

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                    Thomas E. Wright, Chairman  
   Michael C. Moffet  
   Joseph F. Harkins

In the Matter of the General Investigation                    )  
into Universal Service, Telecommunications                    )                    Docket No. 95-GIMT-047-GIT  
Infrastructure and Quality of Service.                    )

**ORDER MODIFYING QUALITY OF SERVICE STANDARDS  
TO INCLUDE CONSIDERATIONS OF ACTS BEYOND A  
COMPANY'S CONTROL, OR *FORCE MAJEURE* EVENT**

The above-captioned matter for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

1.        On January 15, 2008, the Commission issued an order in this docket requesting Staff propose revisions to the Quality of Service standards previously promulgated in this docket. The purpose of this was to ensure that "Acts of God" or other such *force majeure* would not place a company subject to the Quality of Service Standards into jeopardy or non-compliance conditions.

2.        Staff proposed revisions and United Telephone Company of Kansas d/b/a Embarq and Southwestern Bell Telephone Company d/b/a AT&T filed comments on Staff's proposed revisions on March 27, 2008. Embarq fully supports Staff's proposed revisions. AT&T supports the revisions as well but requested clarification that "emergency declaration" includes "state, county, or other municipal or agency declaration that may not rise to the level of a FEMA or federal declaration." AT&T also requests that it be allowed to include in its discussion any additional information or evidence of the event that it believes might be explanatory and helpful to Staff and the Commission.

3. On May 15, 2008, Staff submitted a memorandum to the Commission recommending the Commission adopt Staff's proposed Quality of Service plan modifications with the suggested AT&T clarifications. Staff incorporated the revisions and clarifications into the administrative guidelines used by the industry in administering the Quality of Service plan. The Commission finds that adoption of the Quality of Service plan modifications, as attached to this order, are appropriate and in the public interest and will appropriately clarify that a company will not be penalized for violating the plan when acts occur beyond its control as defined in the plan. The new plan shall take effect immediately.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Modifications to the Quality of Service plan are adopted as set forth above. The attached plan becomes effective immediately.

B. The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2006 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Moffet, Com; Harkins, Com.

Dated:     MAY 23 2008    

ORDER MAILED

MAY 23 2008

 Executive  
Director

\_\_\_\_\_  
Susan K. Duffy  
Executive Director

crh

## LEC Quality of Service Standards

### -Administrative Guidelines-

Performance standards and reporting apply to all, facilities based, Kansas Local Exchange Carriers.

- Standards are applicable to company or state level results, results are to be computed monthly and reported quarterly.
- These standards apply to wholesale and/or retail services commonly referred to as Plain Old Telephone service (POTs), including Coin service, provided for either Residential and/or Business customers. Foreign Exchange, ISDN and other switched services requiring special engineering/design treatments are not included.
- One copy of monthly results (Attachment B) is to be sent quarterly, via transmittal letter, to:

Director - Utilities Division  
1500 Arrowhead Road  
Topeka KS 66604-4027

Report is due not later than the 20th of the month following each calendar quarter, except when jeopardy and/or noncompliance conditions occur; then immediate reporting is required.

- Failing benchmark level for two (2) consecutive months constitutes a *jeopardy condition*, requires immediate reporting and a corrective action plan to be filed with the report. If the reporting company wishes to have their corrective action plan treated as proprietary, it must be clearly marked as such.
- Failing benchmark for three (3) consecutive months constitutes a *noncompliance condition* and requires immediate reporting with an updated corrective action plan. Staff will evaluate the provided action plan, current results and make a recommendation to the Commission regarding the assessment of fines; unless the condition is *exempt*, in which case no staff analysis or recommendation will be made.
- An *exempt condition* is defined as an extraordinary condition or event that is clearly outside of the Company's control, such as an "Act of God" or force majeure. In claiming such condition the reporting company should comprehensively describe the scope and magnitude of the event(s) including references to governmental declarations (e.g. FEMA, Emergency Management, etc.) as appropriate. A corrective action plan discussing measures being taken to manage the situation is required.

(May, 2008) Revised to: Include exempt treatment for "Acts of God".  
Make minor language updates.

## **Quality of Service Reporting Detail**

### **Customer Trouble Reports (CTRs)/100 Access Lines:**

This indicator is intended to provide a broad gauge indication of consumer satisfaction with the quality and reliability of services being provided. This indicator is to include both retail and, if applicable, wholesale services.

All CTRs reported to the provider's designated trouble reporting facility, less allowed exclusions, are to be included in this indicator. Multiple reports of trouble on the same service are to be included in this count. Complaints about optional features (i.e. Touch Tone, Custom Calling and CLASS) are to be included.

Conditions identified through other channels (i.e. Informal contacts with the customer, routine maintenance activity, etc.) are not considered as CTRs under this plan.

Allowed CTR Exclusions:

- Troubles which locate in another network.
- Troubles which locate on the customer's side of the demarcation point.
- Troubles which are the result of inappropriate customer action.
- Billing and/or collection complaints.

The count of POTs Access Lines is to be made at the end of the report month and is to include all lines capable of originating or terminating calls to and from the Public Switched Network. Foreign Exchange (FX), ISDN and other switched services requiring special engineering/design treatments are not to be included. Lines provided for internal company use (often referred to as Official Service lines) are not to be included in this count.

### **Benchmarks:**

6 CTRs/100 access lines, or less, for LECs serving more than 10,000 access lines.

8 CTRs/100 access lines, or less, for LECs serving between 1,000 and 10,000 access lines.

10 CTRs/100 access lines, or less, for LECs serving less than 1,000 access lines.

Failing benchmark level for two (2) consecutive months constitutes a *jeopardy condition*, requires immediate reporting and a corrective action plan to be filed with the report.

Failing benchmark for three (3) consecutive months constitutes a *noncompliance condition* and requires immediate reporting with an updated corrective action plan.

## **Quality of Service Reporting Detail**

### **% Repeat Customer Trouble Reports:**

This indicator is intended to provide a broad gauge indication of the quality of repair services being provided. It is the count of repeat troubles occurring within a minimum of 10 days, expressed as a percent of total CTRs for the month. This indicator is to include both retail and, if applicable, wholesale services.

The number of repeat trouble reports received during the previous 10 days on a given service, as a percentage of the total Customer Trouble Reports received during the report month.

Repeat reports need not be of the same trouble condition. CTRs are to be counted in accordance with Attachment A-1.

### **Benchmark:**

20%, or less, repeat trouble reports.

Failing benchmark level for two (2) consecutive months constitutes a *jeopardy condition*, requires immediate reporting and a corrective action plan to be filed with the report.

Failing benchmark for three (3) consecutive months constitutes a *noncompliance condition* and requires immediate reporting with an updated corrective action plan.

## **Quality of Service Reporting Detail**

### **Average Customer Repair Intervals:**

This indicator, along with % of appointments met, is intended to provide a broad gauge indication of responsiveness to the customer and is applicable whether personnel were dispatched to the customer's premises, or not. This indicator is to include both retail and, if applicable, wholesale service.

The average time required to repair POTs service affecting conditions. The same trouble counting consideration, as presented in Attachment A-1, apply to this indicator. No distinction is made concerning "out of service" and "other" conditions.

Allowed exclusions:

- Troubles which locate in another network.
- Troubles which locate on the customer's side of the demarcation point.
- Trouble which are the result of inappropriate customer action.
- Time during which access to the demarcation point is denied.

Timing starts with the time the trouble is reported to the designated trouble reporting facility and ends when service has been restored to the customer. Clock hours are to be used in determining the respective intervals with no exclusions for week ends, evenings or late night hours.

### **Benchmark:**

An average of thirty (30) hours, or less, for repair service.

Failing benchmark level for two (2) consecutive months constitutes a *jeopardy condition*, requires immediate reporting and a corrective action plan to be filed with the report.

Failing benchmark for three (3) consecutive months constitutes a *noncompliance condition* and requires immediate reporting with an updated corrective action plan.

## **Quality of Service Reporting Detail**

### **Percent (%) Appointments met:**

This indicator, along with Average Report Intervals, is intended to provide a broad gauge indication of responsiveness to the customer and is applicable whether personnel were dispatched to the customer's premises, or not. This indicator is to include both retail and, if applicable, wholesale service.

This indicator applies to all POTs Installation and Repair activity, whether premise visits are required or not. It is intended to reflect the "on time" aspect of meeting customer commitments.

Allowed appointment exclusions:

- Marketing/Sales calls.
- Appointment made for reasons other than providing service.

Appointment expectation times should be adjusted when requested by the customer or with the prior agreement of the customer.

### **Benchmark:**

Ninety percent (90%), or greater, of all appointments met on time.

Failing benchmark level for two (2) consecutive months constitutes a *jeopardy condition*, requires immediate reporting and a corrective action plan to be filed with the report.

Failing benchmark for three (3) consecutive months constitutes a *noncompliance condition* and requires immediate reporting with an updated corrective action plan.

Report to be forwarded the KCC, not later than the 20<sup>th</sup> of the month following each calendar quarter.

Monthly  
Quality of Service  
Report to the KCC

Company: \_\_\_\_\_  
Reporting Year: \_\_\_\_\_

Indicator	Reference	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
CTRs/100 Lines	A-1												
% RTRs	A-2												
Average Repair Interval	A-3												
% Appointments Met	A-4												
Jeopardy Condition?	Yes/No												
Noncompliance Condition?	Yes/No												
Condition Exempt?	Yes/No												

(May, 2008)

Signed \_\_\_\_\_

Title \_\_\_\_\_