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September 8, 2008

STATE OF WASHINGTON
 UTIL. AND TRANS.
 COMMISSION

Via FedEx Overnight Mail

Ms. Carole J. Washburn
 Executive Secretary
 WA Utilities & Transportation Commission
 1400 S. Evergreen Park Drive S.W.
 P.O. Box 40128
 Olympia, WA 98504-0128

Re: IN THE MATTER OF THE PETITION OF ESCHELON TELECOM OF
 WASHINGTON, INC. FOR APPROVAL OF AN ALTERNATIVE
 MEASUREMENT OF SERVICE QUALITY REPORTING PURSUANT TO WAC
 480-120-439(12)
 DOCKET NO. UT-06_____ (new)

Dear Ms. Washburn:

Enclosed for filing is an original and 12 copies of the Petition for Alternative Measurement and Reporting Under WAC 480-120-439(12) of Eschelon Telecom of Washington, Inc. Also enclosed is a certificate of filing/service.

Sincerely,

Dennis D. Ahlers
 Associate General Counsel
 Eschelon Telecom, Inc.
 730 2nd Avenue South, Suite 900
 Minneapolis, MN 55402-2456
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cc: Kristin Russell, WUTC

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

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IN THE MATTER OF THE PETITION)
OF ESCHELON TELECOM OF) DOCKET NO. UT-
WASHINGTON, INC. FOR)
APPROVAL OF AN ALTERNATIVE) **PETITION FOR ALTERNATIVE**
MEASUREMENT OF SERVICE) **MEASUREMENT AND REPORTING**
QUALITY REPORTING PURSUANT) **UNDER WAC 480-120-439(12)**
TO WAC 480-120-439(12))
)

UTILITY AND TRANSPORTATION
COMMISSION

Pursuant to WAC 480-120-439(12), Eschelon Telecom of Washington, Inc., Advanced Telcom, Inc. and Oregon Telecom, Inc. d/b/a Washington Telecom, Inc. (collectively “Eschelon”)¹ hereby request that the Washington Utilities and Transportation Commission (“WUTC” or “Commission”) grant this Petition for Alternative Measurement and Reporting under WAC 480-120-439. As grounds therefore, Eschelon states as follows:

I. INTRODUCTION

1. Through growth and acquisitions Eschelon believes that it is about to or may have reached the threshold of a “Class A” telecommunications provider under the Commission’s Rules. Class A companies are required to provide certain service quality reports to the WUTC on varying schedules (*e.g.*, monthly, quarterly, bi-annually). Therefore, in anticipation of its becoming a Class A provider, Eschelon submits this request for alternative measurements and reporting.

¹ Eschelon Telecom of Washington, Inc., Advanced Telcom, Inc. and Oregon Telecom, Inc. are separate wholly-owned subsidiaries of Eschelon Telecom, Inc., and are affiliates as defined in WAC 480-120-021. WAC 480-120-034(3) provides that for purposes of classifying a company as Class A or Class B, the number of access lines served by the local exchange company includes the number of access lines served in this state by any affiliate of that local exchange company. Therefore, this Petition encompasses all Eschelon companies operating in Washington.

2. As the Commission has previously recognized in other petitions under WAC 480-120-439(12),² the service quality measurements and reporting requirements of WAC 480-120-439 are based principally upon a facilities-based, legacy network architecture that is inconsistent with CLEC networks and the provision of CLEC service. For example, many requirements mandate both measurement and reporting based upon central offices.³ Eschelon does not employ central offices as that term is traditionally defined and used in the rule. Other measurements do not contemplate Eschelon's reliance upon the underlying incumbent local exchange carrier ("ILEC") to obtain the necessary inputs for its service along with the installation intervals required by the ILEC.⁴

3. In an effort to reduce costs, Eschelon attempts to standardize and automate as many internal business reporting and information gathering operations as possible. The standardization of measurements and reporting allows Eschelon to automate the reporting and produce the reports at a lesser cost than if it had to manually pull out unique information from its systems for each of the eight states it currently serves.

4. Consequently, Eschelon cannot reasonably replicate a number of the measurements and thus cannot produce the related reports required under the rule. Nevertheless, Eschelon's proposed alternatives provide the Commission with substantive performance standards based upon Eschelon's actual network and its service as it is provisioned in Washington.

5. For these reasons, Eschelon seeks an alternative method of performance reporting that is consistent with its systems capabilities. As described more fully below,

² See, Order No. 01, Docket No. UT-041588 and Order No. 01, Docket No. UT-060502.

³ See e.g., WAC 480-120-439(4); WAC 480-120-439(6).

⁴ See e.g., WAC 480-120-439(3) and (4) (describing installation and repair intervals some of which cannot be met by carriers provisioning service via UNE and UNE-Loop).

Eschelon proposes to provide the detail requested to the extent that such information is reasonably available.

6. Eschelon provides greater detail regarding its compliance issues in its discussion of the specific rules and proposes alternative measurements for those rules, below. Eschelon believes that its proposal will provide the Commission with useful and relevant service quality information. Eschelon proposes that its Report be similar to that currently filed with the Oregon Public Utility Commission, a copy of which is attached hereto. For the reasons stated herein, Eschelon requests that the Commission grant this Petition for alternative measurements.

II. SPECIFIC RULES AND ALTERNATIVE MEASUREMENT PROPOSALS

A. WAC 480-120-439(3) – Missed Appointment Report

7. The Missed Appointments Report directs carriers to report the total number of appointments made, appointments missed and appointments excluded. The report must be broken down into two parts: one for installations and one for repairs.

8. In general, Eschelon does not dispatch a truck or technician to install or repair residential and small business customer services, rather that function is assumed by the underlying ILEC in accordance with an approved interconnection agreement, and in the case of Qwest, consistent with the Performance Assurance Plan (“PAP”) approved by this Commission. Eschelon knows only what the underlying ILEC reports and that report does not include information regarding any exceptions or the need for actual dispatch to the customer premises.

9. Given the parameters within which many CLECs, including Eschelon, must operate when employing the underlying facilities of the ILEC, Eschelon must

negotiate and set installation and conversion dates with its customers in accordance with the intervals set out in the interconnection agreement. Therefore, Eschelon should be judged according to the accuracy with which it determines, and commits to, these dates. (Please see more in-depth discussion in Section B, below.)

10. In the course of its business, Eschelon tracks the commitments it makes to its customers for the installation of, or conversion to, Eschelon services. Eschelon can report the total number of these commitments scheduled and the number of commitments met. Eschelon, however, does not currently track the number of exclusions, as defined in 480-120-439(3) (b) (c) and (d). Because of the resources required for Eschelon to alter its systems and processes, Eschelon requests that it be permitted to report its installation/conversion commitments met as described above.

11. As is the case with installations, Eschelon relies on the underlying ILEC for repair dispatches for services to the customer's demarcation point. Eschelon currently tracks the "end result" of its repair performance. (Please see discussion in Section D., below). In order to report missed repair appointments, Eschelon would be faced with significant process and system changes.

12. Eschelon believes that its overall repair performance reporting will provide the Commission with an adequate picture of Eschelon's responsiveness to its customers' needs and that the Company should be exempted from this reporting requirement. However, should the Commission determine that Eschelon must report missed repair appointments, Eschelon asks that it be permitted a temporary exemption so that it may have time to develop and train the necessary system changes.

B. WAC 480-120-439(4) – Installation or Activation of Basic Service Report.

13. The Installation or Activation of Basic Service Report essentially requires that carriers report: (a) the total orders taken by central office for orders of five or fewer access lines;⁵ (b) of those orders, the total orders uncompleted in 5 business days (waived for CLECs); and (c) the total number of orders, by central office, incomplete in 90 days and the total number of orders incomplete in 180 days.

14. This rule, by its own terms, applies to residential customers and small businesses and addresses only the provision of basic local exchange service or plain old telephone service (“POTs”). First, the rule requires reporting based on central offices. As stated, Eschelon does not employ central offices. Eschelon can comply with this portion of the rule on a statewide basis as opposed to a central office basis.

15. Second, Eschelon provisions much of its service using unbundled network elements, in particular the unbundled loop (“UNE-L”). In order to provision service in this manner, Eschelon is bound by the interconnection agreements it has with the underlying ILECs and their respective installation interval guides. So, for example, if Eschelon were to provision service to a customer in Qwest’s territory, it would do so under the requirements of its interconnection agreement with Qwest, and it would look to Qwest’s service interval guide to discover that Qwest has a 5-day installation interval between the time when Qwest gets the order from Eschelon to the time Qwest turns over the loop to Eschelon. After the loop is turned over to Eschelon, it can then do the work it must do before it turns the loop on for its end-user customer. Eschelon’s work can vary depending upon how the service is provisioned, and Qwest’s turn-over of the loop can

⁵ Carriers other than CLECs must also report the total number of orders of five or fewer access lines that have due-dates, by customer choice outside the 5-day interval.

vary depending upon order-form accuracy. In short, Eschelon has no practical control over the installation intervals needed by Qwest, and Eschelon - like all other similarly situated CLECs - could never meet the 5-day interval contemplated in WAC 480-120-105(a). The Commission, therefore, appropriately has waived this reporting requirement for CLECs and should continue to do so.

16. Third, Eschelon does not have a system in place to distinguish between orders placed for five or fewer access lines and those for more than five access lines. Accordingly, Eschelon proposes to report on all orders regardless of the number of access lines requested. While allowing Eschelon to report in this manner may over-report installations not completed in accordance with the required timelines, it is the most workable solution given the information available.

17. As a consequence, Eschelon requests that the Commission accept Eschelon's alternative measure for small business customers on subparts (a), (b) and (c) using a statewide percentage.

C. WAC 480-120-439(6) – Trouble Reports.

18. The Trouble Reports rule requires generally that each month carriers must submit reports disclosing the total number of troubles by central office, the total number of lines served by the central office and the ratio per 100 lines. In addition, the rule requires that the carriers provide the "cause" of the trouble when the number of trouble reports exceeds the benchmark in WAC 480-120-438, the standard developed to measure troubles.

19. Here again, Eschelon cannot report or meet the standard on a central office basis. Eschelon can, however, report the total number of troubles statewide and the ratio

per one hundred lines in service for all customers in Washington. Eschelon requests that the Commission accept this alternative measurement.

D. WAC 480-120-439(9) – Repair Report.

21. The Repair Report essentially provides that carriers must report monthly, the total number of service “interruptions and impairments.” Service “interruptions and repairs” are basically divided, under the relevant standard, into two types of repairs: (a) out-of-service problems and repairs; and (b) service impairment problems and repairs.⁶ Of these two types of repairs, carriers must report out-of-service repairs completed within 48 hours and those completed outside of 48 hours. For impairments, as opposed to out of service events, carriers must report the number of troubles repaired within 72 hours and the number repaired in more than 72 hours. Also, for each type of repair (out-of-service or impairment), carriers must describe the interruptions they exempt from the measure based upon certain exemption criteria.

32. Eschelon must generally rely on the underlying ILEC to meet these standards, and Eschelon is generally bound by any performance standards such as the PAP imposed upon the underlying ILEC. With that caveat in mind, Eschelon’s systems, as designed today, can report the percent of out-of-service repairs fixed within 48 hours (and it follows that if you have that, you also have the number repaired outside the 48 hours) and the impairments fixed within the 72 hours for residential and small business customers. Thus, Eschelon asks that the Commission accept such alternative measure as adequate for its purposes under the rules.


⁶ WAC 480-120-440.

III. CONCLUSION

38. For the reasons stated herein, Eschelon Telecom of Washington, Inc., Advanced Telecom, Inc. and Oregon Telecom, Inc. request that the Commission accept all of the proposed alternative measurements as adequate to meet the Commission's needs under WAC 480-120-439.

Respectfully submitted,

Dated: September 8, 2006.

By: 
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By: 
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Date: August 17, 2006

To: Rick Carter
Sr. Telecommunications Engineer/Analyst
Oregon Public Utility Commission
503-378-6631
rick.carter@state.or.us

From: Catherine A. Murray
Manager, Regulatory Affairs
Eschelon Telecom of Oregon, Inc.
(612) 436-1632 or FAX (612) 436-6816

Re: June 2006 Oregon Telecommunication Service Quality Report for Eschelon
Telecom of Oregon, Inc ("Eschelon")

Attached is Eschelon's Telecommunication Service Quality Report for the month of June 2006. This report includes both Eschelon and classic Advanced TelCom, Inc. (ATI) customer service.

Should you have any questions, or wish to discuss this further, please contact me directly.



June 2006
Oregon Telecommunication Service Quality Report for
Eschelon Telecom of Oregon, Inc. ("Eschelon") including Advanced TelCom, Inc.

| <u>Measure</u> | <u>Performance</u> |
|--|---------------------------|
| Percentage of Commitments for Service Met | 90.4% |
| Held Orders (No Facilities) | 0 |
| Held Orders Over 30 Days (Primary Line – No Dial Tone) | 0 |
| Trouble Reports Per 100 lines (Eschelon wire center) | 0.70 |
| Troubles Reports Cleared in 48 Hours-% | 98.4% |
| Repair Service Center Access - % Calls Answered in < 20 sec | 88.0% |
| Business Office Center Access - % Calls Answered in < 20 sec | 88.6% |
| Lines (On-Net Lines) | 26,327 |

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

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

IN THE MATTER OF THE PETITION)
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WASHINGTON, INC. FOR)
APPROVAL OF AN ALTERNATIVE)
MEASUREMENT OF SERVICE)
QUALITY REPORTING PURSUANT) **CERTIFICATE OF SERVICE**
TO WAC 480-120-439(12))
)

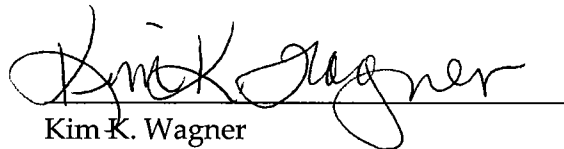
I hereby certify that an original and 12 copies of the Petition for Alternative Measurement and Reporting Under WAC 480-120-439(12) of Eschelon Telecom of Washington, Inc. was filed via Federal Express Overnight Mail on September 8, 2006 with:

Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
Olympia, WA 98504-7250

A courtesy copy was also provided to:

Kristin Russell
WA Utilities & Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Dated: September 8, 2006



Kim K. Wagner