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(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of Rule or Section (catchline):**

Intercarrier Service Quality

3. **Type of Notice:**

Proposed Rules	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Amendment	<input type="checkbox"/> Repeal
	<input type="checkbox"/> Repeal and Reenact		
Other Rule Types	Change in Proposed Rule (Changes Original Proposed Rule File No.: _____ )		

4. **Purpose of or Reason for the Filing:**

The Commission proposed a nearly identical rule published on February 15, 1998 (DAR #20683). However, a procedural error subjects the February proposed rule to challenge which could prevent the successful implementation of the proposed rule. The Commission has determined that it will begin anew with the proposed rule in this filing. This proposed rule differs from the February proposed rule by having no provisions outlining a dispute resolution process. Such is no longer necessary due to the 1998 Legislature's passage of H.B.115 and enactment of 54-8b-16 and 17. The proposed rule is proposed due to 54-8b-2.2 which requires telecommunications corporations to provide interconnection of their networks to other telecommunications corporations. This section requires the commission to establish rules which enables the competitive provisions of telecommunication services.

5. This filing is a response to comments by the Administrative Rules Review Committee. Yes  No

6. **Summary of the Filing:**

This rule establishes the service standards and reporting requirements that telecommunications corporations must fulfill in providing services to other telecommunications corporations.

7. **Cost or Savings Impact of Filing:**

**State Budget:** unknown  
**Local Government:** none  
**Other Persons** unknown  
(Aggregate Impact):

8. **Compliance Costs for Affected Persons** ("Person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

unknown

9. This rule is authorized or mandated by state law, and implements or interprets the following state and federal laws.

**State Code or Constitution Citations (Required):** 54-8b-2.2  
**Federal Citations (Optional):** 1996 Federal Telecommunications Act

10. This Filing Adds or Updates an Incorporated Reference (Submit a Copy to DAR): Yes  No   
(Reference Title and Date of Issue or

Edition):

11. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the *Utah State Bulletin*. See Section 63-46a-5 and Rule R15-1 for more information.)

Comments Will Be Accepted Until 5:00 p.m. on 5/31/98  
(mm/dd/yy):

A Public Hearing (Optional) Will Be Held on 5/18/98 at (Time): 10:00 a.m.  
(mm/dd/yy):

at (Place): Public Service Commission Hearing Room, 4th Floor Room 426, Heber M. Wells Building,  
160 East 300 South, Salt Lake City, Utah

12. This Filing May Become Effective on (mm/dd/yy): 6/1/98

13. Indexing Information - Keywords (maximum of four, in lower case):  
interconnection, telecommunications, public utilities

14. Indexing Information - Affected Industries (two-digit SIC codes):  
48

15. Attach a WordPerfect document containing this filing's text (filename): r3651st.dft

**To the agency:** Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms may be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

### AGENCY AUTHORIZATION

Agency Head or Designee: Barbara Stroud Paralegal Date (mm/dd/yy): 04/15/98

(Please Include Title)

#### **R746-365. Public Service Commission, Administration.**

#### **R746-365. Intercarrier Service Quality.**

#### **R746-365-1. General Provisions.**

A. Application and Authority -- This rule shall apply to telecommunications corporations that are obligated to interconnect facilities and equipment for the mutual exchange of telecommunications traffic pursuant to 54-8b-2.2.

1. This rule provides service standards to ensure that telecommunications corporations, individually and jointly, will engineer, design, equip and provision an efficient public telecommunications network with attendant operational support systems and joint network planning processes that will:

a. prevent impairment of public telecommunication services attributable to the provisioning of essential facilities and services used to provide local exchange service, including blocking of telecommunications traffic carried by or exchanged between the networks of multiple telecommunications corporations; b. ensure that each incumbent local exchange carrier timely provides essential interconnection facilities and services to other telecommunications corporations that is at least equal in quality to that provided by the incumbent local exchange carrier to itself or to any of its subsidiaries or affiliates, or to any other carrier with whom the incumbent local exchange carrier interconnects, or provides interconnection facilities and services.

2. This rule defines obligations relating to interconnection and the exchange of traffic that apply only to incumbent local exchange carriers as required by the federal Telecommunications Act of 1996, 47 U.S.C. Sections 251, 256 (a), 271(c)

(1)(B)(2)(B)(i) and the Code of Federal Regulations Part 51.311(b).

3. This rule specifies minimum network performance and service quality standards applicable to telecommunications corporations interconnecting pursuant to 54-8b-2.2.

4. This rule establishes specific network monitoring and reporting obligations for incumbent local exchange carriers.

5. Incumbent local exchange carriers with less than 30,000 access lines shall be exempt from this rule until they receive a bona fide request for interconnection made pursuant to the notice and exemption provisions of 47 U.S.C. Section 251 (f).

6. The adoption of this rule by the Commission neither precludes subsequent amendment pursuant to applicable statutory procedures, nor the grant of a temporary exemption by the Commission as provided in R746-100-16, Deviation from Rules.

#### **R746-365-2. Definitions.**

A. The meaning of terms used in these rules shall be consistent with their general usage in the telecommunications industry unless specifically defined in 54-8b-2, R746-348, or this rule. As used in this rule, unless context states otherwise, the following definitions shall apply:

1. "Affiliate" -- means, with respect to any telecommunications corporation, a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this subsection, the term "own" means to own an equity interest, or the equivalent, of more than ten percent.

2. "Blocking" -- means the occurrence of insufficient capacity between the end office or tandem of a telecommunications corporation and the end office or tandem of another telecommunications corporation, and includes a call not completed because of insufficient capacity usually evidenced by a fast busy signal or message that circuits are busy.

3. "Busy Hour" -- means the uninterrupted period of 60 minutes during the day when the traffic is at its maximum.

4. "Business Day" -- means any day other than Saturday, Sunday or other day on which commercial banks in Utah are authorized or required to close.

5. "CFR" -- means the Code of Federal Regulations.

6. "Commission" -- means the Public Service Commission of Utah.

7. "Competitive Local Exchange Carrier" (CLEC) -- means an entity certificated to provide local exchange services that does not otherwise qualify as an incumbent local exchange carrier.

8. "End User" -- means the person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency purchasing the telecommunications service for its own use, and not for resale.

9. "FCC" -- means the Federal Communications Commission.

10. "Federal Act" -- means the Federal Telecommunications Act of 1996, 47 U.S.C.

11. "Firm Order Confirmation" (FOC) -- means notice provided by one telecommunications corporation to another in electronic or manual form of

acceptance of a service order and the date that the service order will be completed.

12. "Held Service Order" -- means a written or electronic order for an essential interconnection service or facility that is not filled on or before the standard installation interval or the date specified in a FOC, whichever occurs first.

13. "Incumbent Local Exchange Carrier" (ILEC) -- is defined as it is in R746-348, Interconnection.

14. "Interoffice Trunk Facilities" -- means the facilities, including transport, switching and cross-connect facilities, necessary for the transmission and routing of telephone exchange service between two end offices, or an end office and a tandem office.

15. "Local Exchange Carrier" -- means a telecommunications provider, authorized by the Commission, that provides local exchange service in a defined geographic service territory.

16. "Network Element" or "Network Facility" -- is defined as it is in R746-348-2, Interconnection.

17. "Order Completion Notification" (OCN) -- means notice provided by one telecommunications corporation to another in electronic or manual form that a service order has been completed.

18. "OSS Interface" -- means a system of communications links, computer hardware and software and associated equipment providing access into an ILEC's operational support systems for human-to-computer or computer-to-computer communication. This definition is conjunctive to the definition of "operational support" contained in R746-348-2, Interconnection.

19. "Service Order" -- means a written or electronic request for essential facilities or services made to effectuate 54-8b-2.2 and section 251 of the federal act.

20. "Trouble Report" -- means an oral, written or electronic report received by a telecommunications corporation from an end user of public telecommunications service, or, an oral, written or electronic report received by one telecommunications corporation from another who purchases essential facilities or services from the former. In either case, a Trouble Report communicates improper functioning of facilities over which the providing telecommunications corporation exercises control. A trouble report is used by telecommunications corporations to monitor repair and maintenance actions required for disposition of out-of-service or substandard service conditions.

21. "Wholesale Services" -- means essential services available to telecommunications corporations for the purpose of resale to end users.

22. "Wire Center" -- means a building that contains the necessary telecommunications facilities and functions to terminate, switch, route and interconnect local exchange, interoffice, and interexchange public telecommunication services.

### **R746-365-3. Network Obligations Applicable to All Telecommunications Corporations.**

A. Compliance With Existing Rules -- Telecommunications plant shall be designed, constructed, maintained and operated in compliance with R746-340, Substantive Rules Governing Telecommunications Utilities unless a telecommunications

corporation receives a waiver or exemption by Commission order. The term "public," as used in R746-340, shall include telecommunications corporations seeking interconnection with an other telecommunications corporation.

B. Engineering -- All telecommunications corporations shall construct network facilities in conformance with network design standards and specifications promulgated and published by industry standards-setting bodies such as the Alliance for Telecommunications Industry Solutions, the American National Standards Institute, the Committee T1-Telecommunications of the Alliance for Telecommunications Industry Solutions, Bellcore, the Consultative Committee on International Telegraphy and Telephony, the Institute for Electrical and Electronic Engineers, the International Telecommunications Union and the Internet Engineering Task Force.

C. FCC Compliance -- Telecommunications corporations shall comply with network performance rules promulgated by the FCC under authority of the federal act if stricter than those contained in this rule.

D. Negotiated Standards -- Interconnecting telecommunications corporations may voluntarily agree to performance standards for essential network facilities and services that are stricter than those contained in this rule.

#### **R746-365-4. Service Quality Obligations.**

A. Service Quality Obligations Applicable to All Telecommunications Corporations --

1. Carrier Provisioning Intervals -- Each telecommunications corporation shall provide essential facilities and associated services in accordance with the following provisioning intervals and shall separately measure each provisioning interval for commonly used circuit or facility types. The provisioning interval is the elapsed time measured in hours from a telecommunications corporation's receipt of a service order to return of an OCN. The percentage of service orders completed on time will be determined by the number of orders completed within the installation interval or the committed due date specified in a FOC. The cumulative elapsed time for each circuit or facility type is divided by the total number of corresponding completed service orders for each circuit or facility type to derive measures of service order flow-through, as further enumerated in R746-365-5.

a. Interoffice Trunking Facilities -- Pursuant to forecasting requirements established in R746-365-5, forecasted trunk, routing and switching facilities shall be provisioned to any requesting local exchange carrier within 30 days of receipt of a service order 90 percent of the time, unless otherwise agreed to by the requesting carrier. A telecommunications corporation shall return a FOC within two days of receipt of a service order from another telecommunications corporation.

(i) Service Orders Presented Under Approved Forecasts -- A telecommunications corporation shall be obligated to complete all service orders for essential facilities and services requested by an other telecommunications corporation that comport with four month projections contained in a joint forecast developed pursuant to R746-365-6(C).

b. Interim Number Portability -- Until permanent number portability is implemented, telecommunications corporations shall provide interim number portability. The installation interval for interim number portability shall not exceed three days following receipt of a service order 90 percent of the time.

2. Trouble Reports --

a. Receipt, Investigation and Recording -- Each telecommunications corporation shall provide for the receipt of trouble reports 24 hours a day, seven days a week. Each telecommunications corporation providing public telecommunications service shall investigate and respond to each trouble report. Each telecommunications corporation shall maintain a record of trouble reports made by end users and other telecommunications corporations which complies with R746-365-5(B)(4).

b. Emergency Out-of-Service -- Provisions shall be made to clear emergency out-of-service trouble at all hours, consistent with the public interest and the personal safety of a telecommunication corporations personnel. Emergency or alternative service shall be provided local law enforcement and public safety agencies during the period of any network interruption.

c. Notice of Unusual Repairs and Planned Interruptions -- If unusual repairs preclude prompt disposition of a reported trouble, telecommunications corporations shall notify all affected telecommunications corporations. If service must be interrupted for purposes of rearranging facilities or equipment, the work shall be accomplished in the manner least disruptive to other telecommunications corporations and which minimizes public inconvenience. Each telecommunications corporation shall notify each affected telecommunications corporation in advance of a planned interruption.

d. Repair Intervals -- Each telecommunications corporation shall seek to clear out-of-service trouble reports received from another telecommunications corporation within two hours of receipt 90 percent of the time, unless the trouble requires unusual repair, or carriers have agreed to other repair intervals. The repair interval for clearing a trouble between telecommunications corporations is the elapsed time measured in hours and tenths of hours from the time a trouble report is received by a telecommunications corporation to the time the telecommunications corporation returns a valid trouble resolution notification. Elapsed time shall be measured by common circuit or facility types and trouble disposition and closure recorded in accordance with R365-5(B)(4).

3. Network Performance Levels -- Each telecommunications corporation shall engineer, furnish and install essential facilities and services designed to meet busy hour demand, and to prevent blocking. The following minimum network performance standards apply to:

a. Interoffice Facilities --

(i) Local and extended area service interoffice trunk facilities shall have a minimum engineering design standard of (P.01) grade of service.

(ii) Intertandem facilities shall have a minimum engineering design standard of B.0025 (P.0025) grade of service.

b. Outside Plant -- Each telecommunications corporation shall engineer, construct and maintain cable and wire between an end user network interface device and the serving wire center in conformance with current industry standards, as described in R746-365-3(B), and common engineering practices.

B. Service Quality and Other Network Obligations Applicable to ILECs --

1. Operational Support Systems --

a. OSS Interfaces -- Each ILEC shall undertake all commercially reasonable efforts to implement within 180 days of publication industry standards or guidelines issued by the Alliance for Telecommunications Industry Solutions (ATIS) that facilitate parity of access to operational support systems the incumbent local exchange carrier uses to store and retrieve information related to network engineering and administration. The Commission may by rulemaking adopt published OSS Interface standards or guidelines effecting other

telecommunications corporations' access to Operational Support Systems if the rule facilitates automated allocation of network resources and capacity.

b. FCC Compliance -- ILECs shall comply with rules or standards for OSS interfaces promulgated by the FCC under authority of the federal Act, including any time frames specified therein if shorter than that provided above.

c. Testing of OSS Interfaces -- Each ILEC shall upon request jointly conduct with one or more telecommunications corporations testing of OSS interfaces used to obtain access to operational support systems. OSS Interface testing shall commence not more than 45 days after a request for testing is received by an ILEC. The ILEC and the telecommunications corporation(s) shall determine the duration of tests which shall be conducted among noncommercial end user accounts. No unreasonable limitation shall be imposed by an ILEC on an other telecommunications corporation's ability to test intercarrier OSS Interfaces to ensure compatibility between ILEC and the other telecommunications corporation's operational support systems.

2. Network Provisioning Intervals -- Each ILEC shall provide essential facilities and services that comply with the following installation intervals:

a. Network Elements -- Each ILEC shall provision essential network facilities and services in accordance with the following intervals and shall measure provisioning intervals for each of the following loop facilities and services as described in R746-365-5-(C)(3)(c).

(i) Unbundled Loops -- Provisioning intervals for an unbundled loop will vary by circuit and facility type, the number of loops requested on a service order, availability of facilities and whether or not a dispatch of ILEC personnel must occur. The following essential facilities will be provisioned for telecommunications corporations within the specified intervals.

#### TABLE

Facility Type Quantity Interval

DS0 or analog equivalent, dispatch,

facilities available: 1 - 24 5 days 24- n negotiated

DS0 or voice grade equivalent,

no dispatch: 1 - 24 3 days

24 - n 7-10 days DS1 -- Facilities provisioned and available: 5 days

ISDN -- Facilities provisioned and available: 7 days

XDSL -- Facilities provisioned and available: 7 days

DS3 -- Facilities provisioned and available: 7 days

OC3-Higher -- Facilities provisioned and available: 15 days

b. Wholesale Services -- Installation intervals for wholesale services shall vary depending upon whether an existing end user service provided by an ILEC is

migrated to an other telecommunications corporation, or, is a new service installation.

(i) An ILEC shall migrate wholesale services without changes for an existing end user served by the ILEC within 24 hours following receipt of a service order from the telecommunications corporation.

(ii) An ILEC shall migrate wholesale service with changes for an existing end user served by the ILEC within three days following receipt of a service order from the telecommunications corporation.

(iii) An ILEC shall install new wholesale service to a new end user, if facilities are available, within three days following receipt of a service order from the telecommunications corporation.

c. Collocation -- The following provisioning intervals and optional arrangements are common to both virtual and physical collocation:

(i) Upon receipt by an ILEC of a request for collocation, the ILEC shall within 15 days notify the telecommunications corporation whether sufficient space exists. If the telecommunications corporation disputes an ILECs denial of a request for collocation, and the carriers cannot negotiate a mutually satisfactory resolution, the telecommunications corporation may petition the Commission pursuant to R746-365-8(B) for an expedited hearing and resolution of the dispute. The burden shall be on the ILEC to demonstrate to the Commission that collocation is not practical due to space limitations or is technically infeasible.

(ii) If collocation is available, the ILEC shall within 25 days following receipt of a request for collocation provide a written quotation containing all non-recurring charges for construction of the telecommunications corporation's requested collocation arrangement.

(iii) The telecommunications corporation shall within 30 days following receipt of the ILEC's quotation, by written notice to the ILEC: 1) accept the quotation; 2) withdraw the request for collocation; or, 3) provide the ILEC an independent contractor quotation for construction of the requested collocation arrangement.

(iv) If the telecommunication corporation accepts the quotation from the ILEC, collocation equipment shall be installed on the ILEC's premises in accordance with the following provisioning intervals: 1) For physical collocation arrangements, the ILEC shall within 45 days of the telecommunication corporation's acceptance of the ILEC's quotation complete construction of the collocation space necessary and sufficient for installation of the CLEC's collocated interconnection facilities. The ILEC shall grant the telecommunications corporation access to the collocation space to install network elements therein. 2) For virtual collocation arrangements, the ILEC shall within 45 days after delivery of the telecommunication corporation's collocation equipment complete provisioning of all network facilities ordered by the telecommunications corporation.

(v) If the telecommunication corporation provides the ILEC an independent contractor quotation for construction associated with a collocation arrangement, the ILEC shall within 15 days of receipt of the quotation: 1) accept the proposal and grant to the independent contractor access to the ILEC's premises to complete construction of the collocation space and installation of the collocated interconnection facilities; 2) amend the ILEC's own quotation to perform on substantially similar terms, including, without limitation, price, the services specified in the independent contractor's quotation. If the telecommunication corporation accepts the ILEC's amended quotation, construction of the collocation space shall proceed as described in R746-365-4(B)(3)(c)(iv); or, 3) reject the proposal. If the ILEC refuses to accept an independent contractor quotation or amend its own quotation, the telecommunications corporation may petition the Commission for an expedited hearing and resolution

of the dispute pursuant to R746-365-8(B).

**R746-365-5. Monitoring and Reporting Requirements.**

**A. Availability and Retention of Records --**

1. Availability of Records -- Each telecommunications corporation shall make network engineering and administrative records available for inspection by the Commission or its designee during normal operating hours.

2. Retention of Records -- All information required by this rule shall be preserved for at least 36 months after the date of entry.

3. Information Maintained -- Each telecommunications corporation shall maintain records of its network engineering and administrative operations in sufficient detail to permit review of network performance, provisioning intervals and general service quality provided other telecommunications corporations.

4. Rights of Division of Public Utilities -- Upon request made by the Division of Public Utilities, a telecommunications corporation shall provide within seven business days copies of any information requested. The Division of Public Utilities may request frequent monitoring of network performance, provisioning intervals and general service quality if evidence exists that public telecommunications services are impaired.

5. Special Study -- When requested by the Division of Public Utilities (the Division), an ILEC may file a study with the Division of Public Utilities evidencing actual provisioning intervals for network facilities and services or actual repair intervals for services provided a retail affiliate, or, aggregated provisioning and repair intervals for facilities and services provided it's ten largest customers. The Division shall investigate the source of the ILEC's operational support evidence and, at its discretion, petition the Commission pursuant to R746-100-16, Deviation from Rules. If the Commission grants consideration of such a petition, intervenors may audit the ILEC's operational support evidence underlying the results of its study.

**B. Network Monitoring and Performance Reporting Obligations Applicable to All Telecommunications Corporations --**

1. Monitoring -- Each telecommunications corporation shall monitor the use of its network so as to:

a. issue the reports required by this section; and

b. monitor the use of all trunk groups and other interconnection facilities and equipment on its own side of the point of interconnection between its network and the network of each interconnecting telecommunications corporation.

2. Call Blocking -- Each telecommunications corporation shall maintain a daily record, by wire center, of call blocking. The record shall indicate the percentage of calls blocked by trunk group utilized by each interconnecting telecommunications corporation. Each telecommunications corporation shall notify an interconnecting telecommunications corporation immediately if call blocking on any trunk group within in any wire center exceeds standard industry levels specified in R746-365-4(A)(2).

3. Held Service Orders -- Each telecommunications corporation shall maintain a record, by wire center, of each instance when it fails to supply essential facilities and services to an interconnecting telecommunications corporation in accordance with the provisioning intervals established in R746-365-4. The record

shall provide the following data:

- a. the name and address of the telecommunications corporation;
- b. the circuit or facility type requested in the service order;
- c. the date and hour the service order was received;
- d. the reason for the delay;
- e. the number of days the order has been held;
- f. the expected order completion date for each service order;
- h. whether an initial service order was supplemented by the requesting telecommunications corporation and, if so, the date and time the supplement was approved by the providing carrier;
- i. a copy of the FOC provided the requesting telecommunications corporations.

4. Carrier Trouble Reports -- Each telecommunications corporations shall maintain a record, by wire center, of trouble reports received from another telecommunications corporations. The record shall:

- a. identify the telecommunications corporation experiencing trouble;
- b. the affected services;
- c. the time, date and nature of the report;
- d. the cause and action taken to clear the trouble and its recorded disposition;
- e. the date and time of trouble clearance.

C. Performance Monitoring and Reporting Obligations Applicable to ILECs --

1. Service Provisioning Reports -- Each ILEC will provide interconnecting telecommunications corporations performance monitoring reports detailing the ILEC's provisioning of:

- a. services to the ILEC's retail customers in the aggregate;
- b. essential facilities and services provided to itself or any retail affiliate purchasing interconnection or access;
- c. essential facilities and services provided in the aggregate to other telecommunications corporations purchasing interconnection; and
- d. essential facilities and services provided to individual telecommunications corporations purchasing interconnection.

2. Service Response Description -- The ILEC shall develop a detailed narrative description of the procedures it employs in responding to calls from:

- a. its retail customers;
- b. its affiliated customers purchasing essential facilities and services for interconnection or local exchange access;
- c. interconnecting telecommunications corporations; and
- d. The service response description will be made available upon request to telecommunications corporations purchasing essential facilities and services for

interconnection. The ILEC shall comply with the procedures outlined in its service response description.

3. Performance Monitoring Reports -- Performance monitoring reports shall include the following reports in addition to any additional reports the Commission may request:

a. Pre-Ordering Data -- Pre-ordering data means network administration data that resides in an ILECs operational support systems that includes, but is not limited to: facility availability, service availability, customer service records, appointment scheduling, telephone number reservation, feature function availability, and street address validation.

(i) Average OSS Response Interval for Pre-Ordering Data -- This report measures average response time per transaction for: customer service records; due date availability, address validation, feature function availability and telephone number selection and reservation. It shall be measured as: the Average Response Interval. The Average Response Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences between minuends expressed in Query Response date and time and subtrahends expressed in Query Submission date and time, the sum total dividend being divided by a divisor expressed as the number of Queries submitted in the reporting period.

(ii) OSS Interface Availability -- This report measures the percentage of time an OSS Interface is actually available for use compared to scheduled availability. It shall be measured as: the Percent System Availability. The Percent System Availability will equal the quotient of the following formula: the dividend expressed in the hours the OSS Interface functionality is actually available to CLECs during the report period divided by a divisor expressed in the number of hours the functionality was scheduled to be available during the reporting period, the quotient being expressed as a percentage.

b. Ordering --

(i) Firm Order Confirmation Timeline -- This report measures the average interval from receipt of a service order to distribution of an order confirmation notice. It shall be measured as: measured as the Mean FOC Interval. The Mean FOC Interval will equal the quotient of the following formula: the dividend expressed as the sum total of the differences of minuends expressed as the date and time of Firm Order Confirmation (FOCs) and subtrahends expressed as the date and time of Order acknowledgment, the sum total dividend being divided by a divisor expressed in the number of Orders confirmed in the reporting period.

(ii) Reject Timelines -- This report measures average response time from receipt of service order to distribution of rejection notice. It shall be measured as: the Mean Reject Interval. The Mean Reject Interval will equal the quotient of the following formula: a dividend expressed as the total sum of the difference of minuends expressed as the date and time of Order Rejection and subtrahends expressed as the date and time of Order Acknowledgment, the sum total dividend being divided by a divisor expressed in the number of Orders Rejected in the reporting period.

(iii) Percentage Rejects -- This report measures the percentage of total service orders received and rejected by the ILEC due to errors or omissions in the service order.

(iv) Timeliness of Order Completion Notification -- This report measures average response time from the actual completion date to distribution of service order completion notification. It shall be measured as: the Completion Interval. The Completion Interval shall equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the date and time of Notice of Completion issued to the telecommunications corporations and subtrahends expressed as the date and time of Work Completion

by the ILEC, the sum total dividend being divided by a divisor expressed as the number of Orders completed during the reporting period.

(v) Held Order Interval -- This report measures uncompleted orders where the committed due date on a firm confirmation order has passed. It shall be measured as: the Mean Held Order Interval. The Mean Held Order Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the reporting period close date and subtrahends expressed as the Committed Order Due date, the sum total dividend being divided by a divisor expressed as the number of Orders Pending and Past the Committed Due Date.

#### c. Provisioning --

(i) Average Completion Interval -- This report measures the average time from an ILECs receipt of service order to the completion date provided on an OCN. It shall be measured as: the Average Completion Interval. The Average Completion Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the OCN date and time and subtrahends expressed as the Service Orders Submission date and time, the sum total dividend being divided by a divisor expressed as the count of Orders completed in the reporting period.

(ii) Percentage of Orders Completed On Time -- This report measures the percentage of total orders completed on or before the completion date provided on an OCN. It shall be measured as: the Percent Orders Completed on Time. The Percent Orders Completed on Time will equal the quotient of the following formula: a dividend expressed as the count of Orders Completed within ILEC Committed Due Date and a divisor expressed as the count of Orders Completed in the reporting period, the quotient being expressed as a percentage.

(iii) Percentage Missed Installation Appointments -- This report measures the percentage of service orders where installation of wholesale service is not performed at a time in which the customer concurs which appears on a firm order confirmation. It excludes misses when the CLEC or end user causes the missed appointment. It shall be measured as: the Percentage Missed Installation Appointments. The Percentage Missed Installation Appointments will equal the quotient of the following formula: a dividend expressed as the count of Wholesale appointments missed and a divisor expressed as the count of Wholesale Orders completed in the reporting period, the quotient being expressed as a percentage.

(iv) New Service Installation Trouble Within 30 Days -- This report measures the percentage of new service installations which prove defective within 30 days following completion of a service order. It shall be measured as: the Percentage New Service Installation Trouble within 30 days. The Percentage New service Installation Trouble within 30 days will equal the quotient of the following formula: a dividend expressed as the count of defective New Service Install in the past 30 days divided by a divisor expressed as the count of total New Service Installs in the past 30 days; the quotient being expressed as a percentage.

#### d. Maintenance --

(i) Trouble Report Rate -- This report measures the frequency of direct or referred trouble report incidents across a universe of facilities where the cause is determined to be in network facilities. It is measured as a percentile of lines or circuit types in service. It shall be measured as: the Trouble Report Rate. The Trouble Report Rate will equal the quotient of the following formula: a dividend expressed as the count of Initial and Repeated Trouble Reports in the reporting period divided by a dividend expressed as the number of Service Access Lines in service at the end of the reporting period; the quotient being expressed as a percentage.

(ii) Missed Repair Appointments -- This report measures the percentage of trouble reports not cleared by the committed date and time. It excludes misses where the telecommunications corporation or end user caused the missed appointment. It shall be measured as: the Percentage Missed Repair Appointments. The Percentage Missed Repair Appointments will equal the quotient of the following formula: a dividend expressed as the count of Repair Appointments Missed divided by a divisor expressed as the count of Total Appointments; the quotient being expressed as a percentage.

(iii) Mean Time to Restore -- This report measures the restoral interval for resolution of maintenance and repair troubles. It measures the elapsed time from receipt of a trouble report to clearing and disposition. It shall be measured as:

the Mean Time to Restore. The Mean Time to Restore will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the date and time of Ticket Closure and subtrahends expressed as the date and time of Ticket creation, the sum total dividend being divided by a divisor expressed as the count of Trouble Tickets Closed in the reporting period.

(iv) Percentage Repeat Trouble Reports Within 30 Days -- This report measures the percentage of trouble reports on a line or circuit that has had a previous trouble report in the preceding 30 days. It shall be measured as: the Repeat Trouble Rate. The Repeat Trouble Rate will equal the quotient of the following formula: a dividend expressed as the count of Service Access Lines generating more than one Trouble Report within a continuous 30 day period divided by a divisor expressed as the number of Trouble Reports in the report period; the quotient being expressed as a percentage.

#### e. Billing --

(i) Timeliness of Daily Usage Feed -- This report measures the interval in hours between the recording of usage data and the transmission in proper format to a telecommunications corporation. It shall include usage originating at ILEC switches, resale and UNE switching, and not alternately billed messages received from other ILECs. It shall be measured as: the Mean Time to Provide Recorded Usage Records. The Mean Time to Provide Recorded Usage Records will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the data set transmission time and subtrahends expressed as the time of message recording the sum total dividend being divided by a divisor expressed as the count of all messages transmitted in the reporting period; the quotient being expressed as a percentage.

f. Specific Performance Monitoring Reports -- The Commission, the Division of Public Utilities or a telecommunications corporation may request from the ILEC a report on a specific basis rather than on an average basis with respect to any of the information described in the foregoing performance monitoring reports.

4. Identifiable Carrier-Specific Information -- An ILEC shall ensure that any carrier specific information contained in the performance monitoring reports is disclosed only to the individual carrier. The ILEC shall not use any information specific to a carrier for any purpose other than the reporting requirements contained herein.

#### R746-365-6. Joint Planning and Forecasting.

A. Planning --A telecommunications corporation will meet with an other telecommunications corporation to participate in joint forecasting and planning as necessary to accommodate the design and provisioning responsibilities of both

telecommunications corporations. At a minimum, an ILEC and a CLEC will meet once every calendar quarter.

#### B. Forecasting --

1. Forecasting is the joint responsibility of the ILEC and the CLEC. A forecast of interconnecting trunk group and other facilities and equipment required by the ILEC and the CLEC is required on a quarterly basis. The quarterly forecast shall project requirements for the following time intervals:

- a. four months;
- b. one year; and
- c. three years.

To the extent practical, the one-year and three-year forecasts will be supplemented with historical data from time to time as necessary to improve the accuracy of the forecasts.

2. The forecasts shall include, for tandem-switched traffic, the quantity of the tandem-switched traffic forecasted for each end office.

3. The use of Common Language Location Identifier (CLLI-MSG) shall be incorporated into the forecasts.

4. The forecasts shall include a description of major network projects anticipated for the following year that could affect the other party to the forecast. Major network projects include trunking or network rearrangements, shifts in anticipated traffic patterns, or other activities that are reflected by a significant increase or decrease in trunking demand for the succeeding forecasting period.

5. The forecasts, in narrative form, shall also describe anticipated network capacity limitations, including any trunk groups when usage exceeds 80 percent of the trunk group capacity, and the procedure for eliminating capacity problems before any trunk group experiences blocking in excess of the standards set forth in R746-365-5(B)(2).

6. The forecasts shall include the requirements of the ILEC and the CLEC for each of the following trunk groups:

- a. intraLATA toll and switched access trunks;
- b. EAS and local trunks;
- c. directory assistance trunks;
- d. 911 and E911 trunks;
- e. operator service trunks;
- f. commercial mobile radio service and wireless traffic; and
- g. meet point billing trunks.

7. Unless otherwise agreed, forecasting information exchanged between interconnecting local exchange carriers, or disclosed by one interconnecting local exchange carrier to the other, shall be deemed confidential and proprietary.

#### C. Procedure for Forecasting --

1. At least 14 days before a scheduled joint planning and forecasting meeting, the ILEC and the CLEC shall exchange information necessary to prepare the forecast described in R746-365-6(B). At a minimum, the ILEC will provide the CLEC with the following information.

a. Existing Interconnection Locations -- For existing interconnection locations between the ILEC and the CLEC, the ILEC shall provide:

(i) blocking reports, at the individual trunk group level, detailing blocking at each end office, including overflow volumes, and blocking between the ILEC's end offices and tandem switches;

(ii) the existence of any network switching, capacity or other constraints.

(iii) any network reconfiguration plans for the ILEC's network.

b. New Markets -- The CLEC may request the following information concerning a specific market area in the ILEC's service territory into which the CLEC desires to expand its own network:

(i) The ILEC's network design and office types in the market area, including trunk quantities, by trunk group, to and from each office/tandem, for all tandems and subtending end offices.

(ii) The capabilities of the ILEC's network in the market area.

(iii) The office line counts in the market area divided between residential and business end users.

(iv) The anticipated growth of the ILEC's network in the market area.

(v) Any plans of the ILEC to reconfigure its network in the market area.

b. The CLEC will provide the ILEC with the following information:

(i) The number of trunk lines requested and the projected century call second loads used to formulate such request.

(ii) The business and residential mix of the projected customer base.

(iii) Whether internet providers will be served and the projected number of internet provider lines needed.

(iv) The projected busy hour(s) of the trunk groups.

(v) The expected blocking level for the tandem switch, the direct final end office, the expected century call seconds on busy hours - how many century call seconds the last idle trunk line will carry.

(vi) Whether equal originating and terminating traffic loads can be anticipated to the requested trunking groups.

(vii) The projected service dates for the requested trunking groups for the first quarter forecasted.

(viii) The CLEC's rationale for direct trunk groups to any particular end office.

(ix) Any ramp up time anticipated for the use of the requested trunk lines, and an estimate of when the trunk group will reach capacity limits.

(x) Whether the CLEC requests usage and overflow data on the trunk groups which are directly connected to the ILEC's end offices.

2. The CLEC shall prepare a joint forecast consistent with the requirements of R746-365-6(B) and shall submit the forecast to the ILEC at least seven days before the scheduled joint planning meeting.
3. Prior to the scheduled joint planning meeting, the ILEC shall notify the CLEC whether the ILEC accepts the four month forecast, rejects the four month forecast, or proposes specific modifications to the four month forecast.
- a. If the ILEC rejects the four month forecast or proposes modifications to the forecast, the ILEC shall submit a written statement to the CLEC outlining the reasons why the forecast, as prepared by the CLEC, is unacceptable. The statement shall be supported by written documentation to support the ILEC's position.
- b. At the joint planning meeting, the ILEC and the CLEC may agree on the terms of the four month forecast, as initially presented by the CLEC, or with modifications proposed by the ILEC and agreed to by the CLEC. If no agreement is reached, the ILEC and the CLEC shall jointly outline all areas of disagreement.
4. If the ILEC and the CLEC cannot agree on the terms of the quarterly four month forecast, either local exchange carrier may commence an expedited dispute resolution proceeding before the Commission, as provided in R746-365-8(B). In that proceeding, the burden of persuasion shall be on the ILEC to demonstrate that the four month quarterly forecast submitted by the CLEC is unreasonable.
5. To the extent the ILEC and the CLEC agree to the terms of a forecast, such terms shall be deemed approved for purposes of this section, and only those portions of the quarterly forecast actually in dispute shall be subject to the expedited dispute resolution proceeding.
6. If the ILEC and the CLEC agree on a four month quarterly forecast, or, to the extent a forecast is approved by the Commission pursuant to the expedited dispute resolution proceeding, the ILEC shall be obligated to satisfy all service order requests made by the CLEC that are consistent with the four month projections contained in the approved forecast. Compliance with the terms of the forecast shall be based on the network provisioning interval standards set forth in R746-365-4(B)(3).
- D. Capacity Beyond the Four Month Forecast -- If the CLEC desires to order trunk groups, equipment, or facilities beyond the four month forecast, but consistent with the one-year and three-year forecast, the CLEC may order the additional quantity if it pays a recurring retained capacity charge to the ILEC.
- E. Trunk Group Underutilization -- If a trunk group is under 60 percent of centum call seconds (ccs) capacity on a monthly average basis for each month of any three month period, either the ILEC or the CLEC may request to resize the trunk group, which resizing will not be unreasonably withheld. If the resizing occurs, the trunk group shall not be left with less than 25 percent excess capacity. In all cases the network performance levels and the network provisioning intervals as set forth in R746-365-4(A)(2) and R746-365-4(B)(3) shall be maintained. If the ILEC and the CLEC cannot agree to a resizing, either of them may file a petition with the Commission for an expedited dispute resolution proceeding as provided in R746-365-8(B).
- F. Point of Contact -- The ILEC and the CLEC will each provide a specified point of contact for planning, forecasting and trunking servicing purposes. The specified point of contact shall have all authority necessary to fulfill the responsibilities as set forth in this section.

#### **R746-365-7. Remedies.**

A. Commission Assessed Penalties -- The Commission may assess penalties, as provided in 54-7-25, against any telecommunications corporation that fails or refuses to comply with this rule, including, without limitation, the provisioning and forecasting provisions contained in this rule.

B. Carrier Charges and Offsets --

1. Failure to Comply with This Rule -- If a telecommunications corporation fails to meet the network obligations, service quality obligations, reporting and monitoring requirements, or other duties imposed on it by this rule, any affected telecommunications corporations may file a petition with the Commission to enforce the provisions of this rule. The proceeding may be brought on an expedited basis as provided in R746-365-8(B).

2. Service Interruption -- A telecommunications corporation shall be entitled to a billing credit against amounts owed to an other telecommunications corporation for service interruption as follows:

a. If the telecommunications corporation's service or facility from another telecommunications corporation is interrupted and remains out-of-service for more than four but less than eight continuous hours after being reported by the interrupted telecommunications corporation, or found to be out-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to one tenth of the providing telecommunications corporation's monthly rate for the affected service.

b. If the interrupted telecommunications corporation's service or facility from the providing telecommunications corporation is interrupted and remains out-of-service for more than eight but less than 24 continuous hours after being reported by the interrupted telecommunications corporation, or found to be out-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the providing telecommunications corporation to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to the providing telecommunications corporation's monthly rate for the affected service.

c. If the interrupted telecommunications corporation's service or facility from the providing telecommunications corporation is interrupted and remains out-of-service for more than 24 continuous hours after being reported by the-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the providing telecommunications corporation to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to three times the providing telecommunications corporation's monthly rate for the affected service.