

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

| | | |
|--------------------------------------|---|-------------------------|
| In the Matter of the Petition of |) | DOCKET UT-061617 |
| |) | |
| SBC LONG DISTANCE, LLC, D/B/A |) | ORDER 01 |
| AT&T LONG DISTANCE |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| Seeking Approval of Alternative Form |) | ORDER APPROVING |
| of Reporting as allowed by WAC 480- |) | ALTERNATIVE MEASUREMENT |
| 120-439(12) |) | OR REPORTING FORMAT |
| |) | |

BACKGROUND

- 1 On November 22, 2005, Commission staff received a letter from SBC Long Distance, LLC, d/b/a AT&T Long Distance (SBC or the Company) that SBC’s acquisition of AT&T Corp. (AT&T) was complete as of November 18, 2005.

- 2 In January 2006, Commission staff contacted a representative of SBC to inform the company that as an affiliate of AT&T, SBC had become a Class A company as defined in WAC 480-120-302(1)(a).¹

- 3 Class A companies are required to file service quality reports pursuant to WAC 480-120-439. Measurement standards for service quality reporting are in WAC 480-120-105, -133, -401, -438, and -440.

- 4 On October 19, 2006, the Company filed a petition requesting approval for an alternative measurement or reporting format as allowed under WAC 480-120-439(12). The Company amended its petition on April 23, 2007 to clarify its request.

- 5 The Company’s affiliate, AT&T, currently submits monthly service quality reports under an alternative measurement approved by the Commission on May 11, 2005, in Docket UT-041588.

- 6 SBC is asking the Commission to grant its request, and allow SBC to report its service quality data in a manner similar to AT&T.

¹ Class A designation means that a company and its affiliates serve at least 2% of the total access lines in the State of Washington.

- 7 In its petition, SBC states that it cannot comply with the service quality reporting requirements in WAC 480-120-439. These requirements are based principally upon a facilities-based, legacy network architecture, because the Company does not employ any central or end offices, and either obtains local loops from the incumbent local exchange carriers (ILECs) as unbundled network element loops, or provides the entire service through a resale arrangement. Further, SBC relies on the underlying ILECs to install and maintain the local line facilities and to address causes of trouble on those lines. Therefore, the Company cannot reasonably provide many of the measurements required by WAC 480-120-439. SBC asserts that the proposed alternative measurements and reporting will provide the Commission with substantive performance standards based upon the Company's actual network and its service as it is provisioned in Washington.
- 8 The Company requests approval of its petition to: a) report both commitments and appointments under subsection (3); and b) apply WAC 480-120-439 subsections (4) and (6) on a statewide basis.
- 9 In its application, the Company also requests partial relief from subsections (7) (switching) and (8) (trunk blocking) because it serves some of its customers by reselling complete service arrangements obtained from an ILEC. For those customers, the Company is unable to report data on switching and trunk blocking on the underlying ILEC facilities because the Company does not have the information. The Company proposes to provide the required data for its own switch and interoffice trunks.
- 10 The Company will provide the information for subsection (9) as required by the rule except for exemptions allowed by the rule. SBC is reliant upon the underlying ILEC for the repair work and is unaware of the cause of the out-of-service condition or interruption. Consequently, SBC is unable to provide the number of exemptions allowed by the rule, i.e. force majeure, or physically obstructed, and is requesting waiver of this aspect of the rule.
- 11 The Company supplied legitimate justification for an alternative measurement or reporting format for subsections (3), (4), (6) and (9).
- 12 Commission Staff has reviewed the petition and recommends granting the Company's request for alternative measurement or reporting format for subsections (3), (4), (6), and (9). With respect to subsections (7) and (8), Staff understands the Company's concern, but does not believe a waiver of those subsections is necessary for the Company, because

SBC is not required to provide the service performance data on the underlying ILEC facilities.

FINDINGS AND CONCLUSIONS

- 13 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including telecommunications companies. *RCW 80.01.040; RCW 80.04 and RCW 80.36.*
- 14 (2) SBC is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of *RCW 80.36.*
- 15 (3) WAC 480-120-439(12) provides that the Commission may approve a telecommunications company's request to provide an alternative measurement or reporting format for any of the service quality reports required in WAC 480-120-439.²
- 16 (4) The petition as amended was brought before the Commission at its regularly scheduled meeting on April 27, 2007.
- 17 (5) After review of the petition filed in Docket UT-061617 by SBC on October 19, 2006, and giving due consideration, the Commission finds that the petition for an alternative measurement or reporting format under WAC 480-120-439(12) should be approved for WAC 480-120-439, subsections (3), (4), (6) and (9).

² The petitioning company must provide evidence that it cannot reasonably provide the measurement or reports; the alternative measurement or reporting format will provide a reasonably accurate measurement of the company's performance to the substantive performance standard; and the ability of the commission and other parties to enforce compliance will not be significantly impaired by the use of the alternative.

ORDER

THE COMMISSION ORDERS:

- 18 (1) The petition, filed by SBC Long Distance, LLC, d/b/a AT&T Long Distance, for approval of an alternative measurement or reporting format, as prescribed by WAC 480-120-439, for subsections (3), (4), (6), and (9) is approved.
- 19 (2) The Commission retains jurisdiction over the subject matter and SBC Long Distance, LLC, d/b/a AT&T Long Distance, to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective April 27, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary