assist consumers reporting obscene, threatening or harassing calls, to help in eliminating such calls.

602.8 OPERATOR SERVICES

602.8(a) Each service provider shall provide access from its exchanges at all hours to local assistance operators who shall be capable of connecting calls to appropriate emergency services and/or other operator services normally provided by local exchange companies or their designees, if the service provider is responsible for handling the call.

602.8(b) All telephone corporations, either individually or in concert with other telephone corporations operating within the State, shall be responsible for insuring the provision of a relay system to enable communications between persons with hearing or speech disabilities, who use non-voice terminal devices, and persons of normal hearing and or speech who use conventional telephones. The system shall operate on a 24-hour basis. All telephone corporations shall provide annual notice to advise customers of this service. Pertinent information regarding the relay system shall be included in telephone directories.

602.8(c) All service providers shall provide network overflow to local operators on all originating trunking that carries emergency calls destined for Enhanced 911 emergency report centers. Each such call overflowing to the operator shall be identified as an emergency call, and the operator shall have Automatic Number Identification on the telephone line used by the calling party. As an alternative to provision of overflow to the operator on an originating basis, service providers may install originating trunking from end offices to Enhanced 911 emergency report centers in such a manner that blocking on such trunks is engineered for less than half the normal blocking design of the public switched network. On a terminating basis from the last central office to the emergency report center, overflow to the operator (including Automatic Number Identification and an indication that the call was originally destined for an emergency center) shall always be provided.

602.9 INTERCEPT

602.9(a) Intercept shall consist of operator intercept or a suitable recorded announcement, providing sufficient information to callers to indicate the reasons for being intercepted as well as directions to assist them in completing the call.

602.9(b) The service provider shall normally provide intercept service for the following minimum periods:

602.9(b)(1) In case of a customer-initiated residence number change, either sixty days or the remaining life of the normal alphabetical directory (including local directories), published by the serving service

provider or on its behalf, in which the old number appears plus thirty days, whichever is shorter.

602.9(b)(2) In case of customer-initiated business number change, either sixty days or the remaining life of the normal alphabetical directory (including local directories), published by the serving service provider or on its behalf in which the old number appears plus thirty days, whichever is shorter.

602.9(b)(3) In case of a company-initiated number change, one hundred and eighty days or the remaining life of the-normal alphabetical directory (including local directories), published by the serving service provider or on its behalf, in which the old number appears plus thirty days, whichever is longer. If at the time of change the new number is noted in all of the aforementioned current directories, intercept will be provided for thirty days.

602.9(c) Service providers shall strive to update intercept records within 24 hours of a number change.

602.9(d) Each service provider shall provide intercept on calls to non-working numbers, codes, vacant levels, etc., where reasonable and practical.

602.9(e) The local service provider shall not impose charges for intercepted calls.

602.10 DIRECTORIES

602.10(a) All service providers shall publish directories, or cause their numbers to be published. Directories shall be regularly published at approximately yearly intervals. The interval between directories shall not exceed 15 months without express Commission approval. The form of

directories shall ordinarily conform to the following criteria:

- 602.10(a)(1) A directory shall be in such form and list such information, as will permit the numbers of local exchange customers in the area covered by the directory to be obtained, except for public telephones and numbers unlisted at a customer's request.
- 602.10(a)(2) Information pertaining to emergency calls to such agencies as the police and fire departments shall appear conspicuously in the opening pages of the directory.
- 602.10(a)(3) Instructions concerning the placing of local and long distance calls, shall appear conspicuously in the opening pages of the directory. This section shall include access codes that can be used for placement of long distance calls, for those interexchange carriers agreeing to have their codes published. Directories will also include a telephone number for contacting each local service provider that serves the area covered by the directory at no additional cost to the service provider being listed.
- 602.10(a)(4) The introduction to the directory shall instruct customers to call the local service provider from which they receive service for information on billing, party lines, annoyance call procedures, emergency calling procedures and how to obtain tariff information.
- 602.10(b) Each service provider shall distribute at no charge to its customers within a local exchange area, a copy of

the local exchange directory for that area, and one additional copy shall be provided for each working telephone number upon request. A copy shall be filed with the Commission.

602.10(c) A service provider shall furnish its directory databases to all directory assistance service providers on terms and conditions no less favorable than the service provider furnishes such databases to its own or affiliated directory assistance service operations.

602.10(d) In the event of an error in a number published in the directory, the service provider shall intercept calls to the published number for the life of the directory where such number is not already in service. Where the published number is in service, the party served by it shall be given appropriate transfer information, and also the opportunity for a number change (at no charge). In that event, the normal practice shall be to place the published number on intercept, for the life of the directory listing plus 30 days.

602.10(e) Reasonable advance notice shall normally be given to the consumers affected when a service provider has cause to change a large group of numbers, even if such changes coincide with a directory issuance.

PART 603

SERVICE STANDARDS

APPLICABLE TO TELEPHONE CORPORATIONS

603.1 GENERAL PROVISIONS

603.1(a) This part shall apply to telephone corporations that provide local exchange service.

603.1(b) As indicated by their wording, a number of the regulations in this Part prescribe the normal procedures and practices to be directed in good faith by the service provider. However, the regulations in this part are not intended to govern the implementation of such procedures in individual instances. The execution or non-execution of such procedures and practices in individual instances is not the sole indicator of whether the service provider has provided adequate service to a particular consumer or group of consumers.

603.1(c) The standards set forth herein relate to the quality of service under normal operating conditions. They do not establish a level of performance to be achieved during periods of emergency, catastrophe, natural disaster, severe storm or other events affecting large numbers of consumers nor shall they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, major transportation disruptions or other events beyond a service provider's control.

603.2 MEASUREMENTS

603.2(a) Service providers shall gather accurate data consistent with the definitions contained in Section 602.1 for those measures indicated by subsection 603.4(c) and:

603.2(a)(1) keep performance records and retain them as specified by Part 651 for each entity level as defined in subsection 603.3 and maintained in a manner that permits audit by Commission staff, and

603.2(a)(2) measure answer time performance as defined in subsection 603.3, for customer service centers that receive a monthly average of more than 275 calls per working day for three consecutive months. Excluded from this provision is any group of specialized business account representatives established to address the needs of a single large business customer, or a small group of such customers.

603.3 METRICS AND PERFORMANCE THRESHOLDS

603.3(a) This section sets forth the metrics and performance thresholds that each service provider is expected to meet or exceed related to maintenance service, installations, network performance and answer time.

603.3(b)(1) Customer Trouble Report Rate. This is composed of two metrics. The first metric is defined as the number of initial customer trouble reports per hundred access lines per month and has a performance threshold of 5.5 or less for each central office. The second metric is applicable to service providers with 7 or more central offices, and is defined as the percentage of a service provider's total central office entities that perform at or below 3.3, and has a performance threshold of at least 85%.

603.3(b)(2) Reports included in the Customer Trouble Report Rate are limited to troubles associated with the regulated components of residential, business, Centrex and pay telephone service of the service provider's customers, and also includes all regulated features associated with these services except voice mailboxes.

- 603.3(b)(3) Customer trouble reports received as a result of any network failure are included in the report rate.
- 603.3(b)(4) Separate trouble reports should be recorded and included in the customer trouble report rate for multiple-line customers, for each access line identified by the customer.
- 603.3(c)(1) Percent Out-Of-Service Over 24 Hours. This metric is defined as the monthly percentage of customer trouble reports classified as out-of-service which are not cleared within 24 hours. The performance threshold for each maintenance administrative entity is 20% or less.
- 603.3(c)(2) Only trouble reports included in the customer trouble report rate shall be used to determine the percent out-of-service over 24 hours.
- 603.3(d)(1) Percent Service Affecting Over 48 Hours. This metric is defined as the monthly percentage of customer trouble reports classified as service affecting which are not cleared within 48 hours. The performance threshold for each maintenance administrative entity is 20.0% or less.
- 603.3(d)(2) Only trouble reports included in the customer trouble report rate shall be used to determine the percent service affecting over 48 hours.
- 603.3(e) Percent Initial Basic Local Exchange Service Line Installations Completed Within Five Days. This metric is defined as the monthly percentage of initial basic local exchange service line installations completed within five working days (following the day the order is received) and has a performance threshold of 80.0% or greater for each

installation administrative entity. This provision shall apply to the primary installation of service as follows: (i) the initial residential line; or (ii) the initial business customer order of five lines or less.

603.3(f)(1) Percent Installation Commitments Missed. This metric is defined as the percentage of installation commitments missed per month and has a performance threshold of 10.0% or less for each installation administrative entity.

603.3(f)(2) A missed installation commitment occurs when initial basic local exchange service is not provided to the consumer's interface on or before the end of the day of the appointment interval with the customer except when due to consumer fault or other condition as defined in subsection 603.3(f)(3).

603.3(f)(3) For purposes of this Section, the terms Consumer Fault and Other are defined to include the following:

603.3(f)(3)(i) Consumer fault occurs when during the appointment interval, the consumer is not ready, there is not access to or there exists unsafe conditions at the consumer's premises, or on or before the commitment date the consumer requests a later date.

603.3(f)(3)(ii) Other circumstances such as set forth in subsection 603.1(c) or the need to reassign a significant portion of the service provider's installation work force in order to re-establish service to existing customers who lost service as

a result of circumstances set forth in subsection 603.1(c).

603.3(g) Percent Final Trunk Group Blockages. This metric is defined as the monthly percentage of blocked calls on any local, toll and local operator final trunk groups and has a performance threshold of 3.0% or less for each final trunk group.

603.3(h)(1) Business Office Answer Time. This metric is defined as the monthly percentage of consumer calls of the business office answered within 30 seconds. The performance threshold for each administrative entity is 80.0% or greater.

603.3(h)(2) Calls answered, 15% of calls abandoned, and 10% of calls blocked or routed to an intercept message are to be included when determining the total number of calls to be answered.

603.3(i)(1) Repair Office Answer Time. This metric is defined as the monthly percentage of consumer calls for repair office service answered within 30 seconds. The performance threshold for each administrative entity is 80.0% or greater.

603.3(i)(2) Calls answered, 15% of calls abandoned, and 10% of calls blocked or routed to an intercept message are to be included when determining the total number of calls to be answered.

603.3(j) Operator Assistance Answer Time. Service providers may elect to report operator assistance answer time under either (i) or (ii) below.

603.3(j)(i) This metric is defined as the monthly percentage of calls for operator assistance service answered within 10 seconds. The performance threshold for each administrative entity is 90.0% or greater.

603.3(j)(ii) This metric is defined as the monthly average speed of answer of calls for operator assistance. The performance threshold for each administrative entity is 3.0 seconds or less.

603.3(j)(iii) For purposes of calculating performance under (i) above, count those calls answered, 15% of calls abandoned, and 10% of calls blocked or routed to an intercept message when determining the total number of calls to be answered.

603.3(k) The following table summarizes the foregoing metrics and performance thresholds.

METRIC	PERFORMANCE THRESHOLD (Monthly)
<u>Maintenance Service:</u>	
Customer Trouble Report Rate (Initial Reports) Per individual central office entity	5.5 or less
Percentage of total entities (for those providers with 7 or more offices) at 3.3 or less	85.0 or more
Percent Out-of-Service Over 24 Hours	20.0 or less
Percent Service Affecting Over 48 Hours	20.0 or less
<u>Installation Performance:</u>	
Percent Initial Basic Local Exchange Service Line Installations Completed Within 5 Days	80.0 or greater
Percent Installation Commitments Missed	10.0 or less

Network Performance:

Percent Final Trunk Group Blockages 3.0 or less

Answer Time Performance:

Business Office Answer Time

% Answered within 30 sec. 80.0 or greater

Repair Office Answer Time

% Answered within 30 sec. 80.0 or greater

Operator Assistance Answer Time

% Answered within 10 sec. 90.0 or greater

Average Answer Time in sec. 3.0 or less

603.4 REPORTING REQUIREMENTS

603.4(a) The Director of the Office of Communications shall issue guidelines prescribing the format, content and reporting times (except where otherwise prescribed herein) of each of the reports required pursuant to this Part. The Director's guidelines shall be reasonable, practical, give due consideration to the format of the reports utilized by the service providers in the operation of their business, and be subject to de novo review by the Commission in the event of a dispute.

603.4(b) Each report shall arrive at the Commission office no later than 30 days following the end of the report period (or such shorter interval as may be reasonable and practical and agreed upon between the Director of the Office of Communications and the service provider).

603.4(c) Unless otherwise specified by the Director of the Office of Communications, the following terms for service performance shall apply:

- 603.4(c)(1) Service providers with 500,000 or fewer access lines in service shall only report on Customer Trouble Report Rate.
- 603.4(c)(2) Service providers with over 500,000 access lines in service shall report on all of the service metrics of Subsection 603.3.
- 603.4(d)(1) For all the service quality metrics subject to reporting under Subsection 603.4(c) except Customer Trouble Report Rate and Percent Final Trunk Group Blockages, whenever a performance measure is not at or better than the performance threshold for the current month and any two of the previous four months, a service provider shall automatically submit to the Commission staff a Service Inquiry Report, as defined in Subsection 603.4(e).
- 603.4(d)(2) For Customer Trouble Report Rate, a service provider shall automatically submit to the Commission staff a Service Inquiry Report whenever an individual central office entity experiences 5.5 reports per 100 lines or greater for the current month and any two of the previous four months, or if a service provider has 7 or more central offices and less than 85% of its central office entities experience 3.3 reports per 100 lines or less for the current month and any two of the previous four months.
- 603.4(d)(3) For Percent Final Trunk Group Blockages, a Service Inquiry Report shall automatically be filed whenever performance is not at or better than 3.0 percent for three consecutive months.
- 603.4(d)(4) In addition, Commission staff may request a Service Inquiry Report where deemed appropriate.

603.4(e) A Service Inquiry Report means a report which provides an explanation for the condition giving rise to the report, where readily determinable, and the number of consumers affected. It shall further include plans for corrective action including expectations of restoring service to adequate levels, or an explanation of why the corrective action details do not apply in this specific instance. The report shall be filed within 21 calendar days of a qualifying event as defined in Section 603.4(d). Addenda will be made to the report as necessary if the reporting service provider identifies important additional information and/or substantially modifies its corrective action plan as described in the Report.

603.4(f) A service provider may request an exemption from any or all of the reporting requirements of Section 603.4, if that provider can demonstrate that the services are provided through the resale of another service provider's tariffed services or purchase of another service provider's Unbundled Network Elements (UNEs) over which it has no direct control. The Director of the Office of Communications will grant or deny such exemption requests on a case-by-case basis.

603.5 SERVICE INTERRUPTIONS

603.5(a) Each service provider shall establish and implement procedures regarding the construction, operation, and maintenance of its network, which are intended to minimize service failures, cable cuts, sudden increases in traffic, employee absences, fires,

severe storms, and floods and which are intended to maintain, to the extent practical and reasonable, continuous operation of its service in the event of commercial power loss, except where such power is provided by the consumer.

603.5(b) In executing section 603.5(a), each service provider is expected to:

603.5(b)(1) Maintain emergency contingency plans designed to assist personnel to prepare for emergencies, perform repairs and service restorals in the aftermath of such events, and assess company performance and identify opportunities for improvement after conditions have been normalized. An original copy of each service provider's emergency contingency plan and any subsequent updates shall be filed with the Director of the Office of Communications. The names and telephone numbers of individuals and any information which, in the opinion of the service provider, could compromise its ability to protect the network against vandalism, terrorist acts, or other potential threats to the network, may be redacted from the copies of the emergency contingency plans and updates filed with the Director of the Office of Communications pursuant to this Section.

603.5(b)(2) Report major service interruptions to Commission staff per guidelines issued by the Director of the Office of Communications pursuant to Subsection 603.4(a).

603.5(b)(3) Be guided by accepted industry guidelines and best practices, such as the findings and recommendations of the FCC's Network Reliability Councils, relating

to fiber optic, signaling, switching, digital cross-connect and power systems, 911, fire prevention, mutual aid and restoration, performance, interconnections, changing technologies, emergency communications, and other topics related to network reliability.

- 603.5(c) In the event that service must be interrupted for purposes of working on the lines or equipment, the service provider's work scheduling procedures shall provide that an attempt be made to do the work at a time which will cause minimal inconvenience to consumers and, where reasonable and practical, to notify consumers in advance of the interruption. The service provider's procedures shall make provision for the availability of required emergency services for the duration of the interruption.
- 603.5(d) On lines that have been voluntarily suspended or temporarily suspended for non-payment, access should continue to be provided to emergency services such as 911 or to an operator for emergency calling during the suspension period.

PART 644

SERVICE RECORDS AND REPORTS

- 644.2 All records required by this Part shall be preserved for the period of time specified in the Part 651, unless otherwise specified by the Commission.