

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
2000 Biennial Regulatory Review -) CC Docket No. 00-229
Telecommunications Service Quality)
Reporting Requirements)

COMMENTS OF THE RURAL LOCAL EXCHANGE CARRIERS

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Attachment A

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SUMMARY

The 40 rural local exchange carriers listed in Attachment A (collectively, the "Rural LECs"), by their attorney, submit these comments concerning the Notice of Proposed Rulemaking, FCC 00-399, released November 9, 2000, in the captioned proceeding.¹ The Rural LECs request the Commission to refrain from imposing the ARMIS service quality reporting requirements on small local exchange carriers (LECs). None of the Rural LECs currently files service quality reports at the state level. For some, the respective state regulatory commissions may request to review service quality data, or the LECs may need to file formal reports if their performance fails to meet some specific standards. Regardless of which type of state regulations apply to which of the Rural LECs, any federal reporting requirements would be a new burden for the small LECs, many of which would need to collect data and compile the reports by hand. Because there is no evidence of widespread performance problems for small LECs, there is no need to require them to engage in this burdensome process. The Commission's goal of minimizing reporting requirements for all LECs, and for small LECs in particular, mandates that the Commission refrain from extending

¹ 2000 Biennial Regulatory Review - Telecommunications Service Quality Reporting Requirements, CC Docket No. 00-229, Notice of Proposed Rulemaking, FCC 00-399 (rel. Nov. 9, 2000).

the ARMIS service quality reporting requirements to include small LECs.

Nevertheless, if the Commission were to impose service quality reporting requirements, it should make them voluntary for small LECs or those who are subject to few complaints about their performance. In situations where the small LECs would be required to file reports, so too should their wireline and wireless competitors.

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COMMENTS OF THE RURAL LOCAL EXCHANGE CARRIERS

The 40 rural local exchange carriers listed in Attachment A (collectively, the "Rural LECs"), by their attorney, respectfully submit these comments concerning the Notice of Proposed Rulemaking (NPRM), FCC 00-399, released November 9, 2000, in the captioned proceeding.¹ The Rural LECs request the Commission to refrain from imposing the ARMIS service quality reporting requirements on small local exchange carriers (LECs). Service quality reports would be very time-consuming for small LECs, many of whom would need to collect data and compile the reports by hand. Because there is no evidence of widespread performance problems for small LECs, there is no need to require them to engage in this burdensome process. The Commission's goal of minimizing reporting requirements for all LECs, and for small LECs in particular, mandates that the Commission refrain

¹ 2000 Biennial Regulatory Review - Telecommunications Service Quality Reporting Requirements, CC Docket No. 00-229, Notice of Proposed Rulemaking, FCC 00-399 (rel. Nov. 9, 2000) [hereinafter NPRM].

from extending the ARMIS service quality reporting requirements to include small LECs.

Background

The Rural LECs are small LECs serving rural areas of Colorado, Idaho, Illinois, Iowa, Maine, Nebraska, Ohio, Oklahoma, South Dakota, Virginia and Washington. None of the Rural LECs currently files service quality reports at the state level. For some, the respective state regulatory commissions may request to review service quality data, or the LECs may need to file formal reports if their performance fails to meet some specific standards.² Regardless of which type of state regulations apply to which of the Rural LECs, any federal reporting requirements would be a new burden for which there is no justification, as explained below.

I. It's a State Issue

As threshold matter, any decision to require, or not to require, service quality reporting for small LECs should be left to the states. As pointed out by the National Association of

² See, e.g., Neb. Admin. Code tit. 291, chap. 5, sec. 002.03-.04 (1997), available at <http://www.nol.org/home/NPSC/telerr.pdf> (requiring Nebraska LECs to retain information about trouble reports and service intervals, but not requiring them to file reports with the state commission).

Regulatory Utility Commissioners (NARUC): "States have traditionally established the specific quality of service standards in their jurisdictions, determined applicability, and monitored compliance."³ Indeed, the Commission previously has deferred to the states for determining the type of service quality data that may be appropriate. In the universal service proceeding, the Commission stated that it wanted the state commissions to submit service quality data that they obtain from their LECs. The Commission added:

We do not, however, establish the specific type of data that state commissions should submit to the Commission because imposing such requirements might hamper states' efforts to collect the data that they find to be most effective for ensuring service quality for their residents.⁴

Thus, if any service quality standards are to be developed, they should be developed by the state commissions based on their analyses of which data would be most useful in their situations. Indeed, as noted by the Commission, the state commissions are already involved in service quality issues concerning large, price cap LECs.⁵

³ Resolution Adopting NARUC State Staff Service Quality White Paper, NARUC, Nov. 11, 1998, available at <http://www.naruc.org/Resolutions/resoluta.htm>.

⁴ Federal-State Joint Board on Universal Service, Report and Order, 12 FCC Rcd. 8776, 8833 para. 100 (1997).

⁵ See, e.g., Qwest Communications International Inc. and U S WEST, Inc., Memorandum Opinion and Order, 15 FCC Rcd. 5376, 5404 n.164 (2000); Letter from Dorothy Attwood, Chief, Common

It is important to note that the Commission has not mentioned any service quality issues concerning small LECs. Thus, there is no reason to require small LECs to report on service quality.

II. If the Commission Were to Change the Existing ARMIS Service Quality Reporting Requirements, It Should Not Impose Them on Small LECs

Nevertheless, if the Commission were to revise the existing ARMIS service quality reporting requirements, the Rural LECs request the Commission to refrain from imposing those requirements on small LECs. As demonstrated below, service quality reporting would be a burdensome, unnecessary task.

A. Collecting Data and Generating Reports Would Be a Time-Consuming Process

Many small LECs do not have software that would collect the data and generate the reports proposed by the FCC in the NPRM, Appendix B. A LEC with a few thousand lines may not need to use a computer to handle its day-to-day service calls.

Even if a LEC uses a computer to track its service orders, the data may not be collected in a way that facilitates the measurements proposed by the Commission. For example, a

Carrier Bureau, to Mr. James W. Calloway, Group President--SBC Services, SBC Communications, Inc., DA 00-2298, 2000 FCC LEXIS 5339, dated Oct. 6, 2000.

database may contain information such as the date an order is placed and the date it was completed. Without having information about the date that the order was scheduled to be completed, the computerized data would not be sufficient to determine whether an installation was late. For example, a customer may call the telephone company on August 15 to schedule service installation in a new home on September 30. The database would not show that service installation on September 30 is an on-time installation. In order to determine whether the service was completed on time and if not, whether the completion date exceeded the promised date by any specific threshold, each service order would need to be reviewed by hand and compared to the company's written records.

And even if the computerized data included the date that the service was promised, the data may not be disaggregated between "installations" of new service vs. other services, such as disconnections, the addition or removal of calling features, and changes to telephone jacks. In that case, the data would need to be disaggregated by hand.

Even if a database were to contain the service order promised date and completion date and have the services disaggregated appropriately, the data may not be disaggregated between residential and business services. The data would need to be disaggregated by hand. A small LEC with 8,000 lines may

handle 14,000 service orders each year. The task of disaggregating 14,000 data points between residential and business lines, or disaggregating the 14,000 data points between new installations and other services, would be a very labor-intensive process.

And even if a database were to contain all of the necessary data, disaggregated as required, the associated software may not be able to generate the reports required by the Commission. For example, the database may have the information necessary to determine how many installations were delayed beyond a particular time threshold, but the software may not be programmed to perform that calculation. So the calculations necessary to create reports would need to be done by hand.

Using manual processes for each performance measurement required for a service quality report could readily consume 1 or 2 hours a day for a small LEC. On an annual basis, the reports could therefore consume about 260 to 520 hours of staff time. If we were to use a rate of \$15 per hour for illustrative purposes, the service quality reports could cost about \$3,900 to \$7,800 per year for a small LEC.

At least half of the Rural LECs would need to use manual processes, even if some of the data is computerized. For some LECs, the estimate of 1 to 2 hours a day may be seem low; for others, it may be high. Even those LECs that would consider

developing software to collect the necessary data and generate reports may consider an estimated cost of \$7,800 per year as being low, especially when they would likely need to add staff time to the cost of developing the software. Indeed, it is difficult for small LECs to determine an accurate estimate of their costs without knowing exactly what measurements would be required, what methods would be used for submitting the data to the FCC, and how often the reports would be filed.

It is even more difficult to estimate how many of the 1300 or so small LECs nationwide would have to use manual processes to collect service quality data and generate service quality reports. However, if we were to extrapolate from the Rural LECs' experience and assume that about one-half of the 1300 or so small LECs (e.g., 650 LECs) would have to use manual processes, and that they would need to spend 1 or 2 hours a day processing the data, those 650 small LECs would use a total of 169,000 to 338,000 hours per year of staff time to comply with service quality reporting requirements. By applying the \$15 per hour estimate used above, the cost would be about \$2.5 million to \$5 million for the 650 small LECs alone. The cost for the other 650 or so small LECs to comply with the service quality reporting requirements would need to be added to this estimate. And the estimate may need to be increased to account for

software development and additional reporting or measurement requirements.

The Commission's estimate of the paperwork burden does not approach these cost estimates because the Commission's calculation did not take into consideration the impact on small LECs. The Commission estimated that 12 companies would need to file service quality reports, at no additional cost to those companies.⁶ But if the service quality reporting requirements were extended to small LECs, the number of companies filing reports would exceed 1300, and the cost, as shown above, could readily exceed the \$0 Commission estimate by millions of dollars.

B. The Commission Should Be Reducing, Not Increasing, Report Filing Requirements

A service quality reporting requirement for small LECs would come on the heels of a long list of forms and reports that LECs have been required to file since the adoption of the Telecommunications Act of 1996. These forms and reports include the Numbering Resource Utilization/Forecast Report,⁷ the

⁶ 2000 Biennial Regulatory Review - Telecommunications Service Quality Reporting Requirements, 65 Fed. Reg. 75,657, 75,657 (FCC proposed Dec. 4, 2000).

⁷ See Numbering Resource Optimization, Order, FCC 99-200, 2000 FCC LEXIS 3961, para. 4 n.9 (rel. July 31, 2000) (FCC Form 502).

Telecommunications Reporting Worksheet,⁸ the Local Competition and Broadband Reporting form,⁹ the Lifeline and Link Up Worksheet¹⁰ which requires a Service Provider Identification Number obtained via a Service Provider Information Form,¹¹ the upcoming report on slamming complaints,¹² the CALEA policies and procedures manual,¹³ and the proposed mandatory CORES Registration Form, CORES Update/Change Form and CORES Certification Form.¹⁴ These reporting requirements have been increasing, despite the Commission's "on-going commitment to

⁸ See 1998 Biennial Regulatory Review--Streamlined Contributor Reporting Requirements Associated With Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Report and Order, 14 FCC Rcd. 16,602, 16,603 (1999).

⁹ See Local Competition and Broadband Reporting, Report and Order, 15 FCC Rcd. 7717 (2000) (Local Competition and Broadband Data Gathering Program) (FCC Form 477).

¹⁰ See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 12,208 para. 43 (2000) (FCC Form 497).

¹¹ FCC Form 497, available at <http://www.universalservice.org/li/forms/>.

¹² See Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 and Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, Third Report and Order and Second Order on Reconsideration, 15 FCC Rcd. 15,996 para. 114 (2000).

¹³ See Communications Assistance for Law Enforcement Act, Third Report and Order, 14 FCC Rcd. 16,794 (1999).

¹⁴ FCC Forms 160, 161, 162, available at <http://www.fcc.gov/formpage.html>.

eliminate unnecessary and burdensome regulation, including reporting requirements."¹⁵ In addition, in the Staff Report for Biennial Regulatory Review 2000, the Staff recommends "that the Commission redouble its efforts to ensure appropriate accommodations for small telephone companies."¹⁶ Even in the NPRM, the Commission states that it is "particularly mindful of the cost of collecting information, particularly on small carriers," and that it is "intent on minimizing such costs."¹⁷ These laudable goals of minimizing regulations and ensuring appropriate accommodations for small LECs can be met in this proceeding by maintaining the status quo of not including small LECs in any service quality reporting requirements.

C. NARUC's Reasons for Standardized Service Quality Measurements Do Not Support Their Application to Small LECs

The Rural LECs are mindful of NARUC's proposals for the FCC to adopt standardized methods for measuring service quality data. But those proposals - contained in the NARUC Service

¹⁵ Revision of Filing Requirements, Report and Order, 11 FCC Rcd. 16,326, 16,327 (1996).

¹⁶ Biennial Regulatory Review 2000, Staff Report, at 15, dated Sept. 18, 2000, in Biennial Review 2000 Staff Report Released, Public Notice, 2000 FCC LEXIS 5034 app. A (rel. Sept. 19, 2000).

¹⁷ NPRM para. 29.

Quality White Paper (White Paper) adopted in 1998¹⁸ - should not be applied to small LECs, for several reasons.

First, and most important, the White Paper states that the proposals are "not intended to require that a company not already reporting for state or federal purposes would be required to do so for this report."¹⁹ Thus, NARUC clearly does not want any service quality reporting requirements to be applied to small LECs that do not file reports at the state or federal level, as is the case for the Rural LECs. NARUC took this position notwithstanding its decision to urge the FCC to extend the reporting requirements to include "data from rural areas."²⁰ NARUC wanted to ensure that the large LECs that were already filing service quality reports would include data from the rural areas that they serve. Even in the resolutions adopted at NARUC's Annual Convention in November 2000, NARUC did not urge the FCC to require small, rural LECs to file service quality data. NARUC stated only that the existing service quality reports should, in general, be retained, and NARUC pointed out that "[l]arge local phone companies have made no

¹⁸ Id. app. C.

¹⁹ Id. app. C, sec. I.

²⁰ Resolution Regarding a Federal Service Quality Reporting Program, NARUC, Mar. 4, 1998, available at <http://www.naruc.org/Resolutions/winter98.htm> (urging the FCC to consider collecting service quality data for ILECs and CLECs, and to include data for rural areas as well).

evidentiary showing that the current reporting levels cause significant burdens on the reporting carriers."²¹ In sum, NARUC does not want new reporting requirements to be imposed on companies that do not currently file reports. NARUC only wants changes to reports already being filed by large LECs.

Second, in particular, NARUC wanted to give states a mechanism for comparing the service quality of any one LEC in one state with the service quality of that LEC in other states that it serves.²² The Commission also envisions its role as a clearinghouse for data concerning carriers that operate on a national scale, or that have multistate entry strategies.²³ But that is not an issue for small LECs. Almost all small LECs provide service in only one state, so there is only one state in which they could report service quality data. Thus, there is no need for comparing service quality data across states, and no need for federal involvement to provide standardized service quality measurements.

²¹ Resolution on Telephone Service Quality Reporting, NARUC, Nov. 15, 2000, available at http://www.naruc.org/Resolutions/2000_conv/tel_telephone_service_.htm.

²² See NPRM app. C, sec. I.

²³ Id. para. 5.

Third, the White Paper proposes to expand the service quality reporting requirements to include CLECs.²⁴ While the Rural LECs support such evenhanded regulation, the proposal to include CLECs operating in the service areas of large LECs does not mandate an expansion of reporting requirements to include small LECs serving rural areas.

Fourth, NARUC proposed expanded service quality reporting requirements as a way to monitor what NARUC saw as possible decreases in service quality among the large LECs which file ARMIS reports.²⁵ NARUC has not shown that there are any service quality problems for small LECs. Thus, there are no service quality concerns to justify expanding the service quality reports to include small LECs.

Finally, the Commission states that NARUC's proposals would eliminate duplicative reporting requirements.²⁶ But duplicative reporting requirements are not currently an issue for the Rural LECs. Even if their state regulatory commissions were to adopt service quality reporting requirements, there still would be no

²⁴ Id. app. C, sec. II.

²⁵ Resolution Regarding Telecommunications Service Quality, NARUC, Nov. 10, 1999, at <http://www.naruc.org/Resolutions/99annual.htm>.

²⁶ Implementation of the Telecommunications Act of 1996; Accounting Safeguards Under the Telecommunications Act of 1996, Second Order on Reconsideration, 15 FCC Rcd. 1161, 1164 n.19 (2000).

"duplicative reporting requirements" unless the Commission were to adopt service quality reporting requirements for the small LECs.

In sum, NARUC's proposals should be taken as is - that is, any changes to service quality reporting should be made to the existing reports, not to the entities that must file those reports.

D. ARMIS Reports Don't Fit Small LECs

Indeed, the reason why there are so many obstacles to applying the ARMIS service quality reports to small LECs is that the ARMIS reports were designed for large LECs. The ARMIS reports have their origin in service quality reports that the Commission had imposed on the Bell Companies ever since divestiture.²⁷ Then, in 1991, when the Bell Companies and GTE became subject to price cap regulation, the Commission expanded the service quality reports.²⁸ The Commission wanted to ensure that price cap LECs would maintain a high level of service quality.²⁹ The Commission could readily adopt complex reporting requirements for the Bell Companies and GTE because, after all,

²⁷ Policies and Rules Concerning Rates for Dominant Carriers, Memorandum Opinion and Order, 6 FCC Rcd. 2974, 2978 (1991) [hereinafter Service Quality Order].

²⁸ NPRM para. 8.

²⁹ Id.

these large LECs had computer and staff resources that could readily produce the necessary reports.³⁰ Now, the Commission proposes to apply service quality reports to small LECs, even though there is no reason to be concerned about the quality of service provided by the small LECs and even though the small LECs do not have computer and staff resources readily available to implement ARMIS reports, even in a streamlined form. The bottom line is that the proposal to apply ARMIS service quality reports to small LECs is like trying to fit a square peg into a round hole.

Just three years ago, the Commission considered proposals to require small LECs to file service quality reports and deemed them to be inconsistent with the Telecommunications Act of 1996.³¹ The Commission stated that "imposing federal service quality reporting requirements could be overly burdensome for carriers, particularly small telecommunications providers that may lack the resources and staff needed to prepare and submit the necessary data."³² The Commission added:

We will not extend ARMIS [service quality] reporting requirements to all carriers because we find that

³⁰ See Service Quality Order para. 8 (noting that the LECs complained about the burden but suggested only minor changes to the reports).

³¹ Federal-State Joint Board on Universal Service, Report and Order, 12 FCC Rcd. 8776 (1997).

³² Id. at 8832 para. 99.

additional reporting requirements would impose the greatest burdens on small telecommunications companies. Although we recognize service quality to be an important goal, we conclude that implementing federally-imposed service quality or technical standards . . . would be inconsistent with the 1996 Act's goal of a "pro-competitive, de-regulatory national policy framework" because of the administrative burden on carriers resulting from the compilation and preparation of service quality reports that would be required for the Commission to assess whether carriers were meeting those standards.³³

Requiring small LECs to file service quality reports would still be inconsistent with the 1996 Act due to the administrative burden of compliance.

This is true notwithstanding a more recent Commission decision denying a request for forbearance from service quality reports for mid-sized LECs. In 1998, the Independent Telephone and Telecommunications Alliance (ITTA), a group of mid-sized LECs, asked the FCC to forbear from applying service quality reports to mid-sized LECs.³⁴ The Commission denied the request, and gave four reasons: (1) state commissions rely on the existing service quality data; (2) the LECs exhibit service quality problems; (3) consumers should have access to service quality data as competition emerges; and (4) the reports would

³³ Id.

³⁴ 1998 Biennial Regulatory Review -- Review of ARMIS Reporting Requirements; Petition for Forbearance of the Independent Telephone and Telecommunications Alliance, Report and Order in Cc Docket No. 98-117, Fifth Memorandum Opinion and Order in AAD File No. 98-43, 14 FCC Rcd. 11,443 (1999).

ensure that rates are just, reasonable and nondiscriminatory.³⁵ The first reason - state use of federal data - is inapplicable here because there are no existing requirements for the small LECs to file service quality data at the FCC. The second reason - poor service quality - is inapplicable because there are no widespread service quality problems among the small LECs. The third reason - competition -- is inapplicable because less competition has emerged in the rural areas served by small LECs.³⁶ Finally, the fourth reason - rates - is inapplicable because the state commissions have jurisdiction over the rates that consumers pay for services provided by small LECs.

In sum, neither the Commission's development of ARMIS service quality reports for large LECs, nor its more recent decision to retain service quality reports for mid-sized LECs, supports the application of service quality reports to small LECs.³⁷

³⁵ Id. at 11,463-64 paras. 38-39.

³⁶ The FCC reports that CLECs serve only about 6.7% of customers nationwide. Federal Communications Commission Releases Data on Local Telephone Competition, News Release, released Dec. 4, 2000. This percentage must be much lower in rural areas. See Biennial Review 2000 Staff Report Released, Public Notice, FCC 00-346, 2000 FCC LEXIS 5034 (rel. Sept. 19, 2000) ("Competition for business customers in metropolitan areas has, in general, developed more rapidly than competition for residential customers or customers in rural areas.").

³⁷ The Rural LECs note that they are not taking a position on whether service quality reporting should be imposed on larger LECs if it is not imposed on small LECs.

E. As an Alternative, Make the Reports Voluntary

Nevertheless, if the Commission were to decide to impose reporting requirements on small LECs, it should, at a minimum, make them voluntary for either of two categories of LECs. First, a LEC could be exempted if it is not subject to a threshold number of performance complaints at the relevant state commission. The reporting threshold could be set at a percentage of the number of customers served by that particular LEC. For example, a LEC that is subject to service quality complaints filed at the relevant state commission by more than 10% of its customers in any calendar year could be made subject to mandatory reporting requirements. Such a rule would be consistent with the Commission's goal of ensuring quality service,³⁸ because the Commission would continue to be able to monitor service quality whenever it was necessary to do so. Second, LECs that have fewer than 1,500 employees - corresponding to the SBA's definition of "small business"³⁹ - could be exempt from the mandatory reporting requirements. This exemption would be consistent with the Commission's goal to "not increase" its reporting requirements,⁴⁰ and to minimize the costs

³⁸ See NPRM para. 11.

³⁹ See id. app. D, sec. III.

⁴⁰ Id. para. 15.

imposed on small LECs.⁴¹ This exemption also would be similar to the rules applied to airlines which are mandatory only for the largest carriers.⁴²

In sum, if the Commission were to impose service quality reporting requirements on small LECs, the Rural LECs would support the Commission's proposal to make the service quality reports voluntary for certain LECs.⁴³ By implementing voluntary reporting, the Commission would be acknowledging that service quality reports are not needed where there are no service quality problems. And frankly, service quality problems are all but nonexistent for small LECs.

F. If Required for Small LECs, Service Quality Reporting Should Extend to All Wireline and Wireless Competitors

In instances where a small LEC would be subject to service quality reporting, either because the Commission makes it mandatory for all small LECs or because more than a threshold number of complaints are filed against the LEC, the reporting requirement should extend to all wireline and wireless competitors of the small LEC. The Commission's justification for imposing service quality reporting is to enable consumers to

⁴¹ See id. para. 29.

⁴² See id. para. 12.

⁴³ Id. para. 30.

compare the service quality of competing LECs.⁴⁴ In situations such as those faced by the Rural LECs, most of which do not have wireline local exchange competition, consumers would need to compare service quality of all competitors of the LEC, including the wireless service providers. In fact, with the wireless providers seeking ETC status in states served by the Rural LECs, it is only logical that the wireless providers would be subject to the same reporting requirements as their wireline competitors.

In that event, the proposed reports should be modified to reflect the differences between wireline and wireless services. For example, wireless end users undoubtedly understand that service initiation for wireless service is usually a matter of hours, whereas service initiation for wireline service can take much longer if outside plant facilities must be installed. A report containing service installation intervals for wireline and wireless companies would present very predictable information. By comparison, it may be more beneficial for potential wireless customers to have access to measurements of sound quality, the number of calls dropped, and holes in the wireless carrier's coverage area, so that they would be able to make more informed decisions about selecting wireless service.

⁴⁴ Id. paras. 3, 29.

In sum, while the Rural LECs do not support the imposition of burdensome, unnecessary service quality reporting on small LECs, if the Commission were to adopt such requirements, all of the LECs' competitors, including wireless service providers, should have to file service quality reports. The reports would then need to be modified to provide information that would be useful to potential customers of those competitors.

III. The Proposed Core Service Quality Reporting Requirements Need to Be Clarified

If the Commission were to impose the Proposed Core Service Quality Reporting Requirements⁴⁵ on small LECs, the Rural LECs request the Commission to clarify the performance data categories, including "installation orders," "missed installations," "installation intervals" and "out-of-service troubles," as discussed below.

A. Installation Orders

The NARUC White Paper defines "installation orders for basic service" to include "new orders, transfer orders, and change orders."⁴⁶ It is not clear whether the Commission would adopt a similar definition for the installations included in the

⁴⁵ NPRM app. B.

⁴⁶ Id. app. C, sec. III(1).

Core Service Quality Reporting Requirements. For some LECs, the term "installation" applies only to orders for new service. The term "transfer orders" would apply to moves or rearrangements of service, and "change orders" would include additions or reductions of services ordered by a customer, such as the addition of a custom calling feature. In sum, "installation orders" would need to be clearly defined so LECs would know whether transfer orders and change orders were included.

B. Missed Installations

The term "missed installation" is defined in terms of the date and time of the commitment to the customer.⁴⁷ But the systems used by small LECs may not permit the entry of the time of the appointment, so any comparison of appointment times vs. the times of service provision would need to be done by hand. To reduce the reporting burden on small LECs, the time of the commitment should be eliminated from the definition of "missed installation."

C. Installation Intervals

As for installation intervals, the Rural LECs agree that "average completion time" may not provide "an accurate

⁴⁷ Id. para. 17.

picture."⁴⁸ For small LECs serving rural areas, a simple factor such as the location of the customer could cause the LEC to miss the projected completion date. For example, suppose that a new customer parks a mobile home in a remote location and that the outside plant serving that location was stranded years before and has deteriorated over time. The installation of new service may be delayed by unanticipated repairs to, or replacement of, outside plant. In other situations, installation delays could be caused by great fluctuations in weather, such as snowstorms or floods. The customers themselves could cause installation delays by not being at home when access to inside wiring may be required. A straightforward calculation of "average completion time" would not take into consideration any of these delays which are beyond the control of the LEC. The solution would be to eliminate installation intervals from any service quality reports, or to include only those installations that were not influenced by third parties or other unpredictable events.

IV. None of the Supplemental Reporting Requirements Should Be Applied to Small LECs

If the Commission were to impose service quality reporting on small LECs, it should keep the reporting requirements to a minimum, and refrain from imposing any of the requirements that

⁴⁸ Id. para. 18.

would be supplemental to the Proposed Core Service Quality Reporting Requirements, as discussed below.

A. Outage Reporting

The Commission asks whether service quality reports should include information about network outages.⁴⁹ That would be unnecessary. The Commission already has outage reporting requirements,⁵⁰ and many states, such as Nebraska, already require LECs to report network outages.⁵¹ There is no need for another outage report. If the Commission wants the outage information that some LECs provide to the states, it could ask the state commissions to provide that information.

B. State-Level Complaints

The Commission asks whether service quality reports should include the number of complaints filed against the carriers at the federal and state levels.⁵² The NARUC White Paper makes a similar proposal.⁵³ But the FCC and the state regulatory

⁴⁹ Id. para. 40.

⁵⁰ See id. para. 7 n.9.

⁵¹ Neb. Admin. Code tit. 291, chap. 5, sec. 002.03 (1997), available at <http://www.nol.org/home/NPSC/telerr.pdf>.

⁵² NPRM para. 41.

⁵³ Id. app. C, sec. III(4)(a).

commissions already have this information. Indeed, the FCC publishes reports that list the telephone companies that have received the greatest number of complaints.⁵⁴ There is no need to require small LECs to place the information in a report and hand it to the FCC.

C. Customer Surveys

The Commission proposes to eliminate its current requirement for LECs to perform customer satisfaction surveys.⁵⁵ But the NARUC White Paper proposes to include survey results in the service quality reports.⁵⁶ The Rural LECs support the Commission's proposal, especially to the extent that any survey requirements would otherwise be applied to small LECs. Telephone surveys do not necessarily yield reliable information as customers often take the opportunity to comment on issues other than the ones addressed in the surveys. In addition, in rural areas, telephone company staff hear about the customers' concerns as they go about their lives -- buying groceries, getting gasoline or attending their children's ball games. No

⁵⁴ E.g., Trends in Telephone Service, Table 3.3, Mar. 2000 (Complaint Indices for Local Exchange Carriers Served 20 or More Complaints), in FCC Releases New Telephone Penetration Report, News Release, 2000 FCC LEXIS 1644 (rel. Mar. 30, 2000).

⁵⁵ NPRM para. 42.

⁵⁶ Id. app. C, sec. III(4)(b).

formal survey is needed. In fact, because the cost of such surveys would be borne by the customers, the customers may complain that their telephone charges were being used to perform unnecessary surveys. In sum, mandatory telephone surveys should not be applied to small LECs.

D. Answer Time Performance

The NARUC White Paper suggests that LECs should capture data about calls received and the average waiting time for all calls answered live.⁵⁷ The Commission asks whether LECs should report the length of time customers wait on hold before speaking to a customer service representative.⁵⁸ The Rural LECs oppose such requirements.

If small LECs were required to collect such data, the Heisenberg Uncertainty Principle would come into play, and the data would be skewed by the act of measuring the times involved. Many small LECs do not have automatic call distribution (ACD) systems to generate the data suggested by the Commission and NARUC. The people who are supposed to be answering the calls would need to also be collecting the data. But having those people keep such detailed information about the calls received would affect their ability to answer the calls.

⁵⁷ Id. app. C, sec. III(5).

⁵⁸ Id. para. 23.

And as noted above, if the customers of small LECs have any complaints about service, including call answer times, the customers often will tell the staff in person. There is no need to collect data and create reports. But if the Commission were to add answer-time performance data to service quality reports that it would impose on small LECs, the requirement should be modified to fit LECs that do not have ACD systems without degrading their answer time performance.

E. Internet Posting

The Commission asks whether LECs should be required to post their service quality data on websites.⁵⁹ Many small LECs do not have websites. And even if a LEC has a website, the question would be how many customers would look at the website for service quality data - especially when small LECs are not experiencing performance problems. The Rural LECs therefore oppose any Internet posting requirements.

Nevertheless, if the Commission were to adopt a rule requiring service quality data to be posted on the Internet, the rule should explicitly apply only to those LECs that already have websites. This is the compromise that the Commission reached when it adopted Internet posting requirements for domestic, interstate, interexchange carriers; that is, only those carriers with websites were required to post information on the Internet.⁶⁰

⁵⁹ Id. paras. 35-36.

⁶⁰ See Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as Amended, Second Order on Reconsideration and Erratum, 14 FCC Rcd. 6004, 6015-16 para. 18 (1999).

F. Records Retention

The Commission asks whether it should require LECs to retain service quality records for a specific period of time.⁶¹ There is no reason to adopt federal rules for records retention. LECs already retain records for a myriad of other reasons.

Conclusion

For the foregoing reasons, the Rural LECs respectfully request the Commission to refrain from requiring small LECs to file service quality reports. Collecting the data and generating the reports would be very time-consuming, burdensome tasks with little benefit to consumers. If there were service quality problems for small LECs, the state commissions would be the appropriate agencies to collect and monitor service quality data. Nevertheless, if the Commission were to impose service quality reporting requirements, it should make them voluntary for small LECs or those who are subject to few complaints about their performance. In situations where the small LECs would be

⁶¹ NPRM para. 38.

ATTACHMENT A

RURAL LOCAL EXCHANGE CARRIERS

Arlington Telephone Company
Armour Independent Telephone Co.
Beresford Municipal Telephone Company
Big Sandy Telecom Inc.
Bridgewater-Canistota Telephone Co.
China Telephone Co.
Chouteau Telephone Company
Clarks Telecommunications Co.
Columbine Telecom Company
Consolidated Telco, Inc.
Consolidated Telephone Company
C-R Telephone Company
Eastern Nebraska Telephone Company
Ellensburg Telephone Company
Fremont Telecom
Great Plains Communications, Inc.
K & M Telephone Company, Inc.
Kadoka Telephone Co.
Kennebec Telephone Company, Inc.
Maine Telephone Co.
Northeast Nebraska Telephone Company
Northland Telephone Company of Maine, Inc.
Odin Telephone Exchange Inc.
Peoples Mutual Telephone Company
RC Communications, Inc.
Roberts County Telephone Cooperative Association
Rock County Telephone Company
Sidney Telephone Company
Southeast Nebraska Telephone Company
Standish Telephone Co.
Stanton Telecom, Inc.
Sunflower Telephone Company Inc.
The Blair Telephone Company
The Columbus Grove Telephone Company
The El Paso Telephone Company
The Nebraska Central Telephone Company
The Orwell Telephone Company
Union Telephone Company of Hartford
Western Iowa Telephone Association
YCOM Networks