

## BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Telecommunications Carrier to Carrier )  
Service Standards for the Interface of )  
Interconnecting Local Exchange ) Docket No. UT-990261  
Carriers Rulemaking )

### SUPPLEMENTAL COMMENTS OF GTE

**March 10, 2000**

GTE Northwest Incorporated ("GTE Northwest") and GTE Communications Corporation ("GTECC") (collectively "GTE") submit the following comments in response to the Washington Utilities and Transportation Commission's ("WUTC" or "Commission") request for supplemental comments.<sup>1</sup>

#### SUMMARY

In its February 17, 2000 Notice (at 1), the Commission requested comment on whether it should address carrier-to-carrier service quality (OSS Performance Measures) through tariffs or a Statement of Generally Accepted Terms (SGAT), rather than by rules. The Commission also requested parties to consider whether there are alternatives to rulemaking, tariffs, or SGATs that would take into account ease of use, administrative efficiency, and industry flexibility (Notice at 2). There are four different approaches the Commission could utilize to address OSS performance measures. These include addressing OSS performance measures by 1) stipulation agreement; 2) rules; 3) tariffs; or 4) SGATs. GTE's preferred approach is to pursue a stipulation agreement among the

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<sup>1</sup> Notice of Opportunity to File Supplemental Comments, February 17, 2000 (Notice).

parties.<sup>2</sup> In any event, for this docket to be useful to the parties and the Commission, it should result in an approved set of performance measures that will be “incorporated by reference” into existing and future interconnection agreements (ICAs).

The Commission also requests comment on whether certain performance requirements now used for retail services could be used for OSS performance measures (Notice at 2). The service quality performance measures currently utilized for retail services are not defined in adequate detail to use for OSS performance measures.

## **SPECIFIC RESPONSES**

### **The Commission Should Allow Parties to Address OSS Performance Measures Through a Stipulation Agreement**

As noted in GTE’s June 11, 1999 and September 24, 1999 Comments, GTE has spent a considerable amount of time and effort stipulating to similar OSS performance measures in other states. The California, Nevada, and Indiana Commissions have issued decisions adopting the parties’ stipulation agreements and a decision is pending in Hawaii. Also, GTE is currently finalizing a stipulation agreement in North Carolina that will be based on the extensive work and agreements already completed in California. GTE believes this could also be a viable approach in Washington, because parties could capitalize on a common set of measures that are currently implemented and working.

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<sup>2</sup> GTE has successfully stipulated to OSS performance measures in the states of California, Nevada, Indiana, and Hawaii. GTE is in the process of finalizing a similar stipulation in North Carolina.

## **The Commission Should not Address OSS Performance Measures Through a Rulemaking**

As GTE discussed in its previous comments, the ILECs' processes, procedures, and systems differ significantly in many respects, so that "one size fits all" OSS performance measures are impractical. Rather, company-specific measures are more workable. This has been recognized by several carriers who have agreed to different OSS performance measure requirements for GTE versus the Regional Bell Operating Company (RBOC). For example, the "held order interval" OSS performance measure stipulated by the parties and adopted by the California Commission notes different retail parity measures for UNEs between GTE and Pacific Bell. In addition, the competitive environment is evolving and both the needs of the competitive local exchange carriers (CLECs) and the ILECs are experiencing maturation as well as change. As a result, traditional rulemakings are ill suited to this subject matter.

## **The Commission Should not Address OSS Performance Measures Through Tariffs**

While tariffs are the appropriate vehicles for setting out rates, terms and conditions of regulated telecommunication services, they are not an appropriate means of describing OSS performance measures. Rather than being offered by tariff, the underlying services to which these OSS performance measures would apply are generally handled by ICAs.<sup>3</sup> As described in more detail below, the OSS performance measures stipulated by parties and/or ordered by the Commission should be "incorporated by reference" rather than

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<sup>3</sup> Although GTE has a collocation tariff pending, which it urges the Commission to allow to go into effect, it recommends that collocation performance measures be addressed as part of the overall OSS performance measures process. This will better enable GTE and other carriers to develop a comprehensive carrier-to-carrier service performance measures process.

described in detail in the ICAs.

### **The Commission Should not Address OSS Performance Measures Through a SGAT**

SGATs are devices mentioned in Section 252(f) of the Telecommunications Act of 1996 ("Act") for use by RBOCs, at their option, to offer terms and conditions for their compliance with Section 251 of the Act. They are not applicable to other ILECs, such as GTE. Thus, GTE does not interpret the Commission's Notice to be proposing to impose the Act's SGAT provisions, but rather simply to be suggesting a SGAT-like, "standing offer" approach to the OSS performance measures issue.

GTE does not support this approach. Since a SGAT-like filing would be just a sort of opening offer that would need to be incorporated into an ICA to have any binding effect, it would fail to fully resolve the OSS performance measures issues. GTE already has its "offer" of service performance measures: the detailed document to which numerous other carriers have agreed to in other states. Building on this effort is preferable to going through a new SGAT-like process for GTE. This approach may also create confusion in terms of the interconnection agreement negotiation process. For example, do the Act's "pick and choose" provisions apply to a SGAT? In addition, GTE would have to modify its current processes to accommodate the use of a SGAT.

### **No Matter What Process is Utilized to Address OSS Performance Measures, the Commission Needs to Address the Application of OSS Performance Measures and Associated Issues to Parties' ICAs**

As stated previously, GTE supports the implementation of OSS performance measures that would apply to CLECs uniformly, in place of the hodgepodge of measures

that has developed over time under various ICAs. This will provide administrative and operational benefits to both GTE and its interconnecting carriers. GTE, therefore, supports the use of this docket to achieve that objective. Whatever procedural vehicle is ultimately used, it is critical that the Commission approved OSS performance measures apply to existing and future ICAs. Otherwise, there will be no real benefit to the parties. Thus, the Commission's Order that adopts an OSS performance measures plan should include language that requires the terms of any stipulation agreement and/or Commission decision on OSS performance measures be "incorporated by reference" into existing ICAs and supersede all existing provisions relating to OSS performance measures. These provisions may include, but would not be limited to, ILEC and CLEC measures, gap closure plans and performance incentives related to those measures that may presently be contained in existing ICAs.

To "incorporate by reference" means that the terms of the Commission's Order on OSS performance measures are automatically placed in force and effect for an existing agreement, and automatically supersede all existing OSS performance measurement terms in the ICA. The Commission should expressly order that parties are not required to prepare and/or submit written amendments to the ICAs to effectuate the "incorporation by reference." This will eliminate the potentially substantial administrative burden on parties of preparing and executing amendments to each ICA. In addition, the Commission will maintain control without the need to devote resources to reviewing, approving and maintaining these records. Currently, GTE has approximately 875 ICAs nationwide, including 50 in Washington.

Parties should also be required to “incorporate by reference” these provisions in future ICAs. This eliminates the need to expressly enumerate each of the stipulated and adjudicated OSS terms in an ICA or to physically amend each ICA if the Commission subsequently orders or approves modifications or changes to these provisions. In addition, the implementation time frame is shortened for subsequent changes or modifications, and all CLECs receive the benefits of such changes at the same time.

**Retail Service Quality Measurements do not Contain the Appropriate Level of Detail in Order to Determine Whether They Should be Used for Oss Performance Measures**

The reporting requirements for OSS performance measures require significantly more detail than the existing retail service quality requirements outlined in WAC 480-120-5XX. Based on GTE’s experience in other states, the reporting requirements outlined for each OSS performance measure require detailed information for the following items: 1) measurement description, 2) method of calculation, 3) report period, 4) report structure, 5) measurement disaggregation level; 6) geographic level of report; 7) measurable standard; 8) business rules, and 9) other information. Since this level of detail is not available for the current retail service quality measurements contained in WAC 480-120-5XX, GTE is unable to perform a reasonable analysis of whether existing retail service quality measurements can be used for OSS performance measures. In addition, the Commission is currently in the process of reviewing WAC 480-120-XXX for possible revisions as part of Docket No. UT-990146. As a result, it is difficult for GTE, or any other party, to comment on whether retail service quality measures can be used for OSS performance measures when there is a possibility that they may be changing in the near future. Finally, there are certain services, such as collocation, that GTE offers to CLECs

that GTE does not provide to its end-users. In these instances, no comparable retail service quality measures exist.

However, there will necessarily need to be a close relationship between the retail service quality measures and OSS performance measures the Commission plans to develop in this docket, since some carriers (e.g., resellers) will rely on other carriers for some or all of the provisioning of services to their customers. This relationship needs to be borne in mind as the Commission addresses OSS performance measures. The Commission should establish OSS performance measures in this proceeding by fully considering how such measurements will coordinate with the existing retail service quality rules.

### **CONCLUSION**

The Commission should allow parties to address OSS performance measures through a stipulation agreement, similar to those agreements reached recently in several other states. This approach, as compared to alternative approaches such as rules, tariffs, or SGAT, has the benefit of administrative efficiency, ease of use, and industry flexibility. Whatever procedural vehicle the Commission ultimately decides to use to address OSS performance measures, it is important that the Commission approved measures apply to existing and future ICAs. Although the performance requirements currently utilized for retail services are not defined in adequate detail to use for OSS performance measures, the Commission should establish OSS performance measures by fully considering how such measurements will coordinate with the existing retail service quality requirements.

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