

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-524T

IN THE MATTER OF PROPOSED REPEAL AND RE-ENACTMENT OF RULES REGULATING TELEPHONE UTILITIES AND PROVIDERS AS FOUND IN 4 CCR 723-2, 4 CCR 723-7, 4 CCR 723-12, 4 CCR 723-13, 4 CCR 723-18, 4 CCR 723-22, 4 CCR 723-24, 4 CCR 723-25, 4 CCR 723-27, 4 CCR 723-28, 4 CCR 723-29, 4 CCR 723-30, 4 CCR 723-34, 4 CCR 723-38, 4 CCR 723-39, 4 CCR 723-40, 4 CCR 723-41, 4 CCR 723-42, 4 CCR 723-43, 4 CCR 723-44, 4 CCR 723-45, 4 CCR 723-46, 4 CCR 723-48, 4 CCR 723-49, 4 CCR 723-52, AND 4 CCR 723-53.

QWEST CORPORATION'S INITIAL COMMENTS

Qwest Corporation ("Qwest"), through undersigned counsel, hereby submits its Initial Comments pursuant to Notices of Proposed Rulemaking, Decision Nos. C03-1393, C04-0142, R04-0790-I.

I. PRELIMINARY STATEMENT

Qwest reserves the right to file additional written comments and/or to give oral comments at any hearing on the proposed rules contained in the NOPR ("Proposed Rules") as well as on proposed rules which are the subject of future notices of proposed rulemakings. Silence by Qwest on any given Proposed Rule should not be deemed as acquiescence to the Proposed Rule where others have commented to the contrary.

II. COMMENTS

In general, if a rule references an FCC rule, or repeats or paraphrases a federal or state statute, the rule should be stricken as being duplicative. With particular reference to FCC rules, if the rules are not stricken, at the very least references to an "as of" date and statements to the effect that "subsequent changes are not included" should be deleted. The Commission should

or business office, a written report listing each offending service center or business office shall be submitted to the Commission within 231 days from the end of the month in which the standard was not met. For each violation listed, the report shall identify the percent of calls answered, the reason for failure to meet the ~~85 percent~~ 60 second average wait time standard, the remedial action the ~~LEC~~ provider has taken, and any known results of that remedial action.

- (V) 723-2-21.2.5 The measurement records for determining the minimum acceptable call completion criteria described under subparagraphs (III) and (IV) may be adjusted, as allowed under paragraph 2336(c), for the circumstances specifically described within subparagraph 2304(b)(IV)(B) and paragraph 2336(c).
- (VI) 723-2-21.2.6 An answer shall mean that either a company representative or a voice-response or mechanized unit menu is ready to assist the customer or accept information necessary to process the call. An acknowledgement that the customer is waiting on the line shall not constitute an answer. A dropped call shall not be considered an answer. An answer shall not mean either directing the call to a company representative or mechanized system incapable of providing assistance to the customer or directing the call to a system that will only take a message from the customer.

Rule 2341. Trouble Report Response

Qwest proposes that the rule not be based on a legacy wire center model. Legacy wire centers are outdated because CLECs, wireless, cable telephony and VOIP providers serve large geographical areas with a single (or no) wire center switch. Because this is a percentage metric, legacy wire center based results can be skewed (and misleading) because a wire center with a small number of access lines can miss the percentage benchmark when only a few trouble reports have occurred. A more representative measure would be to base the benchmark on the provider's statewide customer base, or to separate the metric by MSA versus Non-MSA entities. This is consistent with FCC reporting (ARMIS). If wire centers are still used, there should be a minimum sample size (30 repair reports) to mitigate the skewing effect. In addition, performance reports should be provided on the last day (not 21st) day of the following month to