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.	FILED PUBLIC UTILITIES COMMISSION DECEMBER 1, 2011 SAN FRANCISCO OFFICE RULEMAKING 11-12-001

ORDER INSTITUTING RULEMAKING

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ORDER INSTITUTING RULEMAKING

1. Summary

Public Utilities (P.U.) Code § 451 requires that telecommunications carriers provide a level of service "…as necessary to promote the safety, health, comfort, and convenience of its patrons…and the public." In Decision (D.) 09-07-019 issued on July 9, 2009, the California Public Utilities Commission (Commission) adopted General Order (GO) 133-C which contains a minimum set of service quality standards and measures for installation, maintenance, and operator services for local exchange telephone services. The Commission has a statutory duty to ensure that telephone corporations provide customer service that includes reasonable statewide service quality standards including, but not limited to, standards regarding network technical quality, customer service, installation, repair and billing. (D.09-07-019 at 12, P.U. Code § 2896.)

In March 2011, the Communications Division (CD) issued a report pursuant to GO 133-C § 7 regarding the quality of telephone service provided by wireline telephone corporations in 2010. (Attachment A to this Order). The report noted the substandard results reported in the GO 133-C service quality reports filed by the carriers in 2010. Additionally, the report provided information regarding the responses of Pacific Bell Telephone Company dba AT&T California (AT&T) and Verizon California Inc. (Verizon) to the outage event that affected approximately 250,000 customers in Southern California during the winter storms of December 2010 and January 2011. The Southern California outage event was not reflected in AT&T's and Verizon's GO 133-C service quality reports for December 2010 or January 2011 because current rules

exempt carriers from reporting outages caused by a catastrophic event[1]. The report also provided CD's observations with regard to GO 133-C service quality reporting. For example, carriers have different interpretations of the calculation methods of the measures, and the underlying raw data submitted to the Commission were often incomplete or not in a format that allowed staff to reproduce carriers' reported results. CD recommended opening an Order Instituting Rulemaking (OIR) to address carriers' compliance issues and to re-evaluate the existing service quality measures and standards.

The Commission received letters from industry parties regarding CD's March 2011 Report. All except Verizon endorsed the opening of a rulemaking to review carrier service quality performance. In addition, the non-carrier parties suggested that network degradation due to deferred or no maintenance was the primary cause of the extended outages during the winter storms of December 2010 through January 2011, as well as AT&T and Verizon's inability to meet the Out-of-Service (OOS) repair goals in 2010. Additionally, the Competitive Local Exchange Carriers (CLECs) stated that there are competitive implications for poor service quality because of their reliance on the Incumbent Local Exchange Carrier (ILEC) copper facilities.

The Commission opens this rulemaking proceeding to review telecommunications carriers' performance in meeting GO 133-C service quality performance standards in 2010, and to assess whether the existing GO 133-C service quality standards and measures meet the goals of the Commission, are

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[1] GO 133-C defines catastrophic event as: "an event where there is a declaration of a state of emergency by a federal or state authority, and a widespread service outage (an

Footnote continued on next page

relevant to the current regulatory environment and market, and whether there is a need to establish a penalty mechanism for substandard service quality performance. The questions posed and the answers we elicit are intended to address the issues of this rulemaking.

2. Background

2.1. Decision Implementing Service Quality Measures

Decision (D.) 09-07-019 adopted GO 133-C which revised the service quality rules, measures and standards established under GO 133-B.

The Commission adopted five minimum sets of service quality measures for installation, maintenance and operator answer time for local exchange telephone service. The goal of these service quality measures was to ensure that telecommunications carriers provide relevant information to the Commission so that it may adequately protect California customers and the public interest. All of the GO 133-C service quality measures apply to rural telephone companies regulated under rate-of-return regulations commonly known as General Rate Case Incumbent Local Exchange Carriers (GRC ILECs). However, only three of the measures -- Customer Trouble Reports, Out-of-Service Report and Answer Time -- are applicable to ILECs and Competitive Local Exchange Carriers (CLECs) with 5000 or more customers regulated under the Uniform Regulatory Framework (URF).[2] Resellers and Wireless carriers are not subject to GO 133-C reporting. The current GO 133-C service quality measures are the following:

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outage affecting at least 3% of the carrier's customers in the state) are circumstances beyond the carrier's control."

[2] D.09-07-019 at 54. An URF CLEC with less than 5000 customers and authorized as a Carrier of Last Resort (COLR) is required to report Customer Trouble Report, Out-of-Service Report and Answer Time.

1. **Installation Intervals –** This measures the amount of time to install basic telephone service. The minimum standard is five (5) business days.

2. **Installation Commitments –** This measures the number of service installation commitments each carrier meets and excludes those instances where customer actions prevent the carrier from meeting the installation commitment. The minimum standard is 95% of the time.

3. **Customer Trouble Report –** This measures the number of all trouble reports each carrier receives from customers in relation to lines or equipment. Carriers should have no more than 6 trouble reports per 100 lines for reporting units with 3,000 or more lines, no more than 8 reports per 100 lines for units with 1,001-2,999 lines, and no more than 10 reports per hundred lines for units with 1,000 or less lines. The carrier collects the data monthly and reports it to the Commission quarterly.

4. **Out-of-Service Report –** This measure reflects how long a customer may have to wait to have service repaired. The minimum standard is 90% of a carrier's out-of-service repair requests should be completed within 24 hours.

5. **Answer Time –** This measure reflects how quickly a customer can expect to speak with a live agent when calling a carrier's business office regarding an issue. The minimum standard is 80% of calls should reach a live agent in 60 seconds or less (with a menu option to reach a live agent).

In addition, carriers are required to provide the Commission with the underlying raw data for all the reporting measures except Answer Times. All reports and raw data are to be compiled monthly and reported quarterly, and are due 45 days after the end of the quarter, except for Answer Times which are compiled quarterly and reported annually on February 15th of the following year.

2.2. March 2011 Staff Service Quality Report

In March 2011, CD prepared a report pursuant to GO 133-C § 7 regarding the quality of telephone service provided by wireline telephone companies in 2010. (Attachment A to this Order). The report, *Telephone Carrier Service Quality for the Year 2010*, was distributed to the Commissioners and the California Legislature and is attached to this Order. The findings and conclusions in the report were based on the GO 133-C service quality measures submitted by a total of 27 telephone carriers; URF ILECs (4), URF CLECs (8), and the GRC ILECs (15). The report also addressed the responses of Pacific Bell Telephone Company dba AT&T California (AT&T) and Verizon California Inc. (Verizon) to the severe winter storms that caused wide-spread service outages in Southern California during the months of December 2010 and January 2011.

1. CD staff's report regarding the carrier reports for GO 133-C Service Quality measures:

   a. **Installation Intervals –** All of the fourteen GRC ILECs that reported for the full year met the standard of installing service in five days or less in each of the twelve months. Two of the four URF ILECs met the standard in each of the six months reported.

   b. **Installation Commitments –** Eleven of the fifteen GRC ILECs met the standard to keep installation appointments 95% of the time for each of the twelve months, and the remaining three companies that reported for all twelve months met the goal in eleven of the twelve months.

   c. **Customer Trouble Report –** All of the twenty-seven carriers met the Customer Trouble Report standard of between 6% and 10% per 100 lines, depending on the size of the reporting company.

   d. **Out-of-Service Report** - CD's report showed that among the URF ILECs, AT&T, Verizon, and Frontier Communications of California (Frontier) did not meet the Out-of-Service (OOS)

repair standard for all of the reporting months of 2010. However, SureWest Telephone (SureWest) met the OOS standard for four of the twelve reporting months. With regard to URF CLECs, only three out of eight met the OOS minimum standard for six or more months in 2010. Among the fifteen GRC ILECs, thirteen carriers met the OOS minimum standard for at least nine months or all the reporting months of 2010. In addition, CD compared all of the carrier's first Quarter 2011 OOS results with their first Quarter 2010 OOS results and found compliance levels remained generally the same. None of the URF CLECs met the minimum OOS standard.

e. **Answer Time –** CD also found substandard results for this measure. SureWest met the goal for three of the four quarters, AT&T and Frontier met it for two quarters, and Verizon did not meet it in any quarter. A majority of the URF CLECs met all the four reporting quarters of 2010. Only six of the GRC ILECs met all four quarters of 2010.

2. CD staff's report regarding AT&T's and Verizon's responses to the service outages caused by the winter storms of December 2010 and January 2011.

In December 2010 and early January 2011, a series of severe rainstorms battered Southern California, resulting in flooding that led to the Governor's declaration of state of emergency in twelve counties in Southern California. These rainstorms caused over 250,000 AT&T and Verizon customers to lose telecommunications service for various periods of time. The outage event attracted State Senator Alex Padilla's attention, and he requested that the Commission obtain additional information regarding the carriers' service restoration efforts. On February 4, 2011, the Senate Energy, Utilities and Commerce Committee chaired by Senator Padilla held a hearing because of the significant impact of the outages on customers.

From Senator Padilla's hearing inquiry, CD noted that, although approximately 50% of the affected customers had service restored within four days, many customers remained without service for ten days, and in some cases for as long as 30 days. CD observed in its March 2011 report that the December 2010 GO 133-C service quality report did not include outage information for the December 2010 rainstorm events in Southern California. This was due to the order's specific exclusion of data compiled during catastrophic events. CD also cited in its report that GO 133-C lacked specificity as to when a state of emergency ended, what information should be included in the raw data to support carriers' reported results, and in what format the raw data should be submitted to allow CD to reproduce carrier results. For example, one carrier provided raw data that included less than one half of the service tickets received for the First Quarter 2010, and in numerous other instances, carriers provided raw data in a PDF or picture format that did not show the formula for the underlying calculations.

In 2010, CD found that AT&T's first and second quarter supporting raw data files were truncated and required several re-runs and resubmissions of the data to provide a full reporting of Out-of-Service repair tickets. CD's staff recommended in its report that the Commission open an OII or OIR to review the service quality standards, and specifically address why some carriers consistently could not or did not meet the Out-of-Service Repair or Answer Time standards in 2010, and to consider whether to adopt new standards, modify current standards and adopt penalty mechanisms.

2.3. Telephone Service Outage Letters to the Commission

The Commission received eight letters from industry parties regarding CD's March 2011 Report.[3] All non-carrier commenters suggested that network degradation due to deferred/no maintenance was the cause of extended outages during the storms of December 2010 and January 2011, as well as AT&T and Verizon's inability to meet the OOS repair goal in 2010. Additionally, all commenters except Verizon endorsed the opening of a rulemaking to review carrier service quality performance, while CLECs also stated there are competitive implications for poor service quality given their reliance on ILEC copper facilities.

On May 2, 2011, The Utility Reform Network (TURN) submitted a letter to Commission President Michael Peevey supporting CD's recommendation for a Service Quality OII/OIR. TURN alleged that AT&T had a long history of service outage problems in California, AT&T and Verizon have incentives to invest and maintain equipment in states that have more oversight than California, and inadequate maintenance of wireline equipment contributed to the extended duration of service outages during the storms of occurring in December 2010 and January 2011.

As evidence of AT&T's long history of service quality problems, TURN's letter cited a complaint filed in 2001 by the Office of Ratepayer Advocates,

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[3] The Utility Reform Network (TURN) (5/2/11), California Association of Competitive Telecommunications Companies (CALTEL) (5/6/11), Small Business California (SB-CAL) (5/9/11), Disability Rights Advocates (DisabRA) (5/9/11), Division of Ratepayer Advocates (DRA) (5/10/11), Utility Consumers' Action Network (UCAN) (5/13/11), Verizon California (5/18/11), and AT&T California (5/18/11).

currently known as the Division of Ratepayer Advocates (DRA), which resulted in the Commission instituting a 29.3 hour restoral standard for initial repairs, and a $300,000 penalty for each month that AT&T did not meet the standard. In response, AT&T stated, that under the old OOS standards of 29.3 hours to repair for initial tickets, and 39.4 hours for repeat tickets, it met the standard five out of seven years for initial tickets, and seven of seven years for repeat tickets.

TURN referenced in its letter the testimony given by the Communications Workers of America (CWA) at Senator Padilla's February 4, 2011 hearing as support for its charge that AT&T and Verizon are incentivized to invest and maintain equipment in states with more oversight than California, TURN stated that since penalties were removed from performance in California, AT&T and Verizon have not met the repair time standard in any period

CALTEL agreed with TURN and noted that deteriorating wireline facilities were the root of AT&T and Verizon's inability to meet the 24-hour restoral standard, and cited as examples, two San Francisco fire-houses losing 911 connectivity due to wireline failure.

AT&T countered TURN's claim by stating that it invested $2.1 billion dollars in its wireline network during 2009 and 2010. AT&T also stated that the majority of its customers that lost service during the storms were restored within four days. Verizon stated that they have invested $600 million dollars annually for the last several years into their network and that TURN has no evidence that inadequate maintenance was a factor in outage duration during the storms, and that dissatisfied customers can choose other providers.

TURN, CALTEL and DRA all provided recommendations on how the Commission can improve telephone service quality including:

1. Require telecommunications networks to comply with generally accepted industry performance standards (e.g., Telcordia/Bellcore standards);

2. Engage a consultant to perform engineering and operational audits of any ILECs that has an average below 60% of customer OOS or trouble reports within 24 hours during any 12-month period based on GO 133-C performance standards; and

3. Collect and publish monthly reports detailing whether ILECs have met wholesale performance standards.

4. Levy fines for failure to meet retail service quality standards. CLECs fines should take into consideration inter-dependence on ILEC performance.

5. Investigate AT&T and Verizon's outside plant maintenance and investment practices.

CALTEL additionally argued that since CLECs rely on copper facilities owned by URF ILECs, deteriorating facilities and extended out-of-service repair times negatively impact customer choice by increasing costs of CLECs through compensating customers to restore confidence in their service. If this confidence cannot be restored, it creates an anti-competitive environment by removing CLECs as a viable alternative to the URF ILECs.

3. Preliminary Scoping Memo

As required by Rule 7.1(d)[4] of the Commission's Rules of Practice and Procedure, this Order Instituting Rulemaking (OIR) includes a Preliminary

[4] "Rulemakings. An order instituting rulemaking shall preliminarily determine the category and need for hearing and shall attach a preliminary scoping memo. The preliminary determination is not appealable, but shall be confirmed or changed by

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Scoping Memo. In this Preliminary Scoping Memo, we describe the issues to be considered in this proceeding and the timetable for resolving the proceeding.

3.1. Issues

Public Utilities (P.U.) Code § 451 requires that telecommunications carriers provide a level of service "…as necessary to promote the safety, health, comfort, and convenience of its patrons…and the public." The Commission has a statutory duty to ensure that telephone corporations provide customer service that includes reasonable statewide service quality standards including, but not limited to, standards regarding network technical quality, customer service, installation, repair and billing. (D.09-07-019 *at* 12, P.U. Code § 2896.)

This OIR is opened to review the performance of telecommunications corporations in meeting GO 133-C service quality performance standards in 2010-2011, and to assess whether service quality measures adopted in D. 09-07-019/GO 133-C:

- Meet the goals of the service quality measures (i.e., ensure that telecommunications carriers provide the level of service required by P.U. Code § 451);
- Provide consumers with relevant information to make informed communications service purchase decisions;
- Are relevant to today's regulatory environment and market;
- Need additional measures and/or penalty mechanisms added; and

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assigned Commissioner's ruling pursuant to Rule 7.3, and such ruling as to the category is subject to appeal under Rule 7.6."

- Should be revised to cover wholesale interconnection services as well as retail. If so, what revisions should be made?

Below are the questions to help guide filings regarding the issues identified above:

1. Are the adopted GO 133-C service quality standards appropriate and reasonable? If not, should new service quality standards be adopted or should existing standards be modified or eliminated?

2. Should additional Out-of-Service standards be established for Out-of-Service events in excess of 24 hours?

3. Why are many of the URF carriers consistently missing the service quality measurement standards for (a) Out-of-Service Repairs, and (b) Answer Times?

4. The current service quality standards and measures focus on retail customers. Should standards be adopted for wholesale service? If so, what should these standards and measures be?

5. Is it appropriate to implement a penalty mechanism when standards are not met? If so, what should it be?

6. Should exemptions be allowed for calculating reported service quality results for State of Emergency, Catastrophic Events and events beyond the control of the utility management? If so, should there be limitations on the geographic area(s) covered and/or the duration of the exemption?

7. Should carriers provide the Commission with additional service quality data in the aftermath of a catastrophic event? If so, what additional data is appropriate?

8. What other reporting requirements or measures are appropriate to evaluate quality of service?

9. Should the Commission hire a network consultant to: a) review and evaluate the service quality results; b) to evaluate and monitor telecommunications carrier's infrastructure, investments and manpower to improve service quality; and c) to help the Commission determine "best practices"? If so how should they be funded and who should administer the contract(s)?

10. Are competitive market forces sufficient to ensure service quality? What, if any, are the barriers to switching to other services and service providers if a customer is dissatisfied with the quality of wireline telephone service offered by their current provider?

11. How do carriers prioritize repairs between classes of customers, (e.g., retail vs. wholesale and business vs. residential) types of technologies, and types of services? Should residential service be given top priority for repair due to public safety and universal service obligations associated with residential service?

12. Is the service quality information posted at the Commission's website sufficient to provide consumers with the relevant information to make informed communications service purchasing decisions?

13. Should the Commission adopt service quality reporting standards for Wireless carriers?

14. Are there cost-effective engineering and design standards available that would prevent or better mitigate the effects of outages due to storms and other disruptions? If so, what are they?

15. Is the wireline network designed and maintained so as to minimize the duration of outages due to catastrophic events? If not, what should be done to rectify that?

16. Is the wireline network being properly maintained to serve Californians and the California economy? Is wireline service in California comparable to service in other states that have penalties for failure to maintain service or incentive regulation for service quality?

17. Are there any economic, regulatory, physical, or other barriers or disincentives that stifle or discourage wireline maintenance? What are the consequences of poor wireline maintenance? What can and should be done to foster proper and timely wireline maintenance?

We intend for the scope of this rulemaking to be broad, and accordingly grant the assigned Commissioner and assigned Administrative Law Judge (ALJ) discretion to revise the scope to include other relevant issues that may arise in answering these questions. This order invites parties to provide relevant information regarding the questions listed above.

3.2. Preliminary Schedule

The preliminary schedule is set forth below. We delegate to the assigned Commissioner and the ALJ the authority to set other dates in the proceeding or modify those below as necessary.

Day 1	Order Instituting Rulemaking issued
Day 20	Deadline for requests to be on service list
Day 46	Initial Comments filed and served
Day 61	Reply Comments filed and served

The determination on the need for further procedural measures, including the scheduling of a pre-hearing conference, discovery, technical workshops, and/or evidentiary hearings will be made in one or more rulings issued by the Assigned Commissioner. Any party who believes that an evidentiary hearing is required shall file a motion requesting such a hearing no later than ten business

days after the filing of reply comments. Any such motion must identify and describe (i) the material issues of fact, (ii) the evidence the party proposes to introduce at the requested hearing, and (iii) the schedule for conducting the hearing. Any right that a party may otherwise have to an evidentiary hearing will be waived if the party does not submit a timely motion requesting an evidentiary hearing.

Following receipt of any such motions, the assigned Commissioner and ALJ shall determine the need for and extent of further procedural steps that are necessary to develop an adequate record to resolve this rulemaking, and shall issue rulings providing guidance to parties, as warranted.

This proceeding will conform to the statutory case management deadline for quasi-legislative matters set forth in Pub. Util. Code § 1701.5.

4. Category of Proceeding and Need for Hearing

Rule 7.1(d) of the Commission's Rules of Practice and Procedure provides that the order instituting rulemaking "shall preliminarily determine the category and need for hearing…" This rulemaking is preliminarily determined to be quasi-legislative, as that term is defined in Rule 1.3(d). We anticipate that the issues in this proceeding may be resolved through a combination of filed comments and workshops. It is preliminarily determined that hearings are not necessary. Any person who objects to the preliminary categorization of this OIR as "quasi-legislative" or to the preliminary hearing determination, shall state the objections in their opening comments. The assigned Commissioner will determine the need for hearing and will make a final category determination in the scoping memo; this final determination as to category is subject to appeal as specified in Rule 7.6(a).

5. Service of OIR, Creation of Service List, and Subscription Service

We will serve this OIR on all telecommunications corporations including commercial mobile radio service providers and on the following:

- The service list in R.02-12-004; and
- Organizations listed in Attachment B.[5]

Such service of the OIR does not confer party status in this proceeding upon any person or entity, and does not result in that person or entity is being placed on the service list for this proceeding.

The Commission will create an official service list for this proceeding, which will be available at http://www.cpuc.ca.gov/published/service_lists. We anticipate that the official service list will be posted before the first filing deadline in this proceeding. Before serving documents at any time during this proceeding, parties shall ensure they are using the most up-to-date official service list by checking the Commission's website prior to each service date.

While all telephone corporations may be bound by the outcome of this proceeding, only those who notify us that they wish to be on the service list will be accorded service by others until a final decision is issued.

If you want to participate in the Rulemaking or simply to monitor it, follow the procedures set forth below. To ensure you receive all documents, send your request within 20 days after the OIR is published. The Commission's Process Office will update the official service list on the Commission's website as necessary.

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[5] The organizations listed in Attachment B are those that submitted responses to the March 2011 Staff Report.

Within 20 days of the publication of this OIR, any person may ask to be added to the official service list. Send your request to the Process Office. You may use e-mail (Process_Office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102). Include the following information:

- Docket Number of this Investigation & Rulemaking;
- Name (and party represented, if applicable);
- Postal Address;
- Telephone Number;
- E-mail Address; and
- Desired Status (Party, State Service, or Information Only).[6]

If you want to be added to the official service list as a non-party (that is, as State Service or Information Only), follow the instructions in Section 6.1. [NOTE: edit if the section number changes] above at any time.

5.1. Updating Information

Once you are on the official service list, you must ensure that the information you have provided is up-to-date. To change your postal address, telephone number, e-mail address, or the name of your representative, send the change to the Process Office by letter or e-mail, and send a copy to everyone on the official service list.

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[6] If you want to file comments or otherwise actively participate, choose "Party" status. If you do not want to actively participate but want to follow events and filings as they occur, choose "State Service" status if you are an employee of the State of California; otherwise, choose "Information Only" status.

5.2. Serving and Filing Documents

When you serve a document, use the official service list published at the Commission's website as of the date of service. You must comply with Rules 1.9 and 1.10 when you serve a document to be filed with the Commission's Docket Office.

The Commission encourages electronic filing and e-mail service in this Rulemaking. You may find information about electronic filing at http://www.cpuc.ca.gov/PUC/efiling. E-mail service is governed by Rule 1.10. If you use e-mail service, you must also provide a paper copy to the assigned Commissioner and ALJ. The electronic copy should be in Microsoft Word or Excel formats to the extent possible. The paper copy should be double-sided. E-mail service of documents must occur no later than 5:00 p.m. on the date that service is scheduled to occur.

If you have questions about the Commission's filing and service procedures, contact the Docket Office.

5.3. Subscription Service

This proceeding can also be monitored by subscribing in order to receive electronic copies of documents in this proceeding that are published on the Commission's website. There is no need to be on the service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission's website at http://subscribecpuc.cpuc.ca.gov/.

6. Public Advisor

Any person or entity interested in participating in this Rulemaking who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail public.advisor@cpuc.ca.gov; or in Los Angeles at (213) 576-7055 or

(866) 849-8391, or e-mail public.advisor.la@cpuc.ca.gov. The TYY number is (866) 836-7825.

7. Intervenor Compensation

Any party that expects to claim intervenor compensation for its participation in this Rulemaking shall file its notice of intent to claim intervenor compensation no later than 30 days after the first prehearing conference or pursuant to a date set forth in a later ruling which may be issued by the assigned Commissioner or assigned ALJ.

8. Ex parte Communications

Pursuant to Rule 8.3(a), ex parte communications will be allowed in this quasi-legislative proceeding without restriction or reporting requirement.

Therefore, **IT IS ORDERED** that:

1. A Rulemaking is instituted on the Commission's own motion to address the service quality performance of telecommunications corporations and to determine whether modifications to service quality standards are appropriate and, if so, what those should be.
2. The issues to be initially considered in this proceeding are set forth in the body of this order and the Preliminary Scoping Memo.
3. The schedule for this rulemaking is as set forth in the body of this order.
4. The assigned Commissioner or assigned Administrative Law Judge may adjust the schedule and refine the scope of the proceeding as needed.
5. This rulemaking is preliminarily determined to be quasi-legislative, as that term is defined in Rule 1.3(d). It is preliminarily determined that evidentiary hearings are not needed in this proceeding. Any persons objecting to the preliminary categorization of rulemaking as "quasi-legislative" or to the

preliminary determination that evidentiary hearings are not necessary shall state their objections in their opening comments.

6. The Executive Director shall cause this Order Instituting Rulemaking to be served on all telecommunications corporations, including commercial mobile radio service providers and on the following:

- The service list for Rulemaking 02-12-004; and
- Organizations listed in Attachment B.

7. Interested persons shall follow the directions in the body of this Order Instituting Rulemaking to become a party or be placed on the official service list.

8. Any party that expects to request intervenor compensation for its participation in this rulemaking shall file its notice of intent to claim intervenor compensation in accordance with Rule 17.1 of the Commission's Rules of Practice and Procedure, no later than 30 days after the first prehearing conference or pursuant to a date set forth in a later ruling which may be issued by the assigned Commissioner or assigned Administrative Law Judge.

This order is effective today.

Dated December 1, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners

R1112001 Attachments A-B