

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

<b>UT-990146</b>	)	
Telecommunications Companies,	)	
Chapter 480-120 WAC	)	
	)	<b>COMMENTS OF SPRINT CORPORATION</b>
<b>UT-991301</b>	)	
Tariffs, Chapter 480-80 WAC	)	
	)	
<b>UT-991922</b>	)	
Registration, Classification, and	)	
Price Lists, Chapter 480-121 WAC	)	

**INTRODUCTION**

Sprint appreciates the opportunity to comment on the Staff's "first discussion draft" in this rulemaking. Because of the extensive nature of the changes and the relatively short turnaround for drafting these comments, Sprint has been unable to make an exhaustive analysis of the potential impact of the proposals. Therefore, Sprint will limit its first discussion to the scope of the changes and offer some preliminary recommendations on specific rules. Staff has had many months to prepare the changes. Sprint urges the Commission to give the industry sufficient time to review, and additional opportunity to comment on, the proposed changes. In some cases the proposed rule may have unintended consequences. Therefore, it would be productive to have several more rounds of drafts and comments before moving on to the CR-101.

Sprint also suggests moving some of the more complex issues, such as network performance standards, local number portability, and unserved areas, to separate dockets so that the Commission has a full record upon which to make informed decisions.

As Sprint understands it, this rulemaking was initiated at the request of the Governor. The Commission was asked to re-examine the rules in light of need,

calls within thirty seconds. Subsection (3)(a) states that each company must ensure that a minimum of ninety-eight percent of all call attempts to the company's repair office are answered within twenty seconds either by live company representatives or an automated call system.

The wording "remote customer company site" in subsection (1)(h) is unclear.

Failing the adoption of Sprint's proposed language for WAC 480-120-024, Sprint believes that competitive providers should be exempt from this section for the reasons previously enumerated.

**WAC 480-120-535 Service quality performance reports.**

The new reporting requirements proposed are excessively burdensome, and will be costly to implement. Sprint does not currently have a program that reports held order data for all service orders, both primary and secondary, held more than five days or more than ninety days. Likewise Sprint does not have a program that reports the blocking information outlined in the new language of this rule.

Sprint certainly monitors its own network for blocking and takes the appropriate steps to either add intra-company facilities when required or to initiate trunk augmentations on inter-company EAS facilities. Sprint should not be required to report on the blockage in networks not our own.

At a minimum, and failing the adoption of Sprint's proposed language for WAC 480-120-024, Sprint believes that competitive providers should be exempt from this section for the reasons previously enumerated.

**WAC 480-120-X01 Accounting requirements for competitive telecommunications companies.**

Sprint's local division accounts for intrastate revenues, as it should because the Commission regulates the local division's intrastate earnings. Sprint's competitive and long distance divisions, however, use GAAP as required and do not generate

practices. The law recognizes this fact in RCW 80.36.320 (2), which states that competitive telecommunications companies shall be subject to minimal regulation.

#### **CONCLUSION**

Given the magnitude of the changes proposed, Sprint recommends several more rounds of drafts and comments before moving on to the CR-101. Sprint also suggests moving some of the more complex issues, such as network performance standards, local number portability, and unserved areas, to separate dockets so that the Commission has a full record upon which to make informed decisions.

In conclusion, Sprint sincerely hopes that the Staff is willing to eliminate many of the proposed new rules, reduce the applicability to companies other than local exchange, and substantially revise many of the proposals commented upon above. The Governor did not mandate new regulatory burdens or barriers to competitive entry, but directed the Commission to re-examine the rules in light of need, effectiveness and efficiency, clarity, intent and statutory authority, and coordination with other agencies. The proposed changes clearly go beyond this directive.

Respectfully submitted this 4<sup>th</sup> day of February, 2000

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Nancy L. Judy, AVP  
External Affairs

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Telecommunications Rulemaking )  
Docket No. UT-990146 )  
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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION  
WORLDCOM'S COMMENTS ON  
TECHNICAL RULES

**Introduction**

WorldCom, Inc. (WCOM), formerly MCI WorldCom, Inc., appreciates the opportunity to submit these comments. The WUTC held two workshops on April 18, 2000 and May 15, 2000 to review and discuss the changes to technical rules in the Telecommunications Rulemaking. Both meetings were productive and the Commission asked for specific comments in certain areas, which will be addressed in these comments.

Based on the previous comments staff has made regarding WCOM and other CLEC's previous comments in this rulemaking, WCOM does not believe that staff has shown an understanding of the differences between traditional ILECs and CLEC's in regards to quality of service.

In a traditional monopoly environment, quality of service standards are essential in order to prevent customers from being treated unfairly by monopoly providers. With the existence of multiple providers, customers are now given choices – they can choose any carrier based on their individual needs, whether it be price, product offerings or service quality. In fact, when new carriers enter the market, they must not only offer competitive rates, but they must also offer competitive or superior service

Forcing CLEC's to comply with the standards of the ILEC is not necessary to maintain quality service and requires CLECs to adopt costly new procedures that could affect new entrants' ability to effectively compete in the market. The result of additional regulatory burdens on new entrants is increased costs in order to administer and maintain unproductive reporting functions, which ultimately leads carriers to turn its investment away from the Washington market.

The WUTC has previously stated that these issues would be better addressed in the carrier to carrier proceedings. That proceeding is ongoing, and while it should give performance standards which would require the LECs to provision its services to CLECs, there is no real assurances or guarantees that the inter carrier standards and performance measures will truly address these issues. WCOM insists that CLECs not be held to the same standards as the ILECs regarding performance standards and reporting until such standards are in place and enforceable.

#### 480-120-046 – Service Ordererd

WCOM reommends that under (2) Types of service – the minimum flat rated service should only be applied to residential service. This standard should not be applied to business service due to the complexity of business products and plans.

#### 480-120-051 Availability of Service – Service Application

When CLECs are dependent on the ILEC for service installation, CLECs should not be held to the same standards as set forth in 480-120-051, especially regarding time frames for installation orders. It is inconceivable for the Commission to expect CLEC's

take into consideration special circumstances that may arise that would prevent carriers from adhering to the strict time frames in (4) (b) and (4) (c) i. During major outages, it must be left to the company experts to determine the priority of repair and restoration, rather than forcing companies to commit resources to meet time deadlines imposed by the WUTC in these rules. By imposing these time limits, carriers get burdened with administrative issues, rather than with looking at the broader scope of restoring service as efficiently as possible.

#### 480-120-535 Service Quality Performance Reports

As stated in its introduction, WCOM believes that service quality performance reports serve no purpose in a competitive market. Carriers will be held accountable by customers who can choose to stay or leave the company. A carrier with poor service quality will be unable to maintain a customer base when there are comparable services available to them through other carriers. By requiring service quality reports, carriers will be tasked with the administrative burden of tracking and reporting bureaucratic paper work whether it is needed or not. The WUTC can invoke this requirement on an as-needed basis. If the commission has reasonable and documented reasons for requiring a carrier to provide held service order reports or trouble reports, they should request reports from the carriers; however, if no problem or quality issue exists, there is no reason to expend valuable resources (both for carriers and the WUTC) toward this effort.

480-120-08 Service Quality Guarantees

Again, the same argument holds true for service quality guarantees as for service quality reports – the competitive market IS the guarantee. This rule is overly burdensome and is unnecessary. CLECs and LECs alike are impelled to provide quality service in order to keep customers. This rule would demand carriers to hire additional staff to maintain this complicated set of guarantees that would present administrative hardships for carriers and the WUTC alike, and would not provide anymore assurances to customers than what the competitive market affords.

In addition, by no means should CLECs be held to these standards before performance measures are adopted in the carrier to carrier proceeding. It would be completely unfair to impose financial burdens on CLECs when the installation delays are solely caused by the facilities of the LECs .

Respectfully submitted,

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February 14, 2001

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

Re: Docket No. UT 990146  
Chapter 480-120-Telecommunications-Operations  
Technical Rules

Dear Ms. Washburn:

WorldCom, Inc. (WCOM) submits its comments regarding the proposed "Technical Rules" as follows:

WAC 480-120-051 – Application for and installation of service

It is difficult for WCOM to understand why the Commission is proposing installation standards on CLEC's, like WCOM, who are dependent on the ILECs to provide the underlying facilities. CLEC's are totally dependent on the ILECs for pre-order, order and provisioning. As the CLEC industry has seen in New York, even after Verizon completed their 271 checklist, there were still numerous unforeseen problems with provisioning. CLECs in Washington are likely to run into many unexpected obstacles as they enter the market and start providing service on a broad scale. As long as Qwest is subject to a 5-day installation requirement, competition in the market will force CLECs to meet that standard as well in order to compete with Qwest. CLECs must make every effort to meet the standards set for Qwest.

WAC 480-120-535 Service quality performance reports

In regards to service quality performance reporting for CLECs, WCOM believes that CLEC's should not be held to the same reporting standards as the ILEC for the same reasons stated above. The imposition of such a requirement would impede competition, not enhance it.



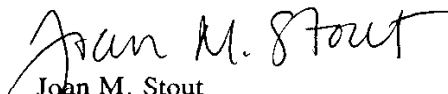
UNE-P metrics are collected and published by the ILEC. CLECs can only track the statistics for which they are directly responsible - mean time to answer, average hold times. All other metrics are taken from the ILEC systems which the ILECs own, maintain, and report on. Therefore, service quality reporting for CLEC's relying on ILEC data, is, at a minimum, anti-competitive prior to the completion of OSS testing. Even with the completion of OSS testing, delays still exist in provisioning, as we continue to see with Verizon. Even when penalties imposed due to the delay of the ILEC are reimbursed to the CLEC, the CLEC receives the "black mark" for the delay. This again is extremely anti-competitive and leaves the door open for ILEC abuse.

WAC 480-120-x08 - Service Quality Guarantees

WCOM believes that the Commission should not establish service quality guarantees for CLECs at this time. Service quality guarantees can not be expected by a CLEC for the same reasons stated above for installation standards. Such guarantees are not necessary in a competitive marketplace and such a requirement fails to recognize the CLECs dependence on the ILEC for pre-order and order provisioning. For example, in New York, Verizon's systems lost tens of thousands of CLEC orders and was fined by the FCC and the NY PUC. In this case, CLEC customer accounts did not get provisioned because Verizon had no record of it. In delivering UNE-P, CLECs are totally dependent on the ILEC for pre-order, order, and provisioning. If the ILEC interface is not working or the ILEC's provisioning process is poor, CLECs will suffer the consequences.

In summary, WCOM is concerned that if such service quality and installation standards are set on CLECs that WCOM and other CLECs can not meet or will fail to meet, irreversible damage to our reputation will be eminent. WCOM believes that the market will force CLECs to maintain a level of quality at or above the level of the ILEC. If a standard must be set, WCOM believes, based on its experience in other markets, a generous standard of 9 days for installation orders ( 480-120-051(6)(a)(ii) ) for CLECs would be appropriate. Once CLECs have entered the market and real marketshare is achieved, then, and only then, would it be appropriate to revisit these rules.

Respectfully submitted,

  
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