

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

In the Matter of the Petition of	)	DOCKET UT-061443
	)	
ESCHELON TELECOM OF	)	ORDER 01
WASHINGTON, INC., ADVANCED	)	
TELCOM, INC., and OREGON	)	
TELECOM, INC. d/b/a	)	
WASHINGTON TELECOM, INC.	)	
	)	
Petitioner,	)	
	)	ORDER APPROVING
Seeking Approval of Alternative Form	)	ALTERNATIVE MEASUREMENT
of Reporting as allowed by WAC 480-	)	OR REPORTING FORMAT IN
120-439(12)	)	PART, AND DENYING IN PART
.....	)	

**BACKGROUND**

- 1 On September 11, 2006, Eschelon Telecom of Washington, Inc., Advanced Telcom, Inc., and Oregon Telecom, Inc., d/b/a Washington Telecom, Inc., (collectively Eschelon) filed a petition requesting approval of an alternative measurement or reporting format for service quality reports. Eschelon amended its petition on January 3, 2007.
  
- 2 Eschelon is a Class A<sup>1</sup> company and it must report service quality measures in the manner prescribed by WAC 480-120-439, or be granted permission to report an alternative measurement or reporting format.
  
- 3 Eschelon states that it cannot comply with all the service quality reporting requirements in WAC 480-120-439 because these requirements are based principally upon a facilities-based network architecture. Eschelon does not employ central offices as that term is traditionally defined and obtains all or substantially all of its local loops from the incumbent local exchange carriers (ILECs) as unbundled network element loops.
  
- 4 Further, Eschelon relies on the underlying ILECs to obtain the necessary reporting data for its service along with the installation intervals required by the ILEC. Therefore, Eschelon cannot reasonably provide many of the measurements required by WAC 480-120-439. In addition, Eschelon has attempted to reduce costs by standardizing and

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

automating many of its internal business reporting and information gathering operations. Substantial modifications to its current process would involve significant costs that could outweigh the benefits of improved reporting. Eschelon asserts that the proposed alternative measurements and reporting will provide the Commission with substantive performance standards based upon Eschelon's actual network and its service as it is provisioned in Washington.

5 Eschelon requests approval of its amended petition to: a) be exempt from WAC 480-120-439 (3); (b) report performance on installations for all orders placed regardless of the number of lines requested, different from subsection (4) of the rule; (c) report installation data for 30-day, 90-day and 180-day periods without regard to whether the installations occurred in five days as required under subsection (4) of the rule; (d) apply WAC 480-120-439 on a statewide basis, where applicable, different from subsections (4) and (6) of the rule; and (e) report all repair types that Eschelon itself can complete rather than as required under subsection (9) of the rule.

6 Eschelon has supplied legitimate grounds for an alternative measurement or reporting format for subsections (4), (6), and (9). Staff does not agree that a full exemption for subsection (3) is warranted. WAC 480-120-439 (3) requires reporting on both missed repair and missed installation appointments.

7 Eschelon contends that it cannot provide missed appointment data on repairs due to its reliance on the underlying ILECs that carry out the repairs. However, Eschelon is in regular contact with its customers regarding installations, it has determined that it will be able to supply missed installation appointment information.

8 Commission staff has reviewed the amended petition and recommends granting Eschelon's request for alternative measurement or reporting format under WAC 480-120-439(12) for subsections (4), (6), and (9), and granting partial exemption from subsection (3). Staff recommends denying the exemption request related to reporting missed installation appointments under subsection (3) of the rule.

## FINDINGS AND CONCLUSIONS

9 (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.*

- 10 (2) Eschelon 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.
- 11 (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.<sup>2</sup>
- 12 (4) The petition as amended was brought before the Commission at its regularly scheduled meeting on June 27, 2007.
- 13 (5) After review of the petition filed in Docket UT-061443 by Eschelon on September 11, 2006, and amended on January 3, 2007, 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 in part, and denied in part.

## ORDER

### THE COMMISSION ORDERS:

- 14 (1) The petition of Eschelon Telecom of Washington, Inc., Advanced Telcom, Inc., and Oregon Telecom, Inc., d/b/a Washington Telecom, Inc., for approval of an alternative measurement or reporting format under WAC 480-120-439(12) for reporting requirements in subsections (4), (6), and (9) of the rule is approved.

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<sup>2</sup> 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.

- 15 (2) The petition of Eschelon Telecom of Washington, Inc., Advanced Telcom, Inc., and Oregon Telecom, Inc., d/b/a Washington Telecom, Inc., for exemption from WAC 480-120-439 (3) is denied in part. Eschelon Telecom of Washington, Inc., Advanced Telcom, Inc., and Oregon Telecom, Inc., d/b/a Washington Telecom, Inc., is required to submit missed appointment data related to missed installation appointments.
- 16 (3) The Commission retains jurisdiction over the subject matter and Eschelon Telecom of Washington, Inc., Advanced Telcom, Inc., and Oregon Telecom, Inc., d/b/a Washington Telecom, Inc., to effectuate the provisions of this Order.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner