

**EXHIBIT M**

**BEFORE  
THE DISTRICT OF COLUMBIA  
PUBLIC SERVICE COMMISSION**

**In the Matter of**

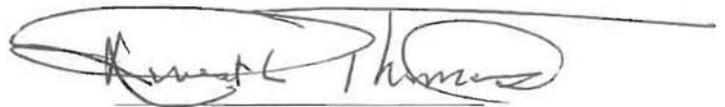
**The Petition of the Office of the People's  
Counsel for an Investigation into the  
Reliability of Verizon's  
Telecommunications Infrastructure  
in the District of Columbia**

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**Formal Case No. \_\_\_\_\_**

**AFFIDAVIT OF ERNEST L. THOMAS IN SUPPORT OF THE OFFICE OF THE  
PEOPLE'S COUNSEL'S PETITION FOR AN INVESTIGATION INTO THE  
RELIABILITY OF VERIZON'S  
TELECOMMUNICATIONS INFRASTRUCTURE IN THE DISTRICT OF COLUMBIA**

1. I, Ernest L. Thomas, reside at 1845 Harvard Street, NW, Apt. 927 Washington, DC 20009 in Ward 1.
2. I fully support the Office of the People's Counsel Petition for an Investigation into the Reliability of Verizon's Telecommunications Infrastructure in the District of Columbia.
3. I am a Verizon landline phone service customer. I have experienced constant quality of service problems with Verizon for some years now and have experienced loss of service. Verizon technicians have visited my residence at Harvard Tower Apartments and nothing has been done with the quality of service.
4. Harvard Tower Apartments hosts a number of people (about 200 or so) with Life Alert systems who desperately need their LAN line telephones at all times, especially in case of an emergency.
5. Verizon charges us for lines that are very old and loosely hanging in the building's maintenance room. Verizon need to come up with a plan as to keep our services on at all times.



Ernest L. Thomas

09 | 29 | 11

Date

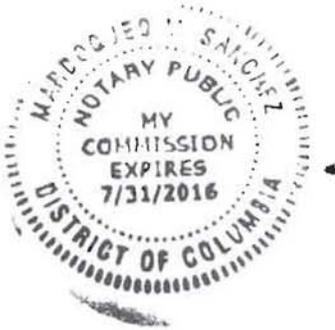
Subscribed and sworn before me this 29<sup>th</sup> day of September, 2011.



Notary Public

*Notary Seal*

Mardoqueo M. Sanchez  
Notary Public, District of Columbia  
My Commission Expires 7/31/2016



**EXHIBIT N**

**BEFORE  
THE DISTRICT OF COLUMBIA  
PUBLIC SERVICE COMMISSION**

**In the Matter of**

**The Petition of the Office of the People’s  
Counsel for an Investigation into the  
Reliability of Verizon’s  
Telecommunications Infrastructure  
in the District of Columbia**

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**Formal Case No. 1090**

**AFFIDAVIT OF PHYLISS STEWART-THOMPSON IN SUPPORT OF THE OFFICE  
OF THE PEOPLE’S COUNSEL’S PETITION FOR AN INVESTIGATION  
INTO THE RELIABILITY OF VERIZON’S  
TELECOMMUNICATIONS INFRASTRUCTURE IN THE DISTRICT OF COLUMBIA**

1. I, Phyliss Stewart-Thompson, state under oath as follows:
2. I reside at 438 Luray Place, NW, Washington, DC 20010.
3. I fully support the Office of the People’s Counsel Petition for an Investigation into the Reliability of Verizon’s Telecommunications Infrastructure in the District of Columbia.
4. I am a Verizon landline phone service customer. Beginning on August 29, 2011 to date, I have been without telephone service. My phone rings and then the calls are immediately forwarded to voicemail.
5. When I contacted Verizon to report the outage, I had to wait to speak to a customer service representative for at least an hour. I was told by the call service supervisor, Paul Serato, that my outage is an “engineering problem” that has to be fixed by an engineer, not a service technician. Mr. Serato also informed me that he has no way of knowing when my phone service will be restored.

6. Verizon has informed me that restoral of my phone service is complex and will not be completed for several weeks. Verizon further informed that this will result in a permanent solution. Nonetheless, I have no confidence that Verizon will restore my service within 30 days and remain concerned about my service failing again.



Phyliss Stewart-Thompson

September 26, 2011

Date

Subscribed and sworn before me this 26<sup>th</sup> day of September, 2011.



Notary Public

Notary Seal

LETA L. HOLLEY  
D. C. NOTARY PUBLIC  
999 E STREET, N.W. ROOM 801  
WASHINGTON, D.C. 20463  
COMMISSION EXPIRES 4/14/2013

**EXHIBIT O**

**BEFORE  
THE DISTRICT OF COLUMBIA  
PUBLIC SERVICE COMMISSION**

**In the Matter of**

**The Petition of the Office of the People's  
Counsel for an Investigation into the  
Reliability of Verizon's  
Telecommunications Infrastructure  
in the District of Columbia**

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**Formal Case No. \_\_\_\_\_**

**AFFIDAVIT OF MARTHA THOMAS IN SUPPORT OF THE OFFICE OF THE  
PEOPLE'S COUNSEL'S PETITION FOR AN INVESTIGATION INTO THE  
RELIABILITY OF VERIZON'S  
TELECOMMUNICATIONS INFRASTRUCTURE IN THE DISTRICT OF COLUMBIA**

1. I, Martha Thomas, reside at 4625 13<sup>th</sup> Street, NW, Apt. 201, Washington, DC 20011 in Ward 4.
2. I fully support the Office of the People's Counsel Petition for an Investigation into the Reliability of Verizon's Telecommunications Infrastructure in the District of Columbia.
3. I am a Verizon landline phone service customer. I have experienced constant quality of service problems with Verizon for some years now and have experienced lost of service twice in a three week period. Verizon technicians have visited my residence and my phone came on after four days and now it is out again since Monday September 12, 2011.
4. Specifically, I have experienced frequent phone service outages when it rains or during other inclement weather. I also have experienced persistent static interference on the line and other phone service interruptions, independent of the weather.



Martha Thomas

9/23/11

Date

Subscribed and sworn before me this 9 day of 23, 2011.

  
Notary Public

Notary Seal

Tamika R. Dodson  
Notary Public, District of Columbia  
My Commission Expires 9/14/2013

## **EXHIBIT P**

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, NW, SECOND FLOOR, WEST TOWER  
WASHINGTON, DC 20005

ORDER

February 24, 2014

FORMAL CASE NO. 1090, IN THE MATTER OF THE INVESTIGATION INTO  
THE RELIABILITY OF VERIZON WASHINGTON, DC'S  
TELECOMMUNICATIONS INFRASTRUCTURE, Order No. 17389

**I. INTRODUCTION**

1. By this Order, the Public Service Commission of the District of Columbia ("Commission") grants in part and denies in part the Application of Verizon Washington, DC Inc. ("Verizon DC") for Reconsideration of Commission Order No. 17313<sup>1</sup> ("Verizon DC Application").<sup>2</sup> Verizon DC shall submit the remedial plans required by Order No. 17313, as modified by this Order, within 30 days of the date of this Order.

**II. BACKGROUND**

2. On August 26, 2011, the Office of the People's Counsel ("OPC") filed a petition to investigate the reliability of Verizon DC's telecommunications infrastructure ("OPC Petition").<sup>3</sup> In Order No. 16586, the Commission opened *Formal Case No. 1090* to investigate OPC's Petition.<sup>4</sup> After receiving input from the parties, the Commission established an issues list for this proceeding in Order No. 16692.<sup>5</sup> The issues are:

- 1) How should service degradation be measured in the District of Columbia to determine whether a service degradation problem exists?

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<sup>1</sup> *Formal Case No. 1090, In the Matter of the Investigation into the Reliability of Verizon Washington, DC's Telecommunications Infrastructure ("Formal Case No. 1090")*, Order No. 17313, rel. December 9, 2013.

<sup>2</sup> *Formal Case No. 1090, Application of Verizon Washington, DC Inc. for Reconsideration of Commission Order No. 17313*, filed January 8, 2014 ("Application").

<sup>3</sup> *Formal Case No. 1090, Petition of the Office of the People's Counsel for an Investigation into the Reliability of Verizon's Telecommunications Infrastructure in the District of Columbia ("OPC Petition")*, filed August 26, 2011.

<sup>4</sup> *Formal Case No. 1090, Order No. 16586*, rel. October 14, 2011.

<sup>5</sup> *Formal Case No. 1090, Order No. 16692*, rel. January 26, 2012.

- 2) Does a service degradation problem exist in the District of Columbia with respect to Verizon DC's copper infrastructure? If so, what is the proper remedy?
- 3) Regarding Term 5 of the [*Formal Case No. 1057*] Settlement Agreement,<sup>6</sup> how is Verizon DC addressing the training, management and deployment of service technicians to reduce repeat trouble reports?
- 4) Regarding Term 9 of the Settlement Agreement, how has Verizon DC maintained the copper infrastructure in place and serving customers? Do improvements need to be made?
- 5) Regarding Term 11 of the Settlement Agreement, how has Verizon DC implemented a text messaging program to inform customers of the status of repairs?
- 6) Regarding Term 7 of the Settlement Agreement, what type of bill credit program has Verizon DC implemented?
- 7) Regarding Term 6 of the Settlement Agreement, what type of customer service training has Verizon DC implemented for its customer service representatives?<sup>7</sup>

The Commission also determined that an evidentiary hearing would be necessary, so the Commission established a procedural schedule that included the submission of testimony, discovery, an evidentiary hearing for the determination of adjudicatory facts, and the submission of post-hearing briefs.<sup>8</sup>

3. On December 9, 2013, the Commission issued Order No. 17313 in which it made a number of findings regarding the seven issues in this proceeding and directed Verizon DC to take certain actions and make several filings with the Commission.

4. On January 8, 2014, Verizon DC filed its Application for Reconsideration, seeking reconsideration of three findings in Order No. 17313. Verizon DC contests: (1) the Commission's factual finding that Verizon DC's repeat trouble rate exceeds its internal standards and corresponding requirement that Verizon DC file a remedial plan to bring its repeat trouble rate to within two percentage points of its internal standards within one year; (2) the Commission's requirement that Verizon DC file a remedial plan to improve its residential copper trouble repair times such that the level equals its performance in repairing business copper troubles; and (3) the Commission's finding that consumer complaints regarding interactions with customer service representatives regarding copper-to-fiber migrations suggest that some additional training or retraining is

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<sup>6</sup> The Settlement Agreement referenced in these issues is the Settlement Agreement between Verizon DC and OPC in *Formal Case No. 1057*, the latest price cap plan proceeding. The Settlement Agreement and Price Cap Plan 2008 were approved in Order No. 15071. See *Formal Case No. 1057*, Order No. 15071, rel. September 26, 2008.

<sup>7</sup> Order No. 16692, ¶ 13.

<sup>8</sup> Order No. 16692, ¶ 14. This initial procedural schedule was amended several times.

needed for customer service representatives. Verizon DC argues that these findings are not supported by reliable, probative, and substantial evidence in the record, as required by D.C. Code § 2-509(e).<sup>9</sup>

5. On January 15, 2014, OPC filed its Response of the Office of the People's Counsel in Opposition to the Application of Verizon Washington, DC Inc.'s Application for Reconsideration of Order No. 17313 ("OPC Response").<sup>10</sup> OPC urges the Commission to deny Verizon DC's Application because the Commission fully and carefully explained its reasoning in Order No. 17313.<sup>11</sup> OPC asserts that Order No. 17313 considered all relevant facts, factors, and party positions; provides a showing of substantial evidence for each of the Commission's decisions, and has a just and reasonable overall effect on Verizon DC and District of Columbia public utility consumers and ratepayers.<sup>12</sup> OPC argues that Order No. 17313 clearly articulates the well-reasoned views of the Commission, which OPC maintains are fully supported by record evidence. Thus, OPC concludes, Verizon DC's Application should be denied.<sup>13</sup>

### III. DISCUSSION

6. The standards governing petitions for reconsideration of Commission orders are well settled. The purpose of a petition for reconsideration is to identify errors of law or fact in the Commission's initial Order so that they can be corrected.<sup>14</sup> It is not a vehicle for losing parties to rehash arguments earlier considered and rejected. If there is substantial evidence in the record to support the Commission's initial decision, that decision is not erroneous simply because there is substantial evidence that could support a contrary conclusion.<sup>15</sup> The Commission enjoys wide discretion on the issues that come before it, and in an order on a petition for reconsideration or clarification may clarify

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<sup>9</sup> Verizon DC Application at 1.

<sup>10</sup> *Formal Case No. 1090*, Response of the Office of the People's Counsel in Opposition to the Application of Verizon Washington, DC Inc.'s Application for Reconsideration of Order No. 17313 ("OPC Response"), filed January 15, 2014.

<sup>11</sup> OPC Response at 1.

<sup>12</sup> OPC Response at 1-2.

<sup>13</sup> OPC Response at 2.

<sup>14</sup> See D.C. Code § 34-604 (b) (2001).

<sup>15</sup> *Formal Case No. 1053*, *In the Matter of the Application of the Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electricity Distribution Service, Phase II* ("Formal Case No. 1053"), Order No. 14832, ¶ 5 (June 13, 2008), citing *State of New York v. United States*, 880 F. Supp. 37 (D.D.C. 1995) and *Washington Gas Light Co. v. Public Service Commission*, 856 A.2d 1098, 1104 (D.C. 2004).

certain findings and conclusions set forth in its initial decision.<sup>16</sup> Using this standard, the Commission turns to the issues raised by Verizon DC in its Application.

**A. Findings Regarding Term 5 of the Settlement Agreement**

7. **Verizon DC.** Verizon DC challenges the Commission's finding that Verizon has not fully complied with Term 5 of the Settlement Agreement which required Verizon DC to train its service technicians to reduce repeat troubles.<sup>17</sup> Specifically, Verizon argues that the Commission's finding that Verizon's training has been insufficient and its decision to order the submittal of a remedial plan was "based on a flawed comparison of repeat trouble rates measuring different subjects."<sup>18</sup> Verizon cites as error the Commission's conclusion "that even the lowest repeat trouble rate for residential access lines that Verizon DC reported from June 2009 through May 2012, and for all copper access lines from April 2009 through December 2011, is much higher than Verizon DC's own internal standards."<sup>19</sup> Verizon DC asserts that the internal standard cited by the Commission measures a different subset of repeat troubles handled by a different subset of technicians from the repeat trouble rate for residential access lines calculated by the Commission.

8. In its Application for Reconsideration, Verizon DC notes that the evidentiary record in this proceeding contained only a high level explanation of the Voice R-Code.<sup>20</sup> Verizon DC then explains that the internal standard cited by the Commission is used by Verizon DC to evaluate the effectiveness of individual Installation & Maintenance ("I&M") technicians in performing dispatched repairs in the field. Verizon DC maintains that this internal standard measures the percentage of an individual field I&M technician's network and non-network troubles on which the technician is dispatched and receives a completion credit that has an additional trouble reported for which another technician must be dispatched within 7 days of the original technician clearing the initial trouble. Verizon DC maintains that this measure does not include any troubles that were cleared without dispatching a technician, troubles worked by Central Office technicians, or troubles inside the home.

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<sup>16</sup> See, e.g., *Formal Case No. 1087, In the Matter of the Application of the Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service*, Order No. 17027, ¶ 3 (December 26, 2012), citing D.C. Code § 34-604(b) (2001).

<sup>17</sup> Term 5 of the Settlement Agreement reads: "Verizon will train its service repair technicians in order to reduce repeat troubles for the same issues."<sup>17</sup> Verizon DC's definition of a "repeat trouble" is a trouble that occurs again within 30 days.<sup>17</sup>

<sup>18</sup> Verizon DC Application at 2

<sup>19</sup> Verizon DC Application at 2, citing Order No. 17313, ¶ 212.

<sup>20</sup> Verizon DC Application at 2, n. 2 (emphasis removed).

9. Verizon DC represents that the repeat trouble rates calculated by the Commission from OPC Cross Examination Exhibit No. 21, OPC Cross Examination Exhibit No. 50, and Table 1 of Witness Ketterer's Rebuttal Testimony represent the percentage of all copper network troubles reported across the District of Columbia within 30 days of another copper network trouble on the same line, regardless of the type of technician who works on them.<sup>21</sup> Verizon DC contends that these repeat trouble rates include troubles on which either an I&M or Central Office technician was dispatched or performed repair work without being dispatched, in contrast to the Voice R-Code standard. Verizon DC asserts that the repeat trouble rate calculated by the Commission is over-inclusive when compared to the internal Voice R-Code standard.<sup>22</sup>

10. Because the Voice R-Code standard and the repeat trouble rate measure two different types of repeat troubles, Verizon DC contends that the Commission relied on an "apples to oranges" comparison to reach its factual finding on repeat trouble rates and to set the requirements for a required remedial plan to reduce Verizon DC's residential copper repeat trouble rate "to within two percentage points of its Voice R-Code standard." Verizon DC asserts that a comparison of the repeat trouble rate percentage and the Voice R-Code standard does not provide record evidence to support the Commission's factual finding or remedial plan order.<sup>23</sup>

11. **OPC.** OPC contends that Verizon DC is incorrect in its assertion that the Commission made an "apples-to-oranges" comparison to reach its conclusions regarding Verizon DC's failure to completely comply with Term 5.<sup>24</sup> OPC asserts that Verizon DC argues that the Commission compared Verizon DC's internal individual technician standard data to the repeat trouble rates calculated by the Commission from OPC Cross Examination Exhibits Nos. 21 and 50 and Table 1 of Witness Ketterer's Rebuttal Testimony. OPC claims that the Commission calculated that OPC's repeat trouble rates and Witness Ketterer's repeat rate represent the percentage of copper network troubles in the District of Columbia that occurred within 30 days of another copper network trouble on the same line regardless of the type of technician that worked on them. OPC asserts that Verizon DC's focus on "subset" comparisons is specious and misplaced.<sup>25</sup>

12. OPC also argues that the Commission's decision regarding Term 5 was based on substantial evidence that demonstrated that service technician training did not appreciably reduce repeat trouble rates in the District of Columbia. OPC asserts that the decision was based solely on record evidence showing that the service technician training

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<sup>21</sup> Verizon DC Application at 2-3 (emphasis removed).

<sup>22</sup> Verizon DC Application at 3.

<sup>23</sup> Verizon DC Application at 3.

<sup>24</sup> OPC Response at 4.

<sup>25</sup> OPC Response at 5.

failed to appreciably reduce repeat trouble rates in the District of Columbia.<sup>26</sup> OPC notes that the Commission cited favorably OPC's argument "that the only conclusion the record evidence supports is that Verizon DC's strategy of reducing repeat troubles as a component of all of Verizon DC's training has been ineffective."<sup>27</sup> OPC asserts that no company should boast of a "failure rate," or repeat trouble rate in excess of [BEGIN CONFIDENTIAL INFORMATION] [END CONFIDENTIAL INFORMATION].<sup>28</sup>

13. OPC argues that Verizon DC is wrong in its assertions of error. OPC contends that based on the Commission's own analysis of OPC Cross Examination Exhibit No. 50, the Commission determined that "the residential repeat troubles rate is remaining stable, not decreasing."<sup>29</sup> OPC maintains that a similar Commission analysis of OPC Cross Examination Exhibit No. 21 led to the Commission's conclusion that "[w]hile [the combined business and residential repeat trouble] rates are lower than the rates for residential access lines, they average [BEGIN CONFIDENTIAL INFORMATION] [END CONFIDENTIAL INFORMATION] excluding September and October 2011 data."<sup>30</sup> OPC represents that based on its own analysis and OPC's testimony, the Commission disagreed with Verizon DC's assertion that any decline, no matter how small, in the repeat trouble rate means that Verizon DC is in compliance with Term 5. To the contrary, OPC contends that the Commission found that "[t]he records show [] that there has not been any appreciable decline in repeat troubles. We were expecting to see a more noticeable reduction in the amount of repeat troubles in response to this Settlement Agreement."<sup>31</sup>

14. Contrary to Verizon DC's contentions, OPC asserts that the Commission based its decision on substantial evidence in the record showing that Verizon DC's training strategy was ineffective in appreciably reducing repeat troubles in the District of Columbia. OPC claims that the Commission concluded that "[b]ecause Verizon DC's training has not led to any appreciable reduction of the repeat trouble rate, the Commission finds that Verizon DC has not fully complied with Term 5."<sup>32</sup> According to OPC, the Commission properly directed Verizon DC to file its remedial plan regarding repeat troubles to address these deficiencies.<sup>33</sup>

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<sup>26</sup> OPC Response at 5.

<sup>27</sup> OPC Response at 5, citing Order No. 17313, ¶ 192.

<sup>28</sup> OPC Response at 5-6, citing Order No. 17313, ¶ 192.

<sup>29</sup> OPC Response at 6, citing Order No. 17313, ¶ 209.

<sup>30</sup> OPC Response at 6, citing Order No. 17313, ¶ 210.

<sup>31</sup> OPC Response at 6, citing Order No. 17313, ¶ 212.

<sup>32</sup> OPC Response at 6-7, ¶ 220.

<sup>33</sup> OPC Response at 7.

15. Finally, OPC claims that the Commission's determination regarding Verizon DC's repeat trouble rates is not based on any comparison of different subsets of repeat trouble rates; instead, the record evidence clearly shows that Verizon DC training efforts were ineffective in appreciably reducing repeat troubles in the District of Columbia as established in Term 5 of the Settlement Agreement. OPC posits that Verizon DC may misapprehend the Commission's Order because the Commission uses Verizon DC's internal standards as a benchmark for setting the goals that it wants Verizon DC to achieve for the repeat trouble rate for all copper networks within one year of submitting its plan.<sup>34</sup>

16. **Decision.** As noted above, on reconsideration, the Commission must determine whether Verizon DC has identified any legal or factual error in Order No. 17313 that merits correction by the Commission. Verizon DC, as the proponent of the Application, has the burden of proof regarding the existence of any error. We turn now to Verizon DC's assertions of error.

17. The Commission in its decision noted that "even the lowest repeat trouble rate for residential access lines that Verizon DC reported from June 2009 through May 2012 and for all copper access lines from April 2009 through December 2011 is much higher than Verizon DC's own internal standards"<sup>35</sup> and made the finding:

(x) That it is difficult to reconcile Verizon's DC's position that the current repeat trouble rate for residential copper access lines is acceptable since Verizon's DC's own internal repeat trouble standards are much lower than the repeat trouble rate rates demonstrated in this proceeding and since there has not been any appreciable decline in repeat troubles, although there have been some fluctuations in the rate of repeat troubles;<sup>36</sup>

In its Application, Verizon DC provided a more detailed explanation of its own Voice R-Code internal standards and argues further in a footnote that;

Even if the R-Code and the repeat trouble standards compared the same data set of troubles, it is mathematically incorrect to compare the percentages for individual technician repeat rates and District-wide rates because the volumes are different. Because each individual technician works a different number of troubles in a single month, the repeat troubles

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<sup>34</sup> OPC Response at 7.

<sup>35</sup> Order No. 17313, ¶ 212.

<sup>36</sup> Order No. 17313, ¶ 348 (x).

percentage for each technician cannot simply be averages to calculate the repeat trouble rate District-wide.<sup>37</sup>

Notably, Verizon DC's Application does not cite to any alternative record evidence that more accurately measures the levels of repeat troubles in the District. Neither does Verizon DC provide the Commission with an alternative benchmark to use to measure Verizon DC's repeat troubles on a going forward basis.

18. OPC, on the other hand, claims that Verizon's focus on "subset" comparisons is "specious and misplaced" and maintains that the Commission "calculated that repeat trouble rates and Verizon DC Witness Ketterer's repeat rate represent the percentage of copper network troubles in the District of Columbia that occurred within 30 days of another copper network trouble on the same line regardless of the type of technician that worked on them."<sup>38</sup> OPC argues that the Commission's decision was based on substantial evidence and therefore Verizon DC's challenge should be rejected.

19. It is clear from Order No. 17313 that the Commission first determined that the evidence showed that there had been only a fluctuation, not an appreciable decline, in the repeat trouble rate, and then compared the repeat trouble rate to Verizon DC's Voice R-Code internal standard. The finding on the repeat trouble rate is based on OPC Cross Examination Exhibits Nos. 50 and 21 and Witness Ketterer's testimony. The Commission thoroughly analyzed these exhibits and the table, which revealed similar information regarding Verizon DC's repeat trouble results. From this evidence, the Commission concluded that the repeat trouble rate had not appreciably declined from 2009 through 2011. In its Application, Verizon DC has not provided any evidence that challenges the validity of this finding. Based on this factual finding, the Commission continues to conclude that Verizon DC had not fully complied with Term 5. Therefore, Verizon DC has not met its burden of showing in its Application that the Commission erred in its finding there has been no appreciable change in the rate of repeat troubles or that its finding is not based on substantial evidence.

20. The Commission acknowledges Verizon DC's belated clarification of its Voice-R-Code internal standard raises a question of whether it is the appropriate benchmark to be used to measure Verizon DC's performance going forward under the remedial plan that the Commission has directed Verizon DC to file. It is, we note, a question for which Verizon DC provided us no alternative answer. Nevertheless, the Commission has reconsidered whether Verizon DC's Voice R-Code internal standard should be used as the benchmark for performance for repeat troubles in the remedial plan in light of the Company's further explanation and has concluded that the benchmark for the remedial plan needs to be amended. The Commission continues to believe that the repeat trouble rate should decrease appreciably. The question for the Commission is what amount of decrease would be reasonable during the next year. OPC has argued that

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<sup>37</sup> Verizon Application at 3, n 5.

<sup>38</sup> OPC Response at 5.

no company should boast of a repeat trouble rate over [BEGIN CONFIDENTIAL INFORMATION] [END CONFIDENTIAL INFORMATION]. While the rate OPC cited may be a reasonable goal, there is no indication in the record that it is a performance benchmark that can be achieved next year and we will not use it as a substitute for the internal standard to which Verizon DC objects. Instead, the Commission is directing Verizon DC to file a remedial plan indicating how it will reduce its average repeat trouble rate of [BEGIN CONFIDENTIAL INFORMATION]

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[END CONFIDENTIAL INFORMATION] to achieve at least a 10% reduction in the repeat trouble rate within one year of the date of this Order and to inform the Commission of the rate of reduction that it can achieve in the following year. This remedial plan is due within 30 days of the date of this Order.

### B. Findings Regarding Term 9 of the Settlement Agreement

21. **Verizon DC.** Verizon DC notes that the Commission found that Verizon DC is not fully complying with Term 9 of the Settlement Agreement which requires Verizon DC to “maintain the copper infrastructure in use and serving customers” based on its purported analysis of trouble report data, but argues that no record evidence supports the Commission’s finding on residential repair times or the remedial plan ordered based on business repair times. Verizon DC objects especially to the conclusion that “although the number of residential copper troubles decreased in 2011 from 2010, it took longer for Verizon DC to repair copper troubles in 2011.”<sup>40</sup> Verizon DC argues that the factual basis for the Commission’s conclusions is unclear. While the Commission cited OPC’s Cross Examination Exhibit No. 45 as the source for the data it examined, Verizon DC asserts that OPC Cross Examination Exhibit No. 45 reflects consumer complaint data, not trouble report timeframes.<sup>41</sup> Verizon DC believes that the Commission meant OPC Cross Examination Exhibit No. 46, which includes trouble data for the time period from April 2009 through December 2011 provided to OPC in discovery. However, Verizon DC asserts that the data in OPC Cross Examination Exhibit No. 46 does not identify business or residential troubles and could not be used to compare business and residential repair response times.<sup>42</sup> Verizon DC also argues that because OPC Cross Examination Exhibit No. 46 provides only nine months of data, the Commission’s comparison of repair times between 2009 and 2011 is meaningless.<sup>43</sup>

<sup>39</sup> The Commission’s calculation of this rate is based on the data for business and residential repeat troubles included in OPC Cross Examination Exhibit No. 46.

<sup>40</sup> Verizon DC Application at 3, citing Order No. 17313, ¶¶ 270, 348 (aa).

<sup>41</sup> Verizon DC Application at 4.

<sup>42</sup> Verizon DC Application at 4.

<sup>43</sup> Verizon DC Application at 4, n. 9.

22. Verizon DC also asserts that the Commission's analysis of repair times presents an incomplete and misleading picture of Verizon DC's speed of repair.<sup>44</sup> Verizon DC contends that the Commission's analysis does not take into account the fact that the out-of-service troubles must be prioritized to meet the Commission's Out-of-Service Clearing Time retail quality of service measure. Out-of-service troubles must be repaired within 24 hours, while service-affecting but not out-of-service troubles do not have to be repaired within 24 hours.<sup>45</sup> Verizon DC also argues that the Commission did not take into account whether a trouble report was received outside of normal business hours or whether a customer expressly requested a specific repair time.<sup>46</sup> According to Verizon DC, the Commission's determinations also did not take into account the *Force Majeure* events of August and September of 2011, and selectively focused on August 2011 on the low point for copper troubles cleared in less than 24 hours. Verizon DC argues that the results for August 2011 reflect the outlier nature of August 2011, which was burdened with the majority of the *Force Majeure* events.<sup>47</sup>

23. Verizon DC further contends that despite the Commission noting that it "cannot make any conclusions about whether Verizon DC clears troubles on residential copper lines more slowly than business copper lines,"<sup>48</sup> the Commission is requiring Verizon DC to develop a remedial plan "to improve its performance on repairing residential copper troubles so that its level of performance is similar to Verizon DC's performance in repairing business copper troubles."<sup>49</sup> Verizon DC also maintains that the ordering paragraphs goes further and requires Verizon DC to submit a remedial plan to improve its repair times on copper residential copper troubles to equal its repair times on business copper troubles.<sup>50</sup> Verizon DC argues that the remedial plan focused on comparing residential and business trouble repair times is not based on any record evidence of a disparity.<sup>51</sup>

24. Verizon DC also contends that the Commission did not explain why the repair times for residential and business troubles on copper lines should be equal. According to Verizon DC, there is no Commission rule or provision in the Settlement Agreement that requires repair times to be equal. Verizon DC contends that there are a

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<sup>44</sup> Verizon DC Application at 4.

<sup>45</sup> Verizon DC Application 4.

<sup>46</sup> Verizon DC Application at 4-5.

<sup>47</sup> Verizon DC Application at 5.

<sup>48</sup> Verizon DC Application at 5, citing Order No. 17313, ¶ 266.

<sup>49</sup> Verizon DC Application at 5, citing Order No. 17313, ¶ 271.

<sup>50</sup> Verizon DC Application at 5.

<sup>51</sup> Verizon DC Application at 5-6.

number of reasons for which repair times for residential and business customers could be different. As an example, Verizon DC contends that business troubles can only be repaired during a customer's business hours, while residential troubles can only be repaired when a customer is not at work. Verizon DC also maintains that technicians have more difficulty in accessing multiple dwelling unit ("MDU") buildings, which are primarily residential. Verizon DC also argues that residential troubles are more often reported after business hours, delaying service technician deployment.<sup>52</sup>

25. Finally, according to Verizon DC, the imposition of a remedial plan that requires only Verizon DC to provide equal response times for business and residential customers is "anti-competitive, arbitrary and unsupported by record evidence" because the Commission has previously determined that, as a fundamental matter, all telecommunications service providers operating in the District of Columbia will be subject to symmetrical quality of service standards."<sup>53</sup>

26. **OPC.** OPC agrees with Verizon DC about the Commission's references to OPC Cross Examination Exhibit No. 45. Like Verizon DC, OPC believes that the Commission meant OPC Cross Examination Exhibit No. 46. OPC requests that the Commission clarify and possibly correct the exhibit to which the Commission refers in paragraphs 266 and 267 as well as footnotes 577 and 578 of Order No. 17313.<sup>54</sup>

27. Contrary to Verizon DC's contention that the Commission did not analyze out-of-service troubles, OPC argues that the Commission did analyze and make findings regarding out-of-service troubles. OPC asserts that Order No. 17313 set forth the parties' positions on the trouble report data "that the Commission has reviewed."<sup>55</sup> OPC submits that this data was included in both parties' testimony and exhibits.<sup>56</sup> OPC argues that Verizon DC's testimony, which was accepted into evidence in this proceeding, included data about trouble reports received outside of normal business hours and whether a customer expressly requested a specific repair time.<sup>57</sup> OPC contends that the Commission stated that it examined the evidence on the troubles per access line that both parties agreed would allow the Commission to determine how well Verizon DC's network in general, and the copper network in particular, is working, although the Commission noted that the parties did not agree on what the data showed.<sup>58</sup>

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<sup>52</sup> Verizon DC Application at 6.

<sup>53</sup> Verizon DC Application at 6.

<sup>54</sup> OPC Response at 8.

<sup>55</sup> OPC Response at 8, citing Order No. 17313, ¶ 270.

<sup>56</sup> OPC Response at 8.

<sup>57</sup> OPC Response at 9.

<sup>58</sup> OPC Response at 9.

28. OPC dismisses Verizon DC's objections to the remedial plan ordered by the Commission, particularly the requirement that the remedial plan ensure that Verizon DC's response times for clearing troubles for residential customers be equal to Verizon DC's response times for business customers. OPC argues that there is substantial evidence in the record to support the Commission's concern that Verizon DC's response to repair residential copper troubles took longer in 2011 than 2010. OPC cites the Commission's finding: "Based on the trouble report data that the Commission has reviewed, the Commission concludes that although the number of residential copper troubles decreased in 2011 from 2010, it took longer for Verizon DC to repair copper problems in 2011."<sup>59</sup>

29. OPC also argues that the Commission has the statutory authority to specify goals in its remedial plans. In support of this proposition, OPC cites D.C. Code § 34-1101, which states that the Commission has broad authority to ensure that all services provided by a public utility are "in all aspects just and reasonable" and that all charges for such service are "reasonable, just, and nondiscriminatory."<sup>60</sup> Other statutory provisions grant the Commission authority to regulate all aspects of public utility rates and services, OPC contends, citing *Washington Gas Light Company v. Public Service Commission*.<sup>61</sup> OPC argues that D.C. Code § 34-215 provides that "[t]he term 'service' is used in this subtitle in its broadest and most inclusive sense."<sup>62</sup> OPC maintains that D.C. Code § 34-403 provides that the Commission "shall have . . . all additional, implied, and incidental power which may be proper and necessary to effect and carry out, perform, and execute all the said powers herein specified."<sup>63</sup> OPC asserts that the Commission has the legal authority to regulate the practices of Verizon DC that would adversely affect the reasonableness of its response times to residential copper customers, including requiring that the response times for residential copper repairs be equal to the response times for business copper repairs. OPC contends that the Commission used Verizon DC's response times for business customers as a benchmark in establishing the goal for Verizon DC to meet in repairing residential copper lines. Contrary to Verizon DC's assertions, OPC submits that the Commission did not derive this number in an arbitrary fashion, but used evidence in the record to establish a reasonable goal.<sup>64</sup>

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<sup>59</sup> OPC Response at 9, citing Order No. 17313, ¶ 270.

<sup>60</sup> OPC Response at 10, citing D.C. Code § 34-1101.

<sup>61</sup> OPC Response at 10, citing *Washington Gas Light Company v. Public Service Commission*, 856 A.2d 1098, 1105 (D.C. 2004).

<sup>62</sup> OPC Response at 10, citing D.C. Code § 34-215.

<sup>63</sup> OPC Response at 10, citing D.C. Code § 34-403.

<sup>64</sup> OPC Response at 10.

30. **Decision.** As a threshold matter, the Commission notes that its references to OPC Cross Examination Exhibit No. 45 are in error. These references should be to OPC Cross Examination Exhibit No. 46. Thus, the Commission corrects the references in paragraphs 266, 267 and 268, as well as footnotes 577 and 578 (Confidential Version) and 578 and 579 (Public Version) of Order No. 17313, to reflect that the Commission reviewed OPC Cross Examination Exhibit No. 46, not 45, in making decisions regarding Term 9.

31. The Commission further notes that in evaluating compliance with Term 9 (i.e., whether Verizon DC satisfied its agreement to “maintain the copper infrastructure in use and serving customers”), the Commission evaluated evidence of clearance of “trouble” reports. The Commission notes that “troubles” are not synonymous with “out-of-service” conditions. “Troubles” encompass all service-affecting problems on an access line, which include but are not limited to out-of-service conditions. “Out-of-service” conditions are conditions in which the access line is not operable. Some of Verizon DC’s objections to both the Commission’s findings and the mandated remedial plan assume that the Commission confused the out-of-service conditions included in the Out-of-Service Clearing Time measure with determinations related to troubles or did not realize that they are two different things.<sup>65</sup> We assure Verizon DC that is not the case. The Commission is concerned with performance in both categories.

32. Verizon DC argues that the Commission should have excluded the results related to the *Force Majeure* events that led to increased repair times in August 2011 and September 2011 from its analysis of trouble clearance. The Commission notes that it excluded results relating to the *Force Majeure* events in its discussion of the repeat trouble rate, so to be consistent, it also excluded results from these events from the Commission’s analysis regarding clearance of repeat troubles.<sup>66</sup> Thus, the Commission recalculated residential copper repair times based on the data in OPC Cross Examination Exhibit No. 46, but excluding August and September 2011, as requested by Verizon DC in its Application. These calculations show that [BEGIN CONFIDENTIAL INFORMATION] <sup>67</sup>

<sup>65</sup> Some of Verizon DC’s arguments appear to be based on aggregating results from the Commission’s RQS measures and the evidence evaluated in this proceeding dealing with Term 9. Two of the Commission’s RQS metrics measure Out-of-Service Clearing, the time it takes to clear out-of-service conditions, and the Troubles Per 100 Lines metric, which measures the number of lines experiencing troubles. The evidence evaluated to determine compliance with Term 9 is evidence regarding trouble cleared within 24 hours, which is not currently measured by the Commission in its RQS metrics.

<sup>66</sup> The Commission notes that in its analysis of the repeat trouble rate, it excluded data from September and October 2011, while its analysis of trouble clearance focuses on August and September 2011. This apparent discrepancy is due to the fact that the repeat trouble analysis focuses on troubles that occur again within 30 days, which would necessarily be a time period after the original trouble.

<sup>67</sup> Verizon DC argues that the 2009 data should not be used in comparison to 2011 data because the 2009 data is not a complete year’s worth of data. The Commission disagrees, especially since Verizon DC argues for the exclusion of August and September 2011 data, making the 2011 data an incomplete year’s worth of data as well. To calculate the clearance time for troubles, a complete year of data is not required.

<sup>68</sup> [END

**CONFIDENTIAL INFORMATION]** These numbers confirm the Commission's finding that although the number of troubles decreased in 2011, the percentage of troubles that took more than 24 hours to repair increased in 2011, even excluding August and September 2011. OPC Cross Examination Exhibit No. 46 is the basis for the determination that Verizon DC is not fully in compliance with Term 9 because it is not maintaining the copper network. Thus, there is substantial evidence in the record to support the Commission's finding that Verizon DC is not maintaining the copper network.

33. Verizon DC challenges the Commission's decision to benchmark residential trouble clearing times to business trouble clearing times in the remedial plan required to address its failure to fully comply with Term 9. Verizon DC first claims that the Commission was incorrect in requiring these clearing times to be equal because the RQS metrics do not contain such a requirement, and because the RQS metrics are symmetrical. The Commission rejects Verizon DC's challenge. The Commission is not considering Verizon DC's performance under the Commission's RQS measures. Rather, the remedial plan required in Order No. 17313 is being ordered due to a failure of Verizon DC to fully comply with Term 9 of the Settlement Agreement, not due to its failure to satisfy the RQS metrics.<sup>69</sup> As OPC contends, the Commission has broad authority to regulate "all aspects of public utility rates and services."<sup>70</sup> Verizon DC's ability to repair troubles in its copper network directly relates to the quality of its services. Thus, the Commission has the authority to require Verizon DC to develop a remedial plan to satisfy the agreement that it made in its Price Cap Settlement case to maintain its copper network in use and serving customers.<sup>71</sup>

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<sup>68</sup> OPC Cross Examination Exhibit No. 46.

<sup>69</sup> The Commission notes that the RQS rules require telecommunications service providers to file a remedial plan if they fail one or more RQS metrics. See 15 DCMR § 2720.7(b) (2011). The imposition of a remedial plan on a telecommunications service provider that fails a metric does not render the RQS asymmetrical.

<sup>70</sup> *Washington Gas Light Company v. Public Service Commission*, 856 A.2d at 1105, citing D.C. Code § 34-908 (permitting the Commission "[u]pon its own initiative and "[i]n its discretion," to investigate public utility services, which it believes are "in any respect unreasonable or unjustly discriminatory"), D.C. Code § 34-714 (permitting the Commission to investigate "[w]henever the Commission shall believe that...any reasonable service is not supplied by a public utility.") and D.C. Code § 34-215 (defining "service" "in its broadest and most inclusive sense").

<sup>71</sup> The Commission notes that in Order No. 17313, it stated "[t]he Commission believes that Verizon DC may need flexibility in complying with this mandate, so [we] will not direct the exact contents of the remedial plan." Order No. 17313, ¶ 272.

34. Verizon DC has asked the Commission to reconsider the requirement of a remedial plan that uses an equal or similar trouble clearance rate for residential copper lines and business copper lines. Verizon DC presented in its Application a number of reasons why the clearance rates for these two types of lines can be different and notes that in Order No. 17313, the Commission said that it could not make a finding regarding whether Verizon DC clears troubles more slowly on residential lines than copper lines. Verizon DC is correct on this latter point. The Commission could not make a finding on this issue based on the record evidence. The Commission notes that Verizon DC's arguments in its Application attempt to explain why residential repairs proceed more slowly than business repairs. These arguments appear to underscore what OPC noted in its response, i.e. "there is substantial evidence in the record to support the Commission's concern that Verizon DC's response to repair residential copper problems needed to be improved. . .".<sup>72</sup> When the Commission accepted the 2008 Settlement Agreement, it did so with the understanding that Verizon DC would continue to maintain its residential copper lines. The evidence in the record in this case supports the finding that the trouble clearance rate for residential copper lines within 24 hours went up, not down. That needs to change, regardless of the clearance rate for business copper lines. Thus, the Commission amends the benchmark for the remedial plan to require Verizon DC to reduce its percentage of residential copper troubles that are not cleared in over 24 hours by 10% from the 2011 number in the record within one year and to inform the Commission of the level of reduction that can be expected in the following year.<sup>73</sup> This revised remedial plan is due within 30 days of the date of this Order.

### C. Findings Regarding Term 6 of the Settlement Agreement

35. **Verizon DC.** Verizon DC argues that the Commission found that the Company had implemented customer service training as required by Term 6 of the 2008 Price Cap Settlement Agreement,<sup>74</sup> yet it directed Verizon DC to review and potentially adjust training and scripts "to ensure that its customer service representatives are not making it unnecessarily difficult for copper service customers to obtain the repairs that they are requesting" and not facing "undue market pressure to change to fiber facilities or FiOS service."<sup>75</sup> Verizon DC argues that these requirements are unsupported by record evidence.<sup>76</sup>

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<sup>72</sup> OPC Response at 9.

<sup>73</sup> In Order No. 17313, the Commission decided to institute a rulemaking proceeding to amend its RQS rules. The Commission may choose to include a trouble clearance metric in that proceeding. If so, the standard that Verizon DC is required to meet pursuant to this Order may change.

<sup>74</sup> This Term states in relevant part that Verizon DC will "implement customer service training for its representatives."

<sup>75</sup> Verizon DC Application at 7, citing Order No. 17313, ¶ 313.

<sup>76</sup> Verizon DC Application at 7.

36. Verizon DC argues that the substance of any complaints on fiber migration practices have not been litigated in this docket because the Commission specifically excluded copper-to-fiber and copper-to-FiOS migration issues from this proceeding, finding that “questions of customer migration from the copper to digital networks are not relevant to this proceeding, which deals with the quality of Verizon DC’s infrastructure.”<sup>77</sup> Based on that ruling, Verizon DC asserts, it did not provide any response to the consumer comments regarding copper-to-fiber migration, which the Commission transferred to *Formal Case No. 1102*.<sup>78</sup> Verizon DC contends that any finding or directive based on alleged consumer complaints or comments in this docket related to fiber migration practices lacks proper evidentiary basis and exceeds the established subject matter of this docket. As support for its proposition, Verizon DC cites to several orders in which the Commission has stated that “our cases proceed . . . in the context of specifically worded issues that have been identified to mark the outer boundaries of the case before the Commission.”<sup>79</sup>

37. Verizon DC also asserts that it has already filed relevant scripts in *Formal Case No. 1102* as Confidential Attachments 2, 3, and 4 to Verizon DC’s April 1, 2013 Response to Order No. 17092 and as Confidential Attachment 2-10.1 in response to OPC Discovery Request 2-10.<sup>80</sup> Verizon DC represents that these scripts are those used by its Consumer Sales and Solutions Center representatives who handle communications with customers regarding copper-to-fiber migrations or migrations to Verizon DC’s FiOS services.<sup>81</sup>

38. **OPC.** OPC strongly disagrees with Verizon DC’s position. OPC argues that the Commission has the authority to require Verizon DC to review its customer service representative scripts and to file copies of certain scripts with the Commission. OPC contends that the Commission has made it clear that it has the authority to exercise both its quasi-judicial and quasi-legislative authority in the same proceeding.<sup>82</sup> OPC asserts that when the Commission employs trial-like procedures to determine the legal rights and duties of parties in a proceeding, it is clearly exercising its quasi-judicial functions. However, the Commission can use its quasi-legislative function to develop the record for decision in a proceeding, OPC argues. OPC contends that the Commission exerts its quasi-legislative authority during a Community Hearing, in which the public has the relatively unrestricted opportunity to present its views on the issues in a

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<sup>77</sup> Verizon DC Application at 7, citing order No. 16692, ¶ 11.

<sup>78</sup> Verizon DC Application at 7-8.

<sup>79</sup> Verizon DC Application at 8 (citations and emphasis omitted).

<sup>80</sup> Verizon DC Application at 7, n. 22.

<sup>81</sup> Verizon DC Application at 7, n. 22.

<sup>82</sup> OPC Response at 11.

proceeding. In this proceeding, however, OPC submits that the Commission chose to accept public comments submitted directly into the docket and the Community Brief submitted by the District of Columbia Federation of Civic Associations (“DC Federation”) that summarized the community’s experience with the reliability of Verizon DC’s network as presented at two of OPC’s town hall meetings. OPC maintains that when the Commission accepted the Community Brief into the record of this proceeding, the Commission stated that it would treat the Community Brief like any other brief submitted in this proceeding.<sup>83</sup> OPC asserts that community comments, like the Community Brief, has historically been used to further inform the Commission of community views and are used as deemed appropriate.<sup>84</sup>

39. OPC argues further that there is sufficient content within the Community Brief to support the Commission’s decision regarding Issue 7. OPC argues that the Community Brief and the attached transcripts contain several references to Verizon DC’s failure to fix troubles for copper customers as well as examples of undue pressure to switch from copper to FiOS, citing statements from Verizon DC customers made at the OPC Town Hall meetings.<sup>85</sup> OPC argues that these statements from the record considered by the Commission are more than sufficient to support the Commission’s decision regarding Issue 7, so Verizon DC’s record evidence argument should be rejected.<sup>86</sup>

40. OPC also contests Verizon DC’s argument that the Commission’s decision regarding Issue 7 exceeds the established subject matter of this proceeding.<sup>87</sup> According to OPC, the subject of this investigation is the reliability of Verizon’s telecommunications infrastructure in the District of Columbia, but the specific decision Verizon challenges here relates to Issue 7, which reads, “Regarding Term 6 of the Settlement Agreement, What Type of Customer Service Training has been implemented for its Customer Service Representatives?” OPC argues that the Commission’s decision on Issue 7 is within both the scope of the investigation and the issue.<sup>88</sup> OPC argues that the Commission’s directive to have Verizon DC review customer service scripts to ensure that copper customers are not unduly burdened in requesting or receiving repairs is directly related to the reliability of Verizon DC’s telecommunications infrastructure.<sup>89</sup> OPC maintains that any delays in speed and quality of repairs have a direct impact on

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<sup>83</sup> OPC Response at 11.

<sup>84</sup> OPC Response at 12.

<sup>85</sup> OPC Response at 12.

<sup>86</sup> OPC Response at 13.

<sup>87</sup> OPC Response at 13.

<sup>88</sup> OPC Response at 13.

<sup>89</sup> OPC Response at 13-14.

Verizon DC's RQS metrics, a matter over which the Commission has jurisdiction. According to OPC, the Commission's decision is clearly within the scope of Issue 7, which pertains to customer service training. Finally, OPC argues that the Commission's decision in Issue 7 is limited in scope and only seeks to remedy customer service representative training issues supported by the record in this proceeding.<sup>90</sup>

41. **Decision.** Contrary to Verizon DC's contentions, the Commission made a factual finding regarding consumer complaints based on Verizon DC and OPC consumer complaint data in OPC Cross Examination Exhibit No. 45 and Verizon DC Cross Examination Exhibit No. 2.<sup>91</sup> While the Commission found much of the consumer complaint data inconclusive, the Commission found that the number of complaints related to the copper network, [BEGIN CONFIDENTIAL INFORMATION] [END CONFIDENTIAL INFORMATION] is increasing.<sup>92</sup> Based on that finding, the Commission directed Verizon DC:

to review its training materials to ensure that its customer service representatives are not making it unnecessarily difficult for copper service customers to obtain the repairs they are requesting and to make adjustments to its training, where necessary, to ensure that all customers are receiving quality service over copper facilities without undue marketing pressure to change to fiber facilities or FiOS service.<sup>93</sup>

42. In response to Verizon DC's contention that it did not respond to issues relating to copper-to-fiber migration in this proceeding because they are outside the scope of this proceeding, the Commission agrees that *Formal Case No. 1102* was opened to address Verizon DC's plans "to transition customers from the telecommunications services provided over copper facilities to telecommunications services provided over fiber facilities."<sup>94</sup> However, the Commission's directives to Verizon DC regarding its customer service representative training materials address issues that are related to the maintenance of the copper infrastructure for those customers who are still receiving services over copper facilities. Through these directives, the Commission seeks to ensure that customers who have copper service that needs to be repaired are not directed to other services in lieu of having their copper service repaired. The issue of customer service representative training regarding copper repairs is clearly within the scope of this

<sup>90</sup> OPC Response at 14.

<sup>91</sup> Order No. 17313, ¶¶ 345-347.

<sup>92</sup> Order No. 17313, ¶ 345-347.

<sup>93</sup> Order No. 17313, ¶ 352.

<sup>94</sup> *Formal Case No. 1102*, Order No. 17045, ¶ 1, rel. January 17, 2013.

proceeding. The Commission recognizes that part of this mandate touches on the transition from copper to fiber,<sup>95</sup> but only if Verizon DC is offering transition from copper to fiber in lieu of copper repair. Thus, the Commission continues to direct Verizon DC to ensure that its customer service representative training materials are assisting consumers in having their copper service repaired, if the customers so desire, not merely offering transition to fiber as the remedy to copper service problems. Verizon DC has not shown that the Commission erred nor does it offer any persuasive reason for the Commission to alter its mandate regarding customer service representative training included in Order No. 17313, thus the Commission's decision stands.

43. Regarding the scripts that Verizon DC asserts that it has already provided in *Formal Case No. 1102*,<sup>96</sup> the Commission has reviewed these confidential scripts and found that they provide direction to customer service representatives regarding migration of copper service customers to fiber service, which was the type of script sought by the Commission. Of the four scripts provided, only one deals with inbound calls; the other three are scripts for outbound calls. The inbound calling script focuses on customer migration from copper to fiber.<sup>97</sup> Since Verizon DC has provided the scripts requested by the Commission in Order No. 17313, albeit in *Formal Case No. 1102*, the Commission finds that this requirement has been satisfied and does not require the filing of other scripts at this time. However, the contents of the scripts provided further demonstrate to the Commission that Verizon DC needs to review its customer service representative training to ensure that Verizon DC's customer service representatives and technicians inform customers of the ability to have their copper service repaired without having to migrate to a service provided over fiber.

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<sup>95</sup> In Order No. 17045, the Commission noted that the issues in *Formal Case No. 1090* are related to the issues related to the continued use of the copper infrastructure. Order No. 17045, ¶ 2.

<sup>96</sup> The Commission takes administrative notice of these filings.

<sup>97</sup> *Formal Case No. 1102*, Verizon Washington, DC Inc.'s Responses to Order No. 17092, Confidential Attachments 2, 3, and 4, filed April 1, 2013; Verizon Washington, DC Inc.'s Responses to the Office of the People's Counsel's Data Request No. 2 to Verizon DC, Confidential Attachment No. 2-10.1, filed June 21, 2013. [BEGIN CONFIDENTIAL INFORMATION]

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#### IV. CONCLUSION

44. Based on Verizon DC's Application and OPC's Response, the Commission determines that its findings regarding Verizon DC's failure to fully comply with Term 5 and Term 9 of the Settlement Agreement, and its directive regarding Issue 7 and Term 6 of the Settlement Agreement are supported by substantial evidence. For the reasons set out in this Order, the Commission modifies Order No. 17313 in three respects. First, while the Commission finds that Verizon DC has not identified any error that the Commission made in requiring Verizon DC to submit a remedial plan in response to Verizon DC's failure to fully comply with Term 5 of the Settlement Agreement, the Commission is modifying the remedial plan to require Verizon DC to meet a 10% reduction in the repeat trouble rate from the average repeat trouble rate for 2011 excluding results from the *Force Majeure* events within one year and to provide the Commission with the amount of reduction that can be accomplished in the next year. Second, the Commission corrects its references to OPC Cross Examination Exhibit No. 45 in paragraphs 266, 267 and 268, as well as footnotes 577 and 578 (Confidential Version) and 578 and 579 (Public Version) of Order No. 17313 to refer to OPC Cross Examination Exhibit No. 46. Third, the Commission is modifying the remedial plan required by the Commission in response to Verizon DC's failure to fully comply with Term 9 to require Verizon DC to reduce its clearance of residential copper troubles in over 24 hours by 10% from the 2011 number in the record within one year and to provide the Commission with the amount of reduction that can be accomplished in the next year. The Commission confirms its directive in Order No. 17313 for Verizon DC to review its customer service representative training and scripts and make changes to them, as necessary, to ensure that Verizon DC's customer service representatives and technicians inform customers of their ability to have their copper service repaired without having to migrate to a service provided over fiber if they so choose. The Commission also directs Verizon DC to comply with the mandate of Order No. 17313 that was not challenged by Verizon DC but stayed by the filing of Verizon DC's Application, i.e. the requirement to file a report indicating when it updated its customer bills to comply with 15 DCMR § 2720.4(a)(4) and file a sample bill showing the business hours. All of these reports and remedial plans are due within 30 days of the date of this Order.

#### **THEREFORE, IT IS ORDERED THAT:**

45. The Application of Verizon Washington, DC Inc. for Reconsideration of Commission Order No. 17313 is **GRANTED in part** and **DENIED in part**;

46. Verizon Washington, DC Inc. shall prepare a remedial plan indicating how it will improve its performance on repeat troubles, including its repeat troubles on its copper network, so that within one year, it will reduce its repeat trouble rate to achieve at least a 10% reduction in the repeat trouble rate from the average repeat trouble rate for 2011 excluding results from the Force Majeure events and shall inform the Commission of the level of further reduction that it can achieve in the following year. Verizon Washington, DC Inc. shall file its remedial plan with the Commission within 30 days of the date of this Order;

47. Verizon Washington, DC Inc. shall prepare a remedial plan to reduce its clearance of residential copper troubles in over 24 hours by 10% from the 2011 number in the record within one year and to provide the Commission with the amount of reduction that can be accomplished in the next year and shall file its remedial plan with the Commission within 30 days of the date of this Order;

48. Verizon Washington, DC Inc. shall review its training materials and scripts and to make changes to them, as necessary, to ensure that Verizon DC's customer service representatives and technicians inform customers of their ability to have their copper service repaired without having to migrate to a service provided over fiber if they so choose; to ensure that its customer service representatives and its service technician are not making it unnecessarily difficult for copper service customers to obtain the repairs they are requesting, and to ensure that all customers are receiving quality service from copper facilities without undue marketing pressure to change to fiber facilities or FiOS service;

49. Paragraphs 266, 267 and 268 as well as footnotes 577 and 578 (Confidential Version) and 578 and 579 (Public Version) of Order No. 17313 are corrected to change the references to "OPC Cross Examination Exhibit No. 45" to read "OPC Cross Examination Exhibit No. 46"; and

50. Verizon Washington, DC Inc. shall file a report indicating when it updated its customer bills to comply with 15 DCMR § 2720.4(a)(4) and file a sample bill showing the business hours within 30 days of this Order.

**A TRUE COPY:**

**BY DIRECTION OF THE COMMISSION:**

**CHIEF CLERK:**



**BRINDA WESTBROOK-SEDGWICK  
COMMISSION SECRETARY**