PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Communications Division
Carrier Oversight and Program Branch

RESOLUTION T-17651 May 30, 2019

Date of Issuance: June 05, 2019

<u>RESOLUTION</u>

Resolution T-17651. Approval of advice letters setting forth fines for telephone service providers that failed to meet required service quality performance standards in Year 2018 pursuant to General Order 133-D.

SUMMARY

This Resolution approves the advice letters of AT&T Corporation (U-5002-C), Frontier Citizens Telecommunications Company (U-1024-C), Frontier Communications of the Southwest (U-1026-C), Happy Valley Telephone (U-1010-C), Hornitos Telephone (U-1011-C), and Winterhaven Telephone (U-1021-C) detailing their proposed combined fine calculation of \$89,609 resulting from substandard service quality performance in Year 2018, pursuant to California Public Utilities Commission General Order 133-D. The carriers calculated their fines by applying the prescribed method for each month they failed to meet specific minimum levels for the *Out of Service Repair Interval* under Section 3.4 and *Answer Time* under Section 3.5. Submission of these 2018 fines complies with the directions specified in Section 9.6 in the General Order and are a consequence of poor performance by facilities-based wireline carriers in serving their customers.

BACKGROUND

In General Order (GO) 133-D, *Rules Governing Telecommunications Services*, the California Public Utilities Commission (Commission) established uniform minimum standards of service for carriers to achieve in their operations as public utility telephone corporations serving California customers. These minimum standards of service include quarterly

reporting of five measures by some wireline carriers and near real-time reporting of major outages by all carriers.¹

1. Procedural History of the General Order

In March 2011, Staff issued a report detailing substandard levels of service quality reported by carriers for 2010. In response, the Commission opened Rulemaking (R.)11-12-001 to review carriers' performance, to assess the relevancy and effectiveness of GO 133-C² measures, and to determine the need for penalties for substandard performance.

On August 29, 2016, the Commission issued Decision (D.)16-08-021 which adopted GO 133-D. GO 133-D revised and replaced portions of GO 133-C by modifying and expanding on a number of its provisions and prescribing monetary penalties for violating the five service quality standards.³ Carrier performance determines fines, which apply only to carriers of traditional voice telephone service.⁴ GO 133-D became effective on August 18, 2016, with the exception of Section (§) 9 (*Fines*), which became effective January 1, 2017. GO 133-D § 9.7 allows carriers to propose alternative proposals for corrective action to fine payment and instead to invest no less than twice the fine amount in projects that will improve service quality in a measurable way within two years.

2. Service Quality Reporting and Standards of Performance

General Order 133-D stipulates five telephone service quality measures with minimum standards that operators of public utility telephone corporations must meet: *Installation Interval, Installation Commitments, Customer Trouble Report, Out of Service Repair Interval,* and *Answer Time*. Each measure has an assigned Minimum Standard Reporting Level. When a carrier's performance falls below any of the minimum standards, the carrier is deemed to be out of compliance and must report this information to the Commission.⁵

¹ See the annual data in *Quarterly Service Quality Reports* posted at http://www.cpuc.ca.gov/General.aspx?id=1107 on the Communications Division *Telecommunications Carriers' Service Quality Reports* webpage. (Site last visited March 11, 2019.)

² The Commission approved GO 133-C in Decision (D).09-07-019 (July 9, 2009).

³ Fines apply to facilities-based telephone corporations regulated under the Uniform Regulatory Framework that possess a franchise or a Certificate of Public Convenience and Necessity.

⁴ GO 133-D defines time division multiplexing (TDM)-based voice service as "traditional telephone service."

⁵ See Appendix A for a list of all carriers' annualized reported service quality data, 2015-2018.

ADVICE LETTERS

The carriers below submitted their Advice Letters to pay fines and the following table summarizes their total year 2018 reporting targets with the fine calculations for standards not met:

Advice Letter	Filed By	Utility No.	Date Filed	On Daily Calendar	Proposed Fine
4333	AT&T Corporation	U-5002-C	2/15/2019	2/22/2019	\$12,600
1254	Frontier Citizens	U-1024-C	2/15/2019	2/22/2019	\$71,238
128	Frontier Southwest	U-1026-C	2/15/2019	2/22/2019	\$3,821
373	Happy Valley	U-1010-C	2/8/2019	2/18/2019	\$900
343	Hornitos	U-1011-C	2/8/2019	2/18/2019	\$525
267	Winterhaven	U-1021-C	2/8/2019	2/18/2019	\$525

The Commission did not receive protests for these advice letters.

DISCUSSION

Throughout 2018, AT&T Corporation (AT&T Corp.), Frontier Citizens
Telecommunications Company (Frontier Citizens), Frontier Communications of the
Southwest (Frontier Southwest), Happy Valley Telephone (Happy Valley), Hornitos
Telephone (Hornitos), and Winterhaven Telephone (Winterhaven) submitted their
quarterly service quality reports for *Customer Trouble Reports*, *Out of Service Repair Intervals*, *Answer Time*, *Installation Interval*, and *Installation Commitment* standards in accordance with
GO 133-D, §3.6 The monthly performance data compared to the minimum standard levels
determine whether a carrier is subject to fine penalties. Those data results and a unique
scaling factor for each carrier determine the fines, as described below.

Happy Valley, Hornitos and Winterhaven are eligible to draw funds and participate in the California High Cost Fund A (CHCF-A). However, Happy Valley, Hornitos and Winterhaven have chosen not to draw from CHCF-A.

⁶ Only GRC ILECs are required to report *Installation Interval* and *Installation Commitment*, §§ 3.1 and 3.2, respectively. Happy Valley, Hornitos, and Winterhaven are GRC ILECS.

1. 2018 Scaling Factor

GO 133-D assigns fine amounts using base values specified in §§ 9.3, 9.4, and 9.5, adjusted through a formula expressing the relative size of the carrier within the California market.⁷ The scaling factor formula are as follows:

(Carrier's Access Lines / Total CA Access Lines) = Carrier's Scaling Factor (Carrier's Scaling Factor) x (Monthly Base Fine per Measure) x (Number of Months in Chronic Failure) = Fine

2018 Working Lines and Scaling Factor for Carriers Paying Fines Under GO 133-D												
Carrier	2018 Lines	Scaling Factor										
AT&T Corp.	8,342	0.14%										
Frontier Citizens	73,152	1.24%										
Frontier Southwest	5,176	0.09%										
Happy Valley	2,168	0.04%										
Hornitos	423	0.01%										
Winterhaven	580	0.01%										

2. GO-133-D Standards

A. Out of Service Repair Interval

The *Out of Service Repair Interval*, defined in § 3.4, measures the average interval between the time a carrier responds to out of service trouble reports and the restoration of the customer's service. A carrier measures its average interval by taking the sum of the total number of out of service repair tickets restored within 24 hours and dividing by the total

⁷ Annually, the Communications Division prepares a list of the total number of working telephone access lines in California from carriers subject to GO 133-D requirements. Based on carrier size relative to the number of access lines it serves at the end of June in the reporting year, a carrier receives its unique Scaling Factor, the percentage of its customers relative to all California telephone customers. The table of carriers, working lines, and the percentage of working lines served by each carrier appears as a PDF document titled *Total Number of Access Lines in California for June 2018 from Carriers Reporting Under G.O. 133-D* found under *Reference Information* at http://www.cpuc.ca.gov/General.aspx?id=1107. (site last visited February 25, 2019.)

number of reports received. The Minimum Standard Reporting Level for the Out of Service Repair Interval is 90% of outages restored within 24 hours or less.

The fine structure is as follows:

Base Out of Service Repair Interval Fine, GO 133-D, Section 9.3											
	1 or 2 Consecutive Months of Standard Not Met	3 or more Consecutive Months of Standard Not Met									
Fine Per Day	\$0 per day	\$25,000 per day									
Days in a Month (for all months)	30 days	30 days									
Base Fine per Month	\$0	\$750,000 per month									

AT&T Corp., Frontier Citizens, Frontier Southwest, Happy Valley, Hornitos, and Winterhaven failed to meet the Out of Service Repair Interval standard for the following months in 20188:

								ce Repair % minin	r Interval num	!		
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
AT&T Corp.	50.3%	<u>67.6%</u>	52.7%	<u>57.4%</u>	<u>73.6%</u>	<u>72.7%</u>	60.3%	<u>57.8%</u>	73.9%	60.3%	<u>70.3%</u>	45.3%
Frontier Citizens	80.4%	84.3%	90.2%	<u>75.9%</u>	87.8%	86.9%	87.5%	91.3%	90.1%	78.7%	81.9%	71.1%
Frontier Southwest	91.3%	92.9%	85.4%	70%	88%	100%	81.3%	81.1%	<u>85.2%</u> 9	<u>89.3%</u>	93.8%	95.5%
Happy Valley	87.5%	100%	100%	75%	100%	69.6%	85.7%	70.6%	<u>77.8%</u>	<u>100%</u> 10	100%	85.7%
Hornitos	83%	<u>57%</u>	18%	<u>76%</u>	<u>50%</u>	43%	100%	83%	100%	94%	86%	100%
Winterhaven	91%	57%	86%	80%	<u>50%</u>	86%	90%	<u>89%</u>	80%	<u>79%</u>	<u>60%</u>	100%

 ⁸ For the month that incurred a fine, the percentage is represented with an underline.
 ⁹ Based on information filed in AL 128.
 ¹⁰ Based on the revised Service Quality 2018 report.

AT&T Corp. failed to meet the standard from January through December 2018. As a result, of substandard performance in 2017, AT&T Corp has been in "chronic failure status" and incurring fines for each month of its substandard performance in 2018.¹¹

Consequently, AT&T Corp. calculated its fine on 12 months from January through December for failure to meet the *Out of Service Repair Interval* standard. Staff agrees that AT&T Corp.'s calculations proposed in its advice letter are accurate.

AT&T Corp. incurred fines for unmet performance:

(Carrier's Scaling Factor <u>0.0014</u>) X (Monthly Base Fine per Measure <u>\$750,000</u>)

X (Number of Months in Chronic Failure 12) = \$12,600

Frontier Citizens failed to meet the minimum *Out of Service Repair Interval* standard and incurred fines for unmet performance for the months, January and February, March through July, and December:

$$(0.0124) \times (\$750,000) \times (7 \text{ months}) = \$65,100$$

Frontier Southwest failed to meet the minimum standard for five months and entered into "chronic failure status" for May, and once again for July through October:

$$(0.0009) \times (\$750,000) \times (5 \text{ months}) = \$3,375$$

Happy Valley incurred fines for three months, January, August and September:

$$(0.0004) \times (\$750,000) \times (3 \text{ months}) = \$900$$

Hornitos incurred fines for seven months, January through June, and August:

$$(0.0001) \times (\$750,000) \times (7 \text{ months}) = \$525$$

Winterhaven incurred fines for seven months, April through June, and August through November:

$$(0.0001) \times (\$750,000) \times (7 \text{ months}) = \$525$$

B. Customer Trouble Reports

The *Customer Trouble Reports* standard, defined in § 3.3, measures the number of reports a carrier receives from its customers regarding their dissatisfaction with telephone company services. The Minimum Standard Reporting Level for the *Customer Trouble Reports* measurement varies based on the number of working lines per reporting unit.

¹¹ According to GO 133-D § 9.1, "A carrier will begin incurring a fine for these measures when it reaches a "chronic failure status," which is failure to meet the minimum standard for three consecutive months. No fines will be assessed for missing the first two months... The fine does not end and restart when the calendar reporting year ends and a new year begins. A carrier exits chronic failure status after it meets the standard for two consecutive months."

In 2018, AT&T Corp., Frontier Citizens, Frontier Southwest, Happy Valley, Hornitos, and Winterhaven all met the *Customer Trouble Reports* standard.

C. Answer Time for Trouble Reports and Billing and Non-Billing Inquiries

The *Answer Time* standard, defined in § 3.5, measures the amount of time it takes for an operator to answer the phone when customers call a business office for billing and non-billing inquiries or a repair office for trouble reports. The value is calculated as an average answer time of a sample of the answering interval of calls to business and repair offices that is representative of the reported period.

The Minimum Standard Reporting Level for *Answer Time* is 80% of calls answered by an operator within 60 seconds when speaking to a live agent, or 80% of calls answered within 60 seconds when speaking to a live agent after completing an interactive voice response or automatic response unit system.

	Base Answer Time Fine, GO 133-D, Section 9.5													
	1 or 2 3 to 5 6 to 8 9 to 11 12 or Mo													
	Consecutive	Consecutive	Consecutive	Consecutive	Consecutive									
	Months	Months	Months	Months	Months									
Fine Per Day	\$0 per day	\$500 per day	\$1,000 per day	\$1,500 per day	\$2,000 per day									
Days in a Month (for all months)	30 days	30 days	30 days	30 days	30 days									
Base Fine per Month	\$0	\$15,000	\$30,000	\$45,000	\$60,000									

The carriers' results follow:

		2018 Reporting for <i>Answer Time</i> , GO 133-D Section 3.4 – 80% minimum														
	Jan	Feb	Mar	Apr	May Jun July Aug Sep				Sept	Oct	Nov	Dec				
Frontier Citizens	33.2%	49.0%	<u>56.4%</u>	<u>67.1%</u>	<u>79.8%</u>	<u>77.6%</u>	66.4%	63.4%	61.0%	61.3%	<u>65.1%</u>	<u>63.3%</u>				
Frontier Southwest	33.2%	49.0%	56.4%	67.1%	<u>79.8%</u>	77.6%	66.4%	63.4%	61.0%	61.3%	<u>65.1%</u>	<u>63.3%</u>				

Frontier Citizens failed to meet the standard from January through December 2018. As a result, Frontier Citizens has been in "chronic failure status" and incurring fines for its substandard performance since October 2017. Staff agrees with the proposed fine calculated as:

Scaling Factor x Base Fine x Number of Months

$$(0.0124) \times (\$15,000) \times (2 \text{ months}) = \text{Fine } \$372$$

$$(0.0124) \times (\$30,000) \times (3 \text{ months}) = \text{Fine } \$1,116$$

$$(0.0124) \times (\$45,000) \times (3 \text{ months}) = \text{Fine } \$1,674$$

$$(0.0124) \times (\$60,000) \times (4 \text{ months}) = \text{Fine } \$2,976$$

Total Fine = \$6,138

Frontier Southwest also failed to meet the standard from January through December 2018. Frontier Southwest has been in "chronic failure status" and incurring fines for its substandard performance since October 2017. Staff agrees with the proposed fine calculated as:

Scaling Factor x Base Fine x Number of Months

$$(0.0009) \times (\$15,000) \times (2) = \text{Fine } \$27$$

$$(0.0009) \times (\$30,000) \times (3) = \text{Fine } \$81$$

$$(0.0009) \times (\$45,000) \times (3) =$$
Fine $\$122$

$$(0.0009) \times (\$60,000) \times (4) = \text{Fine } \$216$$

Total Fine = \$446

AT&T Corp. met the *Answer Time* minimum standard for all months in 2018. Happy Valley, Hornitos, and Winterhaven did not submit any data because they each reported less than the minimum 10,000 working lines required under the GO for the *Answer Time* standard.¹²

D. Installation Interval

The standard for *Installation Interval*, defined in § 3.1, applies only to the GRC ILECs. Happy Valley, Hornitos, and Winterhaven all met the standard in 2018.

¹² § 3.5 for the *Answer Time* standard applies to TDM-based voice services provided by GRC ILECs, facilities-based URF carriers with 5,000 or more customers, and any URF carrier with fewer than 5,000 customers that is a carrier of last resort.

E. <u>Installation Commitments</u>

The standard for *Installation Commitments*, defined in § 3.2, applies only to the GRC ILECs. Happy Valley, Hornitos, and Winterhaven all met the standard in 2018.

3. Total Fine Amount per Carrier

Based on the scaling factors and number of months the carriers failed to meet the minimum performance standards, the total fines for these carriers' service quality performance in Year 2018, as follows:

Service Quality Standard	AT&T Corporation (U-5002-C)	Frontier Citizens (U-1024-C)	Frontier Communications of the Southwest (U-1026-C)	Happy Valley Telephone (U-1010-C)	Hornitos Telephone (U-1011-C)	Winterhaven Telephone (U- 1021-C)
Out of Service Repair Interval	\$12,600	\$65,100	\$3,375	\$900	\$525	\$525
Answer Time	\$0	\$6,138	\$446	\$0	\$0	\$0
Total	\$12,600	\$71,238	\$3,821	\$900	\$525	\$525

The carriers should prepare payment for the assessed fines to the Commission, as specified in their advice letters, within 30 days of this Resolution's adoption date. The Commission will deposit the payments into the California General Fund.

Fines must be paid by a check or money order payable to the <u>California Public Utilities</u> <u>Commission</u>, and mailed or delivered to:

California Public Utilities Commission Fiscal Office 505 Van Ness Avenue, Room 3000 San Francisco, CA 94102

Carriers should write on the face of the check or money order: "For deposit to the State of California General Fund, per Resolution T-17607."

SAFETY CONSIDERATIONS

Failure to meet go 133-D service quality standards limits customers' ability to contact 9-1-1 and emergency services and restricts public safety personnel from communicating with each other in daily emergencies or major disasters.

CONCLUSIONS

Staff recommends Commission approval of these advice letters for the Year 2018 GO 133-D fines according to the calculations discussed in this Resolution. The total amount of 2018 fines payable from these carriers is \$89,609.

COMMENTS

In compliance with Public Utility Code § 311(g), the Commission emailed a notice letter on April 30, 2019 informing all parties on the general service list of the availability of this Resolution for public comments at the Commission's website www.cpuc.ca.gov. The notice letter also informed parties that the final conformed resolution adopted by the Commission will be posted and available at this same website. The Commission received no public comments.

FINDINGS

- 1. General Order 133-D, Section 9.6 directs any telephone corporation whose performance does not meet the minimum standards to submit annually by February 15 of the following year a Tier II Advice Letter that shows by month each service quality measurement that it did not meet the minimum standards and the applicable fine.
- 2. AT&T Corporation (U-5002-C), Frontier Citizens Telecommunications Company (U-1024-C), Frontier Communications of the Southwest (U-1026-C), Happy Valley Telephone (U-1010-C), Hornitos Telephone (U-1011-C), and Winterhaven Telephone (U-1021-C) filed advice letters with proposed fines for *Out of Service Interval* and/or *Answer Time* standards.
- 3. Each company met the *Customer Trouble Reports, Installation Interval,* and *Installation Commitments* standards in 2018.
- 4. AT&T Corporation, Frontier Citizens Telecommunications Company, Frontier Communications of the Southwest, Happy Valley Telephone, Hornitos Telephone, and Winterhaven Telephone Company should pay the assessed fines, based on their respective failures to meet the minimum General Order 133-D service quality standards for the *Out of Service Interval* and/or *Answer Time*.

5. The total calculated fines for each carrier are as follows:

Service Quality Standard	AT&T Corporation (U-5002-C)	Frontier Citizens (U-1024-C)	Frontier Communications of the Southwest (U-1026-C)	Happy Valley Telephone (U-1010-C)	Hornitos Telephone (U-1011-C)	Winterhaven Telephone (U-1021-C)
Out of Service Repair Interval	\$12,600	\$65,100	\$3,375	\$900	\$525	\$525
Answer Time	\$0	\$6,138	\$446	\$0	\$0	\$0
Total	\$12,600	\$71,238	\$3,821	\$900	\$525	\$525

- 6. Staff reviewed the carriers' advice letters and accepts the proposed fine calculations as correct based upon the methodology defined in General Order 133-D, Section 9.
- 7. The carriers should remit their fines to the Commission within 30 days of this Resolution's adoption date. The Commission will deposit the fine payments into the California General Fund.
- 8. On April 30, 2019, the Commission emailed a draft of this Resolution to all parties in the general service list for public comments.
- 9. The Commission received no public comments.

THERFORE, IT IS ORDERED that:

- 1. The California Public Utilities Commission approves the Advice Letters from AT&T Corporation (U-5002-C), Frontier Citizens Telecommunications Company (U-1024-C), Frontier Communications of the Southwest (U-1026-C), Happy Valley Telephone (U-1010-C), Hornitos Telephone (U-1011-C), and Winterhaven Telephone (U-1021-C) which calculate their respective service quality fines under General Order 133-D for Year 2018. The carriers are required to pay fines as set forth in this Resolution.
- 2. The carriers shall pay their assessed fines to the California Public Utilities Commission as specified in their advice letters within 30 days of this Resolution's adoption date. The California Public Utilities Commission shall deposit the fine payments into the California General Fund.

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3. Fines shall be paid within 30 days from the effective date of this Resolution by a check or money order payable to the <u>California Public Utilities Commission</u>, and mailed or delivered to:

California Public Utilities Commission Fiscal Office 505 Van Ness Avenue, Room 3000 San Francisco, CA 94102

The telephone corporation should write on the face of the check or money order: "For deposit to the State of California General Fund, per Resolution T-17607."

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the California Public Utilities Commission at its regular meeting on May 30, 2019. The following Commissioners approved it:

/s/ ALICE STEBBINS
Alice Stebbins
Executive Director

MICHAEL PICKER
President
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
Commissioners

CD/KCH

Appendix

Carrier Average Annual GO 133-C and GO 133-D Reported Service Quality Results, 2015 - 2018

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