

September 23, 1999

VIA EXPRESS MAIL

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

Re: Carrier-to-Carrier Service Quality Rulemaking, Docket No. UT-990261

Dear Ms. Washburn:

Recently, the Washington Utilities and Transportation Commission (“Commission”) initiated the above-referenced rulemaking to consider whether the Commission should adopt specific carrier-to-carrier service quality standards.¹ The Commission determined that such rules may be necessary to ensure competition in the telecommunications marketplace. As part of its inquiry, the Commission is considering whether incumbent local exchange carriers (“ILECs”) and competitive local exchange carriers (“CLECs”) should be held to the same carrier-to-carrier service quality standards, such as performance and reporting requirements, if adopted.² Teligent, Inc. (“Teligent”) respectfully submits these comments on the issue of whether ILECs and CLECs should be held to the same carrier-to-carrier service quality standards.³

Teligent is a competitive telecommunications company offering switched local exchange and interexchange services in Washington state. As a CLEC, Teligent relies, in part, on network services provided by the ILECs pursuant to its interconnection agreements. Access to and the adequate provisioning of these network services permits Teligent to offer high quality services to its end user customers and thus, successfully compete in the marketplace. Thus, Teligent supports the adoption of carrier-to-carrier service quality standards, such as performance and reporting requirements.

As the Commission correctly recognizes, establishing rules to ensure that

¹ See Preproposal Statement of Inquiry, Washington Utilities and Transportation Commission, CR-101, filed May 18, 1999 (“Statement of Inquiry”).

² *Id.* (requesting comment on whether performance and reporting requirements imposed on U S WEST in the MCI metro complaint case should be applied more broadly to cover incumbents other than U S WEST and CLECs other than MCI metro).

³ See Notice of Opportunity to File Supplemental Comments, Carrier-to-Carrier Service Quality Rulemaking, Docket No. UT-990261, released August 9, 1999.

competitors have nondiscriminatory access to ILEC network services is the key to effective competition because CLECs must have adequate service provisioning to offer high quality services to customers.⁴

As the Commission stated “[t]he timeliness and accuracy of information processed by ILECs for pre-ordering, ordering, provisioning, maintenance, repair, unbundled elements and billing must be satisfactory.”⁵

Often, however, ILECs fail to provide these services in a timely and satisfactory manner because ILECs lack the market incentives necessary to provide adequate service quality to CLECs and their customers. Because CLECs are forced to rely on the network services of the ILECs due to the lack of any alternative provider, the CLEC must purchase these services from the ILEC regardless of the service quality. In an attempt to maintain their predominant market share, ILECs often provide services to CLECs that are not comparable to those provided to its own customers. In this fashion, the ILECs are able to create the impression that their services are superior to those provided by competing providers, thereby preventing the loss of customers to competing carriers. For this reason, Teligent agrees that carrier-to-carrier service quality rules are necessary and should be applied to all ILECs to ensure that CLECs receive from the ILECs the level of service necessary to compete.

Teligent submits, however, that carrier-to-carrier service quality standards may not be necessary to ensure adequate service quality from CLECs because the marketplace will ensure that the CLECs provide adequate service quality to interconnecting carriers. Because CLECs compete with other carriers to provide certain interconnection and related services, they have market incentives to provide high quality services without regulatory requirements obligating them to do so. CLECs recognize that adequate service quality between carriers is necessary to provide comparable services to their end-user customers. Thus, the rationale supporting the adoption of carrier-to-carrier quality service standards to ILECs is not applicable to CLEC services where the services at issue may be provided by a number of different carriers.

That being said, there are situations where carrier-to-carrier service quality rules may be necessary between CLECs. In situations where a CLEC must rely on the services of another CLEC for certain interconnection and related services, such rules may be warranted. For instance, Teligent has experienced resistance and delay when requesting customer service records (“CSR”) and number portability services from other CLECs. Here, Teligent’s ability to adequately service its customers is dependent upon the cooperation of the competing CLEC. In such circumstances, carrier-to-carrier service

⁴ Washington Utilities and Transportation Commission, Carrier-to-Carrier Service Quality Rulemaking (visited Sept. 9, 1999) <http://www.wutc.wa.gov/webimage.nsf>.

⁵ *Id.*

quality rules would ensure cooperation between the CLECs.

In conclusion, for the foregoing reasons, Teligent believes that carrier-to-carrier service quality rules should be applied to all ILECs and only on CLECs to the extent that they must rely on the services of a particular CLEC for certain interconnection and related services.

Respectfully submitted,

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VAS/ab

cc: Terri Natoli, Esq. (Teligent)
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