BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Telecommunications - Operations, **Chapter 480-120 WAC**	**Docket No. UT - 990146**

COMMENTS OF VERIZON NORTHWEST INC.

AND

VERIZON SELECT SERVICES INC.

November 6, 2001

I. INTRODUCTION

Verizon Northwest Inc. and Verizon Select Services Inc. (collectively "Verizon") submit these comments on the draft rules concerning consumer and technical issues, as well as accounting, reporting, small company rate case filings, access charges and universal service. These comments are filed pursuant to the Commission's Notice of Opportunity to Comment on Draft Rules dated August 24, 2001 and also address Staff's suggested changes distributed by email on October 16, 2001.

As Verizon has stated in previous comments, the draft rules seem to have lost sight of the original purpose for this rulemaking. The Governor's Executive Order 97-02[1] listed seven criteria under which to test an existing rule or to write a new one: need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost, and fairness. The recent additions to the draft rules fail most of these criteria. Rather than reduce and streamline regulation, they would increase and complicate it.

Excessive rules can impose significant additional costs and burdens on both new entrants and incumbent telecommunications companies. Verizon urges the Commission to refrain from imposing new costs and burdens without demonstrated, substantial public need. Such a demonstration does not exist for most of the draft rules, which would only increase telecommunications companies' costs of operation in Washington and result in the type of regulatory micro management that is inconsistent

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[1] *See Notice of Opportunity to File Written Comments* issued on April 16, 1999.

with the goals of regulatory streamlining and promoting competition. Many of the draft rules represent a significant step in the wrong direction and should not be adopted. In many instances, the existing rules are preferable to the rule changes proposed by Staff.

Some of the draft rules covered by the August 24, 2001 Notice are impacted by the Commissioners' October 10, 2001 statement on service quality rules. Obviously, changes to those sections should be processed separately from the rest of the draft rules covered by the Notice. Verizon understands that the Commission's Staff will be redrafting affected rules. While Verizon offers comments on some of those rules here, it will address them more fully after the rewrite is distributed.

II. COMMENTS ON SPECIFIC DRAFT RULES

WAC 480-120-021 Definitions.

"Force Majeure" - Verizon supports having a fuller definition of "force majeure" in the Definitions section. This will allow some streamlining of other sections. In order to maximize that streamlining, "strikes," "power failures" and "conditions beyond the companies' control" should also be added to the draft definition.

"Held Orders" - This definition will drive the substantive standards on which companies would report under draft 480-120-535 (4). Since there is no proposed language for that section at this time, the proposed definition of "held orders" should be withdrawn.

At a minimum, the definition of "held order" included on 480-120-021 should at this time reflect the current description found in 480-120-535 (3)(b), which may be stated as follows:

> An order for primary exchange service that is not filled on or before the commitment date because of a lack of facilities.

In other words, where a company does not have facilities available, it "holds" an order out of the normal provisioning workflow until the facilities are constructed. The situation described by Staff's proposed definition is not a "held" order. It would capture, for example, a one-day delay of an order because of a manpower shortage (e.g. due to employees absent sick). This is not a "held" order; it is merely a "delayed" order.

"Major Outage" - Again, Staff's proposal is not merely to move an existing definition into the Definitions section. Rather, it proposes a major substantive change in the service standard to which companies would be held. Verizon has previously expressed its concerns over this draft definition. Verizon continues to object to defining major outages as meaning "1,000 customer hours lost." The definition would be very difficult for Verizon to track because each central office would have different criteria. The definition could mean one customer is out of service for 1,000 hours or 30,000 customers are out of service for only two minutes. Historically, neither would qualify as a major outage, nor do they warrant the special actions called for by the "major outage" rule (480-120-520).

Staff stated in January and at the workshops held in October that its concern with the current definition is that 999 customers, for example, could be without service for

months and would never be considered a major outage. Such a situation would never go undetected; it would fall under the proposed new service interruption draft rule, 480-120-X16, and would be reported under draft rule 480-120-535 (9) Repair Reports. The Commission should maintain the current definition, as follows:

> "Major outage" means a service failure lasting for thirty or more minutes, which causes the disruption of local exchange or toll services to more than one thousand customers, or which causes the total loss of services to a governmental emergency response agency.

This definition fits the type of recovery actions and reporting required by the "major outage" rule; Staff's draft definition would not.

"Residential Service" - Residential service should be defined as "basic service provided to a domicile and not used for business purposes." Staff's draft definition would create a substantive change from current industry practice and would open loopholes for businesses located in "domiciles," which should be paying "business service" rates.

"Trouble Report" - Again the Staff is not simply moving a definition into section 480-120-021, but is proposing a substantive change to a standard. "Either" and "or detected by the company" should be deleted from the draft definition. The current 480-120-535 (3)(d) definition should be maintained: "customers indicating improper functioning of service." Adding network problems detected by the company would introduce a completely new set of data that would require revisiting the level of the trouble reports' standard. This is unnecessary because other types of measures and proposed reports cover company-detected problems, e.g. network blockages and outages.

WAC 480-120-041 Availability of information.

The portion of draft subsection (1)(c) that would require a welcome letter to include the toll-free telephone numbers of the customer's presubscribed interLATA and intraLATA carriers should be deleted. It would very burdensome for the local service provider to track and retain this data for all carriers and to constantly revise its welcome letters. Providing the name of the carrier should be the only requirement.

In draft subsection (2), "within five business days of initiating a change" should be changed to "within five business days of installation." Under the draft rule, if a customer changes his mind several times before the service is actually installed, numerous letters would have to be mailed to the customer, which could become costly and administratively burdensome. At the October workshops, Staff agreed to accommodate Verizon's concerns by changing the language as suggested above.

WAC 480-120-046 Service offered.

In draft subsection (1), "local exchange" should be inserted in front of "company." The definition of company in draft rule 480-120-021 includes interexchange service providers ("IXCs"). IXCs' long distance service is not considered a "class of service." As the last sentence in (1) indicates, "class of service" refers to local service provided to different types of customers. While IXCs may offer different toll calling plans applicable to residential versus business customers, the service provided is still just long distance calling. Furthermore, this subsection is unnecessary because companies -- including

IXCs -- obviously will describe their various types of services in their tariffs and price lists.

WAC 480-120-051 Application for service.

Since the definition of company includes IXCs, "local exchange" should be inserted in front of "company" throughout this draft rule. The context of this rule discusses the process for obtaining local service. Long distance service typically does not require installation or on-premise access.

As Verizon has stated in previous comments, the four-hour mandate in draft subsection (3) would unreasonably restrict the companies' flexibility to accommodate customer needs and operational realities. This blanket requirement would impose restrictions where the circumstances do not warrant them and would significantly complicate a company's ability to efficiently manage its workload consistent with real customer requirements.

The installation or activation of some new service orders requires a company technician to go to the customer's premises. Many customers are at their premises throughout the day -- or at least for periods longer than four hours. This is typical for businesses and is also true of some residential customers. In other cases, a company endeavors to provide appointments that meet the customers' needs. Adding a four-hour mandate would needlessly restrict a company's flexibility. For example, an appointment commitment of "between 10 a.m. and 3 p.m." -- or longer -- would be perfectly workable

for a customer who will be at the premises all day in any event. But the proposed rule would outlaw it.

The Commission's current rule should be retained: upon request, a company must "specify the approximate time of day" that the technician will arrive. If the Commission were to nevertheless determine to preempt management on this issue by replacing "approximate time of day" with "a four hour period in which the technician will arrive to begin work," it should retain the "upon request" provision. Verizon's experience is that most customers are reasonable and would not force an arbitrary time slot where they do not really require it, which would allow the company to better serve all of its customers. The Commission should not take that common sense flexibility away.

Staff's draft subsection (4) is also unrealistic and would arbitrarily interfere with the companies' reasonable management of their operations. Verizon understands the Staff's concern with line extension applicants obtaining timely action and information on their request, but the proposed fix is unnecessary and unworkable.

Staff first proposes a 21-day deadline for a company to tell line extension applicants whether it agrees to build the requested extension or will seek a waiver from the Commission. In order for a company to provide an informed response to a line extension request, it must be able to assess the routes available to the site and make a preliminary engineering study and cost estimate. Since line extension requests tend to be made in the more remote portions of the state, they often involve routes that the

company cannot even examine and evaluate for long periods of time, due to factors such as snow (which persists from November to April in many places) and fires (such as Verizon experienced this past summer in the Okanogan).

Verizon takes line extension requests seriously and responds to them as soon as possible, often having to divert resources from other customer affecting activities to do so. The Company also takes the Commission's service standards seriously and does not want to be put into the position of inevitably violating a standard because of its arbitrary and unrealistic nature. The Commission and consumers are not well served by such standards either. Rather, the approach embodied in the second paragraph of the current WAC 480-120-051 should be rewritten for line extensions, as follows:

> Companies must as soon as practical evaluate the work and cost needed to fulfill an application for a service extension and then promptly inform the applicant either (a) that the Company will seek a waiver from the Commission or (b) that the Company accepts the order. If the Company determines to seek a waiver, it must file the waiver request with the Commission within twenty-one days of informing the applicant, and serve a copy of the filing on the applicant.

If the Commission nevertheless determines to include a fixed deadline in the rule, Verizon recommends using the above "as soon as practical" language and adding "in no event later than six weeks from the application, not including any periods during which the company cannot perform its evaluation and cost estimating due to weather, natural disasters, or other circumstances beyond the company's control."

WAC 480-120-X09 Service transfer from one local exchange company to another.

This rule would be more logically placed as a part of or next to draft rule 480-120-X22 Discontinuance of service -- customer requested.

WAC 480-120-056 Establishment of credit--Residential services.

Draft subsection (5)(c) should be revised so that a customer can be required to pay the entire deposit before receiving long distance service. Long distance service is billed in arrears. With the first bill, the customer may already have incurred charges in excess of the deposit paid to the IXC. Long distance service is a discretionary service just like ancillary services, and the deposit payment arrangement should not be different between these services. In addition, local service and ancillary services are billed in advance of providing the service, so a company does not provide the service before receiving the entire deposit.

WAC 480-120-061 Refusal of service.

Since this draft rule would apply to IXCs, the requirement to restore long distance service when the applicant pays the first installment of a payment arrangement and the first half of a deposit is paid as provided in WAC 480-120-056 should be changed. For the reasons stated in Verizon's comments on WAC 480-120-056, the customer should be required to pay the entire deposit for long distance service.

WAC 480-120-106 Form of bills.

Draft subsection (2)(a) should be deleted. It assumes all companies have more than one billing cycle in a month. Small or start up companies may not have this sophistication programmed into their billing systems. Generally, multiple monthly billing cycles are only used when companies have a large number of customers and cannot

generate all of the bills at one time. It would be extremely costly for a company that only has one billing cycle to make billing system changes to comply with this draft rule. It is not clear that the number of customers who would request this option would justify the expense of changing billing systems. Customers should assume personal responsibility for managing their budget to pay their bill when due.

WAC 480-120-141 Operator service providers (OSPs).

Verizon strongly opposes the portion of draft subsection (3)(f) that sets benchmark rates. As Verizon has stated in previous comments, the marketplace has already produced numerous consumer protections and ways to obtain the rate quote information. As a result of significant and ongoing advertising, consumers are aware of the operator assistance rates of many telecommunications providers. In addition to dialing "0" for rate information, consumers may utilize widely available and heavily marketed 800 numbers that provide access to operator services. For example, 1-800-COLLECT, 1-800-CALLATT and 1-800-255CALL (operator services for MCI, AT&T and Verizon respectively) all provide access to operator services that ensure continuity for their subscribers in terms of rates and services.

The Commission stated at the workshops that it is concerned with consumers knowing the price of a call completed through an operator before they are stuck with the bill. If a consumer is concerned with knowing the price of a call that would be completed by an operator, draft subsections (3)(a) and (b) would give him the option to obtain a rate quote. Verizon currently provides this service for intraLATA calls placed from

payphones in Washington. Only the type of rate quote advisory set forth in draft subsections (3)(a) and (b) should be required. The benchmark approach would be cumbersome, and it is unnecessary because of the market developments and heightened consumer awareness described above.

In addition, in a complaint proceeding the complaining party has the burden of proof. Staff's proposed language in draft subsection (3)(d) inappropriately shifts the burden. Furthermore, the burden of proof issues should be taken up in the current Procedure Rulemaking in Docket No. A-010648.

Verizon strongly suggests making the following modifications to draft subsection (3):

> (3) **Oral disclosure of rates.** This subsection applies to all calls from pay phones or other call aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones. When a collect call is placed, both the consumer placing the call and the consumer receiving the call must be given the rate quote options required by this section.
>
> (a) **Oral rate disclosure message required.** Before an operator-assisted call from a call aggregator location can be connected by a presubscribed OSP, the OSP must first provide a oral rate disclosure message to the consumer. ~~If the charges to the consumer do not exceed the benchmark rate in subsection (3)(f), the oral rate disclosure message must comply with the requirements of subsection (3)(b). In all other instances, the oral rate disclosure message must comply with the requirements of subsection (3)(c).~~
>
> b) **Rate disclosure method ~~when charges do not exceed benchmark~~.** The oral rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.
>
> ~~(c) **Rate disclosure method when rates exceed benchmark.** The oral rate disclosure message must state all rates and charges that will apply if the consumer completes the call.~~

~~(d)~~ **(c) Charge must not exceed rate quote.** If the OSP provides a rate quote pursuant to ~~either~~ subsection (3)(b) ~~or subsection (3)(c)~~, the charges to the user must not exceed the quoted rate. ~~If a consumer complains to the commission that the charges exceeded the quoted rate, and the consumer states the exact amount of the quote, there will be a rebuttable presumption that the quote provided by the complaining consumer was the quote received by the consumer at the time the call was placed or accepted.~~

~~(e)~~ **(d) Completion of call.** Following the consumer's response to any of the above, the OSP must provide oral information advising that the consumer may complete the call by entering the consumer's calling card number.

~~(f) **Benchmark rates.** An OSP's charges exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, exceeds:~~
~~(i) Three dollars and fifty cents for a one-minute call;~~
~~(ii) Five dollars and fifty cents for a five-minute call; or~~
~~(iii) Eight dollars for a ten-minute call.~~

WAC 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI); WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI); WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI).

The Commission should update its CPNI rules to be consistent with a court ruling and a recent FCC order. When the Commission adopted its CPNI rules in late 1998, it stated that it intended them to be consistent with the FCC's rules. In August 1999, the 10th Circuit Court of Appeals struck down a portion of the FCC's rules addressing carrier use and disclosure of CPNI, on the grounds that the rules violated companies' First Amendment rights. Being a mirror of the FCC's rules, the Commission's current CPNI rules suffer this same constitutional defect. On September 7, 2001 the FCC issued an order that allows carriers to obtain customer consent for the use of CPNI by either an "opt-in" or "opt-out" mechanism. The Commission's CPNI rules should be updated to make clear that companies may use either method.

WAC 480-120-340 Enhanced 9-1-1 (E911) obligations of local exchange companies.

Verizon suggests inserting "wireline" before pay phone in draft subsection (1)(c) to clarify that this rule would not apply to wireless payphones.

WAC 480-120-500 Telecommunications Service Quality -- General Requirements.

At the October 18, 2001 workshop, the Commissioners discussed Staff's proposal to eliminate WAC 480-120-500 in its entirety, over the substantial opposition of industry members with regard to the elimination of subsection (3) in particular. The importance of a rule such as WAC 480-120-500 is to clarify that service quality rules are of general applicability, designed to encourage behavior rather than specific outcomes. Chair Showalter agreed that it would be important to have a declaration of purpose with respect to what the Commission hoped to accomplish through its service quality rules. She wants to adopt rules to promote a better telecommunications system that will provide high quality service to Washington consumers.

As stated previously, Verizon believes it is essential to clarify that the Commission's rules are intended to protect the general public interest and not provide a basis for individuals to file lawsuits against companies. Retaining WAC 480-120-500 provides that clarification. There is no reason to delete it, and much harm could ensue for the reasons articulated in the briefs of Verizon and Qwest Communications on this topic.

However, it seemed clear from the workshop that the Commissioners wanted alternative language to be suggested by the industry. Chair Showalter suggested that the

language in the current rule might be revised to address the concerns of all parties. Commissioner Hemstead stated that he was sympathetic to the industry's concerns and indicated support for retaining the rule.

Even though Verizon believes the current rule addresses the Commissioners' concerns, in the alternative, Verizon proposes the following new language for WAC 480-120-500[2]:

> WAC 480-120-500-Telecommunications Service Quality-General Requirements.
>
> The purpose of the telecommunications service quality rules in this chapter is to provide standards for telecommunications companies subject to this Commission's jurisdiction, consistent with RCW 80.36.080 and 80.36.090, for the provision of telecommunications service of reasonable continuity and reasonable uniformity in quality. These rules are for general application only and are not intended to give rise to a duty owed by any telecommunications company to any consumer or subscriber, or to any class of consumers or subscribers, nor are they intended to form a basis for any cause of action.

Verizon believes the suggested language is consistent with the Commission's Statutory Mandate in RCW 80.36.080 and 80.36.090 and clarifies that the rules are not intended to address individualized or statutory standards of care. These can only be determined by the legislature or courts. Should the Commission decide to revise WAC 480-120-500, Verizon views the alternative language as acceptable to telecommunications companies and the Commission.

WAC 480-120-X12 Response time for calls to business office.

With regard to draft subsection (1)(c), Verizon understands from conversations with Staff that the objective is that customers calling into an automated call answering system receive a prompt for a live representative within a certain period of time. At the

[2] Draft language is the product of joint consultation between counsel for Verizon, Qwest, WITA and Whidbey Island Telephone Company.

October workshop Verizon expressed concern with the current proposed language because of its perhaps unintended impact on the staffing and efficient operation of the company workforce in our calling centers. With the recent staff clarification in mind, Verizon suggests that draft (1)(c) be deleted and (1)(b) be rewritten as follows:

> (1) Responses to calls placed to the business office may be by a live representative or an automated call answering system. Each company must ensure that:
>
> (a) The average speed of answer for calls to a business office during business hours must not exceed thirty seconds~~.~~ ; and
>
> (b) All automated call answering systems will provide customers the opportunity to ~~speak~~ transfer to a live representative within sixty seconds of the initial message.~~; and~~
>
> ~~(c) It will route calls received during business hours and completed with an automated call answering system to a live representative within sixty seconds when customers indicate they wish to speak to a live representative.~~
>
> (2) Companies must measure their compliance with subsection (1)(a) and ~~(c)~~(b) on a monthly calendar basis. Station busies and unanswered calls must not be counted as completed calls when measuring compliance.

WAC 480-120-X13 Cash and urgent payments.

Verizon is concerned with the number of payment agencies that are required by draft subsection (1)(a). It has been Verizon's experience that payment agencies are often very difficult to find and maintain in some areas. In today's environment, customers are given numerous options to make payments such as, 1) mail; 2) online; 3) by telephone (which allows customers to pay be check, debit or ATM cards); 4) automatic bank draft; and 5) Western Union Quick Collect (where payments are accepted at any Western Union location).

If a customer receives a late notice and needs to make an urgent payment, Verizon, in most cases, will try to work with the customer. The customer's account will be reviewed

to determine if arrangements can be made that would allow the urgent payment to be mailed. Other payment options may also be discussed if it is determined that a balance cannot be extended. The number of payment agencies required should be reduced, given the numerous options that customers have to make payments.

Verizon suggests maintaining the current language "or as soon as the LEC becomes aware of the closure of any payment agency, business office or customer service center" in draft subsection (4) and deleting draft subsection (5). According to their contract, payment agents are supposed to give sixty days notice to Verizon's payment agent vendor before closing an agency. However, an agency will sometimes close without giving prior notice because the business closes, moves, goes bankrupt or decides it no longer wants to take payments. Giving the Commission at least thirty days notice prior to closing a payment agency might not be possible. Therefore, Verizon suggests modifying the language in draft subsection (4) and deleting draft subsection (5) as follows:

> (4) At least thirty days before closing any payment agency, business office, or customer service center that accepts cash and urgent payments, or as soon as the LEC becomes aware of the closure of any payment agency, business office or customer service center, a LEC must provide the commission, in writing, the exchange(s) and communities affected by the closing, the date of the closing, a list of other methods and locations available for making cash and urgent payments, and a list of other methods and locations for obtaining business office and customer service center services.
>
> ~~(5) A LEC may not close a payment location until alternatives for making cash and urgent payments have been provided to affected customers.~~

WAC 480-120-515 Network performance standards.

Verizon's concerns with draft subsection (3) on interoffice facilities blocking measures have been alleviated by changes that Staff has agreed to make, as follows:

(3) **Interoffice facilities**. Blocking performance during average busy-hour for 99% of trunk groups for any month must be less than one-half of one percent for intertoll and intertandem facilities and less than one percent for local and EAS interoffice trunk facilities. The blocking standard for 911 dedicated interoffice trunk facilities must be less than one percent during average busy-hour for any week.

WAC 480-120-520 Major outages.

As discussed above, one of Verizon's major concerns with this rule relates to the draft definition of major outages in terms of "one thousand customer hours lost" as set out in draft 480-120-021. The draft definition makes complying with this draft rule very difficult. Under the draft definition, meeting the requirements set out in draft subsection (2) could be administratively burdensome. The timeframe for an outage occurring in a large central office is so short that an outage could be over before a company could even notify the Commission. Companies would be required to report outages lasting only several minutes under the draft definition.

For draft subsection (3), Verizon suggests adding "a company receives notice of or detects" after "When" and "that" after "outage" to clarify that companies could either receive notice of the outage or detect the outage. The draft subsection would then read:

3) **Notice to county and state emergency agencies and coordination of efforts.** When a company receives notice of or detects a major outage that affects any governmental emergency response facility, a company must notify immediately the county 911 coordinator and the state emergency management division, and provide periodic updates on the status of the outage. The company must coordinate service restoration with the state emergency management division if requested to do so and, if requested to do so, report daily to the commission the progress of restoration efforts until the company achieves full network recovery.

The requirements in draft subsection (4)(b) and (c) that outages be restored within a specific timeframe are unreasonable and unrealistic. Out-of-service situations may be caused for a number of reasons, including electrical power outages, inclement weather and cable cuts normally beyond the company's control. Depending on the situation, it may be physically impossible to clear an out-of-service condition within the specified number of hours. Outages that occur at night or during non-working hours pose another obstacle. The cost to ensure 24 hour / 7 day coverage to clear outages even if it were possible would be astronomical.

Draft subsections (4)(b) and (c) are missing the mark because, for the most part, a company cannot control when an outage is cleared. What the company can control is the priority of restoration, which is the key to expediting clearance.

Therefore, Verizon suggests deleting the specific time frames set out in subsections (4)(b) and (c) and modifying draft subsection (4) to reflect that outages affecting PSAPs, law enforcement facilities, fire departments and hospitals will be a company's first priority and restored as soon as possible. All other outages will then be restored as soon as possible.

Verizon also has concerns with the notice requirements in draft subsection (6). It is not practical to notify all customers of a planned outage. Planned outages are usually completed at night or in the early morning hours when they have minimal impact on customer service. Under the draft definition, it would be administratively burdensome

because each central office would have different criteria. If an outage were planned for only a portion of an office, it would be an extremely challenging process to determine which customers would need to be noticed.

Costs are another concern. It would be very expensive to notify a large number of customers by mail. The only practical method of notifying large quantities of customers of planned outages would be via a newspaper or public service announcement. This type of announcement would be a security concern, as criminals would also find out about planned outages. With the outages known as general information, criminal activity could increase in the affected areas, as alarm service and telephone service for emergency purposes would not be available.

At a minimum, Verizon suggests adding the following language to draft subsection (6):

> (6) **Notice of intentional outage.** When a company intends to interrupt service to such an extent that it will cause a major outage, it must notify all customers who are affected and the state emergency management division not less than seven days in advance if circumstances permit or as soon as it plans to interrupt service if circumstances do not permit seven days' advance notice. <u>A notice is not required for planned service interruptions that have a duration of less than ten minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.</u>

WAC 480-120-X16 Service interruptions, excluding major outages.

Verizon is extremely concerned with the measurements set out in draft subsection (1) that would require companies to repair 90% of service interruptions or impairments within twenty-four hours and 100% within forty-eight hours. These measurements are unreasonable. Repair activity is dynamic in that there are numerous potential causes, many of which cannot be predicted, as in the case of severe weather, power outages,

contractor dig-ups and natural disasters. The unpredictable nature of repair activity makes it impossible to forecast the workforce needed to ensure resolution of 100% of out-of-service conditions within forty-eight hours. Each out-of-service situation is different and unique, and it may be physically impossible to clear a particular case within forty-eight hours. Therefore, Verizon suggests the measurements for repairing service interruptions should be 85% within twenty-four hours and 95% within forty-eight hours, with force majeure exceptions. Verizon also suggests adding language that would exclude troubles from the measurement where the customer is not available to provide access.

For draft subsection (3), Verizon has the same concerns as noted above for draft subsection (6) of WAC 480-120-520.

Verizon suggests modifying the language in draft subsections (1) and (3) as follows:

> (1) For service interruptions that are not part of a major outage, a company must repair ~~ninety~~ eighty-five percent of service interruptions ~~or impairments~~ within twenty-four hours from the time a customer initially reports the problem to the company or the company detects the problem, whichever comes first, and ~~one hundred~~ ninety five percent within forty-eight hours from the time of the initial report or detection.
> For ~~the~~ purposes of this section, companies may exclude Sundays, ~~and~~ legal holidays, interruptions caused by force majeure and interruptions where the customer is not available to provide access from the twenty-four hour and forty-eight-hour ~~periods~~ standards.
>
> (3) When a company plans a service interruption, it must notify customers that will be affected not less than seven days in advance or, if seven days' notice is not possible, as soon as the interrupted service is planned. A notice is not required for planned service interruptions that have a duration of less than ten minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

WAC 480-120-X14 Trouble report standard.

If this rule is going to require compliance at the central office level, then an exception for small central offices needs to be added. In very small central offices, only a few trouble reports would result in noncompliance. Verizon suggests adding the following language:

> Trouble reports by central office must not exceed four trouble reports per one hundred access lines per month for two consecutive months, or per month for four months in any one twelve-month period. This standard does not apply to trouble reports related to central offices with less than 500 customer access lines, customer premise equipment, inside wiring, force majeure, or major outages of service caused by persons or entities other than the local exchange company.

WAC 480-120-X15 Response time for repair calls.

As Verizon stated above for WAC 480-120-X12, with the recent staff clarification in mind, Verizon suggests that draft (1)(c) be deleted and (1)(b) be rewritten as follows:

> (1) Responses to calls placed to the company's repair center may be by a live representative or an automated call answering system. Each company must ensure that:
>
> (a) The average speed of answer for repair calls will not exceed thirty seconds measured on a calendar month basis~~.~~ ; and
>
> (b) All automated call answering systems will provide customers the opportunity to ~~speak~~ transfer to a live representative within sixty seconds of the initial message.~~; and~~
>
> ~~(c) It will route calls received during business hours and completed with an automated call answering system to a live representative within sixty seconds when customers indicate they wish to speak to a live representative.~~
>
> (2) Companies must measure their compliance with subsection (1)(a) and ~~(c)~~(b) on a monthly calendar basis. Station busies and unanswered calls must not be counted as completed calls when measuring compliance.

WAC 480-120-535 Service quality performance reports.

The detailed level of reporting called for by this draft rules is the type of regulatory micro management that is at odds with the goal of regulatory streamlining. Verizon urges the Commission to reduce, rather than increase, the number of required monthly reports. If this draft rule were adopted, Verizon would need at least six to twelve months to develop and compile reporting data at the level of detail requested.

Of course, the Commission cannot take final action on this rule until the substantive service standards are resolved, including those addressed by the Commissioners on October 10th.

WAC 480-120-999 Adoption by reference.

As Verizon has stated previously, the reference to National Fire Protection Agency (NFPA) in draft subsection (3) should be deleted. NFPA does not publish or have anything to do with the National Electrical Safety Code (NESC).

WAC 480-120-X20 Responsibility for drop facilities and support structure.

The definition of "drop facilities" should not include the term "pedestal." The pedestal is normally considered part of the cable distribution plant rather than being associated with drop facilities. On a clerical note, this definition also appears in draft rule 480-120-021 and is defined differently in that rule. The definition of "support structure" also appears in draft rule 480-120-021. Since both of these terms are referenced in other rules, they should be removed from this draft rule and defined in draft rule 480-120-021.

IV. CONCLUSION

Verizon views the latest draft rules as troubling because they would impose significant new administrative burdens and risks on telecommunications companies. These new draft rules seem to have lost sight of the original purpose for this rulemaking. Rather than reduce and streamline regulation, they would increase and complicate it. Excessive rules can impose significant additional costs and burdens on both new entrants and incumbent telecommunications companies. Verizon urges the Commission to refrain from imposing new costs and burdens without demonstrated, substantial public need.