U S WEST, Inc.
Suite 700
1020 Nineteenth Street, NW
Washington, DC 20036
202 429-3106
FAX 202 296-5157

EX PARTE OR LATE FILED

USWEST

Cyndie Eby
Executive Director-
Federal Regulatory

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

EX PARTE

November 19, 1996

Mr. William F. Caton
Federal Communications Commission
1919 M Street N.W., Room 222
Washington, D.C. 20554

RE: <u>CC Docket 96-149 -- Implementation of Non-Accounting Safeguards of Sections 271 & 272 of the Communications Act of 1934</u>

Dear Mr. Caton:

U S WEST Communications ("USWC") is re-submitting the letter that was filed with Cheryl Leanza yesterday regarding reporting requirements.

In accordance with Commissioner Rule 1.1206(a)(1), two copies of a letter to Cheryl Leanza are being filed with you for inclusion in the public record in the above-referenced proceeding. Acknowledgment and date of receipt are requested. A copy of this transmittal letter is provided for this purpose. Please contact me if you have questions.

Sincerely,

Cyndie Eby

No. of Copies rec'd 0+1
List ABCDE

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NOV 19 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

November 18, 1996

Ms. Cheryl Leanza
Common Carrier Bureau
Federal Communications Commission
1919 M Street N.W., Room 534
Washington, D.C. 20554

RE: CC Docket 96-149 -- Implementation of Non-Accounting Safeguards of Sections 271 & 272 of the Communications Act of 1934

Dear Ms. Leanza:

Per your request, U S WEST Communications ("USWC") is providing the following response regarding the need for additional reporting requirements in the above-mentioned proceeding.

The statute's nondiscriminatory provisioning requirements are clear. A BOC's interLATA affiliate will obtain network services from the BOC on the same terms and conditions as any other interLATA service provider. Given the volume of data currently filed with the FCC, state commissions, and available to carriers on an individual basis, the Commission should refrain from imposing any new data reporting requirements.

Sufficient Data Currently Available

There is significant and sufficient service provisioning data currently available to the industry from formal reports filed with the FCC and state commissions. That data, coupled with data provided on an as needed basis to individual carriers, provides the industry relevant performance metrics.

- Currently all Price Cap LECs file the FCC ARMIS 43-05 Service Quality Reports with the FCC. This report includes the following measurement tables for interexchange and local service:

  - I. Installation Intervals
  - II. Repair Intervals
  - III. Trunk Blockage
  - IV. Total Switch Down Time
  - IV.A Occurrence of 2 Minutes or More (Switch Down Time)
  - V. Service Quality Complaints

  The ARMIS reports present installation and maintenance data regarding the volume of orders/tickets, the percent of commitments met and average intervals for installation or repair.

- The Regional Bell Operating Companies and GTE submit quarterly ONA Nondiscrimination Reports - which present installation and maintenance performance measures (e.g., due dates missed, percent due dates missed, and average service interval) for ONA Services, which are both local exchange and interexchange services.

- USWC files significant provisioning, maintenance and service quality reports with its state utility commissions. These reports, which vary by state commission priorities, present various service provisioning metrics, such as time frames for access to company personnel, volume and duration of held orders, out of service intervals, trouble reports, repeat trouble reports, switch downtime, provisioning intervals, DA response, and transmission quality.

- Carriers can obtain necessary information as needed from access service providers. For example, as noted by Bell Atlantic[1], various LECs, USWC included, currently provide to AT&T information similar to what AT&T proposes in this proceeding[2]. In fact, USWC tracks and reports these measures per AT&T's stringent requirements.

Any additional reporting requirement will place burdensome costs on the access service providers, and is not in the best interest of the industry.

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[1] Bell Atlantic Network Service, Inc. letter to Cheryl A. Leanza of Policy and Program Planning Division, October 15, 1996
[2] AT&T Ex parte CC Docket No. 96-129, Letter to William F. Caton, Common Carrier Bureau Program and Planning Division, October 3, 1996

The Commission Should Refrain from Imposing New Reporting Requirements

Additional service quality reporting is unnecessary and unreasonable. The Commission should refrain from imposing any new data reporting requirements, for five reasons.

First, any new regulatory reporting requirement is contrary to the Telecom Act's deregulatory goal.

Second, to file carrier-specific data in a public report would be unreasonable. For competitive reasons, carriers are unlikely to want their individual service provisioning information released in a public document. It is USWC's policy and practice to safeguard each carrier's information and not provide it to competing carriers.

Third, individual carriers can rely on existing service quality reports filed with the FCC or the states, data provided to them individually, along with those metrics they create and track themselves, to assess the quality of the service they receive from a particular access service provider.

Fourth, the Telecommunications Act of 1996 established the means for individual negotiations between local exchange carriers and other telecommunications carriers. As Pacific Telesis noted in its October 18th letter[3] to Mr. Caton, carriers have differing information needs, which can be addressed in the negotiation process. From USWC's own experience, those items requested of USWC by AT&T are not the same quality components which interest all carriers. Therefore, the appropriate approach for individual carriers who seek information beyond what is currently filed with the FCC or the states is to utilize the negotiation and arbitration process.

Finally, the Commission's NPRM on Universal Service asked for input as to how the Commission can assess whether quality services are being made available to the marketplace. In response, the Federal-State Joint Board recommended the Commission refrain from establishing technical or service quality standards beyond the basic capability that carriers receiving universal service support must provide, and encouraged the Commission to rely on existing data to monitor service quality[4]. USWC recommends the Commission apply the same course of action regarding assessing the quality of access services, based on the volume of data currently available to the market place and the fact that the statute's Sec. 271 application process may result in additional data being reported at a state level. For example, states may require

[3] Pacific Telesis, CC Docket No. 96-149 Letter to William F. Caton, October 18, 1996.
[4] Federal-State Joint Board on Universal Service Recommended Decision, CC Docket No. 96-45, November 8, 1996, para. 104 - 106.

additional data beyond what is reported to them today, to support their verification of BOC compliance with the Section 271 competitive checklist.

In conclusion, the statute's nondiscriminatory provisioning requirements are clear. USWC believes the changing local service environment and the negotiation and arbitration process provide the means for carriers to obtain the information relevant to the relationship between itself and the access service provider. An additional reporting requirement will place burdensome costs on the access service providers, and is not in the best interest of the industry. The Commission should refrain from imposing any new data reporting requirements.

If you have any questions please call me.

Sincerely,

Cynthia Eby