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OPENING COMMENTS
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I. INTRODUCTION

The Division of Ratepayer Advocates (DRA) applauds the California Public Utilities Commission's (CPUC or Commission) action in opening Rulemaking (R.) 11-12-001 to review the performance of telecommunications corporations in meeting General Order (GO) 133-C service quality performance standards in 2010-2011.

A viable, reliable, efficient telecommunications network is critical to the state's economy. Millions of Californians, including private citizens, first responders, and other emergency service personnel, expect the wireline network to function in an emergency. California has witnessed examples of slow network response of outright network failure in emergencies in recent years. During the winter storms from December 17, 2010 until January 4, 2011, over 100,000 California customers lost their phone service. There have been phone outages associated with many of the wildfires that have afflicted California, for example the October 2007 fires in San Diego. In September, 2011, over 1000 AT&T cell sites were knocked out.[1] These outages were likely caused by mechanical problems with switching equipment that routes calls.[2] In December, 2011, the Los Angeles Times reported that Verizon Wireless was experiencing its third network outage in a month.[3]

Further, because newer technologies, such as Voice over Internet Protocol (VoIP), and other Internet Protocol (IP)-enabled services are carried on the wireline network, the reliability of the wireline network is essential not just to customers of the wireline providers' residential service. Rather, all consumers of all telecommunications services are dependent on a well-functioning wireline network.[4] This includes wireless providers,

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[1] See http://latimesblogs.latimes.com/lanow/2011/09/att-outage-update.html; http://www.ktla.com/news/landing/ktla-att-cellphone-outage-sept-24,0,3773807.story

[2] See http://latimesblogs.latimes.com/lanow/2011/09/att-outage-update.html; http://www.ktla.com/news/landing/ktla-att-cellphone-outage-sept-24,0,3773807.story

[3] See http://latimesblogs.latimes.com/technology/2011/12/verizon-wireless-sees-third-network-outage-in-a-month.html

[4] DRA is mindful that VoIP providers assert that they do not provide a "telecommunications" service. The FCC has made no such finding, and in any event, the question is irrelevant to this Commission's inquiry into network service quality since VoIP providers employ the same wireline network, regardless of their regulatory status.

since only that portion of the wireless communication from the provider's tower to the customer's phone is wireless; the rest of the transport of that communication occurs over the wireline network. In a letter to President Peevey last year, CALTEL made abundantly clear the need for improved wireline service quality because of competitors' dependence on that very network:

> Although CLECs have invested millions of dollars building out tens of thousands of miles of fiber networks in California, they all depend on having access to ILEC "last mile" facilities to serve the vast majority of their customers. These last mile connections run over copper loops that connect the CLECs' networks to the customer. These copper loops are owned by the incumbent local exchange carrier (ILEC), which in California is usually AT&T or Verizon, and CLECs pay to lease the access to these last mile connections.
>
> While these last-mile copper loops recently have become maligned as outdated or obsolete, they are actually an essential component of the cost-effective, high-quality broadband services that competitive carriers provide.[5]

Among the crucial services the wireline network provides for wireless communications is backhaul services. Backhaul services is the link between the ILECs' facilities and the wireless carriers' facilities, which enable the wireless providers to connect cell towers with the public switched telephone network (PSTN) so that calls between wired and wireless callers are completed. The Public Utilities Code requires carriers to maintain their networks[6] and provides the Commission with the regulatory framework to ensure that the carriers' networks are maintained by requiring the collection and analysis of California specific service quality information from all telecommunications service providers.[7]

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[5] Letter to President Michel Peevey Re: CALTEL Support for OII/OIR on Service Quality, Wholesale Performance and Audit of Outside Plant Infrastructure, May 6, 2011.

[6] See Public Utilities Code section 451, which states, in relevant part: " . . . Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

[7] See Public Utilities Code sections 709, 2889.8, 2896 and 2897, which mandate Commission attention to service quality. Public Utilities Code section 709 establishes the Commission's policy of requiring high

II. WIRELESS SERVICE QUALITY REPORTING

A. Wireless Carriers Should Report California Specific Service Quality Information.

In recent years, the Commission, in its regulation telecommunications carriers, has emphasized educating consumers.[8] DRA agrees that effective competition requires that consumers have sufficient information to inform purchases and this is especially true in the area of service quality.[9] Unfortunately, the Commission did not extend this policy to its logical conclusion in the 2009 Service Quality Decision as the Commission failed to require service quality reporting or standards for wireless providers. The Commission's approach left customers unable to compare wireline carriers against their intermodal competitors, primarily the wireless carriers,[10] contrary to the regulatory parity policies extolled earlier by the Commission.[11]

In keeping with the Commission's own preference for parity of regulation between intermodal competitors, the Commission should extend service quality requirements to wireless carriers. In fact, DRA contends that the Public Utilities Code *requires* that the

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quality telecommunications services. Public Utilities Code section 2889.8 requires the Commission to periodically "assess the reliability of the public telecommunications network" and make any necessary recommendations for improvement. Public Utilities Code section 2896 gives the Commission the authority to require telephone corporations to provide "[r]easonable statewide service quality standards, including, but not limited to, standards regarding network technical quality, customer service, installation, repair, and billing. Public Utilities Code section 2897 gives the authority to the Commission to "…apply these policies to all providers of telecommunications services in California."

[8] For example, see the CPUC CalPhoneinfo Website www.CalPhoneinfo.com, "CPUC Consumer Education Initiative Campaign," the presentation by Commissioner Rachelle Chong to NARUC, Nov. 11, 2007.

[9] This is a view that was once shared by AT&T: "Consumer choice in California has developed more rapidly than the sources of information, especially service quality information, about the available services and providers. Service providers are more than willing to provide information about the price and capabilities of their products and to extol the promises of their service organizations. However, consumers are severely limited in their ability to verify the actual quality of the products and services available. Publication of reported service quality results for all voice service carriers subject to the Commission's jurisdiction will relieve much of the information constraint now hampering informed consumer choice. (Comments of Dr. Robert G. Harris in R.02-10-004, Proposal for SBC California, April 1, 2003.)

[10] DRA contends that wireless service is more of a complement than a substitute to wireline service, especially given the co-marketing of wireline and wireless bundles.

[11] *See* Decision 06-08-030 adopting the Uniform Regulatory Framework (URF), at 168, 171, 201.

Commission apply service quality requirements to wireless carriers.[12] Although the Commission does not currently have the authority to regulate rates or terms of entry for wireless carriers, it does have clear authority over terms and conditions of service for wireless service providers, including regulations concerning service quality.[13] Service quality rules, just like other consumer protection rules such as the cramming reporting rules, codified in GO 170, ought to apply to wireless carriers.

An example of a current GO 133-C standard that should be extended to wireless service providers is the reports and standards for "Time to Reach a Live Operator." Many phone users are uncomfortable with automated call centers and would prefer to use a carrier that offers access to live operators. If a wireless carrier does not offer a live operator, that fact should be posted prominently on the Telephone Service Provider Report Card, which is discussed in Section III of these comments. This data should be published on the Commission's website in a comparative chart that would allow easy comparisons between wireline and wireless carriers on this measure.

There are certainly other service quality standards that the Commission should apply to wireless carriers. DRA does not object, nor think it unreasonable, for the Commission to adopt differing service quality standards for wireline and wireless carriers because while certain issues, such as dropped calls or service area coverage, are of critical importance to service quality of wireless carriers, these same service quality issues may not be of great concern in the wireline context.

DRA does not currently have a proposed set of service quality standards that ought to be applied to wireless carriers at this time because obtaining detailed service quality information from wireless carriers has been virtually impossible. For example, in this proceeding DRA requested information from AT&T Mobility in a data request, and the company objected, refusing to provide DRA with responsive information.[14] In fact, the

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[12] See Public Utilities Code sections 451, 709, 2885.6, 2896, 2897.

[13] 42 U.S.C. § 332(c)(3)(A).

[14] AT&T did not provide DRA with comparable information to what it previously provided the Commission and was entered into the record of R.02-12-004 as Exhibit 3A (Under Seal).

wireless carriers outright refused access to service quality information to at least one Federal Agency, the Government Accounting Office (GAO). The GAO wrote:

> Carriers said that information on blocked and dropped calls is collected at each base station in their networks. However, none of this network performance data is publicly available nor are the carriers required to report this information to FCC. As part of our effort to determine the extent to which calls cannot be completed or lack clarity, we asked the six largest carriers if they would be willing to provide us such data. All of the carriers declined.[15]

The Commission should not settle for this treatment and instead demand that wireless carriers produce all useful service quality information to the Commission for the benefit of California telecommunications consumers. After all, Public Utilities Code section 582 requires the wireless carriers to provide this type of information to the Commission upon the Commission's request.[16] Notwithstanding the wireless industry's public posture, the states, including California, retain jurisdiction over the terms and conditions of wireless service, including that of service quality.[17]

Moreover, a wealth of service quality data such as internal performance targets, including blocked calls, lost calls, abandoned calls, and dropped calls, is routinely collected by major wireless carriers.[18] The Commission should mandate that wireless carriers provide California specific data that measure the ability to make and complete calls with good sound quality as this information would be useful to consumers in making

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[15] *FCC Should Include Call Quality in its Annual Report on Competition in Mobile Phone Services* ("GAO Report"), April 2003, at 21.

[16] Public Utilities Code section 582 states: "Whenever required by the commission, every public utility shall deliver to the commission copies of any or all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers, and records in its possession or in any way relating to its property or affecting its business, and also a complete inventory of all its property in such form as the commission may direct."

[17] See 47 U.S.C. § 332 (c)(3)(A).

[18] D.04-09-062, *Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, U-3060, U-4135 and U-4314, and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers*, September 29, 2004, at 14, 68.

an informed choice concerning their telecommunications provider.[19] Once DRA has access to detailed service quality information from wireless carriers, then DRA will be in a position to propose a comprehensive set of service quality measures for wireless carries.

It is essential that wireless providers give the public complete and comparable disclosures about areas of weak reception and dead spots, and provide California specific service quality information collected by those carriers in the normal course of conducting their operations. As the Commission recognized in the rulemaking opening this proceeding, Public Utilities Code section 2896 mandates full disclosure about what customers are purchasing or considering purchasing. In the wireless service market in which customers are bombarded with unsubstantiated advertising claims about service quality, factual California specific service quality information is essential to meet the mandates of Public Utilities Code section 2896.

B. Wireless Coverage Maps

DRA's main concern with wireless coverage maps is that wireless carriers often do not provide maps that are as detailed as other maps that the wireless carriers have developed or possess. Consumers use wireless coverage maps to determine whether to purchase a particular wireless handset and sign a contract for a particular wireless plan. However, consumers frequently have to make choices based on information that is not the best available. The solution to this problem is simple – the Commission should require all wireless carries to provide consumers with the most detailed wireless coverage area maps available.

The 2009 Service Quality Decision requires wireless providers to provide maps that show *approximate* wireless coverage areas. Unfortunately, given this latitude, wireless carriers often post coverage area maps on their websites that are less detailed than their internal engineering maps. In most cases, the maps available to customers are inferior to the engineering maps that show more signal strength and coverage details. The CPUC learned in the Cingular Decision, D.04-09-062, that wireless carriers had

[19] See California Public Utilities Code sections 2896, 2897.

"…detailed engineering information that can predict, typically with 95% accuracy, the likelihood that services will be available."[20]

DRA is conducting discovery to see if the detailed engineering maps provide details about dead spots and areas of weak or no-reception that do not appear on publicly available maps. Whatever the outcome of that investigation, it is clear that consumers have a right to complete and clear information about all material terms and conditions of service, including accurate coverage information. Furthermore, the CPUC's Communications Division should analyze the maps of each wireless carrier to determine if maps offered in retail outlets accurately reflect the information contained on the detailed engineering maps. If the Communications Division finds that a carrier's engineering maps provide more detail than the coverage maps provided to consumers, the Commission should require that carriers make the more detailed engineering maps available to the public and regularly update them.[21]

DRA discussed this issue in detail in its comments regarding the inclusion of wireless coverage maps dated May 14, 2007 and filed in R. 02-12-004, the previous service quality rulemaking. DRA has attached the May 14, 2007 to these comments as Exhibit A, and hereby incorporates them by reference.

III. WIRELINE SERVICE QUALITY

A. The Commission Should Require the ILECs to Conduct an Audit of Their Existing Wireline Facilities

Since the inception of the New Regulatory Framework (NRF) in the early 1990's, and on through the transition to the Uniform Regulatory Framework (URF) in 2006, the Commission has not required the ILECs to report on the status of their network facilities. Such an evaluation was part of a general rate case (GRC) review, and with the cessation of GRCs, the Commission no longer has any comprehensive means of assessing the functionality of wireline facilities in California. The overwhelming majority of those

[20] D.04-09-062, at 68.

[21] DRA interprets Public Utilities Code section 2896 to require that carriers disclose the maximum level of detail available from the carrier.

facilities are owned, operated, and maintained by the ILECs, and it is those facilities on which competitors and the public depend. Yet neither the public nor the competitors, let alone the CPUC, have any knowledge of the actual reliability of those facilities, until they fail, and they are failing with increasing frequency.

DRA recommends that the Commission require the URF and GRC ILECS to conduct an audit of the status of their legacy facilities.[22] Specifically, DRA urges the Commission to not just to accept a cursory report of how widely broadband facilities are being deployed. Rather, the Commission should require the ILECs to report on what percentage of their facilities, particularly in more rural areas, for example, are just paper-coated copper wire contained in unpressurized trunks. These are the types of facilities that are especially susceptible to failure from moisture seeping in as a result of bad weather, leaving consumers in remote areas with few or no competitive choices and stranded without telephone service.

Only through a comprehensive audit can the Commission gain any clear and broad understanding of the state of the telecommunications network in California – a network on which 35 million Californians and thousands of businesses depend daily. Such an audit will flag problematic areas and may help prevent widespread outages such as those that occurred during the winter storms of 2010 to 2011.

Indeed, the Public Utilities Code *requires* that the Commission assess the reliability of the public telecommunications network. Public Utilities Code section 2889.8 states:

> The commission periodically shall assess the reliability of the public telecommunications network and, if necessary, develop recommendations for improvement. The assessment shall include, but not be limited to, all of the following:
>
> (a) An analysis of those factors that pose a risk to network reliability, including the adequacy of independent sources of reserve power.
>
> (b) Consideration as to whether development of reliability standards is appropriate.

[22] The Commission certainly has the statutory authority to require such audits. See Public Utilities Code sections 314, 314a, 451, 582.

(c) Consideration as to whether procedures should be developed to notify customers about accessing other telecommunications companies in the event of a service disruption.

In order to assess the reliability of the public telecommunications network, the Commission needs to perform a comprehensive audit of the GRC and URF ILECS to evaluate the status of their legacy facilities.

Moreover, Public Utilities Code section 451 states, in relevant part, that "[e]very public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities . . . as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public." Thus, pursuant to this statute, the Commission has a statutory duty to ensure that the telecommunications network is well-maintained and reliable.

When one looks at Public Utilities Code sections 2889.8 and 451, recent events, and the current amount of information that the Commission has regarding the state and reliability of the public telecommunications network, it is clear that the Commission must order an audit of the legacy facilities of the URF and GRC ILECs.

B. Repair Intervals

1. Carriers Need to Improve Repair Intervals

The Commission has established that out-of-service (OOS) repair intervals are a very important measure of wireline service quality[23] and recently repeated this policy in the 2009 Service Quality Decision where the Commission stated, in relevant part, "[w]e agree that restoring service is critical given customers' reliance on their phones for summoning help in an emergency." [24] The Commission also noted in D.09-07-019 that:

> Not all customers in service territories of URF ILECs have competitive alternatives. Maintenance standards address critical health and safety concerns, and the industry averages compiled by

[23] See D.09-07-01; R.02-12004; D.03-10-088; D. 01-12-021.

[24] D.09-07-019, at 45.

> DRA illustrate that larger ILECs have lower performance on maintenance standards than do smaller ILECs.[25]

The carriers have known about the Commission's intent to improve repair times since the Commission issued D.09-07-019 in July 2009, yet Verizon and AT&T have let their OOS repair service deteriorate.

It is clear that the current service quality standard for OOS repair times is not sufficient in and of itself to achieve the desired result of improved service quality. The solution to this problem is not to relax the OOS repair time standard. Rather, the solution is to give carriers an appropriate incentive to meet the current out-of-service repair interval standard by adopting penalties.

2. Internal Targets

In addition to service quality regulations that the CPUC, other state commissions and the FCC impose on carriers, carriers also have their own internal targets for service quality standards. In the 2002 Service Quality OIR, R.02-12-004, the Commission found that these carriers had aggressive internal service quality standards and made the following remark:

> For example, Verizon says that its internal standards are more stringent and inclusive than those imposed by our [CPUC] rules, and that neither GO 133-B data nor the Federal Communications Commission's (FCC's) Automated Reporting Management Information System (ARMIS) service quality measures are adequate to satisfactorily evaluate its service quality.[26]

DRA compared the internal standards of Verizon (2000) and AT&T (2002) against the internal standards they employ today. During 2000 and 2002, Verizon and AT&T had high internal standards for residential repair service. High internal standards translate to optimal service quality performance. Those high internal standards have fallen since the enactment of the 2009 Service Quality Decision. One important internal standard that has fallen is mean (average) time to repair service for residential customers.

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[25] D09-07-019 at 46.

[26] R.02-12-004, at 19, citing Verizon's statements in R.01-09-001/I.01-09-002, TR 2477-2478.

Mean time to repair measures repair responsiveness as does GO 133-C's standard of 90% repaired within 24 hours. If a company performs well on its mean time to repair, it is likely that it will also perform well in repairing service within 24 hours.

Since internal carrier targets are not enforceable and carriers can change them at will, service to California customers is vulnerable to deterioration. AT&T recently lowered the bar on its internal target for mean time to repair.[27] The proprietary repair standard for mean time to repair that AT&T recently reported to DRA in a data request response might have been adequate for AT&T to meet its previous repair standard of 29.3 hours. However, it is highly unlikely that AT&T's current internal target would meet the 90%/24 hour standard adopted in G0 133-C. Today, AT&T's internal targets and goals are 40% weaker than they were in 2001.[28] This contradicts the assertion that competition will lead to better service quality. The 90%/24 hour standard is a much higher, more difficult standard to meet than AT&T's previous repair interval standard. Yet, AT&T in the face of more stringent repair service interval requirements adopted by the Commission in 2009, AT&T has relaxed its internal standards for mean time to repair.

Verizon had a very aggressive internal target for mean time to repair residential service in 2000[29] that was reflected in their excellent performance prior to 2001 (see chart below). In response to a recent data request from DRA, Verizon acknowledged that it now had no internal target for this measure for residential customers.[30] The closest comparable measure to the 2000 "Average Clearing Interval – Residence" is what Verizon now terms "Mean Time to Repair." Verizon's 2011 target is over twice as high

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[27] Response of AT&T (then Pacific Bell) to Telecommunications Division Data Request, TD 02-01-001-5of January 2002. Compare to AT&T's response to AT&T-QOS_2011-Leh-02_RFI-5, November 18, 2011.

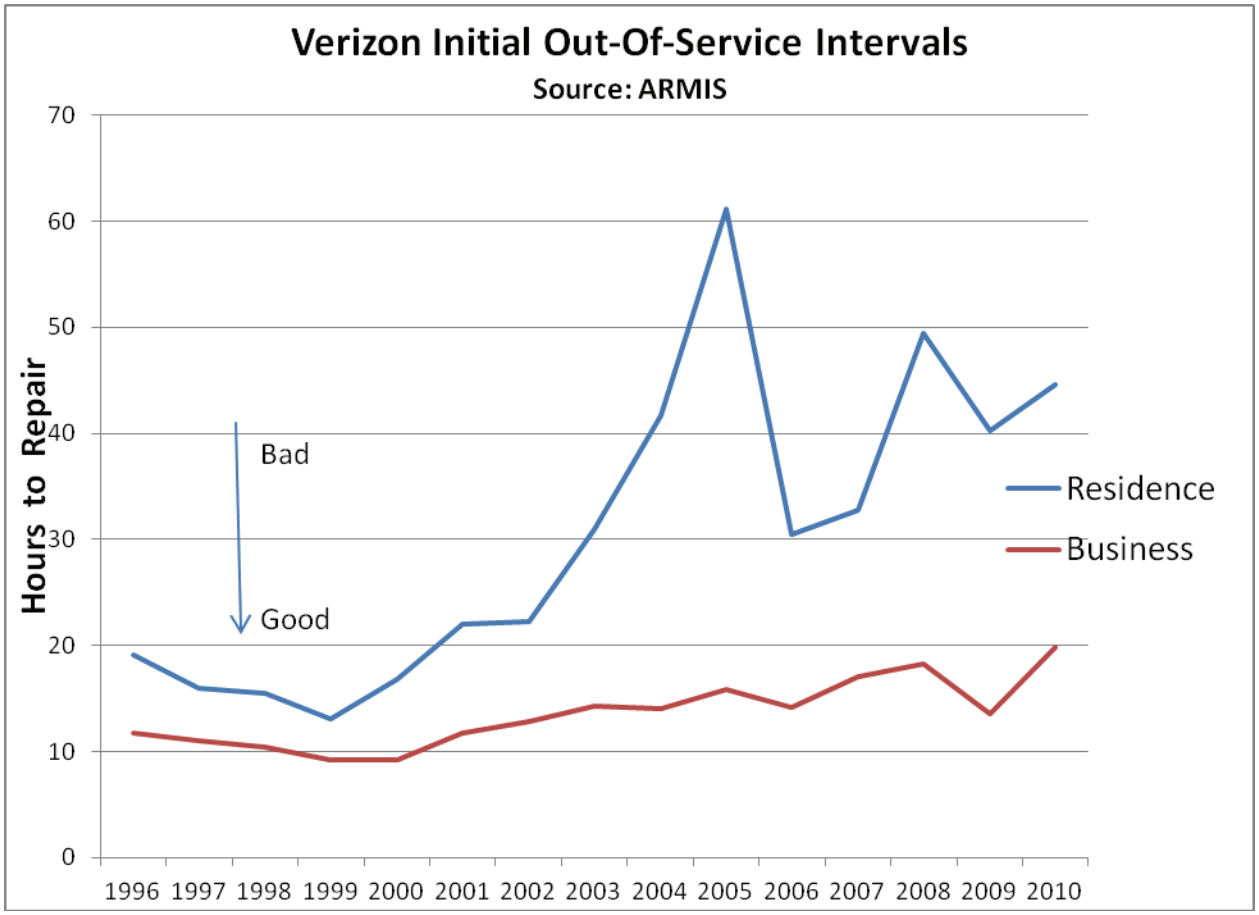
[28] Response of AT&T (then Pacific Bell) to Telecommunications Division Data Request, TD 02-01-001-5of January 2002. Compare to AT&T's response to AT&T-QOS_2011-Leh-02_RFI-5, November 18, 2011.

[29] Response of Verizon to Telecommunications Division Data Request, TD 02-01-001-5of January 2002.

[30] After further probing, Verizon stated that the Commission's 90%/24 hour standard was an internal target.

as the 2000 target, meaning that internally, Verizon is targeting these repairs to take twice as long today than it did in 2000.

The results shown in the chart below indicate that when carriers are not subject to strong out-of-service repair interval standards, whether they are internal or Commission mandated, performance suffers.



3. Penalties are necessary to improve repair interval response times

Since 2006 and the implementation of the Uniform Regulatory Framework (URF), the promise of improved service quality brought about by increased competition has not been realized. A first class telecommunications system depends on fast reliable repair service, especially when customers are out of service. If carriers meet the Commission's 90%/24 hour standard, repair service for millions of customers will improve. It is difficult to compare carrier

performance today on the 90%/24 hour standard because there is no public reporting of this data on the federal level. What we do know is that, out-of-service intervals, measured on a system wide basis to ARMIS until 2009, display the average amount of time customers wait for out-of-service conditions to be restored. The ARMIS measure is similar to the GO 133-C's 90%/24 hour measure because it also gives an indication of the speed of repair. Only five states rank below California on the out of service repair intervals.[31]

In the Repair Complaint Case, D.01-12-021, the Commission decided that monetary penalties were necessary to spur AT&T to improve its out of service repair intervals.[32] Today the Commission is faced with a situation where the majority of California's landline customers continue to receive some of the slowest repair times in the country.

Penalty mechanisms are an essential tool to improve and maintain service quality.[33] This is particularly true of the URF carriers who no longer have rate cases that ensure cost recovery for their service quality expenditures. It is imperative that the Commission establish and enforce strong penalties for all ILECs that are sufficient in magnitude to lead to improvements in infrastructure and staffing to improve service quality.[34] The Commission should amend GO 133-C to adopt stringent penalties for violations of the OOS 90%/24 hour standard.[35] These penalties would serve as a deterrent to carriers who might otherwise violate the Commission's service quality

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[31] See Appendix B, a chart comparing the out of service intervals for the states. Source: ARMIS Preset Service Quality Reports.

[32] D.09-07-019 determine that AT&T was no longer required to report out of service repair intervals as required by D.01-12-021. (D.09-07-019, p. 94, Ordering Paragraph 12.)

[33] R.02-12-004, at 21.

[34] In 2001, Illinois fined Ameritech $30 million, a company with fewer than half the customers of AT&T CA.

[35] The previous California standard for AT&T of 29.3 hours mean time to repair did not carry penalties that were sufficient to improve performance as the previous chart demonstrates. Under those rules, the maximum AT&T could have been charged in one year was $3.6 million. That level of penalty had little effect on improving AT&T out-of-service repair intervals

regulations. Other factors to consider when levying penalties would be the severity of the infraction and the number of customers affected.

4. Ambiguous Reporting Standards and Methods Under GO 133-C Require Clarification

The current GO 133-C OOS Interval standards went into effect on January 1, 2010[36] and require URF carriers and GRC ILECs to provide quarterly performance reports. The Commission intended GO 133-C Rules to set minimum standards of service and required that 90% of OOS repairs should be completed within 24 hours, with reports made public.[37] CPUC-provided information could be a valuable tool for customers to understand the trade-offs between different communications service offerings, including the service quality levels that they might expect. At this point, the information available on the CPUC website is insufficient, as it does not cover the full range of available services for even voice communications and the reporting by carriers of GO 133-C service quality data is not done on a consistent basis across carriers.

There are reporting exclusions that, while reasonable at first blush, can also be sources of carrier abuse. Trouble tickets due to causes "beyond the carrier's control" are excludable. Adopted OOS repair intervals are to be measured "to the time service is restored for outages ***that are within the reporting carrier's control***."[38] The most troublesome examples of abuse of the exclusion of trouble reports include practices such as excluding OOS restoration times based on the most minimal amounts of precipitation, as reportedly practiced by AT&T.[39] Another weather based exclusion has included Verizon's exclusion of entire months of OOS repair interval data due to weather emergency conditions for just a part of that month. This approach is not inconsistent with GO 133-C language. However, the definition of "out of carrier control" should be

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[36] D.09-07-019

[37] D.09-07-019, GO 133-C, Attachment 1, at 4, 8.

[38] D.09-07-019, at 44-45 (emphasis Added).

[39] Personal e-mail communication dated January 11, 2011 between Communications Workers of America Fresno area office staffer (and former AT&T technician) Stan Santos and DRA.

narrowly defined in order to clarify the standard and for the Commission to have a uniform and justifiable system of excluding trouble tickets. The current language of GO 133-C gives the carriers too much wiggle room in deciding what to exclude.

DRA recommends that the Commission clarify remaining GO133-C reporting rule ambiguities through a transparent stakeholder process to prevent unintended loopholes.

C. Trouble Reports

1. DRA's Concerns with the Current Standard

DRA recommends a much stricter trouble report standard (a system-wide standard of 2.5 reports per 100 lines) as discussed below. The number of trouble reports per 100 lines, or trouble report rate, is a strong indicator of the health of the telephone network. Areas that are consistently plagued with high trouble report rates year after year are areas that call for system improvements. GO 133-C requires the reporting of the number of trouble reports per 100 lines for ILECs[40] and CLECs.[41] The minimum standard is six reports per 100 lines for reporting units[42] with 3,000 or more working lines, eight reports per 100 lines for reporting units with 1,001-2,999 working lines, and 10 reports per 100 working lines for reporting units with 1,000 lines or fewer.

DRA has two concerns with the current standard. First, the standards are too low to affect necessary infrastructure improvements. Second, when reported on a system-wide basis, exchange areas that need attention are hidden in the aggregated totals. The minimum standard for units with 1,000 lines or less is 10%. Thus, under the current standard, each customer can expect to call his or her phone company about service problems 1.2 times a year. AT&T stated in 1999, when referring to the case of 10% of lines with trouble reports: " . . . if we had trouble reports that high, I would be very worried. In fact, I probably wouldn't have a job."[43] DRA agrees with AT&T that this

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[40] Carriers with 5,000 lines or fewer are not required to report this measure unless they are a Carrier of Last Resort (COLR)

[41] D.09-07-019, at 74.

[42] A reporting unit is a wirecenter or exchange, whichever is smaller.

[43] Case 98-1082-TP-AMT Transcript of Direct Examination of Charles Smith Before the Public Utilities

level of service would be unsatisfactory. The fact that exchanges with possible service problems are hidden by system-wide averages can be illustrated by the fact that for the month of May 2010 Verizon recorded only a .7% trouble report rate for units with 3,000 lines or greater, yet several exchanges in the 3,000 working lines category show out-of-service rates[44] that are much higher than the system-wide average:

Verizon Trouble Report Rate[45]
May 2010

Exchange/wirecenter	Out-of-Service Rate
PHLNCAXF	3.00
CCHLCAXF	2.74
DHSPCAXF	2.14

The Commission should adopt trouble report rates that will stimulate infrastructure improvements in areas that have consistently high trouble report rates. DRA has reviewed the trouble reports filed under GO 133-C for 2010 and for the first three quarters of 2011[46] and found that a few of the carriers came close to failing the existing standards on a monthly or annual basis. For reporting units of less than or equal to 1,000 lines, the highest monthly trouble report rate was recorded by Ponderosa, at 7.09 per 100 lines (the current standard is 10 per 100 lines). For reporting units of 1,001 to 2,999 lines, the highest report rate was recorded again by Ponderosa, at 14.96 (the current standard is 8 reports per 100 lines). For reporting units of 3,000 or more lines, the highest report rate was recorded by Kerman at 3.4 (the current standard is 6 reports per 100 lines).[47] It should be noted that these high trouble report rates occurred in January

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Commission State of Ohio, page 86, Lines 15-16, January 14, 1999.

[44] Out-of-service rates are one component of trouble reports. For May 2010, the ratio of out-of-service trouble reports to total trouble reports was .7, statewide. Therefore, we estimate that figures shown represent only 70% of the total trouble reports.

[45] Verizon Responses to DR QoS 2011 LEH 01, and DR QoS 2011 LEH 01.

[46] The reporting rules for trouble reports under GO 133-C changed from GO 133-B to require the inclusion of repeat trouble reports. Therefore, DRA was not able to review a longer time period.

[47] These were exceptional months. Ponderosa's average from Jan 2010 through Q2 2011 was 3.5 per 100 lines for units serving 1,001-2,999 lines, and 2.8 per 100 lines for units serving 1,000 or fewer lines. Kerman's average for this period was 1.8 reports per 100 lines for units serving 3,000 or more lines.

2011, a month that had been under a storm related states of emergencies. AT&T provided the following characterization of this period:

> The Storm resulted in the wettest December in 121 years and the second wettest December since recordkeeping began in 1877 in the southern part of the state. The heaviest rainfall extended from Santa Barbara to San Diego. The Governor declared a state of emergency in twelve counties, including Los Angeles, Riverside, San Bernardino, and Orange. There was similarly heavy rainfall in the Central Valley in locations like Fresno and Bakersfield.[48]

During this period, states of emergency were declared in affected counties from December 2010 through March 2011. GO 133-C sets the standard for out-of-service trouble reports to be repaired within 24 hours. That standard currently provides ample consideration of circumstances outside of the carrier's control such as declared states of emergency or widespread service outages.[49] DRA does not oppose emergency related exemptions, however, it firmly recommends that the Commission refine the standard to exempt reporting only for exchanges in counties that are under a state of emergency, not the entire state as disasters are declared on a county basis and state- wide disasters are very rare. Carriers should provide a complete accounting of all service reports that are issued, including reports issued for exchanges under a state of emergency, or under circumstances beyond their control. Carriers may argue that they need to bring staff from other parts of the state to the affected areas, thus negatively impacting the reported service quality results statewide. We disagree and believe this is a "rob Peter to pay Paul" solution. Seasonal weather conditions are no surprise in California. Carriers should plan accordingly to manage their operations without adversely affecting operations in other parts of the state. For those exchanges that a carrier wishes

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[48] AT&T Letter to President Peevey, May 18, 2011.

[49] GO 133-C Section 3.4 (b) states: "When reporting includes a delay for one or more months, the carrier shall provide supporting information as to why the month should be excluded and work papers that show the date(s) of the catastrophic event and/or widespread outage and how the adjusted figure was calculated. A catastrophic event, an event where there is a declaration of a state of emergency by a federal or state authority, and a widespread service outage (an outage affecting at least 3% of the carrier's customers in the state) are circumstances beyond the carrier's control."

exemptions for catastrophic events, carriers should provide Communications Division a full accounting of facilities impacted and repair intervals in each affected exchange. For each impacted facility, including inside and outside plant, carriers should be required to provide the age and description of those facilities. The carrier should then submit a report for approval by Communications Division on voluntary measures to correct any infrastructure problems identified.

In the 2009 Service Quality Decision, the Commission placed weight on the standards that other states employed for various service quality measures in determining what measures the CPUC should adopt.[50] DRA's research indicates that there are ranges from very strict standards to lenient standards to no standards at all existing in other states. An example of a standard that is more lenient is Kentucky's statewide metric of up to 8 trouble reports per 100 lines per month. The Kentucky standard would make it acceptable for nearly all customers to report a phone problem each year. Some states such as Florida, Illinois, and Ohio have either eliminated or relaxed trouble reporting standards. An example of a strict standard is Oregon's standard that requires no more than 2 reports per 100 lines in wire centers serving 1,000 lines or more, and 3 reports per 100 lines for wire centers serving less than 1,000 lines. Vermont has an even more stringent standard, with a trouble report rate of 1.4 per 100 lines for Verizon.[51] The National Association of Regulatory Utility Commissions (NARUC) recommended 2 *initial* trouble reports per 100 lines.[52]

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[50] D.09-07-019, provides: "As the parties have demonstrated, our existing service quality measures and standards lag behind current market realities as well as recently adopted minimum measures in force in other states." (D.09-07-019, at 31.)

[51] PBS Docket Nos. 6959/7142, Appendix B – 2005-2010 Amended Retail Service Quality Plan for Verizon, effective January 1, 2005, p.12.

[52] The NARUC Service Quality White Paper, March 5, 2004, Section 4.01. The NARUC-recommended measure does not include repeat trouble reports as does California's standard. If we were to adjust the NARUC metric to include the average of 25% repeat trouble reports, the resulting metric would be 2.5 reports per 100 lines.

2. DRA's Recommended Trouble Report Rate Standard

Below is a charge summarizing the current trouble report rate standards set forth in GO 133-C.

6% (6 per 100 working lines for units w/ ≥ 3,000 lines)
8% (8 per 100 working lines for units w/ 1,001 - 2,999 lines)
10% (10 per 100 working lines for units w/ ≤ 1,000 lines)

DRA has reviewed all the trouble reports filed by all carriers pursuant to GO 133-C from January 2010 through September 2011 and has developed the following table to summarize the overall results:

	Average Percentage of trouble reports
Units w/ ≥ 3,000 lines)	1.38%
Units w/ 1,001 - 2,999 lines	1.68%
Units w/ ≤ 1,000 lines	1.55%

DRA believes that this level of performance is far below the expectations of the current standards. There is little wonder that the current standard is rarely exceeded given the actual performance capabilities of the carriers.

The Commission should strengthen the trouble report standards so that they will alert carriers and the Commission to exchanges that are in need of repair. Given the reporting carriers' capabilities, the recommendations of NARUC, and the existing standards in Oregon and Vermont, the Commission should adopt a system-wide standard of 2.5 reports per 100 lines. DRA proposes that this metric be reported both on a companywide basis (as is done now on the Commission's website), and on an exchange

or wire center basis in order to provide sufficient granularity to identify problem areas as intended by the 2009 Service Quality Decision.[53]

The following chart summarizes DRA's recommended trouble report rate standards:

2.5% System-Wide Average
3% (3 per 100 working lines for units w/ ≥ 3,000 lines), reported on an exchange basis.
4% (4 per 100 working lines for units w/ 1,001 - 2,999 lines, reported on an exchange basis.
5% (5 per 100 working lines for units w /≤ 1,000 lines) , reported on an exchange basis

3. DRA Recommended Penalties for Trouble Report Rate Violations

A violation of the trouble report rate standard should occur when any exchange fails to meet the standard. This will ensure that no exchanges are left behind, as could happen when their performance is averaged in with the performance of other exchanges as is done now. DRA recommends that any exchange that fails to meet the standard for any three months in a twelve month rolling calendar is in violation of this standard. For exchanges that fail this standard, carriers should conduct an infrastructure audit to determine the causes for the persistent problems and propose concrete remedial measures to the Communications Division, along with a timetable for implementing them. If a violation occurs in a second consecutive year, a monetary penalty should be levied against the carriers.

[53] GO 133-C currently requires the reporting of the current metric by wirecenter or exchange, whichever is smaller, and DRA believes that level of reporting should continue. GO 133-C Section 3.3(d) provides: "Reporting Unit. Exchange or wire center, whichever is smaller. A wire center with fewer than 100 lines should be combined with other central offices within the same location. A remote switching unit with fewer than 100 lines should also be added to its host switch. URF CLECs that do not have exchanges or wire centers shall report at the smallest reporting unit. All reporting carriers shall submit the raw data included in the report."

DRA's proposed standards are consistent with what most carriers routinely achieve on a system-wide basis. The proposed exchange level metrics are more relaxed than the 2.5 per one hundred lines and, thus, should not be burdensome for carriers to achieve on an exchange basis. Moreover, in order to develop a standard that would be fair to the carriers, DRA purposely included December 2010 and January to March 2011, the severe storm months, in developing its recommendation on average trouble rates. It is unlikely that we will see such challenging service conditions in the near future as we did during the December 2010 to March 2011 time period. This gives further credence that reporting carriers will be able to meet these standards in most years. Furthermore, carriers are still able to seek exemption for those exchanges affected by states of emergency.

D. Public Health and Safety and Carrier Priorities for Restoration of Service

The opening sentence of this OIR invokes Public Utilities Code section 451, which "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.'"[54] The Commission should establish utility rules that prioritize restoration of voice service for safety and health concerns over those less critical services. DRA recommends the Commission establish mandatory utility rules that prioritize restoration of voice service over those services not essential for safety and health.

In the wake of the winter storm-related outages in Southern California,[55] the investigation by the California Senate Committee on Energy, Utilities and Communications, including its February 4, 2011 hearing in Los Angeles, and DRA's own subsequent discovery process, have shown that AT&T prioritizes higher revenue margin services over residential customers' health and safety in dispatching repair staff for restoration of service. DRA submitted data requests to AT&T and Verizon on February 28, 2011 regarding the carriers' internal restoration of service priorities. While marked

[54] R.11-12-001, at 2.

[55] The heavy storms occurred in December 2010 and January 2011.

"confidential" by the carrier, the AT&T response confirmed the public testimony of its company representative during the February 4, 2011 Senate Committee hearing. Both the testimony and data request responses demonstrated that for AT&T, residential basic telephone service was a lower priority for restoration of service than other services less critical for human health and safety. Essential communications access to medical and emergency services for most households is via telephone service. For hearing impaired persons and some people with disabilities, other types of communication access are preferred; such households should be able to self-designate with carriers for purposes of restoration of service prioritization.

By comparison, Verizon's response to DRA's data requests included "prioritization of work matrixes" for both non-emergency and emergency conditions. These matrixes included staff discretion in prioritizing health and safety needs during emergencies, and thus raised different concerns to those that DRA has concerning AT&T's restoration of service prioritizations. In response to DRA's data request question, "[d]oes Verizon prioritize restoration of basic telephone service before restoration of broadband or video services?", Verizon responded "(y)es."[56] In response to DRA's question "[d]o Verizon CA bundled service customers get any repair priority over basic service customers?" Verizon responded "(n)o."[57] Nevertheless, Verizon dispatch system priorities appear to favor fiber network customers over copper network customers when other factors are equal.[58] The more recently deployed fiber technology may, on the other hand, have advantages over copper that affect repair intervals, but this should not be used to excuse poor copper network service quality.

During the winter storm emergency months of December 2010 and January 2011, Verizon reported ***average*** restoration of service intervals for its FiOS (fiber-based

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[56] Verizon, March 25, 2011 Response to DRA March 4, 2011 Data Request "DRA-OOS-Vz-2011-LEH-01", Question 12.

[57] Verizon, March 25, 2011 Response to DRA March 4, 2011 Data Request "DRA-OOS-Vz-2011-LEH-01", Question 13.

[58] Verizon March 25, 2011 response to DRA Data Request "DRA-OOS-Vz-2011-LEH-01", Question 10 (March 4, 2011): Dispatch Priority Matrix (Confidential) at 5.

bundle) voice customers well under the Commission's GO 133-C 24-hour standard, despite the storms. For its Core (non-FiOS) voice customers during these same two months, the average restoration of service intervals were far above the 24-hour standard.[59] DRA acknowledges that there could be some discrepancies in restoration of service times due to disproportionate storm impacts in Core (non-FiOS) areas, but Verizon's data on OOS reports cleared in 24 hours or less for the remaining eleven months of 2011 (February through December 2011) show the same pattern of FiOS voice customers' OOS reports overwhelmingly cleared in 24 hours or less, while Core voice customers consistently had to wait longer for restoration of service.[60] DRA observes that, regardless of Verizon's claims about its internal rules or policies regarding prioritization of basic voice and unbundled service customers for restoration of service, the concrete outcomes indicate a significant gap between FiOS customers and Core customers when it comes to restoration of voice service. This affects service restoration in both normal and emergency conditions.

Based upon the disparate prioritization of the state's largest ILECs with regard to restoration of service, it seems plausible that the Public Utilities Code section 451 may not have impressed all carriers equally with its directive for utility rules supporting patrons' and the public's safety and health. Thus, the Commission should establish mandatory utility rules that prioritize restoration of voice service over those services not essential for safety and health.

ILECs have the capability of prioritizing restoration of service using health and safety as the highest criteria. While not within the geographic range of the severe 2010-11 winter storms, Frontier and SureWest, as a matter of company policy, prioritize public health and safety concerns when scheduling OOS restoration of service. Frontier indicated that it initiates restoration of service based on the time the request came in "regardless of class and grade of service except in cases when the customer is identified

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[59] Id. Question 15.

[60] Verizon, Response to TURN Jaunuary 3, 2011 Data Request "TURN_SQ_DR1_1.18" (confidential).

as a hospital, public safety agency or is on medical life support equipment which will be given priority over other repair requests."[61] With regard to its restoration of service policy, SureWest stated: "SureWest will also respond to emergencies (e.g. medical) as soon as possible."[62] By contrast, AT&T prioritizes "qualified medical emergency situations," but otherwise puts residential service as a lower priority than some data and entertainment-related services.[63] Verizon, as stated above, provides some staff discretion to prioritize health and safety needs during emergencies. As Frontier and SureWest have already set their own OOS restoration priorities to place health and safety above presumably more lucrative services, it does not appear to DRA that this would be particularly burdensome for AT&T. There are more complex details of implementation, such as for prioritizing self-identified medical hardship households or similar situations, that the Commission may wish to iron out in a workshop or similar forum.

DRA therefore recommends that the Commission adopt a restoration of service prioritization standard similar to that used by Frontier, cited above, for application to all the URF carriers. This should include both restoration of service based on the time of the customer request, rather than discriminatory prioritization based on customer classes, and top prioritization of restoration of service for medical emergency, public safety, and medical life support customers, as well as designated medically vulnerable customers.

E. Other Lessons from the Southern California 2010-11 Winter Storms

Over 100,000 Southern California landline customers lost service during the winter 2010-11 storms, some for two to three weeks, raising public safety concerns.[64] As discussed above, AT&T admitted diverting maintenance and repair resources to more lucrative services, prioritizing service restoration to high-value customers.[65] A host of

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[61] Response to DRA DR LEH-2011-02, 10/14/2011.

[62] SureWest response to DRA DR LEH-2011-02, Question #2, 11/7/2011.

[63] AT&T response to DRA DR LEH-2011-02, Question #2, 10/17/2011.

[64] Jacqueline R. Kinney, Background document for California Senate Committee on Energy, Utilities and Communications hearing, Feb. 4, 2011.

[65] California Senate Committee on Energy, Utilities and Communications, February 4, 2011 hearing, Los

related problems were also uncovered during the hearing from testimony by Communications Workers of America representatives, along with the poor service restoration priorities, which also need to be addressed, including:

- AT&T's outside plant including older, paper-wrapped wire in conduits failed due to water infiltrating the un- or under-pressurized conduit. Such paper-wrapped wire must be maintained under air pressure or replaced because if this type of wire is maintained inadequately, it is a threat to service reliability for the customers who depend on it.
- In AT&T's U-verse conditioned neighborhoods, the spare lines that originally were available to repair interruptions to basic service have been severely reduced. The shortage of spare lines is a particular problem in these neighborhoods during major storms.
- Vulnerable landline customers (e.g. seniors, disabled, small businesses) are at particular risk during storms and other emergency situations. Some carriers may have opportunities for medically (or otherwise) vulnerable customers to self-designate if they are particularly dependent on communications access. This could be worth making broadly available and publicize the availability of such designation, if it can be done simply and fairly.

In addition, the problems uncovered in the example of AT&T and the 2010 - 2011 winter storms also provides a guidepost for the Commission as it navigates a changing telecommunications market place. Service reliability information (including for emergencies) should be available through the CPUC for the California public to make informed choices about communications services that will fit their needs in a variety of emergency situations, as well as in normal day-to-day use. Publication of network outage data is one essential component of this type of information.

Based on the foregoing discussion, DRA believes the Commission should adopt the following recommendations with regard to public health and safety and carrier priorities for restoration of service:

Angeles.

- Define priorities for carriers to repair service to the most vulnerable residential and business basic service customers, especially for health and safety.
- Assess adequacy of plant (including paper-wrapped underground wire), preventive maintenance programs, staffing, especially for voice customers.
- Make network outage recovery response times publicly available on the CPUC website showing performance of different communications platforms under emergency circumstances as well as service quality, complaints (*e.g.*, OOS, cramming, etc.) and price comparisons.
- Implement appropriate measures to assure compliance, including effective dates, for revising service restoration priority methods to address customers' health and safety, and publicizing and implementing self-identification of medically and otherwise vulnerable customers, should be further reviewed in a workshop or other participatory setting linked to this proceeding.

F. ARMIS Data Collection

1. The Commission should require wireline carriers to provide ARMIS Reports 43-05 and 43-07

The Federal Communications Commission's (FCC) Automated Reporting Management Information System (ARMIS) service quality reports provide a level of detail on service quality that is deeper than what is available in the GO 133-C reports. The FCC suspended ARMIS reports with the last reports filed in 2009.[66] The 2009 Service Quality Decision, however, requires California LECs to continue to report on a

[66] See FCC Order and Opinion on Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering and AT&T, Qwest, Frontier, Embarq and Verizon Petitions for Forbearance from ARMIS requirements (WC Docket Nos. 08-190, 07-139, 07-204, 07-273, 07-21), FCC 08-203 at 2, adopted September 6, 2008 (granting . . . "significant forbearance from carriers' obligation to file Automated Reporting Management Information System (ARMIS) Reports 43-05, 43-06, 43-07, and 43-08 (collectively, the "ARMIS service quality and infrastructure reports") and FCC 08-203 at 9, paragraph 12 (stating "[w]e note that the reporting carriers have committed to continue collecting service quality and customer satisfaction data, and to filing those data publicly through ARMIS Report 43-05 and 43-06 filings for twenty four months from the effective date of this order" (citations omitted). Please note that carriers stopped filing these ARMIS Reports in 2009, contrary to the language in the FCC's order 08-023 stating that carriers had voluntarily committed to providing these ARMIS reports until two years from the effective date of the decision, which was September 6, 2010.

few critical service quality standards and measures provided in ARMIS Report 43-05[67] until December 2011, however, it did not require carriers to continue to file ARMIS Report 43-07.[68] While the benefits of having carriers focus on a few vital measures may have appeared to outweigh the risks that other aspects of service quality could deteriorate as carriers focus *only* on those few measures at the time the Commission adopted the 2009 Service Quality Decision, it is clear today that the information provided in the ARMIS Reports 43-05 and 43-07 is critical in order for the Commission to monitor wireline carriers' service quality, as discussed in detail below.[69] Therefore, it is crucial that this Commission require California LECs to provide the ARMIS Reports 43-05 and 43-07 so that the Commission will get a more complete picture of wireline carriers' service quality than that provided by current GO 133-C measures.

2. ARMIS Report 43-05 has been a useful tool for the Commission's monitoring of service quality for wireline carriers

ARMIS service quality reports have been an important tool for the Commission in its regulation of service quality of wireline carriers. The Commission relied upon ARMIS data in D.03-10-088,[70] the New Regulatory Framework Phase 2 Service Quality Decision, noting that: "… while there are no performance standards associated with these reports, they track very important service quality measures."[71] In D.03-10-088, the

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[67] ARMIS Report 43-05 is the FCC's Service Quality Report which collects data designed to capture trends in service quality.

[68] See D.09-07-019, at 70 , 93 Ordering Paragraph No. 9.

[69] DRA had argued in the 2002 service quality proceeding, which culminated in D.09-07-019, that it is important for the Commission to focus on a few vital measures instead of giving equal weight to a long list of service quality metrics. Opening Comments of DRA on the Assigned Commissioner Ruling and Scoping Memo in the Service Quality OIR, May 14, 2007, at 13.

[70] The Commission eliminated the reporting requirements adopted in D.03-01-088 in the 2009 Service Quality Decision. See D.09-07-019 at 94, Ordering Paragraph 11.

[71] D.03-10-088, October 30, 2003, at 56. In this Decision the Commission recorded the performance of a reference group of service providers that report ARMIS service quality metrics as an industry standard. The Commission then used this industry standard to evaluate the performance of AT&T and Verizon on these measures in Phase II of the New Regulatory Framework Decision.

Commission performed its own analysis on twelve ARMIS service quality measures.[72] Moreover, in the 2001 Repair Complaint Decision, D.01-12-021, the Commission relied upon ARMIS data to determine that AT&T's service quality had deteriorated in violation of the SBC merger decision. The Commission observed in D.01-12-021 that "[t]he ARMIS data, which show an increase in the initial and repeat out-of-service repair intervals between 1996 and 2000, demonstrate a violation of § 451."[73] These examples exemplify the Commission need for the Commission to retain ARMIS reporting because of its importance to the Commission and its value to ratepayers in evaluating service providers.

The ARMIS reports also reveal trends in service quality that are not captured in the current GO 133-C Reports. For example, DRA's review of the ARMIS reports provided DRA with the opportunity analyze a metric, Subsequent Initial Trouble Reports, which are reports made by customers to the ILEC after the initial trouble report, but before the ILEC has resolved the initial trouble report. A proportion of these calls occur when more than one person in a family calls in a trouble report. However, these reports tend to increase when there is insufficient staffing for clearing problems. In its filing before the FCC, the National Association of State Utility Consumer Advocates (NASUCA) pointed out the differences between "repeat trouble reports" and "subsequent trouble reports" and found that high levels of Subsequent Trouble reports reflect an inadequate response time.[74]

Below is a chart on Initial Subsequent Trouble Reports for Pacific Bell/AT&T, GTE/Verizon, and Citizens/Frontier:

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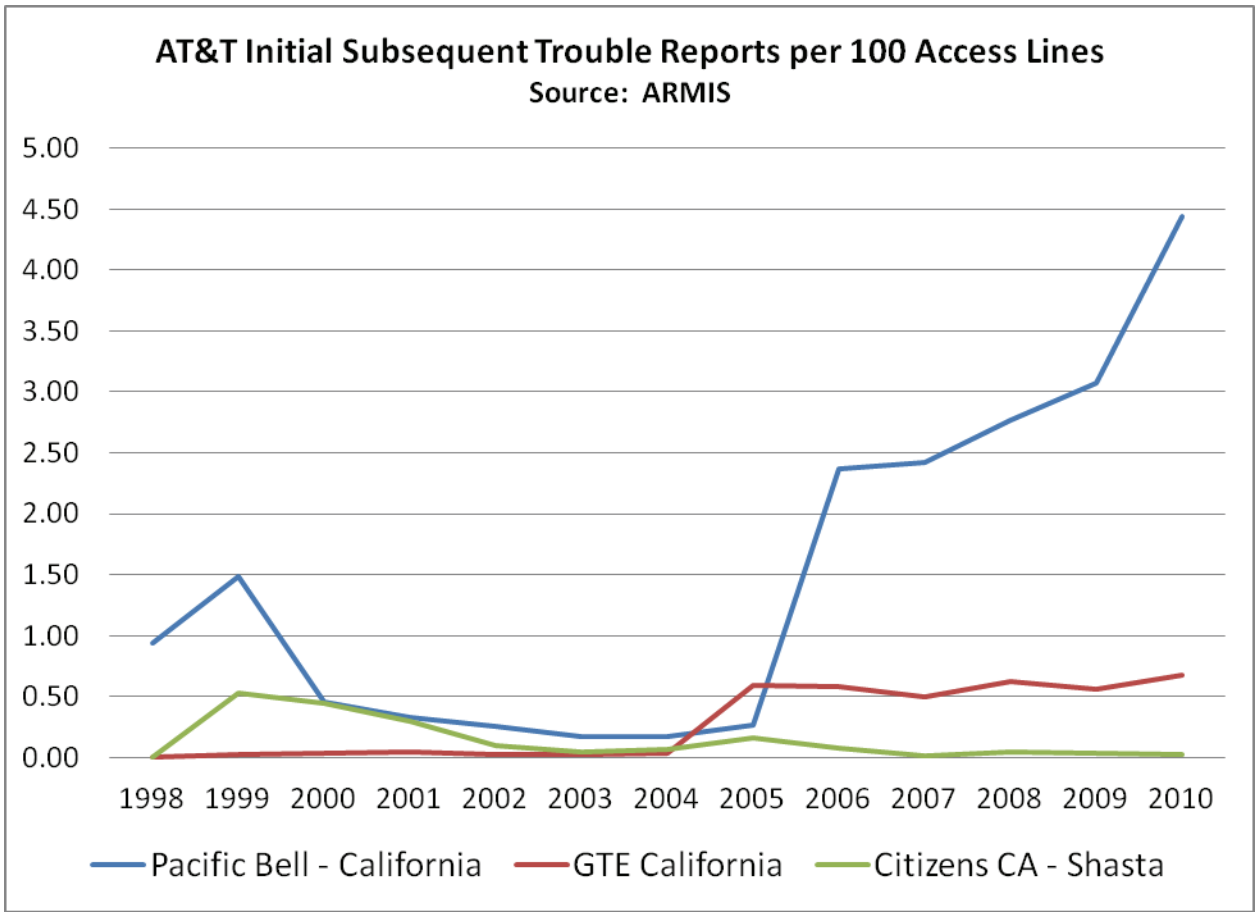
[72] D.03-10-088, at 64-116. The Commission Analyzed Initial Trouble Reports, Repeat Trouble Reports, Initial-Out-of-Service trouble reports, Repeat Out-of-Service trouble reports, Initial all Other Trouble Reports, Repeat All Other Trouble Reports, Initial Out-of-Service Interval, Repeat Out-of-Service Interval, Initial all Other Repair Interval, Repeat All Other Repair Interval, Average Installation Interval, Downtime per Switch Down.

[73] D.01-12-021, Conclusion of Law No. 5.

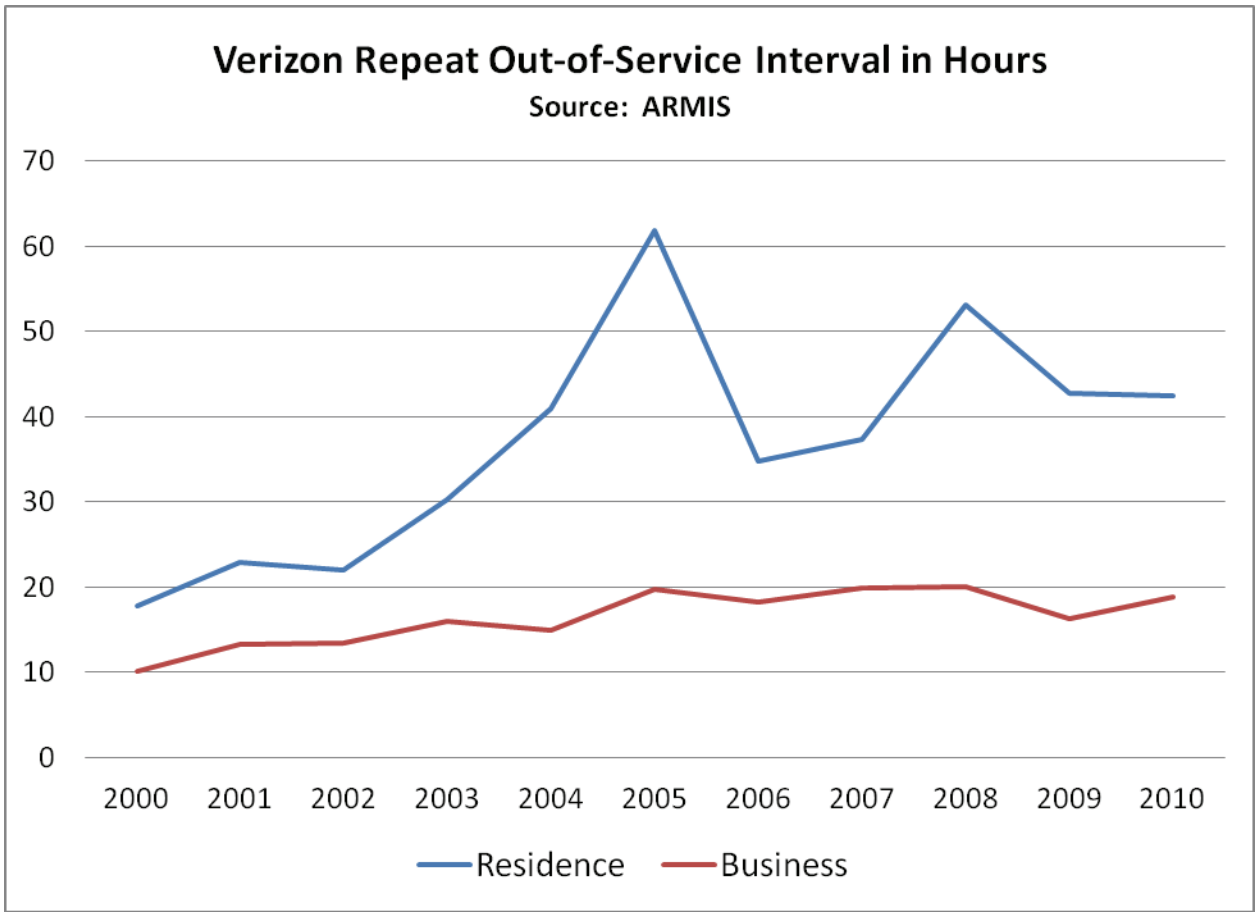
[74] NASUCA Comments on the 2000 Biennial Regulatory Review—Telecommunications Service Quality Telecommunications Act of 1996 Reporting Requirements Elimination of the Reporting of Various Categories of Performance Information, January 12, 2001.



The Commission should investigate why this statistic has risen so dramatically for AT&T, and what will happen in the future. Unless ARMIS reporting is continued, the book will be closed on this issue as this metric can only be found in the ARMIS reports. .

ARMIS contains a wealth of data that is broken down between residential, business, residential MSA[75] and residential non-MSA groupings. These breakdowns give valuable information about differences in the way carriers serve these different customer groups. For example the following chart is based on data that is available only through ARMIS compares the repair time between business and residential customers on repeat out of service trouble reports:

[75] ARMIS defines an MSA as "… Statistical Area associated with at least one urbanized area that has a population of at least 50,000. The Metropolitan Statistical Area comprises the central county or counties containing the core, plus adjacent outlying counties having a high degree of social and economic integration with the central county as measured through commuting."



3. ARMIS Report 43-07 is critical in order for the Commission to monitor the infrastructure investment of the LECs

Finally, DRA recommends that the ARMIS Infrastructure Reports 43-07 that were eliminated by the FCC be continued for California URF carriers. ARMIS Reports 43-07 tracks trends in telephone infrastructure development, including investments in outside plant and switching. This information will aid the Commission in monitoring telephone infrastructure investment.[76] The Commission could use data from these reports on switching and transmission to compare year to year network build-out.[77] In a letter to the Commission, the CPUC's Assistant General Counsel wrote:

[76] ARMIS Report 43-07 (Infrastructure Report).

[77] Comments of the Colorado Public Utilities Commission on Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C.§ 160, at 8.

> "These data are key indicators of investment in and deployment of the facilities necessary to sustain a first rate high quality and secure communications infrastructure. Staff also believes that the information in ARMIS Report 43-07 will help consumers make informed choices in a diverse and dynamic market. Staff recommends that the CPUC support retention of the following data collections and an extension of the collections to all facilities-based broadband and telecommunications providers."[78]

DRA agrees that the information provided in ARMIS Reports 43-07 is vital for the Commission and useful to consumers. Moreover, as stated previously in these comments, Public Utilities Code section 451 requires the carriers to provide and maintain their facilities in order to " . . . promote the safety, health, comfort, and convenience of its patrons, employees, and the public."[79] ARMIS Reports 43-07 will help the Commission ensure that the carriers are maintaining their facilities and have sufficient infrastructure to meet the needs of consumers and the public. For the aforementioned reasons, DRA urges the Commission to require carriers to provide ARMIS 43-07 data to the CPUC.

IV. PUBLICATION OF SERVICE QUALITY RESULTS

The 2009 Service Quality Decision requires the publication of telephone service quality results on the CPUC website, and the Commission has complied with this requirement. However, DRA believes that the Commission's publication should be made more user-friendly and informative.

Currently, if a customer wishes to use the Commission's website to see how his/her carrier stacks up against other companies on the GO 133-C metrics, the customer would need to download and view separate files for each carrier. In order to make a comparison, the person would need to access the Communications tab on the main website the select, "Telecommunications Carriers' Service Quality Reports." From there, the user is presented with a choice to view or download each company separately. It

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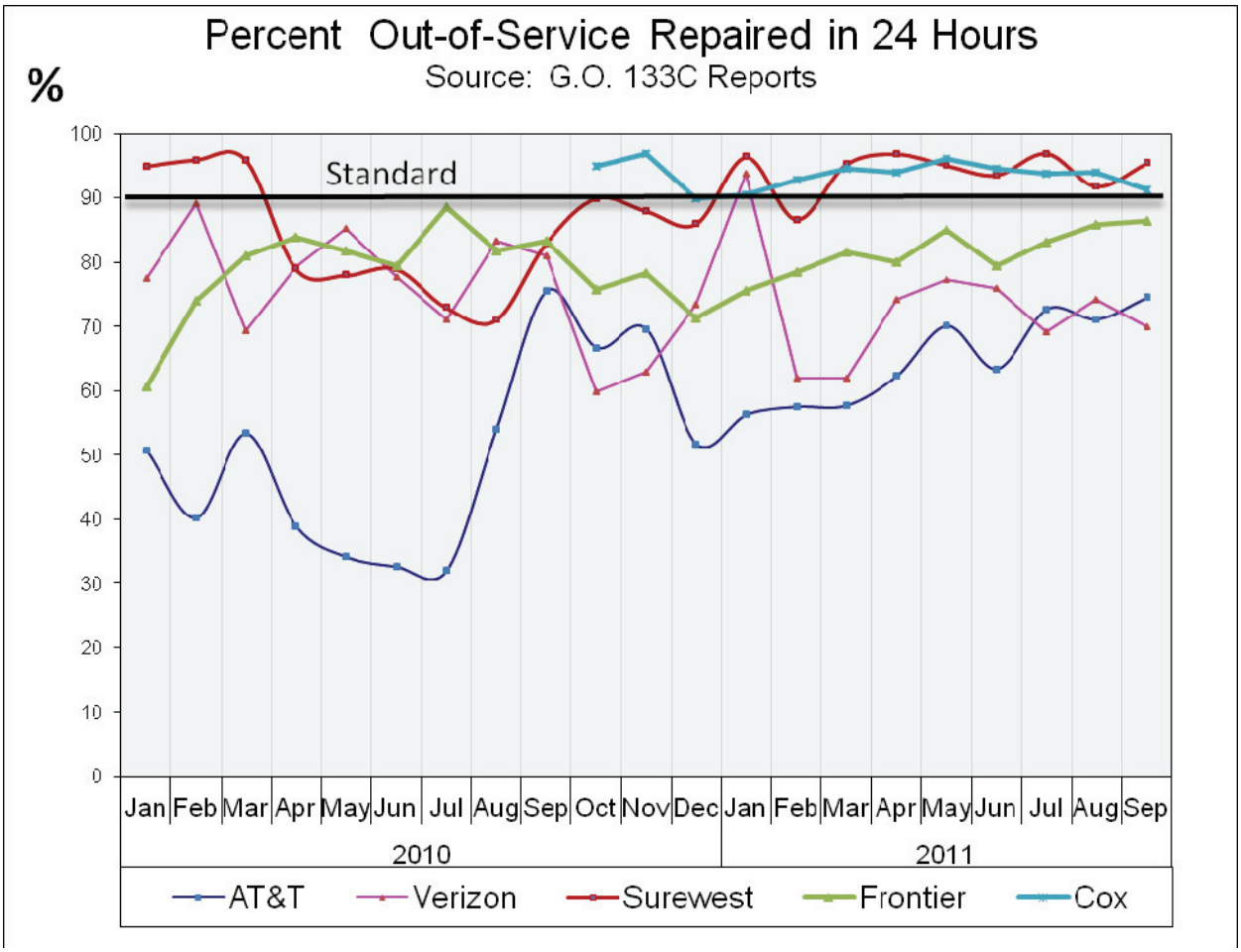
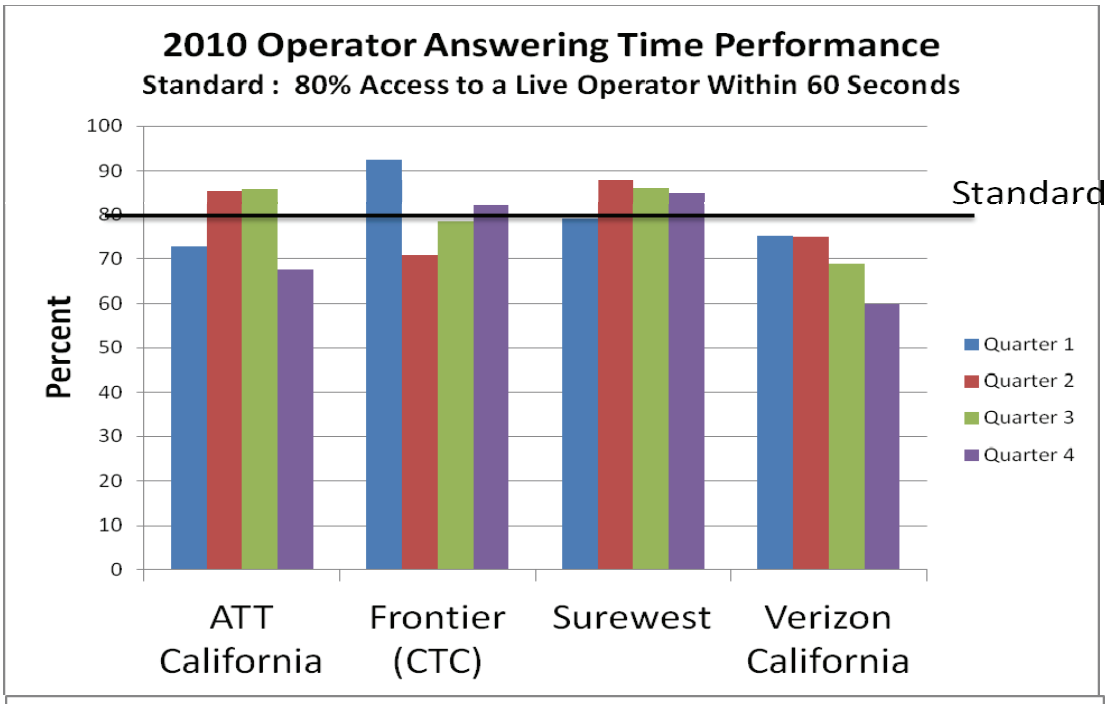
[78] October 31, 2008 Memorandum to the Commission (Meeting of November 6, 2008) on Filing of Comments in Response to FCC's Notice of Proposed Rulemaking regarding Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, WC Docket No. 08-190, from Helen M. Mickiewicz.

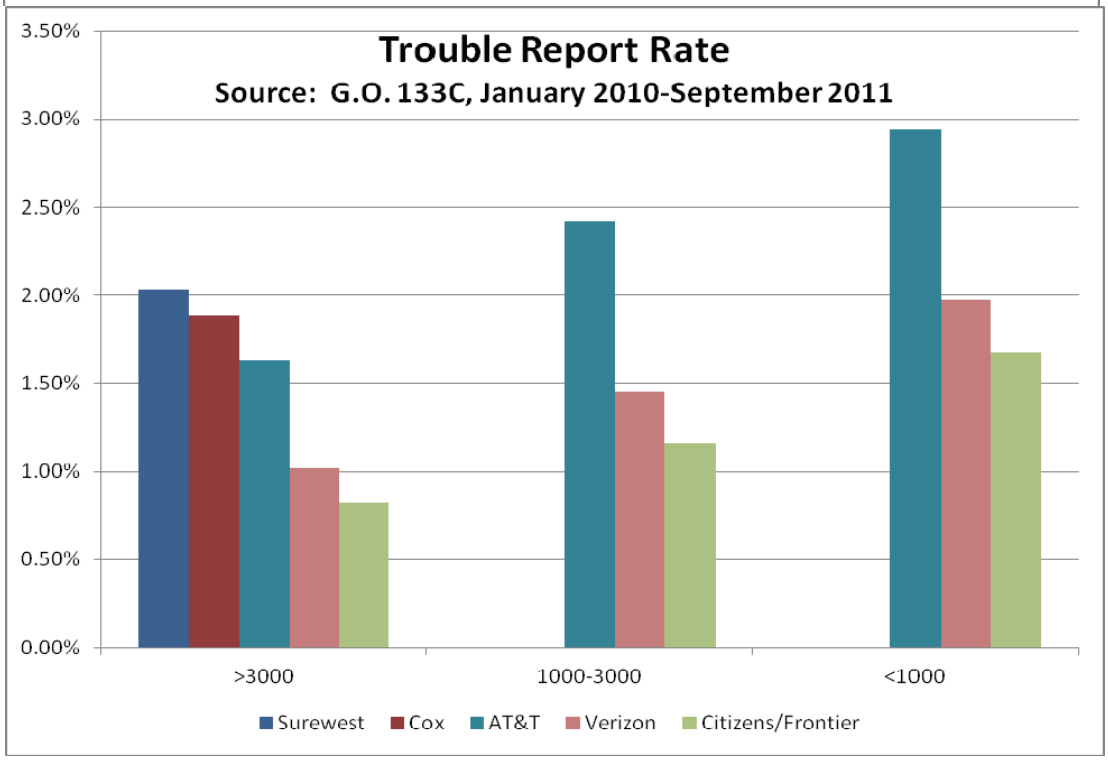
[79] Public Utilities Code section 451.

would be more useful to consumers if the Commission made comparisons in easy to understand charts. The chart below shows the percentage of OOS repairs completed within 24 hours, for the major local exchange carriers. The CPUC standard is 90% repaired within 24 hours.



This data is most informative when it is displayed in a comparative chart. In addition to percentage repaired within 24 hours, other metrics that the Commission should chart for easy comparison are answer time performance and trouble report rates. Here are some sample charts for these two metrics:





If the Commission requires continued ARMIS reporting, as DRA supports, then DRA recommends that these statistics, as well GO 133-C reports, be published on a

telephone carrier report card.[80] The purpose of a telephone carrier report card is to provide consumers with a snapshot of each carrier's service quality performance. Carriers should welcome the opportunity to use public reports of excellent performance on these service quality metrics in their promotional materials. Carriers whose performance is substandard will feel more pressure to improve their performance. Appendix C is a prototype of such a report card.

The Commission should also publish its Consumer Affairs Branch (CAB) statistics of complaints per 100 access lines (complaint rate) in its publicly accessible service quality information on the CPUC website and in the Telephone Service Provider Report Card. While all of these complaints may not pertain to service quality, the overall complaint level of a company is an important tool for consumers to have when shopping for a provider.

Lastly, the 2009 Service Quality Decision required posting of service quality results so that customers could use this information to determine "…whether a particular carrier provides their required level of service in areas that are important to them."[81] In order for this information to reach the widest possible audience, the Commission should actively publicize the results of its service quality analysis by issuing press releases, including charts, every six months or year. The FCC issues a press release with the release of its service quality results that would serve as a good model.[82]

V. CONCLUSION

For the reasons set forth above, DRA recommends that the Commission make changes to GO 133-C as discussed herein.

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[80] DRA recommended a carrier report card in its Comments Filed in 2007.

[81] 2009 Service Quality Decision, at 59.

[82] The FCC Press Release can be found here: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-295376A1.pdf

Respectfully Submitted,

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