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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Evaluate
Telecommunications Corporations Service
Quality Performance and Consider
Modification to Service Quality Rules.

Rulemaking 11-12-001
(Filed December 1, 2011)

**ASSIGNED ADMINISTRATIVE LAW JUDGE'S RULING SETTING DATES FOR
COMMENTS AND REPLY COMMENTS ON STAFF PROPOSAL**

Attachment A to this ruling is the Report of the Commission's
Communications Division on Proposed Modifications to General Order 133-C
including a Service Quality Refunds and Fines Proposal.

Parties may file and serve comments on this Staff Report no later than
March 30, 2015, and reply comments no later than April 17, 2015.

IT IS SO RULED.

Dated February 2, 2015, at San Francisco, California.

/s/ MARIBETH A. BUSHEY

Maribeth A. Bushey
Administrative Law Judge

Attachment A

Proposal for Modifications to G.O. 133-C

Proposal for Modifications to G.O. 133-C

I. Introduction

Staff proposes to modify and clarify General Order (G.O.) 133-C Service Quality rules, measures and standards. The proposal includes:

- Clarifying and adding new definitions to G.O. 133-C;
- Defining the duration of catastrophic events;
- Adopting customer refunds and corporation fines for Uniform Regulatory Framework (URF) Carriers;
- Changing G.O. 133-C existing reporting requirements and adding new reporting requirements:
 - Calculation of Out-of-Service (OOS) Measure results which are not adjusted for exemptions,
 - Reporting by type of customer,
 - Reporting 9-1-1 and disaster outages for communities of place in the same manner as electric utilities currently report,
 - Reporting Federal Communications Commission (FCC) Network Outage Reporting System (NORS) to the Commission in a standardized method,
 - Changing Answer Time Measure to be compiled monthly and reported quarterly,
 - Changing the criteria for filing of Corrective Action Reports;
- Adopting network outage reporting for Interconnected Voice over Internet Protocol (VoIP) providers:
 - Reporting to the Commission concurrently with FCC NORS,
 - Reporting FCC NORS to the Commission in a standardized method, and
 - Reporting 9-1-1 and disaster outages for communities of place in the same manner as electric utilities currently report; and
- Correcting the September 2014 Communications Division Staff Report.

Staff proposes that the Service Quality rules and proposed changes should apply to any telephone corporation, common carrier, or other entity that provides voice service in California with lines, including facilities-based interconnected VoIP providers,¹ that:

- 1) Have been granted a Certificate of Public Convenience and Necessity (CPCN) by the Commission,
- 2) Are designated as an Eligible Telecommunications Carrier (ETC) by either the FCC or this Commission to receive federal high-cost support and/or low-income support, and/or
- 3) Are authorized to provide California LifeLine.

¹ There are two interconnected VoIP providers that have CPCNs that are designated federal ETCs in California, and are authorized to offer California LifeLine services: Cox California Telecom, LLC d/b/a Cox Communications (U-5684-C) (Cox) (See D.13-10-002) and Time Warner Cable Information Services California (U-6874-C) (Time Warner) (See D.14-03-038).

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Unless specifically stated, all existing G.O. 133-C definitions, measures, standards, and the respective class of telephone corporation (e.g., General Rate Case (GRC) ILECs, URF ILECs, and URF Competitive Locals Exchange Carriers (CLECs)) to which the definitions, measures, and standards apply shall remain the same.

II. Background

The Assigned Commissioner's Scoping Memo and Ruling, dated September 24, 2012, as confirmed by Decision (D.)13-02-023,² states that the central focus of the proceeding is on service quality for voice communications services provided to customers. The scoping memo goes on to say that depending on the definition of basic telephone service adopted in Rulemaking (R.) 09-06-019,³ issues related to service quality for all telephone corporations offering residential basic telephone service may be addressed in this proceeding. Additional issues related to the applicability of service quality rules or standards to telecommunications services provided via different technological platforms may be addressed now or in a future phase of this proceeding, or in a successor proceeding as appropriate (D.13-02-023 at pp. 7-8).

Decision 12-12-038 (at p. 46) notes that the service quality Rulemaking (R.11-12-001) was opened to evaluate telecommunication corporations' service quality performance and to consider modification to service quality rules. Further, D.12-12-038 notes that the scope of the Service Quality Rulemaking has not been expressly designed to address the service quality standards that should apply to Carriers of Last Resort (COLR), particularly those using newer technologies such as wireless or VoIP. The decision concluded that the Service Quality Rulemaking or a new Order Instituting Rulemaking (OIR) was the appropriate forum to consider service quality standards for wireless or other non-traditional carriers, with express consideration of service quality standards in connection with the offering of basic service by carriers in the capacity of a COLR.

To date, the Service Quality Rulemaking has not addressed the issue of adopting service quality standards for non-traditional carriers such as wireless or interconnected VoIP. In January 2014, the Commission issued D.14-01-036 (R.11-03-013),⁴ and deferred to Phase II of the proceeding any discussion of VoIP. However, due to public safety concerns, staff is proposing outage reporting requirements for interconnected VoIP providers.

² Decision Affirming Provisions of the Scoping Memo and Ruling dated February 28, 2013.

³ Decision 12-12-038 Adopting Revisions to Modernize and Expand the California Lifeline Program dated December 20, 2012.

⁴ Order Instituting Rulemaking Regarding Revisions to the California Universal Service Telephone Service (LifeLine) Program, Decision Adopting Revisions to Modernize and Expand the California LifeLine Program, issued January 16, 2014.

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III. Definitions

Staff proposes to modify General Order 133-C definitions as follows to address the reporting requirements for interconnected VoIP providers, to clarify terms, and to add new definitions.

- A. Community of Place.** A community of people who are bound together because of where they reside, work, visit or otherwise spend a continuous portion of their time.⁵ For the purposes of this proposal, such a community is a geographic location where people are living in proximity, and can be a town or unincorporated area.
- B. Customer.** A customer is a separate account number for voice service, or a bundle of services including voice, and includes large business (6 or more lines), small business (5 lines or less), and residential.

The definition should be used to determine whether a telephone corporation is required to report under G.O. 133-C, or its successor, by having 5,000 or more customers, and for calculating whether a catastrophic event has affected 3% of a carrier's customers in the state. Calculating Trouble Report and Out-of-Service (OOS) restoration time results is currently limited to small business and residential customers.

- C. Emergency or Disaster.** An event which is the proximate cause of a major outage, including but not limited to storms, lightning strikes, fires, floods, hurricanes, volcanic activity, landslides, earthquakes, wind storms, tidal waves, vandalism, terrorist attacks, riots, civil disobedience, wars, chemical spills, explosions, and airplane or train wrecks.
- D. Facilities-based.** A telephone corporation⁶ or interconnected VoIP provider that owns or controls facilities used to provide voice communication for compensation, including the line to the end-user's location.
- E. Interconnected VoIP service.**⁷ An interconnected Voice over Internet Protocol (VoIP) service is a service that:
- 1) Enables real-time, two-way voice communications;
 - 2) Requires a broadband connection from the user's location;
 - 3) Requires Internet protocol-compatible customer premises equipment (CPE); and
 - 4) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

⁵ Definition of Community of Place is available at http://en.wikipedia.org/wiki/Community_of_place.

⁶ Public Utilities Code § 234.

⁷ 47 U.S.C. Part 9.

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- F. Line.** An access line (hardwire and/or channel) which runs from the local central office or functional equivalent (Class 4/5, Class 5 or a remote) to the subscriber's premises.
- G. Outage.** A significant degradation in the ability of an end user to establish and/or maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network.⁸
- H. Public Safety.** Generally addresses safety of life and/or property.⁹ Reportable incidents are those which: (a) result in fatality or personal injury rising to the level of in-patient hospitalization and attributable, or allegedly attributable, to utility owned facilities, and (b) are the subject of significant public attention or media coverage and are attributable, or allegedly attributable, to utility owned facilities.

IV. Duration of Catastrophic Events

General Order 133-C says that a catastrophic event begins when a State of Emergency is declared by a state or federal agency and there is a widespread outage that affects at least 3% of the carrier's customers in the state.¹⁰ Staff proposes that a catastrophic event should end when the trouble ticket level returns to the average level three months prior to the catastrophic event.

The average level should be calculated by summing the actual number of trouble tickets for residential, small business, and large business customers for the three calendar months prior to the declared State of Emergency divided by the number of days in the prior three months.

V. Customer Refunds and Corporation Fines Proposal

Staff proposes to adopt refunds for customers that have been out of service for more than 24 hours and fines for URF Carriers that do not meet one or all of the Commission's minimum standards for the three Service Quality measures applicable to URF Carriers. Staff does not propose to apply the refunds and fines to GRC LECs because at this time they meet the Service Quality measures. The proposal is based on the principles adopted in D. 98-12-075 for assessing penalties for failure to comply with Commission rules,¹¹ D.01-12-021¹² and D.08-12-032.¹³ Depending on the Service Quality measure and standard, one or both proposals may apply.

⁸ 47 C.F.R § 4.5(a).

⁹ 47 U.S.C. § 151.

¹⁰ General Order 133-C 3.4 (b), p 8.

¹¹ Decision 98-12-075 addresses energy utility affiliate transactions; however, the principles adopted are not limited to affiliate transactions.

¹² D.01-12-021 adopts a penalty mechanism for Pacific Bell Telephone Company's declining service quality and failure to comply with Public Utilities Code § 451 (regarding safe and reliable service).

¹³ D.08-12-032 adopts a wholesale Performance Incentive Plan (PIP) negotiated between AT&T and a group of CLECs concerning the quality of service provided to the CLECs by AT&T. The PIP includes incentive payments to the CLECs by AT&T when AT&T fails to meet one of the 42 wholesale

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- A. Customers Refunds.** These are reparations or restitutions made to customers who are the victims in that amounts were unlawfully collected from them by the public utility for services not received, e.g., timely installation and service outage repair (see Public Utilities (P.U.) Code § 734).¹⁴ Unclaimed reparations generally escheat to the state under Code of Civil Procedure § 1519.5, unless equitable or other authority directs otherwise, e.g., P.U. Code § 394.9.
- B. Corporation Fines.** If an URF Carrier does not meet the respective minimum service quality standard for three consecutive months, the telephone corporation will be considered in a “chronic” state as defined in D. 08-12-032,¹⁵ and assessed a fine.

Attachment A to this proposal contains the specifics related to the proposed refunds and fines.

VI. Changes to Existing Reporting Requirements and Addition of New Reporting Requirements

Staff proposes changes to existing reporting requirements and the addition of new reporting requirements, to aid the Commission staff in determining whether telephone corporations meet the G.O. 133-C threshold of 5,000 customers for reporting and to give the Commission information regarding the types of services in the Out-of-Service (OOS) results. Staff is also proposing new reporting requirements that will provide a more comprehensive and technology-neutral view of network outages in the state.

- A. Additional Reporting and Calculation of Out-of-Service Measure Results:** Staff proposes that the reported OOS restoration time measure results be reported on two bases.

First, telephone corporations should continue to use the current G.O. 133-C reporting process that allows adjustments to reported OOS results to exclude Sundays, federal holidays, catastrophic events, and events beyond the control of the company, including customer requested appointments.

Telephone corporations reporting under G.O. 133-C shall continue to provide raw trouble ticket data in the quarterly reporting. The trouble ticket data must include, as part of the individual trouble ticket data, indicators that identify each type of

performance standards. The PIP also includes chronic failure payment for a subset of five critically important installation and repair performance.

¹⁴ Decision 98-12-075 at p. 35.

¹⁵ Decision 08-12-032 adopts a performance incentive plan for AT&T on the quality of service received by its wholesale CLEC customers. The plan requires AT&T to make penalty payments to its CLEC customers for not meeting the service quality standards, and the decision also requires additional financial penalties when AT&T chronically fails to meet specific performance measurement standard. Chronic failure is defined as three consecutive months of failure of one wholesale performance measurement standard.

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allowable adjustment used in the calculation of outage duration. When a telephone corporation believes that a catastrophic event has occurred, an explanation shall be included in the quarterly reporting as to what the catastrophic event was, the specific area(s) affected, and the total number of lines affected including large business, small business, and residential lines.

Second, telephone corporations shall also report unadjusted OOS restoration time results on an actual basis to include Sundays, federal holidays, catastrophic events, and events beyond the control of the company, including customer requested appointments.

- B. Information on Numbers of Customers:** To better understand the reported data which includes traditional wireline¹⁶ and VoIP information, staff proposes that each telephone corporation be required to report under G.O. 133-C the number of customers that it had at the beginning and end of each reported month.

The customer information shall be broken down by type of voice service (traditional wireline and VoIP) and the class of customer (large business, small business, and residential). Each telephone corporation shall affirmatively state in its quarterly reports whether VoIP customers are included in the trouble reports and OOS measurement results.

While P.U. Code § 710 generally prohibit the Commission from regulating interconnected VoIP and IP-enabled services, § 710(f) allows the Commission to monitor and discuss VoIP issues. Staff believes that requesting VoIP customer information is allowable under § 710(f).

- C. Require Facilities-Based Interconnected VoIP providers to Submit FCC NORS Reports to the Commission:** In 2012, the FCC extended to interconnected VoIP providers the same obligation as wireline and wireless carriers to submit network outage reports under Part 4 of its rules,¹⁷ citing the increasing use of VoIP service by consumers and the related public safety issues associated with the ability to reach 9-1-1 operators in the event of an emergency.

While the Commission has not declared interconnected VoIP providers to be “telephone corporations” at this time, there are significant public safety issues associated with the voice service that they provide, including access to emergency 9-1-1 operators, and the Commission needs to be informed of VoIP major network service outages.

Staff proposes that interconnected VoIP providers issued a CPCN by the Commission, have been designated a federal ETC in California, and/or provide California Lifeline service, submit to the Communications Division copies of all

¹⁶ The wireline number should include wireless replacement products used by the wireline divisions. Examples include, but are not limited to, the VoiceLink product of Verizon.

¹⁷ 47 C.F.R. Part 4.

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Network Outage Reports (NORS) that these carriers are required to submit to the Federal Communication Commission (FCC).¹⁸

Staff believes that Public Utilities Code § 710(f) allows the Commission to monitor VoIP service outages. The interconnected VoIP providers to which this reporting requirement applies are those that are registered with the Commission to pay public purpose programs surcharges pursuant to Public Utilities Code § 285 and were issued an identification number.¹⁹

D. Reporting Outages that affect Public Safety (e.g. 9-1-1, emergencies or disasters) that do not meet FCC's NORS reporting threshold.

There are areas of the state that have sparse populations where people live significant distances apart. Outages resulting from an emergency or catastrophic event can have devastating effects on these towns or communities of place. Due to the sparse population, service outages in these areas often do not rise to the NORS reporting threshold,²⁰ and the Commission does not currently have a process for reporting outages in these areas. The Commission has the responsibility to ensure safe and reliable service in these remote areas, as well as in more densely populated areas.

Staff proposes to adopt a new Emergency and Disaster Reporting for all emergencies and disaster events that affect 9-1-1/Public Safety for all customers in communities of place. The new reporting will be applicable to all facilities-based telephone corporations: GRC LECs, facilities-based URF carriers, and interconnected VoIP providers which have been issued a CPCN by the Commission, designated a federal ETC in California, and/or provide California Lifeline service.

The Emergency and Disaster reporting should include outages that effect large business, small business, and residential customers of traditional wireline service and Voice over Internet Protocol (VoIP customers). Staff asks for specific recommendations for a practical manner to identify communities of place that will provide the Commission with information on outages in these areas.

The Emergency and Disaster reporting is based on reporting requirements similar to G.O. 166 for Electric utilities for reporting during emergencies and disasters.²¹

At this time, the Emergency and Disaster Reports shall be provided to the Communications Division, or its successor, via email using the TelcoServiceQuality@cpuc.ca.gov email address. The Communications Division may change the method of report submission as necessary. The reports will be as follows:

¹⁸ This reporting is required under G.O. 133-C Section 4, which currently applies to all facilities-based certificated and registered public utility telephone corporations including facilities-based wireless carriers.

¹⁹ <http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/VOIP+Providers.htm> .

²⁰ The FCC reporting threshold for NORS is 900,000 user minutes. 47 CFR Part 4.

²¹ General Order 166 is available at http://www.cpuc.ca.gov/PUC/emrep/go166_excerpt.htm.

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- 1) **Initial Report:** Within one hour of the identification of a major outage or other newsworthy event, the utility shall notify the Commission and Warning Center at the Office of Emergency Services of the location, possible cause and expected duration of the outage. The reporting carrier shall assign a unique report code that will be used thereafter for each reportable outage.
- 2) **Notification Report:** Within 2 hours of a reportable incident during normal working hours or within 4 hours of a reportable incident outside of normal working hours, the utility shall provide a report that describes the general nature of the incident, its cause and estimated damage. The notice shall identify the time and date of the incident, the location of the incident, casualties that resulted from the incident, identification of casualties and property damage, and the name and telephone number of a utility contact person.
- 3) **Final Report:** Within twenty business days of a reportable incident, the utility shall provide to designated CPUC staff a written account of the incident which includes a detailed description of the nature of the incident, its cause and estimated damage. The report shall identify the time and date of the incident, the time and date of the notice to the Commission, the location of the incident, casualties that resulted from the incident, identification of casualties and property damage. The report shall include a description of the utility's response to the incident and the measures the utility took to repair facilities and/or remedy any related problems on the system which may have contributed to the incident.

The Emergency and Disaster reporting for wireless providers will be deferred to another phase of this proceeding or a separate future proceeding.

- E. Method of Submitting NORS Reports:** The current method of using the TelcoServiceQuality@cpuc.ca.gov email address for submitting NORS reports is not efficient and lacks consistency among reporting companies. Staff proposes a secure, web-based means for submitting reports. The Communications Division and the Commission's Information Technology (IT) department will develop the system and notify reporting carriers when the new filing system will be implemented.
- F. Change in Answer Time Reporting:** Staff proposes to modify the reporting requirement for the Operator Answer Time service quality measure:
- 1) The current operator answer time measure is collected on a quarterly basis and reported annually. Staff proposes to change the frequency of the reporting for this measure to be consistent with all other service quality standards of G.O. 133-C. Staff proposes to have operator answer time results to be compiled monthly, and reported quarterly.

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- 2) The current operator answer time measure reporting provides the overall results for all customer calls received which include billing, non-billing inquiries and trouble reports. In addition to the overall results, Staff proposes that each carrier identify the results by the type of calls: billing, non-billing inquiries and trouble reports.

G. Change in Corrective Action Plan Submissions: This changes the current G.O. 133-C Section 7, Staff Investigations and Addition Reporting Requirements. Currently, Corrective Action Plans are filed when the telephone corporation's performance did not meet the minimum standard for any measure for two or more consecutive quarters. Staff proposes to require telephone corporations that fail to meet any standard for two consecutive months or more to file with the Communications Division, or its successor, a Corrective Action Plan that explains the reason(s) for missing the standard(s) and the actions the company will take to correct the causes and improve performance to a level that meets adopted standards and measures.

VII. Correction to September 2014 Communications Division's Service Quality Report

On September 24, 2014, R. 11-12-001 released the assigned Commissioner's amended scoping memo and ruling, which included the CD staff report.²² The staff report discussed the service quality results of California's wireline telecommunication carriers for calendar years 2010 through 2013, based on data submitted pursuant to the measures and standards established in G.O. 133-C.²³ The amended scoping memo and ruling requested parties to provide comments regarding the conclusions and recommendations made in the staff report.

In October 2014, Cox filed its Opening Comments and stated that the staff report erred in stating that it did not have data for its Answer Time measure for 2010.²⁴ CD staff reviewed this information and proposes to make the necessary adjustment to correct the Staff report.

Attachment B of this document provides the proposed changes to the September 2014 Service Quality Staff Report.

²² September 2014 Staff Report is available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M111/K579/111579788.PDF>.

²³ General Order 133-C "Rules Governing Telecommunications Services," adopted July 9, 2009, contains the CPUC's service quality rules for telephone carriers. The General Order has five service quality measures and underlying standards applicable to facilities-based wireline telephone carriers.

²⁴ Cox Opening Comments at pp. 11-12.

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ATTACHMENT A Service Quality Refunds and Fines Proposal

I. Overview & Background

Staff proposes to adopt refunds for customers that have been out of service for more than 24 hours and fines for URF Carriers that do not meet one or all of the Commission's minimum standards for the three Service Quality measures applicable to URF Carriers. Staff does not propose to apply the refunds and fines to GRC LECs because at this time they meet the Service Quality measures. The proposal is based on the principles adopted in D. 98-12-075 for assessing penalties for failure to comply with Commission rules,¹ D.01-12-021² and D.08-12-032.³ Depending on the Service Quality measure and standard, one or both proposals may apply.

A. Customers Refunds. These are reparations or restitutions made to customers who are the victims in that amounts were unlawfully collected from them by the public utility for services not received, e.g., timely installation and service outage repair (see Public Utilities (P.U.) Code § 734).⁴ Unclaimed reparations generally escheat to the state under Code of Civil Procedure § 1519.5, unless equitable or other authority directs otherwise, e.g., P.U. Code § 394.9.

B. Corporation Fines. If an URF Carrier does not meet the respective minimum service quality standard for three consecutive months, the telephone corporation will be considered in a "chronic" state as defined in D. 08-12-032,⁵ and assessed a fine.

A. **Decision 01-12-021**

In D. 01-12-021, the Commission adopted a penalty methodology for AT&T's predecessor company, Pacific Bell Telephone Company (Pacific Bell) for violation of P.U. Code §451 because, from 1996 through 2000, its residential customers did not receive service that is "adequate, efficient, just, and reasonable." Additionally, Pacific Bell was found in violation of P.U. Code §702 because it did not comply with a Commission order, specifically the SBC and

¹ Decision 98-12-075 addresses energy utility affiliate transactions; however, the principles adopted are not limited to affiliate transactions.

² D.01-12-021 adopts a penalty mechanism for Pacific Bell Telephone Company's declining service quality and failure to comply with Public Utilities Code § 451 (regarding safe and reliable service).

³ D.08-12-032 adopts a wholesale Performance Incentive Plan (PIP) negotiated between AT&T and a group of CLECs concerning the quality of service provided to the CLECs by AT&T. The PIP includes incentive payments to the CLECs by AT&T when AT&T fails to meet one of the 42 wholesale performance standards. The PIP also includes chronic failure payment for a subset of five critically important installation and repair performance.

⁴ D.98-12-075 at p. 35.

⁵ D.08-12-032 adopts a performance incentive plan for AT&T on the quality of service received by its wholesale CLEC customers. The plan requires AT&T to make penalty payments to its CLEC customers for not meeting the service quality standards, and the decision also requires additional financial penalties when AT&T chronically fails to meet specific performance measurement standard. Chronic failure is defined as three consecutive months of failure of one wholesale performance measurement standard.

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Pacific Merger Decision.⁶ The decision required Pacific Bell to pay \$300,000 for each month of the year that it did not meet the repair standards for initial and repeat Out-of-Service (OOS) repair intervals. Resolution T-17024b, effective July 20, 2006, ordered Pacific Bell to pay \$900,000 for non-compliance with the Initial Out-of-Service standard for three months in 2005.

Staff concluded in the September 2014 staff report⁷ that multiple carriers failed to meet one or more service quality standards established in G.O. 133-C, as adopted in D.09-07-019. The most significant finding was that AT&T and Verizon failed to meet the OOS Repair Interval standard of repairing 90% out of service lines within 24 hours each month from 2010 through 2013. Failure to meet the minimum standards for any of the service quality measures in G.O. 133-C is a violation of P.U. Code §451. Staff proposes to use the same principles established in D.01-12-021 to set an applicable fine, calculated on a monthly basis for missing each minimum standard in the G.O.133-C measure.

B. D.08-12-032

In D.08-12-032, the Commission adopted a wholesale Performance Incentive Plan (PIP), which was negotiated between AT&T and a group of CLECs concerning the quality of service provided to the CLECs by AT&T. The PIP includes incentive payments to the CLECs by AT&T when AT&T fails to meet one of the 42 wholesale performance standards. The PIP also includes chronic failure payment for a subset of five installation and repair performance measurements because they are the most important.

The staff report revealed that multiple carriers failed to meet one or more service quality standards from 2010 through 2013 and also identified that some carriers continued to fail the standards consecutively month after month for the four year reporting period. AT&T and Verizon did not meet the minimum standard for the Out-of-Service measure in any of the months from 2010 through 2013. This level of performance is similar to chronic failure as defined in D.08-12-032.⁸ In the Commission's current service quality rules, a carrier is required to file a corrective action report if the carrier missed the minimum standard for any of the measures for six consecutive months. Staff proposes to adopt a chronic fine similar to D.08-12-032, in addition to the fine applied on a monthly basis if a carrier fails to meet the minimum standard after three consecutive months.

II. Public Utilities Code Section 2107 Penalty Analysis Criteria

Public Utilities Code § 2107 addresses the penalties that can be assessed on public utilities for failure to comply with CPUC Rules, Orders and Decisions. The statutory range of Commission

⁶ D.97-03-067, OP 2, "...to maintain or improve service as a condition of the merger of SBC and Pacific Bell."

⁷ California Wireline Telephone Service Quality Pursuant to General Order 133-C Calendar Years 2010 through 2013, September 2014. (Staff Report).

⁸ Chronic failure is defined as three consecutive months of failure of one wholesale performance measurement standard.

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penalties is from \$500 to \$50,000 for each offense. Public Utilities Code § 2108 states that each day a violation continues it can be penalized in the amount of \$500 to \$50,000.

In D.98-12-075, the Commission set forth the following criteria for considering penalties: 1) severity of the offense; 2) conduct of the utility; 3) financial resources of the utility; 4) totality of the circumstances in furtherance of the public interest; and 5) the role of precedent.

A. Criterion 1: Severity of the Offense

The severity of the offense includes different types of harm, such as: physical harm, economic harm, and harm to the regulatory process.

At this point, Staff do not have sufficient evidence that carriers' failure to meet G.O. 133-C adopted standards resulted in economic harm. Staff asks for comments on whether failure to meet service quality standards has resulted in economic harm, and if so, what are some examples and how should the Commission quantify the economic harm.

Consistent with D.01-12-021, failure to meet the adopted minimum standards for service quality is a violation of § 451 and could result in physical harm to customers because "if customers have no dial tone, they do not have access to 911 services or to the other emergency contacts."⁹ As shown in the staff report, AT&T and Verizon were only able to repair outages on a combined average of four years at 63% and 73%, respectively. In 2010 and 2011, AT&T and Verizon took on average 110 hours (4.5 days) to repair 90% of outages, and in 2012 and 2013 there was an improvement whereby AT&T and Verizon repaired 90% of the outages within an average of 72 hours (3 days). As concluded D.01-12-021, "[T]he longer the residential customer is without telephone service, the greater the potential of physical harm because of the customer's inability to contact emergency services",¹⁰ and three days without phone service and the ability to dial 9-1-1 compromises public safety.¹¹

Decision 98-12-075 holds that a high level of severity will be accorded to any violations of statutes or Commission Decision. In this case, some of the carriers violated § 451 to provide "adequate, efficient, just, and reasonable" service. Additionally, the G.O. 133-C established minimum standards which, if met, would mean the carriers subject to reporting would have been in compliance with the General Order. Therefore, there is evidence that the regulatory process was harmed.

The final factor to consider in the severity of offense is the number and scope of the violation. The majority of the URF carriers, particularly AT&T and Verizon, have not met the minimum standards since 2010.¹² The penalty mechanism adopted in D.01-12-02, which used P.U. Code §§ 2107 and 2108 for assessing the severity of the offense, is reasonable to utilize in adopting a fine mechanism for carriers that fail to meet the service quality standards. Section 2107 provides that any public utility that violates or fails to comply with any order or decision of the

⁹ D.01-12-021 at p. 32.

¹⁰ D.01-12-021 at p. 33.

¹¹ Staff Report at p. 3.

¹² 2010 is the beginning of reporting required by G.O. 133-C.

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Commission is subject to a penalty of not less than \$500, or more than \$50,000 for each offense. Section 2108 counts each day of a continuing violation as a separate and distinct offense.

Staff propose to use §§ 2107 and 2108 as applied in D.01-12-021 for the carrier fine mechanism in the instant case, whereby each day a carrier fails to meet the minimum standard established in G.O. 133-C. The severity of the offense is significant due to the public safety implications and the continuing nature of offenses warrants a significant penalty. Given the wide range of monetary penalty, Staff asks for comment on what the appropriate per offense fine should be and how to scale the fine to reflect the size and financial capability of the telephone corporation.

B. Criterion 2: Conduct of the Utility

The conduct of the utility influences the size of the fine, which is assessed by determining actions of the utility to detect, disclose and rectify a violation.

The carriers are required to file their G.O. 133-C reports on a quarterly basis regardless of whether they met or missed the reporting standard for any measures. Additionally, the carriers are required to file a corrective action report for missing the minimum service quality standards for six or more consecutive months.

Based on the September 2014 staff report, the carriers that are required to report under G.O. 133-C timely filed their reports including those who failed to meet the minimum standards. Corrective action reports were timely filed as well. However, the staff report revealed that AT&T and Verizon's corrective action reports reiterated the same proposed actions that would be undertaken to improve service restoral times and that the actions cited did not result in improvements that were significant enough to meet the minimum standard for the OOS repair interval measure. Given this history, staff found that reliance on carriers' corrective actions has not been an effective means to improve service quality performance. Even if the carriers detected and disclosed their failure to meet the service quality standards under the G.O. 133-C rules, some of the carriers did not rectify failures to provide "adequate, efficient, just, and reasonable" service to their customers. Therefore, Staff proposes to apply a fine of at least \$500 up to \$50,000 per day when a carrier fails to meet a G.O. 133-C minimum standard.

C. Criterion 3: Financial Resources of the Respondent

The size of the fine should reflect the financial resources of the utility and that in assessing a fine, consideration should be given to the need for deterrence and the constitutional limitations on excessive fines.

The G.O. 133-C reporting telephone corporations have significant differences in size with regard to their market share and revenues. According to the staff report, AT&T and Verizon approximately made up 88% of all working telephone lines reported pursuant to G.O. 133-C. In D.01-12-021, it was stated that AT&T's predecessor's annual revenue was in excess of \$10 billion. It was determined at the time that a \$10,000 fine per day is a reasonable fine. In 2013,

Proposal for Modifications to G.O. 133-C

AT&T California's estimated intrastate revenue was between \$2.5 and \$3.0 billion.¹³ Such amount suggests that a significant amount of fine should be applied to larger carriers to effectively deter carriers from future violation of the G.O. 133-C measures.

However, there are carriers that have substantially less financial resources than AT&T and Verizon and a \$10,000 per day fine would be excessive, i.e., URF CLECs and the small LECs. Therefore, a smaller fine for smaller carriers based on working lines should be in place to be an effective deterrent but not excessive. At this time Staff is not proposing to apply the fine to GRC LECs because they consistently met the Service Quality standards.

D. Criterion 4: Totality of the Circumstances

Fines should be tailored to the unique facts of each case and the totality of circumstances. To assess the fine, the unique facts, the degree of wrong doing and the public interested should be factored into the penalty. D.01-12-021 found that the public interest was not served when AT&T's predecessor experienced substantial increases in the average time it took to restore service to residential customers. Similarly, Staff does not believe that the public interest is served when a carrier does not meet the Commission's minimum service quality standards.

For calculating the reported G.O. 133-C results, the carriers were allowed to exclude tickets for circumstances beyond their control, such as declaration of a state of emergency and widespread service outages.¹⁴ However, based on the staff report, using these exemptions gave AT&T and Verizon only 10% performance improvement over their actual outage repair interval results. Consequently, it appears that violations of the G.O.133-C service quality standards are not the result of matters beyond a carrier's control. Staff also concludes that the public interest is not served when a carrier fails to meet the minimum standards of G.O. 133-C service quality measures repeatedly over a four year period.

E. Criterion 5: The Role of Precedent

A decision that imposes a fine should (1) address previous decisions that involve reasonably comparable factual circumstances, and (2) explain any substantial differences in outcome.¹⁵

Precedent exists for fining carriers for failing to meet adopted service quality standards. In D.01-12-021, the Commission found that the level of service that Pacific Bell (AT&T's predecessor) provided its customers over the period 1996-2000 with regards to the average number of hours to restore dial tone service to residential customers violated P.U. Code §451 because the customers were not receiving repair service that is adequate, efficient, just and reasonable.

The decision also found that Pacific violated D.97-03-067, Ordering Paragraph 2, which was a condition of approving the merger of Pacific and SBC that required Pacific to maintain or improve its service quality over the five years following the merger. The decision found that the

¹³ The estimated amount is based on AT&T California's 2013 intrastate revenue as reported for payment of User Fees with the Commission.

¹⁴ General Order 133-C, Section 3.4 b.

¹⁵ 1998 Cal. PUC LEXIS 1016, *73 - *75.

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company had violated P.U. Code §and 702, which requires all public utilities to, among other things, comply with Commission Orders, Decisions, and Rules. The facts in the instant case whereby certain carriers have not met the service quality standards adopted in G.O. 133-C over multiple years are similar to the situation that Pacific faced in D.01-12-021.

These cases are similar because in both instances 1) carriers failed to meet service quality standards and voluntary measures did not appear to impact results, 2) one of the carriers failing to meet the standard (AT&T) is the predecessor of the company which was fined in the 2001 case, 3) rate payers have not received adequate, efficient, just and reasonable service, and 4) the companies are not complying with Commission Orders, Decisions and Rules.

In D.08-12-032, the Commission adopted a wholesale Performance Incentive Plan (PIP) negotiated between AT&T and a group of CLECs concerning the quality of service provided to the CLECs by AT&T. The PIP includes incentive payments to the CLECs by AT&T when AT&T fails to meet one of the 42 wholesale performance standards. The PIP also includes chronic failure payment for a subset of five installation and repair performance measurements because they are the most critically important.

Staff proposes adopting the definition and calculation methodology for chronic failure fine in D.08-12-032. This decision states that when a carrier fails to meet a service quality standard for three consecutive months, a chronic failure fine will be assessed beginning on that 3rd month. A carrier may exit chronic failure status after it meets the standard for two consecutive months. It should be noted the chronic fine does not end and restart when the calendar reporting year ends and begins.

III. Proposed Methodology for Determining the Fine

Telephone corporations should be fined for any future failures to meet the minimum standard of the G.O. 133-C measures. The application of the criteria established by D.98-12-075 to the facts in this case indicates that a relatively sizeable fine is warranted. The size of the fine should be scaled to the size of the telephone carrier to deter them from violating the Commission's orders.

Based on the results of staff's service quality report dated September 2014, staff proposes the following:

A. Customer Refunds

Telephone corporations should refund residential and small business customers if they have been without telephone service for more than 24 hours, without the customer having to initiate a request for a refund. The staff proposal is this: if the customer does not have telephone service for more than 24 hours up to 5 days, then the customer should be refunded half their monthly recurring charge. If the customer has been without telephone service for more than 5 days, then the customer should be refunded the entire monthly recurring charge. Telephone corporations should provide the refund in the next billing cycle after the outage and the refund should be provided without a requirement for the customer to ask for it.

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Staff does not propose adopting customer refunds for the Customer Trouble Report and Answer Time measures at this time.

Staff proposes to adopt a new reporting requirement for G.O.133-C reporting for information regarding customer refunds. All telephone corporations should include the total amount credited to residential and small business customers per month for out of service reasons. The new reporting requirement on customer refunds will be collected monthly and reported quarterly. The Communications Division Staff shall prescribe a new reporting form to supplement the existing G.O.133-C Report Matrix.¹⁶

B. Corporation Fines

The corporation fines are only applicable to the three G.O. 133-C service quality measures: 1) Customer Trouble Reports, 2) Out-of-Service Reports and 3) Answer Time Reports. Staff is not proposing to apply the corporate fines to GRC LECs at this time because they are consistently meeting the Service Quality measures. The carrier fine is to be applied to all URF carriers subject to service quality reporting under G.O.133-C.

A carrier in a “chronic” status will be fined a specific amount for each day that it failed to meet the minimum monthly standard. For the purposes of calculation of this fine, a month will consist of 30 days. For every additional month that the carrier continues to fail to meet the standard, the carrier will be assessed a higher fine. It should be noted that the fine does not end and restart when the calendar reporting year ends and begins.

A carrier will begin incurring a fine when it reaches a “chronic failure status.” A carrier is considered in a chronic failure status when it fails to meet the minimum standard for three consecutive months. No fines are assessed for missing one to two months only; however, the carrier must file a “Corrective Action Report” as revised in this proposal if they miss two consecutive months. A carrier can exit its chronic failure status after it meets the standard for two consecutive months. However, until the carrier exits chronic failure status, the carrier will continue to calculate fines for any succeeding months that it failed to meet the standard.

The fine will also be assessed based on size of the carrier. This would ensure that the fine is significant enough to effectively deter carriers from future violation of the G.O.133-C measures. For the purposes of calculating the applicable fines by size, staff proposes using the annualized average number of working lines (on a calendar year basis) to scale the fine amount. AT&T has the most number of working lines from 2010 to 2013. Therefore, the fines established below for each measure is the applicable fine for AT&T California if it fails in the future to meet service quality standards. However, the fine will be scaled down for the other URF Carriers based on the percentage of access lines to AT&T. For example, if AT&T had 7.6 million access lines and Verizon only had 2.6 million access lines, Verizon will only be assessed 34% of prescribed fine per Violation for each measure.

¹⁶ General Order 133-C Report Matrix is available at <http://www.cpuc.ca.gov/NR/rdonlyres/929F81ED-0CC2-4751-B3CF-AB35F2660CAF/0/FinalGO133CReport050410.xls>.

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The formula to obtain annualized average number of working lines is as follows: Add each month's reported working lines from January to December and divide by 12 months.

The formula to scale the carrier fines other than AT&T is as follows: (AT&T Access Line/ URF Carrier Access Line) *100. Then multiply the percentage against the fine schedule listed below per measure. For example, if Verizon is only 34% of AT&T's access lines, the minimum AT&T fine of \$500 will be scaled to \$170 only for Verizon.

1. Out-of-Service (OOS) Fines

Minimum Standard: Repair 90% of time within 24 hours

In addition to the fine proposal stated above, staff proposes to set the fines for OOS based on the monthly duration average. Staff proposes a duration tier level that corresponds to a specific fine amount. The longer the monthly average duration, the higher the fine amount will be applied. To calculate the monthly duration average, the carrier must identify on a monthly basis the total duration of all Out-of-Service tickets and divide this with the total number of Out-of-Service tickets.

Table 1. Amount of Fine per Violation for OOS Based on Duration Levels

Duration Tier	1 to 2 Consecutive Months	3 to 5 Consecutive Months	6 to 8 Consecutive Months	9 to 11 Consecutive Months	12 or more Consecutive Months
> 24 hours ≤ 48 hours	\$0	\$500	\$1,000	\$1,500	\$2,000
> 48 hours ≤ 72 hours	\$0	\$2,000	\$2,500	\$3,000	\$3,500
> 72 hours ≤ 96 hours	\$0	\$5,000	\$10,000	\$15,000	\$20,000
> 96 hours	\$0	\$20,000	\$30,000	\$40,000	\$50,000

Table 1 provides the fine schedule applicable to AT&T. The fine will be scaled down for the other URF Carriers based on the percentage of access lines to AT&T.

Table 2. Hypothetical Example of an AT&T Fine Calculation for One Calendar Year with a Monthly Average Duration of 96 Hours for Each Month

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Met Std?	No	No	No	No	No	No	No	No	No	No	No	No
Applicable Fine?	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$30,000	\$30,000	\$30,000	\$40,000	\$40,000	\$40,000	\$50,000
Days	30	30	30	30	30	30	30	30	30	30	30	30
Total Fine	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$900,000	\$900,000	\$900,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,500,000

Total hypothetical AT&T fine for one calendar year: \$10,800,000

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2. Customer Trouble Report Fines

Minimum Standard: 10% or below Company Wide

In addition to the fine proposal stated above, staff proposes to set the fines for CTR on a companywide CTR results. A carrier receiving more than 10 customer trouble reports per 100 access lines (10%) for its entire service territory will be assessed a fine. The standard has three benchmarks (6%, 8% and 10%) for reporting units of differing sizes; Staff uses the 10% benchmark because it allows us to cover all carriers without unfairly punishing carriers who has no reporting units with a high number of working lines.

The fine amount will be increased based on the number of consecutive months a carrier fails to meet the 10% standard. Staff sets the initial fine at \$500 per day, with the highest daily fine (after 12 or more consecutive months) at \$2,000.

Table 3. Amount of Fine per Violation for Customer Trouble Report

1 to 2 Consecutive Months	3 to 5 Consecutive Months	6 to 8 Consecutive Months	9 to 11 Consecutive Months	12 or more Consecutive Months
\$0	\$500	\$1,000	\$1,500	\$2,000

Table 3 provides the fine schedule applicable to AT&T. The fine will be scaled down for the other URF Carriers based on the percentage of access lines to AT&T.

Table 4. Hypothetical Example of an AT&T Fine Calculation for One Calendar Year

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Met Std?	No	No	No	No	No	No	No	No	No	No	No	No
Applicable Fine?	\$500	\$500	\$500	\$500	\$500	\$1000	\$1000	\$1000	\$1500	\$1500	\$1500	\$2000
Days	30	30	30	30	30	30	30	30	30	30	30	30
Total Fine	\$15000	\$15000	\$15000	\$15000	\$15000	\$30000	\$30000	\$30000	\$45000	\$45000	\$45000	\$60000

Total hypothetical AT&T fine for one calendar year: \$360,000

3. For Answer Time Fines

Minimum Standard: Answer calls 80% within 60 seconds

Staff proposes to modify the reporting requirement for the Operator Answer Time service quality measure:

- 1) Currently, the operator answer time measure is collected on a quarterly basis and reported annually. Staff proposes to change the frequency of the reporting for this measure. To be consistent with all other service quality standards of G.O. 133-C, Staff proposes to have operator answer time results to be compiled monthly, reported quarterly. This will also allow staff to better monitor carrier performance throughout the year.

- 2) Currently, the operator answer time measure reporting provides the overall results for all customer calls received which include billing, non-billing inquiries and trouble reports.

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In addition to the overall results, Staff proposes that each carrier identify the results by the type of calls: billing, non-billing inquiries and trouble reports.

In addition to the proposed changes to the reporting of the Operator Answer Time measure, Staff proposes to also adopt the fine proposal stated above. For Operator answer Time fines, carriers will be assessed a fine for each day that it failed to meet the minimum standard of answering at least 80% of the all customer calls within 60 seconds. The fine will be assessed based only on a carrier’s performance for all customer calls. We set the initial fine at \$500 per day, with the highest daily fine (after 12 or more consecutive months) at \$2,000.

Table 5. Amount of Fine per Violation for Operator Answer Time

1 thru 2 Consecutive Months	3 thru 5 Consecutive Months	6 thru 8 Consecutive Months	9 thru 11 Consecutive Months	12 thru more Consecutive Months
\$0	\$500	\$1,000	\$1,500	\$2,000

Table 5 provides the fine schedule applicable to AT&T. The fine will be scaled down for the other URF Carriers based on the percentage of access lines to AT&T.

Table 6. Hypothetical Example of an AT&T Fine Calculation for One Calendar Year

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Met Std?	No	No	No	No	No	No	No	No	No	No	No	No
Applicable Fine?	\$500	\$500	\$500	\$500	\$500	\$1000	\$1000	\$1000	\$1500	\$1500	\$1500	\$2000
Days	30	30	30	30	30	30	30	30	30	30	30	30
Total fine	\$15000	\$15000	\$15000	\$15000	\$15000	\$30000	\$30000	\$30000	\$45000	\$45000	\$45000	\$60000

Total hypothetical AT&T fine for one calendar year: \$360,000

4. Corporation Fine Payment Reporting

Any telephone corporation that triggered the adopted fine mechanism shall submit on an annual basis within 30 calendar days after the 4th quarter reporting schedule¹⁷ a Tier III Advice Letter that shows by month each Service Quality measurement that it did not meet the minimum standards and the applicable fine. The advice letter shall contain detailed calculations using MS Excel spreadsheets with explanations of how each fine was calculated and assumptions used in the calculation. The Communications Division will prepare a Resolution for Commission consideration regarding the amount of the fine and describe the process for payment of the fine. All fines will be deposited to the State’s General Fund.

C. Corrective Action Reports

Staff proposes to change the frequency of the filing associated with Corrective Action Reports from quarterly to monthly. Pursuant to G.O. 133-C Section 6.2, telephone corporations that do not meet the minimum standards for any service quality measures for two or more consecutive

¹⁷ G.O. 133-C requires carriers to file its reports 45 days of the end of the reporting quarter. The 4th quarter service quality reports are filed on February 15th for the preceding calendar year.

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quarters are required to provide a corrective action report. The report contains a description of their performance at the reported level, a statement of action being taken to improve service, and the estimated date of completion of any improvements.

Staff proposes to modify this reporting to require telephone corporations that missed any standards for two consecutive months to file the Corrective Action Reports (instead of two consecutive quarters) because it will allow the Commission to understand the situation more promptly and identify the resolutions to improve the telephone corporation's performance.

Proposal for Modifications to G.O. 133-C

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ATTACHMENT B

Page 13 of CD staff Report:

Original Text:

The results for URF CLECs were similarly problematic. As shown in Table 8, only four of the URF CLECs met the minimum standards for the Answer Time measure in all four reporting years. There are seven carriers which failed to meet the standard in at least one of the four reporting years. However, all the other carriers' that met the minimum standard showed no improvement and/or had a decline in their performance over the four years.

Proposed Change to Text:

The results for some URF CLECs were similarly problematic. As shown in Table 8, only four of the URF CLECs met the minimum standards for Answer Time measure in all four reporting years. There are seven carries which failed to meet the standard in at least one of the four reporting years. ~~However, all~~ Some of the other carriers that met the minimum standard showed no improvement and/or had a decline in their performance over the four years.

Proposed Changes to the Tables in Page 13 and Appendix B of the Staff Report

Table 8 (Corrected). URF CLECs Answer Time Measure Annualized Results

URF CLECS	Utility Number(s)	2010	2011	2012	2013
ACN Communication Services, Inc.	U-6342-C	--	--	--	63%
Advanced TelCom	U-6083-C	97%	97%	83%	83%
Astound Broadband	U-6184-C	47%	61%	70%	69%
AT&T Communications	U-5002-C	88%	87%	72%	75%
Charter Fiberlink CA-CCO, LLC	U-6878-C	89%	90%	85%	82%
Cox California Telecom	U-5684-C	83%	86%	82%	86%
Electric Lightwave	U-5377-C	98%	96%	89%	83%
PAETEC Communications	U-6097-C	--	--	71%	68%
Sonic Telecom	U-7002-C	--	40%	45%	68%
Telscape Communications	U-6589-C	--	--	83%	67%
TelePacific Communications Companies	U-5721-C; U-5859-C; U- 5248-C	100%	86%	82%	69%

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Appendix B (Corrected): Summary of Carrier Reported Results (Adjusted) from 2010 to 2013 (Annualized)

Type	Company Name	Utility Number	2010					2011					2012					2013								
			Installation Interval	Installation Commitment	CTR	OOS	AT	Installation Interval	Installation Commitment	CTR	OOS	AT	Installation Interval	Installation Commitment	CTR	OOS	AT	Installation Interval	Installation Commitment	CTR	OOS	AT				
URF ILECs	AT&T California	U-1001-C			1.72%	50%	78%	1.50%	67%	79%	1.37%	71%	88%	1.82%	67%	88%	1.00%	70%	69%	1.95%	94%	88%	1.00%	70%	69%	
	Verizon California	U-1002-C			0.94%	76%	70%	1.19%	73%	60%	1.08%	72%	65%	1.00%	70%	65%	2.58%	95%	91%	0.77%	82%	52%	0.80%	83%	76%	
	SureWest Telephone & SureWest TeleVideo (dba SureWest Broadband)	U-1015-C U-6324-C			1.70%	85%	85%	2.58%	95%	91%	2.89%	93%	85%	1.95%	94%	88%	0.70%	78%	81%	0.77%	82%	52%	0.80%	83%	76%	
	Citizens Telecommunications Company of California, Inc	U-1024-C			0.70%	78%	81%	0.77%	82%	52%	0.80%	83%	76%	0.86%	91%	84%	1.02%	98%	89%	0.78%	91%	81%	0.92%	92%	76%	
	Frontier Communications of the South West	U-1026-C			1.02%	98%	89%	0.78%	91%	81%	0.92%	92%	76%	0.85%	93%	83%										
	ACN Communication Services, Inc.	U-6342-C			--	--	--	--	--	--	--	--	--	--	--	--										
	Advanced TelCom	U-6083-C			0.59%	95%	97%	0.57%	91%	97%	0.94%	85%	83%	0.94%	85%	83%										
	Astound Broadband	U-6184-C			2.73%	87%	47%	2.33%	87%	61%	2.06%	92%	70%	2.06%	92%	70%										
	AT&T Communications Charter Fiberlink CA-CCO, LLC	U-5002-C U-6878-C			1.43%	76%	88%	1.18%	77%	87%	1.13%	89%	72%	1.31%	99%	75%										
	Cox California Telecom	U-5684-C			2.22%	94%	83%	1.82%	93%	86%	1.87%	93%	82%	1.86%	93%	86%										
Electric Lightwave	U-5377-C			1.65%	92%	98%	1.46%	84%	96%	1.46%	92%	89%	1.03%	81%	83%											
PAETEC Communications	U-6097-C			--	--	--	0.00%	86%	--	--	--	71%	0.86%	95%	68%											
Sonic Telecom	U-7002-C			--	--	--	3.13%	38%	40%	3.13%	38%	40%	1.80%	32%	45%											
Telescape Communications	U-6589-C			4.10%	90%	--	6.05%	92%	--	3.85%	91%	83%	3.80%	92%	67%											
U.S. TelePacific Corp, Mpower Communications Corp, & Arrival Communications, Inc. d/b/a TelePacific Communications	U-5721-C U-5859-C U-5248-C			0.12%	55%	100%	0.17%	54%	86%	0.17%	54%	86%	3.35%	61%	82%											
GRC ILECs	Calaveras Telephone	U-1004-C	0.94	100%	0.24%	100%	--	1.14	100%	0.25%	100%	--	--	100%	--	1.19	100%	0.26%	100%	--	1.19	100%	0.26%	100%	--	
	Cal-Ore Telephone	U-1006-C	0.89	100%	1.69%	98%	--	1.53	99%	1.84%	98%	--	1.65	98%	--	2.29	97%	1.52%	93%	--	2.29	97%	1.52%	93%	--	
	Ducor Telephone	U-1007-C	0.07	100%	0.88%	99%	--	0.20	100%	0.71%	100%	--	0.16	100%	--	0.22	100%	0.82%	100%	--	0.22	100%	0.82%	100%	--	
	Foresthill Telephone	U-1009-C	1.00	99%	1.37%	94%	97%	0.94	95%	1.60%	95%	--	1.90	98%	--	1.75	100%	0.90%	96%	--	1.75	100%	0.90%	96%	--	
	Frontier Communication West Coast	U-1020-C	1.92	97%	0.57%	93%	89%	2.32	97%	0.64%	90%	86%	2.31	97%	90%	76%	1.99	98%	0.56%	84%	84%	1.99	98%	0.56%	84%	
	Happy Valley Telephone	U-1010-C	2.18	99%	1.05%	97%	96%	2.46	99%	1.42%	98%	94%	2.90	99%	92%	92%	2.42	100%	1.68%	100%	89%	2.42	100%	1.68%	100%	
	Hornitos Telephone	U-1011-C	2.32	100%	2.79%	95%	94%	4.70	100%	4.70%	100%	--	3.50	99%	98%	89%	3.42	100%	2.25%	99%	88%	3.42	100%	2.25%	99%	
	Kerman Telephone	U-1012-C	1.04	99%	1.65%	95%	97%	0.86	99%	1.73%	98%	--	1.96	97%	93%	--	2.65	99%	1.10%	96%	--	2.65	99%	1.10%	96%	
	Pinnacles Telephone	U-1013-C	1.00	100%	1.65%	86%	--	0.81	100%	1.11%	100%	--	1.23	100%	100%	--	0.88	100%	0.76%	100%	--	0.88	100%	0.76%	100%	
	Ponderosa Telephone	U-1014-C	1.73	100%	1.13%	95%	--	1.72	99%	3.44%	96%	--	1.89	98%	100%	--	1.43	100%	3.91%	98%	--	1.43	100%	3.91%	98%	
	Sierra Telephone	U-1016-C	0.42	100%	0.84%	99%	99%	0.41	100%	0.78%	100%	99%	0.81	100%	100%	100%	0.85	100%	0.69%	100%	95%	0.85	100%	0.69%	100%	
	Siskiyou Telephone	U-1017-C	0.77	100%	0.40%	99%	--	0.87	100%	0.27%	99%	--	0.89	100%	98%	--	0.82	100%	0.31%	96%	--	0.82	100%	0.31%	96%	
	Volcano Telephone	U-1019-C	2.06	100%	0.83%	95%	96%	1.60	100%	1.30%	100%	96%	1.66	100%	100%	96%	1.87	100%	0.54%	95%	91%	1.87	100%	0.54%	95%	
	Winterhaven Telephone	U-1021-C	1.79	98%	3.37%	95%	94%	1.84	100%	2.71%	99%	91%	2.23	99%	97%	89%	2.44	96%	2.77%	98%	88%	2.44	96%	2.77%	98%	

-- No Report Found

Did not Meet Standard

Met Standard