

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of,)
COMCAST PHONE OF WASHINGTON, LLC) No. UT-031459/UT-031626
) COMCAST PHONE OF WASHINGTON,
) LLC, PETITION FOR ALTERNATE
) REPORTING MEASUREMENTS
)
)
)
)

I. INTRODUCTION

1. This Petition is brought by Comcast Phone of Washington, LLC (“Comcast Phone”), 440 Yauger Way SW, Olympia, WA 98502-8153.

II. RELIEF SOUGHT

2. Pursuant to WAC 480-120-015 Comcast Phone hereby petitions the Washington Utilities and Transportation Commission (“Commission”) for a permanent alternative reporting measurement for WAC 480-120-439, as detailed below.

III. BACKGROUND

A. The Rule

3. On December 12, 2002, the Commission filed with the Code Reviser General Order No. R-507 in Docket No. UT-990146, which included the newly developed rule regarding service quality performance reports, WAC 480-120-439. A copy of this rule is Appendix A.

4. In Docket Nos. UT-031459 and UT-031626, the Commission addressed Comcast Phone's challenge to the applicability of WAC 480-120-439 to competitive local exchange companies ("CLEC's"), such as Comcast Phone. On March 17, 2004 the Commission entered its Final Order Affirming and Adopting Initial Order Granting Mitigation on Condition, Denying Exemption from Rule ("Order"). This Order ruled that Comcast Phone was subject to the reporting requirements of WAC 480-120-430 as long as it serves more than 2% of the state's access lines. It denied Comcast Phone's request for waiver of WAC 480-120-439, but conditionally granted Comcast Phone's Petition for Mitigation of the penalty that had been assessed for "violating" WAC 480-120-439. The Commission directed Comcast Phone to make a subsequent filing within 30 days after the date of the order showing reasonable alternative means by which the company can satisfy WAC 480-120-439, as the condition for mitigation of the penalty.

5. Shortly after the Order was issued Comcast Phone representatives, Rhonda Weaver and Marty Davidson, met with Commission Staff, Glenn Blackmon and Bob Williamson, to develop an alternative reporting method, because Comcast Phone cannot comply with several of the terms of WAC 480-120-439. This alternative is presented below. Based upon discussions with Staff, Comcast Phone believes that this alternative method is acceptable to Staff, but Comcast Phone is willing to consider further modifications if Comcast Phone's understanding of the Staff position is not correct. This alternative measurement of reporting is appropriate under the criteria of WAC 480-120-4399(12). That section allows the Commission, by order, to approve an alternative measurement or reporting format for a company for any of the reports specified in this section, based on evidence that:

(a) The company cannot reasonably provide the measurement or reports as required;

(b) The alternative measurement or reporting format will provide a reasonably accurate measurement of the company's performance relative to the substantive performance standard; and

(c) The ability of the Commission and other parties to enforce compliance with substantive performance standard will not be significantly impaired by the use of the alternative measurement or reporting format.

6. As explained below, Comcast Phone cannot reasonably provide certain measurements. Therefore, its proposed alternative will provide a reasonable measurement of the Company's service performance.

B. Proposal For the Submission of Reports

7. Comcast proposes to submit the following reports specified under WAC 480-120-439:

(a) **WAC 480-120-439(3) – Missed Appointment Report** – Comcast Phone does not currently track the information requested in this rule. Compliance with WAC 480-120-439(3) would require Comcast Phone to implement a costly new tracking mechanism that seems unwarranted at this time, given that the following alternative exists: Specifically, Comcast Phone proposes that, in lieu of filing the missed appointment report, the Company be allowed to file an “On Time Guarantee” in the Company's price list, which would offer customers a one-time \$20 credit when Comcast Phone misses an appointment.¹ This waiver would be conditional, and Comcast Phone would only be required to offer the “On Time Guarantee” until the earliest of (a) the date on which Comcast Phone's access line count in Washington drops below the 2% threshold for reporting under WAC 480-120-439²; (b) the date on which Comcast

¹ The credit would be available when Comcast Phone fails to show up during an agreed-upon 4-hour appointment window, except when the missed appointment is due to the fault of Comcast Phone or force majeure.

² Comcast Phone, since November 2002, has focused on improving the phone operations inherited from the AT&T Broadband/Comcast merger, and has not actively marketed Comcast phone service in the Seattle or Vancouver markets. As a result, the Company's access line count dropped from 117,535 lines as of December 31, 2002 to 89,324 lines as of March 31, 2004.² See also fn. 1.

Phone recommences active marketing of its phone service in the Seattle and Vancouver, Washington markets³; or (c) the date on which the Comcast Phone implements a new tracking mechanism which generates the missed appointment report, as applicable. If the date set forth in (b) is the earliest date, Comcast Phone will develop the missed appointment report and begin filing the data with the WUTC within ninety days of commencement of an active marketing campaign for Comcast Phone services in the Seattle and Vancouver, Washington markets.⁴

(b) **WAC 480-120-429(4) – Installation or Activation of Basic Service Report** – Comcast Phone, as a facilities-based cable telephony provider, does not maintain “central offices” as a component of its network. Therefore, Comcast Phone is unable to provide the reports by central office specified in WAC 480-120-429(4). Comcast Phone proposes instead to furnish these reports monthly by *rate center*. Furthermore, because the ILEC often takes an extended period of time to port a number to Comcast Phone (i.e., four business days minimally for just the port), Comcast Phone requests an exemption from the requirement that it include in its reports statistics for customers ported from the ILEC.⁵ Orders for customers ported from the ILEC would generally not meet the related requirement of WAC 480-120-105 that a provider complete the order within *five* business days after the order date.⁶ Accordingly, Comcast Phone proposes to provide a monthly report reflecting only those orders not requiring a ported number.

(c) **WAC 480-120-439(5) – Major Outages Report** – Comcast will provide the reports specified in this rule. Comcast does not seek a waiver for this report.

³ Comcast Phone would advise Staff of this date in writing.

⁴ As noted in fn. 2, Comcast Phone is not currently marketing its services actively in Seattle or Vancouver, Washington.

⁵ Indeed, WAC 480-120-429(4) permits a reporting entity to exclude, from the total number of orders taken and from the total number of uncompleted orders for the month, those orders which are affected by “force majeure.”

⁶ This compromise is reasonable and will allow the Commission to gauge Comcast Phone’s service performance regarding installation/activation when such performance is within its control. Under WAC 480-120-105(4), Comcast Phone is exempt from compliance with the five-day and ninety-day service installation requirements of WAC 480-120-105(4).

(d) **WAC 480-120-439(6) – Summary Trouble Reports** – As noted above, Comcast Phone, which is a facilities-based cable telephony provider, does not maintain central offices as a component of its network. Accordingly, Comcast Phone is unable to provide the reports specified in this rule on a central office basis. Comcast Phone proposes instead to furnish those reports by *rate center* on a monthly basis.

(e) **WAC 480-120-439(7) – Switching Report** – This rule requires a provider to report switching problems in excess of the standard established in WAC 480-120-401(2)(a) (Switches -- Dial Service). However, Comcast Phone does not own or operate switches in Washington; rather, the Company currently purchases an aggregate service from a third party, which includes, among other things, switching and transport. This arrangement is the result of the Comcast's November 2002 merger with AT&T Broadband Corp. As the result of the merger, Comcast inherited a wholesale arrangement in which a third party provides switching and transport used by Comcast Phone in conjunction with its own network. Comcast Phone has sent a letter to the third party providing switching services to Comcast Phone asking that the third party provide to Comcast copies any reports filed under the provisions of WAC 480-129-401 (2) and WAC 480-120-439(7). Comcast will then forward this filing to the WUTC. *See* confidential letter attached hereto at Appendix B.

(f) **WAC 480-120-439(8) – Interoffice, Intercompany and Interexchange Trunk Blocking Report** – As noted in the preceding section, Comcast currently purchases an aggregate service from a third party, which includes, among other things, transport (including interoffice, intercompany and interexchange trunking). Comcast Phone has sent a letter to the third party providing transport services to Comcast asking that the third party provide to Comcast copies any reports filed under the provisions of WAC 480-129-401 (3), (5) and WAC 480-120-439 (7). Comcast will then forward this filing to the WUTC. *See* confidential letter attached hereto at Appendix B.

(g) **WAC 480-120-439(9) Repair Report** – Even though Comcast Phone’s computerized tracking system does not track this metric, the Company will manually pull the information needed to provide the reports specified in this rule.

(h) **WAC 480-120-439(10) – Business Office and Repair Answering System Reports** – Comcast Phone proposes to provide these reports using an alternate form of measurement. An alternate form of measurement is necessary for two reasons: First, Comcast Phone routes both business office calls and repair calls through the same organization. The resulting information cannot be sorted under separate metrics without great effort and tremendous expense. Second, calls from Vancouver, Washington customers and Portland, Oregon customers are handled by the same organization, and the resulting information cannot be sorted under separate metrics without equally challenging efforts.

(i) The monthly reports filed to comply with this rule will reflect Comcast Phone’s practice of using a single system and organization to receive business office calls and repair calls, and will combine business office performance with repair performance. Further, the reports will reflect Comcast Phone’s practice of using a single system and organization to receive calls from Vancouver, Washington, and Portland, Oregon. Comcast Phone will report its performance in other areas of the state separately from its performance in the Vancouver-Portland market. This alternative method will allow the Commission to gauge Comcast Phone’s service performance effectively.

IV. CONCLUSION

8. For the reasons outlined above, Comcast Phone seeks an Order that allows it to comply with the service quality performance requirements of WAC 480-120-439 by the alternative method proposed herein.

RESPECTFULLY SUBMITTED this 15th day of April, 2004.

GRAHAM & DUNN PC

By Judith A. Endejan
Judith A. Endejan
WSBA# 11016
Email: jendejan@grahamdunn.com
Attorneys for

APPENDIX A

[About Us](#) | [Contact Us](#) | [E-mail Lists](#) | [Search](#) | [Help](#)

[Legislature Home](#) | [Senate](#) | [House of Representatives](#)

Inside the Legislature

- ★ [Find Your Legislator](#)
- ★ [Participating in the Process](#)
- ★ [Legislative Calendars](#)
- ★ [Bill Information](#)
- ★ [Laws and Agency Rules](#)
- ★ [Legislative Agencies](#)
- ★ [Legislative E-mail Lists](#)
- ★ [Kids Page](#)

[TITLES](#) >> [WAC 480 TITLE](#) >> [WAC 480 -120 CHAPTER](#)

[Print Vers](#)

[480-120-438](#) << [480-120-439](#) >> [480-120-440](#)

WAC 480-120-439 Service quality performance reports. (1) Class A companies. Class A companies must report monthly the information required in subsections (3), (4), and (6) through (10) of this section. Companies must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

Outside the Legislature

- ★ [Washington State History and Culture](#)
- ★ [Congress-The other Washington](#)
- ★ [TV Washington](#)
- ★ [Washington Courts](#)
- ★ [Access WA](#)

(2) **Class B companies.** Class B companies need not report to the commission as required by subsection (1) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by [WAC 480-120-105](#) (Company performance standards for installation or activation of access lines), [480-120-112](#) (Company performance for orders for nonbasic services), [480-120-133](#) (Response time for calls to business office or repair center during regular business hours), [480-120-401](#) (Network performance standards), [480-120-411](#) (Network maintenance), and [480-120-440](#) (Repair standards for service interruptions and impairments, excluding major outages).

(3) **Missed appointment report.** The missed appointment report must state the number of appointments missed, the total number of appointments made, and the number of appointments excluded under (b), (c), or (d) of this subsection. The report must state installation and repair appointments separately.

(a) A LEC is deemed to have kept an appointment when the necessary work in advance of dispatch has been completed and the technician arrives within the appointment period, even if the technician then determines the order cannot be completed until a later date. If the inability to install or repair during a kept appointment leads to establishment of another appointment, it is a new appointment for purposes of determining under this subsection whether it is kept or not.

(b) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, then the appointment that was canceled is not a missed appointment for purposes of this subsection. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with [WAC 480-120-105](#) (Company performance standards for installation or activation of access lines) and [480-120-112](#) (Company performance for orders for nonbasic services).

(c) A LEC does not miss an appointment for purposes of this subsection when the customer initiates a request for a new appointment.

(d) A LEC does not miss an appointment for purposes of this subsection when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) **Installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by [WAC 480-120-105](#) (Company performance standards for installation or activation of access lines). The report must include orders

with due dates later than five days as requested by a customer. The installation or activation of basic service report must state, by central office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) A separate report must be filed each calendar quarter that states the total number of orders taken, by central office, in that quarter for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service ninety-day report must state, of the total orders taken for the quarter, the number of orders that the company was unable to complete within ninety days after the order date.

(b) A separate report must be filed each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable to complete within one hundred eighty days.

Orders for which customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071 (Extension of service); when a technician arrives at the customer's premises at the appointed time prepared to install service and the customer is not available to provide access; or when the commission has granted an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC), from the requirement for installation or activation of a particular order, may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month.

For calculation of the report of orders installed or activated within five business days in a month, orders that could not be installed or activated within five days in that month due to force majeure may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month if the company supplies documentation of the effect of force majeure upon the order.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive actions to be taken to avoid future outages. This reporting requirement does not include company-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438 (Trouble report standard). The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438 (Trouble report standard). The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of

the standard established in WAC 480-120-401 (2)(a) (Switches -- Dial service), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) Interoffice, intercompany and interexchange trunk blocking report.

Companies that experience trunk blocking in excess of the standard in WAC 480-120-401 (3) (Interoffice facilities) and (5) (Service to interexchange carriers) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, the busy hour when peak blockage occurs, and whether the problem concerns a standard in WAC 480-120-401 (3) or (5). The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) Repair report.

(a) For service-interruption repairs subject to the requirements of WAC 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages), companies must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must report the number of interruptions that are exempt from the repair interval standards as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, companies must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must report the number of impairments that are exempt from the repair interval standard as provided for in WAC 480-120-440.

(10) Business office and repair answering system reports. When requested, companies must report compliance with the standard required in WAC 480-120-133 (Response time for calls to business office or repair center during regular business hours). If requested, companies must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

(12) If consistent with the purposes of this section, the commission may, by order, approve for a company an alternative measurement or reporting format for any of the reports required by this section, based on evidence that:

(a) The company cannot reasonably provide the measurement or reports as required;

(b) The alternative measurement or reporting format will provide a reasonably accurate measurement of the company's performance relative to the substantive performance standard; and

(c) The ability of the commission and other parties to enforce compliance with substantive performance standard will not be significantly impaired by the use of the alternative measurement or reporting format.

(13) Subsection (12) of this section does not preclude application for an exemption under WAC 480-120-015.

The enclosed constitutes confidential information pursuant to WAC 480-07-160(2)(c) because it discusses the existence of a confidential business relationship between Comcast Phone of Washington LLC and its switch vendor, which is governed by the terms of a confidential agreement that relates to proprietary switching and network information. Comcast Phone is bound by the non-disclosure provisions of that agreement to maintain the confidentiality of the agreement, and related documents.

The enclosed is provided only to the Commission at this time.

APPENDIX B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of,) No. UT-031459/UT-031626
COMCAST PHONE OF WASHINGTON, LLC) CERTIFICATE OF SERVICE
)
)
)
)
)

I certify that on the date given below, the original and 13 copies of the **Comcast Phone Of Washington, LLC's Petition for Alternate Reporting Measurements** in the above-referenced docket were delivered via of E-mail and Federal Express to:

Ms. Carole Washburn, Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
1300 South Evergreen Park Dr. S.W.
Olympia, WA 98504-7250
E-mail: records@wutc.wa.gov

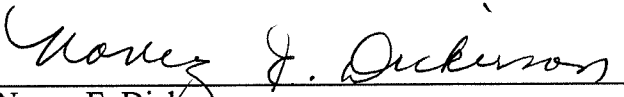
On the same date, a true and correct copy of each of the above-mentioned documents was sent by regular U.S. Mail and e-mail to:

<p><i>On Behalf of Time Warner Telecom of WA:</i> Gregory J. Kopta Attorney at Law Davis Wright Tremaine 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688 E-mail: gregkopta@dwt.com</p>	<p><i>On Behalf of AT&T</i> Letty S.D. Friesen AT&T Law Department 1875 Lawrence Street, 15th Floor Denver, CO 80202 E-mail: lsfriesen@att.com</p>
---	---

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

<p><i>On Behalf of MCI:</i> Michel Singer-Nelson WorldCom, Inc. 707 - 17th Street, Suite 3600 Denver, CO 80202 E-mail: michel.singer_nelson@wcom.com</p>	<p><i>On Behalf of MCI & WeBTEC:</i> Arthur A. Butler Attorney at Law Ater Wynne, LLP 601 Union Street Suite 5450 Seattle, WA 98101 E-mail: aab@aterwynne.com</p> <p>Lisa F. Rackner Ater Wynne LLP 222 SW Columbia, Suite 1800 Portland, WA 97201-6618 <i>Via U.S. Mail Only</i></p>
<p><i>On Behalf of Qwest:</i> Lisa Anderl Sr. Attorney Policy & Law Qwest Communications, Inc. 1600 7th Avenue, Suite 3206 Seattle, WA 98191 E-mail: landerl@qwest.com</p>	<p><i>On Behalf of Public Counsel:</i> Simon ffitc Office of the Attorney General Public Counsel 900 4th Avenue, Suite 2000 Seattle, WA 98164 E-mail: SimonF@atg.wa.gov</p>
<p><i>On Behalf of Commission Regulatory Staff:</i> Shannon Smith Assistant Attorney General Washington Utilities & Transportation Commission 1400 So. Evergreen Park Dr. SW Olympia, WA 98504-0128 E-mail: ssmith@wutc.wa.gov</p>	

DATED this 15th of April 2004.

By 
Nancy E. Dickerson
Legal Secretary