



Kansas Corporation Commission

Bill Graves, Governor Timothy E. McKee, Chair Susan M. Seltsam, Commissioner John Wine, Commissioner
Judith McConnell, Executive Director David J. Heinemann, General Counsel

May 17, 1996

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FCC MAIL ROOM

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Dear Sir:

DOCKET FILE COPY ORIGINAL

Enclosed please find enclosed an original and 16 copies of the Kansas Corporation Commission's amended comments for filing in FCC docket number 96-98. The initial comments filed on May 16, 1996, were an incorrect draft of such comments and should not have been filed. The correct comments are enclosed. The correct comments were filed by fax on May 17, 1996. Also enclosed is an extra copy to be file stamped and returned in the self addressed stamped envelope. Thank you for your cooperation.

Sincerely,

Julie Thomas Bowles

Julie Thomas Bowles
Assistant General Counsel

enclosures

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Washington, DC 20554

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filed via facsimile to: (202) 418-2813

Dear Sir/Madam:

Attached please find a copy of the Kansas Corporation Commission's amended comments for filing in FCC docket number 96-98. Please file these comments today in either the mail room or the Secretary's office. Thank you for your cooperation.

Sincerely,

Julie Thomas Bowles
Assistant General Counsel

enclosures

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

In the Matter of)

Implementation of the)
Local Competition Provisions in)
the Telecommunications Act of 1996.)

CC Docket No. 96-98

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AMENDED COMMENTS OF
KANSAS CORPORATION COMMISSION

David Heinemann
General Counsel

Julie Thomas Bowles
Assistant General Counsel

1500 S.W. Arrowhead Road
Topeka, KS 66604

(913) 271-3110

May 17, 1996

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

In the Matter of)

Implementation of the)
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AMENDED COMMENTS OF
KANSAS CORPORATION COMMISSION

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Pursuant to the Federal Communications Commission's (FCC) Rules of Practice and Procedure, 47 C.F.R. §§ 1.49, 1.415, and 1.419 (1995), the State Corporation Commission of the State of Kansas (KCC) respectfully files these amended comments addressing the Notice of Proposed Rulemaking (NPRM) released in the above-captioned proceeding April 19, 1996 [FCC 96-182]. The KCC respectfully suggests that the FCC develop inter-company provisioning and performance guidelines for use between connecting companies and for consideration and use by the States. In support of these suggestions, the KCC states as follows:

I. SUMMARY

A. The FCC should develop inter-company provisioning and performance guidelines for use between connecting companies and States.

B. Services offered for resale should be required, at a minimum, to be equal in quality, reliability and provisioning to the equivalent service offered at retail by the incumbent provider.

C. The FCC should develop uniform agreements as to customer complaint investigation activities, and uniform guidelines regarding the principles used by companies to manage their respective networks during periods of abnormal conditions.

II. KCC'S INTEREST

The KCC is a state governmental body engaged in the regulation of utilities in the State of Kansas. The KCC is given full power, authority and jurisdiction to supervise and control all telecommunications public utilities doing business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction. Kan. Stat. Ann. § 66-1,188 (1992).

III. DISCUSSION

A. Interconnection, Collocation, and Unbundled Elements, ¶ 50.

The KCC recommends establishment of inter-company provisioning and performance guidelines for use between connecting companies. Just as end users of telecommunication services have a need to know how long it will take to provide the requested service and to have a clear idea of the level of performance (quality) to expect, so too do interconnecting companies have the same, if not greater, needs.

1. Provisioning.

"Provisioning," as used herein, refers to those activities necessary to meet requests for service. It includes: engineering, purchasing, installation and

operational functions which must be accomplished in order to provide needed capacity. The KCC suggests that provisioning guidelines be triggered upon receipt of an acknowledged bona fide request for service and that such guidelines be bracketed.

For example:

- The provisioning of initial interconnecting services, for which advance planning information was not provided to the incumbent company X number of days from receipt of the bona fide request.
- The provisioning of initial interconnecting services, for which advance planning information was provided to the incumbent company X number of days from receipt of the bona fide request. (The KCC would expect this to be a much shorter interval because advance planning/engineering information was provided. In addition, this type of incentive may serve to foster a higher degree of cooperation between service providers.)
- The provisioning of additional (growth) interconnecting services, for which advance planning information was not provided to the incumbent company X number of days from receipt of the bona fide request.
- The provisioning of additional (growth) interconnecting services, for which advance planning information was provided to the incumbent company X number of days from receipt of the bona fide request. (As noted above, the KCC would expect this to be a much shorter interval because advance information was provided.)

With such guidelines it will be necessary to clearly define a bona fide request for service and to differentiate such a request from the more routine inquiries and

operational exchanges which the KCC envisions occurring between connecting companies. The KCC expects that connecting providers would closely monitor actual provisioning intervals so as to be able, upon request, to clearly demonstrate non-discriminatory provisioning. Without guidelines to monitor this aspect of Interconnection, the State's job of investigating and resolving charges of discriminatory provisioning performance will be much more difficult and costly.

2. Performance.

"Performance" refers to the quality and reliability of service. As used herein, it includes, at a minimum: transmission performance, blockage, and overall service reliability. The KCC suggests that interconnection performance guidelines be developed and monitored Bellcore/RBOC standards now employed to engineer and monitor the public switched network (PSN) would serve as a good starting point.

As with provisioning issues, the KCC expects that connecting providers would closely monitor actual connecting company performance, so as to be able, upon request, to clearly demonstrate non-discriminatory performance. As stated above, the KCC believes that without guidelines to monitor this aspect of Interconnection, the State's job of investigating and resolving charges of discriminatory performance in this area will be much more difficult and costly.

3. Consequences of not Having Established Rules and/or Standards, ¶ 51.

The KCC believes that, without question, the task of arbitrating stalled negotiations will be much more difficult without uniform guidelines, to which the States can refer. In addition, such a void gives the more technically competent party

(typically the incumbent) a considerable negotiating advantage. However, the KCC's concern goes further. The KCC also believes that without uniform inter-company provisioning and performance guidelines, investigating and resolving service complaints between companies will be much more difficult and costly.

B. Resale Services and Conditions, ¶ 174-177.

The KCC believes that services offered for resale must, at a minimum, be equal in quality, reliability and provisioning to the equivalent service offered at retail by the incumbent provider. The KCC also believes that without uniform guidelines, investigating and resolving service complaints will be much more difficult, costly and frustrating for customers. In addition, the incumbent should be required to track actual performance with data to be readily available, upon request, by reseller(s) and incumbent customer base.

C. "Telecommunications Carriers" § 251(a) Duties, ¶ 245-249.

Two duties which have been omitted, or perhaps are not obvious, is that of customer complaint investigation and resolution and network management responsibilities. In the evolving competitive network where two, or more, competing service providers will be handling customer traffic, the KCC believes that uniform agreements as to customer complaint investigation activities are needed. The KCC suggests that a service provider be assigned the duty (responsibility) of investigating, coordinating (with connecting service providers) and following up (with connecting service providers) on all service complaints originated by their customers.

The KCC has concerns that as the Public Switched Network (PSN) evolves into a network of competing networks there may be incentives for companies to manage their respective networks focused on financial considerations, ignoring service considerations. The KCC believes there should be uniformity in at least the principles used by companies to manage their respective networks during periods of abnormal conditions. Such conditions include: focused overloads (eg. as frequently caused by radio station call-in contests or catastrophic events, etc.) and significant facility and/or switching failures.

The KCC suggests that uniform network management responsibilities be promulgated which optimize the performance of the PSN, during periods of abnormal network conditions. Such responsibilities should include: open and free exchange of network operational information necessary to effectively manage the PSN, making idle network capacity quickly available to competing carriers during such conditions, control of (blocking) traffic which has a very low probability of completion as close to the point of origin as possible. Where traffic is blocked by network management controls and routed to announcements, generic wording should be used with no reference to the name of the company in whose network the abnormal condition may have occurred.

IV. CONCLUSION

For the foregoing reasons, the KCC respectfully requests that the FCC incorporate the positions outlined above in the final rule issued in this proceeding.

Respectfully submitted,

David Heinemann
General Counsel

Julie Thomas Bowles
Assistant General Counsel

Kansas Corporation Commission

1500 S.W. Arrowhead Road
Topeka, KS 66604

(913) 271-3110

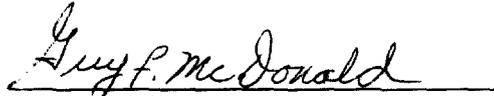
May 17, 1996

VERIFICATION

STATE OF KANSAS)
) SS:
COUNTY OF SHAWNEE)

Guy McDonald, of lawful age, being first duly sworn upon oath states:

That he is a Telecommunications Analyst with the Utilities Division of the Kansas Corporation Commission, has read the above, and believes it is true and correct to the best of his information, knowledge, and belief.



Guy McDonald

Subscribed and sworn to before me this 17th day of May, 1996.



Notary Public

My Appointment expires:

