

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

07-13-12

04:59 PM

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

Rulemaking 11-12-001

**REPLY OF AT&T CALIFORNIA (U 1001 C) AND CERTAIN OF ITS AFFILIATES
TO RESPONSES TO ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING
TELECOMMUNICATIONS CORPORATIONS TO PROVIDE DATA**

NELSONYA CAUSBY

AT&T Services, Inc.
525 Market Street, Suite 2025
San Francisco, CA 94105
Tel.: (415) 778-1488
Fax: (415) 543-0418
E-mail: nelsonya.causby@att.com

Attorney for AT&T California and Certain
of its Affiliates

July 13, 2012

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION	1
II. AT&T’S REPLY TO RESPONSES TO QUESTIONS IN THE MAY 18 RULING.....	2
1. AT&T’s Reply to Responses to Questions 1 Through 3 Regarding Winter Storm Service Issues	2
2. AT&T’s Reply to Responses to Question 4 Regarding Internal Policies and Practices Used to Monitor and Evaluate the Network	3
3. AT&T’s Reply to Responses to Question 5 Regarding Internal Standards for Installation.....	4
4. AT&T’s Reply to Responses to Question 6 Regarding Internal Standards for Evaluating the Performance of the Network.....	5
5. AT&T’s Reply to Responses to Question 7 Regarding Services Included in GO 133-C Service Quality Reports	5
6. AT&T’s Reply to Responses to Question 8 Regarding Industry Practices and Technical Standards for Quality of Service	5
7. AT&T’s Reply to Responses to Question 9 Regarding Former FCC ARMIS 43-05 and 43-06 Reports.....	8
8. AT&T’s Reply to Responses to Question 10 Regarding the Commission’s Wholesale Performance Standards	11
9. AT&T’s Reply to Responses to Question 11 Regarding the Transition from Circuit Switched Telephone Service to VoIP	12
10. AT&T’s Reply to Responses to Question 12 Regarding the Definition of Carriers That Must File GO 133-C Service Quality Reports.....	14
III. CONCLUSION.....	15

Pursuant to the Administrative Law Judge's Ruling Requiring Telecommunications Corporations to Provide Data dated May 18, 2012 ("May 18 Ruling") and the extension granted by the Administrative Law Judge on May 25, 2012, AT&T¹ hereby submits its reply to the responses filed on June 14, 2012 ("June 14 Responses") regarding the questions included in the May 18 Ruling.

I. INTRODUCTION

In its May 18 Ruling, the Commission set forth specific questions to be addressed by telecommunications corporations. The Consumer Group/CWA² and DRA, however, used the opportunity to reargue their positions set forth in their comments submitted earlier this year. For example, Consumer Group/CWA quote from the Consumer Group's January 31, 2012 comments and ask the Commission to mandate that carriers provide wireless data.³ They also request that the Commission impose reporting requirements on VoIP services.⁴

As AT&T explained in its Reply Comments, there is no evidence the Commission needs to intervene in the wireless markets in California. Furthermore, federal law preempts states from imposing service quality requirements and penalties on wireless providers. Proposals to regulate VoIP services suffer from similar flaws. VoIP is a competitive service using broadband technologies, and there is no evidence that consumer welfare would be promoted by imposing new regulations. Furthermore, the FCC has made clear that as a matter of preemptive federal law, VoIP is to remain unfettered by traditional state laws and regulations governing telephone

¹ Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C); AT&T Communications of California, Inc. (U 5002 C); TCG San Francisco (U 5454 C); TCG Los Angeles, Inc. (U 5462 C); and TCG San Diego (U 5389 C).

² The Utility Reform Network ("TURN"), the Center for Accessible Technology, and the National Consumer Law Center (collectively, "Consumer Group"), and Communications Workers of America (District 9) jointly filed a Response to the ALJ Ruling on June 14th (hereinafter, "Consumer Group/CWA Response").

³ Consumer Group/CWA Response at 2-3 (*citing* Consumer Group Opening Comments (Roycroft Declaration), filed Jan. 31, 2012).

⁴ *Id.* at 7-9.

companies.⁵ Accordingly, the Commission should issue a Scoping Memo clarifying that application of service quality standards and penalties for wireless and VoIP services is beyond the scope of this proceeding.

As set forth in its Rulemaking, the Commission opened this proceeding to examine the GO 133-C standards and reporting methodology for wireline service and the restoral of such services during the Winter Storm that began in December 2010.⁶ The June 14 Responses clarify that all carriers, except Cox, provide GO 133-C results for only circuit-switched wireline services. The June 14 Responses also indicate that there remains some unresolved issues regarding the application of the GO 133-C reporting methodology. For example, in response to Question 12 in the May 18 Ruling, parties presented different proposals for how to apply the 5,000-customer threshold in GO 133-C. While AT&T does not support the retention of service quality standards for wireline services given the competitive marketplace, AT&T recommends that after issuance of the Scoping Memo, the Commission move forward with workshops to discuss unresolved issues regarding circuit-switched wireline services.

II. AT&T'S REPLY TO RESPONSES TO QUESTIONS IN THE MAY 18 RULING

1. AT&T's Reply to Responses to Questions 1 Through 3 Regarding Winter Storm Service Issues

In their June 14 Responses, both AT&T and Verizon extensively describe their respective efforts to restore service to their customers during the Winter Storm in California. While AT&T continues to improve and refine its processes, AT&T already has many operating procedures in place to reduce storm impacts to its network. Furthermore, many of these processes pre-date the Winter Storm period. For example, as described in AT&T's June 14 Response, AT&T's PMFF

⁵ See AT&T Reply Comments at 2-3 (Mar. 1, 2012).

⁶ As explained in AT&T's Response (at 2), the Winter Storm period is defined as December 19, 2010 through January 22, 2011.

organization was in place before the Winter Storm and continues to play an integral role in the maintenance of AT&T's outside plant. Since the Winter Storm, AT&T has continued to focus on its customers and to make improvements in its network as well as to incorporate lessons learned and appropriate strategies into its storm-season planning.

Both AT&T and Verizon include information in their June 14 Responses that demonstrates their respective plans for future storms, improvements to service reliability, and proactive actions to address repairs to reduce the effect of future storms in California on telecommunications services. When the information submitted by AT&T and Verizon in their responses is reviewed in a side-by-side comparison, it is clear that both companies have comparable processes in place, although different nomenclatures may be used and the details vary. These submissions also prove that AT&T and Verizon have every incentive to provide excellent service when natural disasters occur.

2. AT&T's Reply to Responses to Question 4 Regarding Internal Policies and Practices Used to Monitor and Evaluate the Network

As discussed above in relation to Questions 1 through 3, AT&T and Verizon have both deployed processes and procedures to address service issues that occur in their respective networks. The responses from SureWest and Frontier describe their processes related to network monitoring.⁷ These companies have comparable processes, although they operate on a vastly different scale and scope than AT&T. Cox describes processes that are presumably related to Radio Frequency monitoring of its network.⁸ As AT&T does not use a coaxial cable network, the monitoring Cox describes is not applicable to AT&T's network.

⁷ Frontier Response at 3; SureWest Response at 2.

⁸ Cox Response at 2-3.

3. AT&T's Reply to Responses to Question 5 Regarding Internal Standards for Installation

Based on review of the responses to Question 5, no party except the Small LECs identified a standard for an installation interval. The Small LECs are subject to the installation standard set forth in GO 133-C. In 2009, the Commission determined that LECs operating under rate-of-return regulation must submit GO 133-C data on their installation intervals because they are fully regulated as monopoly providers. They are unlike the URF ILECs that are subject to more competitive market conditions in their respective service territories. The Commission in 2009 eliminated this installation standard for URF ILECs, stating that:

Fewer measures will apply to URF ILECs and CLECs since the competitive markets these entities operate in provide greater external pressure to ensure service quality and customer satisfaction. It is consistent with our policies in URF to minimize regulatory and reporting oversight in such competitive markets. The three measures we adopt for URF ILECs and CLECs are: (1) customer trouble reports (six reports per 100 lines for reporting units with 3,000 or more working lines and lower standards for smaller reporting units); (2) OOS repair intervals (90% within 24 hours excluding Sundays and federal holidays, catastrophic events and widespread outages); and (3) answer time (80% within 60 seconds related to trouble reports and billing and non-billing issues with the option to speak with a live agent).⁹

Furthermore, in AT&T's experience, customers care more about installation on their own terms, meaning they have the opportunity to choose installation appointments. Each company should be given the flexibility needed to develop installation and repair processes that meet its customers' needs and preferences. Finally, the Commission should not adopt SureWest's first-come, first-served proposal for installation.¹⁰ As explained by AT&T's witness, Dr. Aron, such

⁹ *Re Service Quality Standards for All Telecommunications Carriers*, Decision No. 09-07-019, *Decision Adopting General Order 133-C and Addressing Other Telecommunications Service Quality Reporting Requirements*, 275 P.U.R.4th 70, *mimeo*, at 32-33 (July 9, 2009).

¹⁰ SureWest Response at 2-3.

a simplistic approach leads to longer waits overall and fails to prioritize service for those who need it, such as customers with medical conditions.¹¹

4. AT&T's Reply to Responses to Question 6 Regarding Internal Standards for Evaluating the Performance of the Network

AT&T, Cox, Verizon, Frontier, SureWest, and the Small LECs all provide descriptions of how they manage their networks. These descriptions reveal that carriers have many means of monitoring their networks to provide customer service. Based on this information, the Commission should be assured that each carrier has processes in place to monitor service quality. The Commission, however, should not try to micromanage how carriers monitor network performance. The Commission is not in a position to synthesize the different processes used by carriers into a one-size-fits-all mandate regarding how networks should be operated.

5. AT&T's Reply to Responses to Question 7 Regarding Services Included in GO 133-C Service Quality Reports

In their June 14 Responses, AT&T, Verizon, Frontier, SureWest, and the Small LECs all state that their GO 133-C service quality reports include results for their circuit-switched services.¹² Cox indicates that its GO 133-C reports include results for both circuit-switched and packet-switched services.¹³ Thus, it appears that Cox has voluntarily submitted its packet-switched services to the Commission's service quality regulations, although it was not required to do so and other carriers have not done so.

6. AT&T's Reply to Responses to Question 8 Regarding Industry Practices and Technical Standards for Quality of Service

Question 8 in the May 18 Ruling requested the identification of industry standards regarding (1) static and voice detected on a line and (2) recommendations for tracking of calls

¹¹ AT&T Reply Comments, Aron Declaration at 57 (Mar. 1, 2012).

¹² AT&T Response at 9; Frontier Response at 6; Small LECs Response at 5; SureWest Response at 6; Verizon Response, Attach. A at A-11.

¹³ Cox Response at 6-7.

that do not go through the first time and calls that are disrupted or dropped. DRA does not identify any such standards, stating it considers it appropriate for other parties to identify these standards.¹⁴ Similarly, the Consumer Group/CWA do not cite any standard for retail services that is responsive to Question 8, but instead identify a Telcordia standard applicable to access services that are not within the scope of this proceeding and are not subject to GO 133-C reporting. AT&T,¹⁵ Cox,¹⁶ Verizon,¹⁷ SureWest,¹⁸ and the Small LECs¹⁹ all state they are not aware of any technical standards/best practices that recommend the tracking of these types of calls. Thus, based on the record here, no party has identified any such standards.²⁰ This evidence suggests that the tracking of such calls is not recommended in the industry.

As CALTEL states, trouble reports filed by customers are more effective in measuring service quality issues than industry standards.²¹ CALTEL points out that “it is important for regulators to appreciate the limitations of network diagnostics and standards in measuring voice quality” and goes on to cite a white paper from Agilent Technologies on this issue.²² AT&T agrees that the Commission should not try to examine technical standards in order to evaluate customer service. Any investigation into industry standards will involve the Commission

¹⁴ DRA Response at 2.

¹⁵ AT&T Response at 10.

¹⁶ Cox mentions in general that it uses certain standards for packet-switched services. Cox Response at 6. Those standards would not be relevant to the services AT&T reports on in its GO 133-C reports.

¹⁷ Verizon discusses ATIS. Verizon Response, Attach. A at A-12. AT&T provides leadership to and actively participates in ATIS.

¹⁸ SureWest Response at 6.

¹⁹ Small LECs Response at 5.

²⁰ The Consumer Group/CWA say industry standards recommend tracking but fail to cite to any such recommendations. Consumer Group/CWA Response at 2.

²¹ CALTEL cites network tools and diagnostics that in some cases are outdated or inapplicable to AT&T’s services. CALTEL Response at 6. While the types of tools and diagnostics use different nomenclature and vary over time, all carriers look at relevant data to run their networks. *See* AT&T Response at 11-14; CALTEL Response at 10-12; Cox Response at 6-8; Frontier Response at 6-7; Small LECs Response at 2-5; SureWest Response at 2, 4-5; Verizon Response, Attach. A at A-12.

²² CALTEL Response at 6-7.

delving into the minutiae of telecommunications technology that is just the sort of micromanagement the Commission has in the past refused to do.

While the Consumer Group/CWA fail to identify industry standards in its response to Question 8, they use the opportunity to repeat the Consumer Group's request originally set forth in its January 31, 2012 comments that wireless carriers submit call data to the Commission.²³ As Dr. Aron explained in her Reply Declaration, wireless carriers as well as third-party websites already provide a wide array of online data that are accessed by consumers.²⁴ The Consumer Group has not offered any evidence that consumers use existing information on the Commission's website or that they would be inclined to do so if new data were added to that website.²⁵

DRA's response to Question 8 includes its request made in its Opening Comments that the Commission conduct an audit.²⁶ DRA's request is based on the incorrect assumption that AT&T's network and service quality are deteriorating. AT&T's expert, Dr. Debra Aron, has refuted this assumption at great length in her Opening and Reply Declarations.²⁷ As she has shown, overall service quality in California remains high, and AT&T's network continues to perform at an extremely high level of reliability. Furthermore, audits compare actual practice to standards, and AT&T already reports in detail its actual results for the Commission's GO 133-C standards. Finally, such an audit would be at odds with both the competitive landscape, where consumers benefit when carriers are allowed to manage their operations in response to the

²³ Consumer Group/CWA Response at 2–3.

²⁴ AT&T Reply Comments, Aron Reply Declaration at 29–34 (Mar. 1, 2012).

²⁵ *See id.* at 28.

²⁶ DRA Response at 2.

²⁷ *See* Aron Declarations in support of AT&T Opening and Reply Comments.

market, and with the Commission's recognition of the inappropriateness of attempts to micromanage utility operations.²⁸

7. AT&T's Reply to Responses to Question 9 Regarding Former FCC ARMIS 43-05 and 43-06 Reports

Most parties responding to Question 9 do not support the reinstatement of the former FCC ARMIS Reports 43-05 and 43-06.²⁹ Parties who wish to see the former reports reinstated, and in one case greatly expanded,³⁰ provide no compelling rationale for the Commission to reverse the determination it made in D.09-07-019 to discontinue such reports.

DRA repeats its request that the Commission reverse its prior determination on the former ARMIS 43-05 and 43-06 Reports, expand the burden of developing and submitting these reports to carriers who have never done so previously, and require additional reports of the former ARMIS 43-07 and 43-08 Reports.³¹ As described in AT&T's Reply Comments, the Commission should reject DRA's requests.³² The FCC discontinued these reports because they had outlived their usefulness. DRA provides no evidence that casts doubt upon the FCC's conclusions.

While DRA argues the Commission has relied upon ARMIS data in limited circumstances,³³ it does not demonstrate the inadequacy of the data currently collected by the

²⁸ See AT&T Reply Comments at 35 (Mar. 1, 2012).

²⁹ AT&T Response at 11-14; CALTEL Response at 8; Cox Response at 8-9; Frontier Response at 7-8; Small LECs Response at 6; SureWest Response at 7; Verizon Response, Attach. A at A-13.

³⁰ See DRA Response at 4-11.

³¹ *Id.* at 7-10.

³² AT&T Reply Comments at 33-34 (Mar. 1, 2012).

³³ DRA's emphasis on ARMIS reporting in Commission decisions is outdated and inconsistent with the Commission's more recent and relevant decisions. DRA cites D.09-07-019, which acknowledged the limitations of ARMIS reporting and established the Commission's own service quality rules, measures and standards. DRA also cites D.01-12-021, which resolved a complaint case against AT&T related to repair intervals at a time when relevant data was not collected under GO 133, and D.03-10-088, the NRF service quality decision which reviewed the performance of only AT&T and Verizon. Both these decisions pre-date D.09-07-019 and D.06-08-030, the URF Decision.

Commission under GO 133-C. For example, DRA describes that the former ARMIS 43-05 Reports provide results that “illuminate” how carriers serve customers,³⁴ but DRA provides no details regarding how the Commission would use this data. Similarly, DRA claims the former ARMIS 43-06 Reports regarding customer satisfaction “illuminate” how customers feel about service and should be reinstated.³⁵ The Consumer Group/CWA disagree and instead recommend that if the Commission wants information on customer satisfaction, the Commission should conduct its own customer satisfaction surveys.³⁶ Numerous customer satisfaction surveys already exist for the wireless and wireline industries.³⁷ Therefore, a survey required by the Commission would be unnecessary and redundant. The Commission should not spend resources to perform redundant functions.

As AT&T explained in its Reply Comments, much of the data required in the discontinued ARMIS reports is outdated and plainly of little use. For example, the 43-07 Report required detailed information about, among other things, ISDN technology (including the number of switches with ISDN technology, lines served by ISDN technology, and break-downs of ISDN lines), which is a declining technology. DRA fails to explain how this detailed data “will have an impact on consumer purchasing decisions.”³⁸ It is difficult to imagine that consumer purchasing would be affected by knowledge of the number of switches with ISDN technology.

In its June 14 Response, DRA expands the request it made in its Opening Comments by recommending the former ARMIS 43-07 Report be required of all facilities-based carriers and

³⁴ DRA Response at 8.

³⁵ *Id.*

³⁶ Consumer Group/CWA Response at 4.

³⁷ *See, e.g.*, J.D. Power and Associates, Consumer Reports, and the Better Business Bureau.

³⁸ DRA Response at 10.

broadband providers and that the former ARMIS 43-08 Report be required of AT&T and Verizon.³⁹ Having failed to provide sufficient justification for its initial request, the requested expansion should also be rejected. These reports are not needed in the highly competitive telecommunications market. Furthermore, the Commission lacks the jurisdiction to require broadband and wireless providers to meet specific standards, and DRA provides no realistic use for the information.

Although CALTEL does not support reinstatement of the ARMIS reports, it raises an issue related to trouble tickets in its response to Question 9. CALTEL alleges its members have reported an increase in trouble reports closed to “No Trouble Found” (“NTF”) and suggests the Commission should review the volume of NTF trouble tickets to determine if a problem exists. CALTEL also alleges the trouble reports closed to NTF may generate costs for CLECs through associated “truck roll charges” that CLECs pay if no identifiable trouble is found in AT&T’s network.⁴⁰ AT&T has reviewed available data and found no significant variation over the last twelve months in the number of trouble reports closed to NTF either for local wholesale products or AT&T retail products. Similarly, AT&T reviewed data for “dispatched out” trouble tickets, which are a proxy for “truck rolls” on maintenance reports. Here again, AT&T found no significant variation over time in the data for CLECs or AT&T retail service.⁴¹

Even if CALTEL’s specific allegations were true, an increase in NTF trouble reports or an increase in truck rolls is not conclusively a problem caused by the ILEC. A NTF report most likely represents a situation where there is simply no network trouble on the line. AT&T does not control what conditions are reported as trouble reports; the CLEC controls what it reports as

³⁹ *Id.* at 9-10.

⁴⁰ CALTEL Response at 12.

⁴¹ In any event, if a member of CALTEL experiences issues with maintenance of its lines, it may contact its AT&T account manager to have the problem resolved.

trouble. Similarly, CLECs may request a truck roll on a trouble report, even if AT&T determines sending a trouble ticket to a field technician is not likely to be necessary. Thus, CALTEL has presented no evidence the alleged problems exist. Moreover, if issues do arise in the local wholesale marketplace, the Commission already has access monthly data from a comprehensive set of performance metrics to evaluate the issues, thereby negating the need for review of ARMIS data. Accordingly, the Commission should reject CALTEL's request for a review of ARMIS data to evaluate CALTEL's claims.⁴²

8. AT&T's Reply to Responses to Question 10 Regarding the Commission's Wholesale Performance Standards

In the June 14 Responses, the carriers along with the Consumer Group/CWA agree that the Commission's wholesale performance measures should not apply retail services. CALTEL states the Commission should not apply wholesale measurements to retail services, noting "such an application would not be meaningful, especially since most the standards were established to achieve parity with ILEC retail performance (and hence, application of such standards would be circular and therefore meaningless)."⁴³ Based on this consideration as well as the other reasons discussed at the Prehearing Conference, the Commission should not include any review of wholesale measures in this proceeding, nor should it apply the wholesale performance measures to retail service.

⁴² CALTEL Response at 12.

⁴³ *Id.* at 14.

9. AT&T's Reply to Responses to Question 11 Regarding the Transition from Circuit Switched Telephone Service to VoIP

In responding to this question, numerous parties raise serious concerns about the jurisdiction and relevance of this question in this proceeding.⁴⁴ AT&T shares those concerns, especially given that VoIP service is not within the scope of this proceeding as defined by the Rulemaking itself. Furthermore, as AT&T explained in its Reply Comments submitted on March 1, 2012, the FCC's orders preempt the Commission from imposing service quality requirements upon VoIP providers. In its *Vonage Order*, the FCC found IP-enabled services, like Vonage's Digital Voice service, to be essentially interstate in nature and preempted state action because the FCC reasoned that state regulations would "thwart federal law and policy."⁴⁵ Rather than allowing states to act on their own, the FCC preferred enabling the "Commission and the states to focus resources in working together along with the industry to address the numerous other unresolved issues related to this and other IP-enabled and advanced communications services that are of paramount importance to the future of the communications industry."⁴⁶ Based on these considerations, the final Scoping Memo issued in this proceeding should affirm that VoIP services are not within the scope of this proceeding.

Although this Commission lacks jurisdiction to adopt service quality regulations applicable to VoIP services, several parties nonetheless ask the Commission to issue rules and regulations related to VoIP services in this proceeding. CALTEL proposes the Commission rely upon a white paper released by the National Regulatory Research Institute ("NRRI") and adopt

⁴⁴ Cox Response at 10; Frontier Response at 9; Verizon, Attach. A at A-15, A-16.

⁴⁵ *In the Matter of Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minn. Pub. Utils. Comm'n*, WC Dkt. No. 03-211, *Memorandum Opinion and Order*, 19 FCC Rcd. 22404, FCC 04-267 (rel. Nov. 12, 2004) ("*Vonage Order*"), *petitions for review denied*, *Minnesota Publ. Utils. Comm'n v. FCC*, 483 F.3d 570 (8th Cir. 2007).

⁴⁶ *Id.* at n. 46.

the white paper's definitions of terms.⁴⁷ In general, AT&T would not look to such a report to define terms. The FCC usually submits proposed standards to industry standard-setting bodies, such as ANSI or ATIS, and then reviews them through the public comment process. Likewise, if the Commission needs a reference for information regarding the transition of the PSTN, then it should look to the work of the FCC's Technological Advisory Council,⁴⁸ not the NRRI. Reliance on the FCC will lead to national uniformity in the definition of terms and avoid the evolution of potentially conflicting definitions at the state level.

While AT&T disagrees with the Consumer Group/CWA Response's description of a "hybrid circuit-switched/packet-switched telecommunications system" and "service quality spillovers,"⁴⁹ the more relevant consideration here is that the Commission may not regulate VoIP service because it is an information service, and because the FCC has held it is an interstate service.⁵⁰ Thus, regardless of the underlying networks and technologies, the Commission does not have the requisite jurisdiction to impose service quality standards and penalties on retail VoIP providers. Similarly, the Consumer Group's requests to require state reporting of VoIP outages must be rejected. No state has the authority to impose outage reporting requirements on VoIP service providers. The FCC, however, conducted an exhaustive investigation prior to issuing its *VoIP Outage Order*, and it has mandated the appropriate rules regarding this matter.

DRA alleges that VoIP service quality reporting is needed to secure consumer protection against cramming and slamming, to protect low-income consumers, limited English speakers, and the elderly, and to ensure universal service goals are met.⁵¹ Service quality reporting as set

⁴⁷ CALTEL Response at 15-18.

⁴⁸ <http://www.fcc.gov/encyclopedia/technological-advisory-council>

⁴⁹ Consumer Group/CWA Response at 7.

⁵⁰ *In the Matter of Universal Service Contribution Methodology*, WC Dkt. No. 06-122, *Declaratory Ruling*, 25 FCC Rcd. 15651, 51 Communications Reg. (P&F) 1073, FCC 10-185 (rel. Nov. 5, 2010).

⁵¹ DRA Response at 12.

forth in GO 133-C is not related to consumer protection issues. Furthermore, the FCC has identified specific regulations applicable to VoIP service on a targeted basis to protect consumers. These include requiring VoIP providers to offer 911 service, providing law enforcement access to facilities, making services accessible to disabled users, protecting customers' proprietary information, allowing customers to keep their telephone numbers, contributing to universal service programs, and reporting network outages.⁵² Finally, the FCC continues to evaluate the appropriate consumer protection measures applicable to VoIP. For example, the FCC currently has an open proceeding to investigate allegations of cramming.⁵³

10. AT&T's Reply to Responses to Question 12 Regarding the Definition of Carriers That Must File GO 133-C Service Quality Reports

AT&T supports Cox's recommendation that GO 133-C reporting be limited to residential customers. As Cox points out, business customers have the sophistication to choose a carrier to meet their needs.⁵⁴ The Consumer Group's proposal that the 5,000-customer threshold apply to a carrier's total customers⁵⁵ should be rejected as it leads to ridiculous outcomes. For example, it would cause a carrier with 10,000 large business customers and five small business customers to file GO 133-C reports with results for only five customers. The rule should be clarified to avoid such an outcome. The Small LECs seem to recommend that all carriers file reports,⁵⁶ which

⁵² See, e.g., *In the Matter of the Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Dkt. No. 11-82, *Notice of Proposed Rulemaking*, 26 FCC Rcd. 7166, FCC 11-74 (rel. May 13, 2011), para. 23 (citations omitted).

⁵³ See http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-12-42A1.doc. See also *Vonage Order*, n. 46 (stating that the FCC's *IP-Enabled Services Proceeding*, 19 FCC Rcd. 4863, "will resolve important regulatory matters with respect to IP-enabled services generally, including services such as DigitalVoice, concerning issues such as the Universal Service Fund, intercarrier compensation, 911/E911, *consumer protection*, disability access requirements, and the extent to which states have a role in such matters.") (emphasis added).

⁵⁴ Cox Response at 11.

⁵⁵ Consumer Group/CWA Response at 10.

⁵⁶ Small LECs Response at 8.

