

Southwestern Bell Telephone Company

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 19, 1992

**Richard C. Hartgrove**  
General Attorney

Mr. William A. Blase, Jr.  
Director-Federal Regulatory  
Southwestern Bell Corporation  
1667 K Street, N.W., Suite 1000  
Washington, D.C. 20006

Dear Bill:

Re: Comments of Southwestern Bell Telephone Company,  
RM-7967, AAD 92-39

Enclosed please find an original and fourteen (14) copies of the above-referenced pleading to be filed with the Secretary of the Commission on Monday, June 22, 1992.

Additional copies of the pleading are attached to be used as courtesy copies and one is included for your files.

Please call to confirm that the pleading has been filed. Thank you for your assistance.

Very truly yours,

*Richard C. Hartgrove*

Enclosure

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St. Louis, MO 63101

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

RECEIVED

JUN 22 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Part 61 of the )  
Commission's Rules to Require ) RM-7967, AAD 92-39  
Quality of Service Standards )  
in Local Exchange Carrier )  
Tariffs )

COMMENTS OF  
SOUTHWESTERN BELL TELEPHONE COMPANY

Southwestern Bell Telephone Company (SWBT), by its attorneys, pursuant to the Public Notice released May 21, 1992,<sup>1</sup> hereby files its Comments on the Joint Petition for Rulemaking filed by the International Communications Association (ICA) and the Consumer Federation of America (CFA) on April 6, 1992 (Joint Petition). In the Joint Petition, the ICA and CFA request that the Commission require local exchange carriers (LECs) subject to mandatory price cap regulation to include their existing internal quality of service standards in their interstate tariffs. SWBT responds that including the standards in LEC tariffs would provide little or no additional benefit to LEC customers, but would significantly burden LECs and the Commission staff with additional costs.

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<sup>1</sup>ICA, CFA Petition for Rulemaking To Require Service Quality Standards in LEC Tariffs, Public Notice (DA 92-634) (May 21, 1992).

I. THE COMMON CARRIER BUREAU (BUREAU) HAS PREVIOUSLY RULED ON THIS ISSUE.

In the LEC Price Cap Monitoring Order,<sup>2</sup> the Bureau decided that inclusion of service quality standards in LEC interstate tariffs would not provide sufficient benefits to warrant the workload it would impose:

We believe that a requirement that LECs file all service quality standards in their interstate tariffs is not warranted at this time. . . . We believe it would also entail considerable administrative burden and lag. . . . While we believe that a standards requirement might require certain benefits, we are not persuaded that these benefits cannot be realized through the detailed and thorough monitoring program we have established.<sup>3</sup>

The Tele-Communications Association and 14 other parties, including CFA and ICA, filed an Application for Review of the Bureau's determination. SWBT has opposed this application. The only event cited by ICA and CFA to justify this unwarranted collateral proceeding, is the release of the LECs' internal service quality standards by the U. S. House of Representatives Energy and Commerce Committee.<sup>4</sup>

The release of this information provides no further reason to reconsider the Bureau's earlier decision. Most of the information published by Congress was not held as confidential information prior to its release. While ICA and CFA generally reargue the alleged need for such standards and again attempt to minimize the burden that this process would place on Commission

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<sup>2</sup>Policy and Rules Concerning Rates for Dominant Carriers, 6 FCC Rcd. 2974 (Com. Car. Bur., 1991) (LEC Price Cap Monitoring Order).

<sup>3</sup>LEC Price Cap Monitoring Order at para. 44.

<sup>4</sup>See, Joint Petition at p. 2.

staff, the Joint Petition provides no "cause to revisit the proposal" that the Bureau requested in the LEC Price Cap Monitoring Order.

Since the Bureau has already thoroughly considered the requests contained in the Joint Petition, it is plainly repetitive. Thus, it should be denied under Section 1.401(e) of the Commission's rules:<sup>5</sup>

Petitions which are moot, premature, repetitive, frivolous, or which plainly do not warrant consideration by the Commission may be denied or dismissed without prejudice to the Petitioner.

II. OTHER METHODS OF MAINTAINING NETWORK SERVICE QUALITY HAVE BEEN ESTABLISHED SINCE THE LEC PRICE CAP MONITORING ORDER.

Since the release of the LEC Price Cap Monitoring Order, there is even less reason to include network quality standards in LEC tariffs. The Commission's Report and Order in CC Docket No. 91-273<sup>6</sup> adopted a process requiring the LEC to file reports when they incur significant service outages. The Report and Order also established the Network Reliability Counsel (NRC) which has since worked upon standards for service outage reporting. Going forward, the NRC has established a steering committee to address other issues that could affect quality of service.

Other organizations have been active in this matter, including the National Association of Regulatory Utility Commissioners (NARUC). Tennessee Public Service Commission chairman Stephan O. Hewlett has reported that NARUC has surveyed

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<sup>5</sup>47 C.F.R. Section 1.401(e).

<sup>6</sup>Disruption of Telephone Service, Report and Order, CC Docket No. 91-273, (FCC 92-58) (released February 27, 1992).

the state commissions to investigate what type of quality of service reporting is in place. Chairman Hewlett has stated that NARUC received feedback from 45 of the states, which all reported that they had a service outage reporting requirement.<sup>7</sup> The Exchange Carriers Standards Association (ECSA) has been developing procedures with its network operations forum (NOF) to ensure quality of service through development of testing and operating practices that will benefit LECs and the entire industry.

Given the industry-wide efforts to investigate quality of service, there appears to be less "cause to revisit the [ICA/CFA] proposal" than there was before the issuance of the LEC Price Cap Monitoring Order.

### III. THE JOINT PETITION MISCHARACTERIZES THE BURDEN OF THE PROPOSED NEW LEVEL OF REGULATION.

The Joint Petition alleges that it is:

simply requesting that the Commission require the LECs to include in their tariffs the internal performance standards which these carriers already utilize and which, for the most part, they have already disclosed.<sup>8</sup>

The Joint Petition also claims that this tariffing requirement "would impose virtually no burden on the LECs."<sup>9</sup> Nevertheless, on the same page, ICA and CFA specifically acknowledge:

that the Commission could be asked to rule upon the reasonableness of, and perhaps to enforce, tariffed quality of service standards. The users which comprise the Joint Petitioners would themselves oppose a tariff

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<sup>7</sup>See, Telecommunications Reports, May 4, 1992 at p. 30.

<sup>8</sup>Joint Petition at p. 16 (emphasis original).

<sup>9</sup>Joint Petition at p. 16.

revision which set an unacceptably low standard for service quality.

Thus, the Joint Petition itself raises the specter of burdensome tariff proceedings whereby the Commission would be required to rule upon acceptable service quality standards. As stated by the LEC Price Cap Monitoring Order:

it appears likely that a requirement that interstate tariffs include service quality standards would lead to various challenges of the standards so filed, with the result that the Commission would be expected to rule upon the acceptability of these standards, and probably to enforce them. This is tantamount to establishing national standards . . . .<sup>10</sup>

The Commission should again reject ICA/CFA's request as another attempt to increase the Commission's workload without providing any corresponding benefit. It is worth noting that the LEC Price Cap Order attempted to streamline the tariffing process, at least in part, to relieve the workload of the Commission staff.<sup>11</sup>

IV. THE JOINT PETITION MISSTATES THE ALLEGED BENEFIT OF THE TARIFFING REQUIREMENT.

As stated above, the Joint Petition attempts to minimize the burden of the proposal by claiming that it merely requests the publication of standards already, for the most part, disclosed. The Joint Petition reasons that the publication would allegedly assist in "quickly and informally" resolving contract disputes with the LECs.

If all that ICA/CFA requests is the publication of known

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<sup>10</sup>LEC Price Cap Monitoring Order at para. 44.

<sup>11</sup>Policy and Rules Concerning Rates for Dominant Carriers, 5 FCC Rcd. 6786 (1990) at para. 37.

performance standards to assist customers in contract disputes, the request must be denied. To the extent that the standards are already disclosed, the standards are available for customers' use in disputes with LECs.

In a footnote, ICA/CFA decry the "lengthy and burdensome" formal complaint process.<sup>12</sup> The Commission is currently considering refinements to the formal complaint process. If the ICA/CFA's interests are with "quickly and informally" resolving customer complaints, one might guess that they would have participated in that ongoing proceeding. To date, it does not appear that either ICA or CFA have filed comments in CC Docket No. 92-26.

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<sup>12</sup>Joint Petition at fn. 8. The footnote also complains about the informal complaint process.

V. CONCLUSION

For the foregoing reasons, SWBT respectfully requests that the Commission reject the Joint Petition, as it would institute a burdensome regulatory requirement that would provide virtually no benefit to customers.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By



Durward D. Dupre  
Richard C. Hartgrove  
Thomas A. Pajda

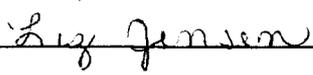
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June 22, 1992

CERTIFICATE OF SERVICE

I, Liz Jensen, hereby certify that the foregoing Comments of Southwestern Bell Telephone Company in Docket RM-7967, AAD 92-39 have been served this 22th day of June, 1992 to the Parties of Record.

  
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Liz Jensen

June 22, 1992

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