

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

In the Matter of the Petition of)	DOCKET NO. UT-041588
)	
AT&T COMMUNICATIONS OF)	ORDER NO. 01
THE PACIFIC NORTHWEST,)	
INC., TCG OREGON, and TCG)	
SEATTLE)	
)	
Petitioners,)	ORDER APPROVING
)	ALTERNATIVE
Seeking Approval of Alternative)	MEASUREMENT OR
Form of Reporting as allowed by)	REPORTING FORMAT IN
WAC 480-120-439 (12))	PART, AND DENYING IN
.....)	PART

BACKGROUND

- 1 On July 7, 2004, AT&T Communications of the Pacific Northwest, Inc., TCG Oregon, and TCG Seattle (collectively AT&T or the Company) received notice from the Commission that it had become a Class A company as described in WAC 480-120-302(1)(a).¹

- 2 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.

- 3 On October 1, 2004, the Company filed a petition requesting approval for an alternative measurement or reporting format as allowed under WAC 480-120-439(12). Staff has been working with the Company to ensure that the information provided by the proposed alternative measurements or reporting format will be sufficient to allow staff to verify service quality standards are met.

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

- 4 The Company asserts the following: a) WAC 480-120-439 service quality reporting requirements are based principally upon a facilities-based, legacy network architecture that is inconsistent with the Company's network and the provision of its service; b) the Company does not employ any central offices, and is reliant upon the underlying incumbent local exchange carrier to obtain the necessary inputs for its service, along with the installation intervals. Therefore, it cannot reasonably provide many of the measurements required by WAC 480-120-439; c) the economic impact the company would incur to gather and report the information required would force the company to increase the cost of providing the service or withdraw from providing the service; and d) the proposed alternatives the Company can report will provide the Commission with substantive performance standards based upon the Company's actual network and its service as truly provisioned in Washington.
- 5 The Company requests approval of the following: a) to apply WAC 480-120-439 subsections (3), (4), and (6) through (10) to customers with five or fewer access lines, not to include "enterprise customers,"² and report its performance on this measure; b) to report performance on a statewide basis where applicable and based on the Company's systems set-up, (e.g., a summary of trouble reports instead of the number of trouble reports by central office); c) to submit two reports, one for AT&T, and one for the TCG entities; d) to be relieved of providing reports under WAC 480-120-439(4) (Installation or activation of basic service report); and e) to be exempted from WAC 480-120-133 Response time for calls to business office or repair center during regular business hours.
- 6 The Company supplied legitimate justification for an alternative measurement or reporting format for subsections (3) and (6) through (9). Staff does not agree with the claims made by the Company regarding subsections (4) and (10).
- 7 The Company believes the monthly and quarterly reporting requirements for subsection (4) are waived because the associated standards are waived for CLECs; however, this is a misinterpretation of the rule, the monthly and

² Enterprise customers or large business customers with more than five access lines or the equivalent network access capacity.

quarterly reports are required even though the performance standards are not imposed.

- 8 The Company claims that it is not held to the 60-second answer time standard required by subsection (10) of the rule.³ The Company had an opportunity to provide new language regarding the standard in Docket UT-040015, but the Company did not do so. Staff responds that the 60-second answer time is a substantive performance standard⁴ and not merely an “alternative measurement or reporting format.”⁵ The Commission finds that the Company should be held to the answer time standard since there has been no showing on the Company’s part as to why it cannot meet the standard. In addition, Staff position is that the Company has not made the showing necessary to obtain an exemption under WAC 480-120-015.
- 9 Commission Staff has reviewed the amended petition and recommends granting the Companies’ request for alternative measurement or reporting format for subsections (3), and (6) through (9), and recommends denying the request for alternative measurement or reporting format for subsections (4) and (10).

FINDINGS AND CONCLUSIONS

- 10 (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; Chapter 80.04 RCW and Chapter 80.36 RCW.*

³ In its amended petition, the Company claims that it has worked with Business Practices/Consumer Affairs to reach an agreement regarding the live representative answer time requirement, and given the nationwide reach of its automated call answer system, Staff and the Company agreed to a 90-second “standard”, instead of a 60-second “standard.”

⁴ The substantive standard for responding to calls to business offices or repair centers is set out in WAC 480-120-133.

⁵ WAC 480-120-439(12).

- 11 (2) AT&T 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 Chapter 80.36 RCW.
- 12 (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 480-120-439.⁶
- 13 (4) The amended petition was brought before the Commission at its regularly scheduled meeting on May 11, 2005.
- 14 (5) After review of the petition filed in Docket UT-041588 by AT&T on October 1, 2004, and amended on April 25, 2005, and giving due consideration, the Commission finds that the petition for an alternative measurement or reporting format should be approved in part, and denied in part.

ORDER

THE COMMISSION ORDERS:

- 15 (1) The petition, as amended, filed by AT&T Communications of the Pacific Northwest, Inc., TCG Oregon, and TCG Seattle, for approval of an alternative measurement or reporting format, as prescribed by WAC 480-120-439(12), for subsections (3), (6), (7), (8), and (9) is approved.

⁶ 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.

- 16 (2) The petition, as amended, filed by AT&T Communications of the Pacific Northwest, Inc., TCG Oregon, and TCG Seattle, for approval of an alternative measurement or reporting format, as prescribed by WAC 480-120-439(12), for subsections (4) and (10) is denied.
- 17 (3) The Commission retains jurisdiction over the subject matter and AT&T Communications of the Pacific Northwest, Inc., TCG Oregon, and TCG Seattle, to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective 11th day of May, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner