

March 13, 2015

*By efile*

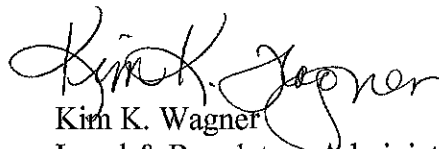
Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
350 Metro Square Building  
121 Seventh Place East  
St. Paul, MN 55101-2147

Re: In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules  
parts 7810.4100 through 7810.6100  
Docket No. P999/R-14-413

Dear Mr. Wolf:

Enclosed for filing are the Reply Comments of Joint CLECs, in connection with the  
above-referenced matter.

Sincerely,

A handwritten signature in black ink that reads 'Kim K. Wagner'.

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Enclosure

STATE OF MINNESOTA  
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

**In the Matter of a Rulemaking to Consider  
Possible Amendments to Minnesota Rules  
parts 7810.4100 through 7810.6100**

**Docket No. P-999/R-14-413**

**REPLY COMMENTS OF THE JOINT CLECS**

Eschelon Telecom of Minnesota, Inc. d/b/a Integra, Integra Telecom of Minnesota, Inc. d/b/a Integra, TDS Metrocom, LLC and Velocity Telephone, Inc. (“Joint Competitive Local Exchange Carriers,” or “Joint CLECs”) respectfully submit these reply comments in response to the December 4, 2014 comments by entities in this docket.<sup>1</sup>

**Background**

On March 26, 2014, CenturyLink filed a petition for waiver of Minnesota Rule Part 7810.5800 and a request for a rulemaking to review service quality rules.<sup>2</sup> The Commission opened docket P-421/AM-14-256<sup>3</sup> to address the petition for rulemaking, and P-421/AM-14-255<sup>4</sup> to address the Rule 7810.5800 waiver request. The Joint CLECs filed comments in P-

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<sup>1</sup> *Comment Period*, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules parts 7810.4100 through 7810.6100, PUC Docket Number P-999/R-14-413, December 24, 2014.

<sup>2</sup> *Petition for Waiver of Minnesota Rule Part 7810.5800 and Request for Rulemaking to Modernize Service Quality Rules*, In the Matter of the Petition of CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, PUC Docket Number P-421/AM-14-255, March 26, 2014 (“Petition for Waiver”).

<sup>3</sup> In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules, PUC Docket Number P-421/AM-14-256, March 26, 2014.

<sup>4</sup> *Notice of Comment Period*, In the Matter of the Petition of CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, PUC Docket Number P-421/AM-14-255, April 2, 2014.

421/14-256 on April 14, 2014.<sup>5</sup> The Joint CLECs filed comments in P-421/14-255 on April 30, 2014<sup>6</sup> and June 12, 2014.<sup>7</sup> On May 22, 2014 the Commission opened this rulemaking and established a list of criteria that must be addressed by those suggesting rule changes.<sup>8</sup> The Commission's *Request for Comments* outlined additional details that should be provided by "anyone requesting rule changes."<sup>9</sup> A number of parties requested changes to existing Commission rules, including CenturyLink, Frontier, and the Minnesota Telecom Alliance. CenturyLink believes that all service quality rules could be eliminated, but proposed specific modifications, or deletions, to specific rules.<sup>10</sup> The Minnesota Telecom Alliance also made proposals with respect to specific rules.<sup>11</sup> Frontier believes there is not a need for rules, but proposed specific modifications to the existing rules.<sup>12</sup>

The Joint CLECs do not propose any changes to the current Commission rules, but expressed a concern regarding the negative impact the proposed changes could have on wholesale service quality.<sup>13</sup>

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<sup>5</sup> *Comments of Joint CLECs*, In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules, P-421/AM-14-256, April 14, 2014.

<sup>6</sup> *Comments of Joint CLECs*, In the Matter of the CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, P421/AM-14-255, April 30, 2014.

<sup>7</sup> *Supplemental Comments of Joint CLECs*, In the Matter of the CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, P421/AM-14-255, June 12, 2014.

<sup>8</sup> *Findings and Conclusions*, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules parts 7810.4100 through 7810.6100, PUC Docket Number P-999/R-14-413, May 22, 2014.

<sup>9</sup> *Request for Comments*, p. 1.

<sup>10</sup> *Comments of CenturyLink*, December 4, 2014, p. 18.

<sup>11</sup> *December 4, 2014 Initial Comments of Minnesota Telecom Alliance* ("Comments of MTA"), , December 4, 2014, p. 1.

<sup>12</sup> *Comments Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.* ("Comments of Frontier"), December 4, 2014, p. 10.

<sup>13</sup> *Comments of Joint CLECs*, December 4, 2014, p. 2.

## Comments

The Joint CLECs' main interest in this case is to ensure that wholesale service quality is not inadvertently impacted by changes to the Commission's service quality rules. The Joint CLECs purchase wholesale products from incumbent carriers such as CenturyLink, which are then used as inputs for the Joint CLECs' retail end users' service. Most of the wholesale products purchased by the Joint CLECs are purchased through Interconnection Agreements. Wholesale service quality is clearly addressed in the Interconnection Agreements with CenturyLink, in the legacy Qwest territory, through the CenturyLink Performance Assurance Plan ("CPAP").<sup>14</sup> Interconnection agreements with other Minnesota incumbent carriers typically do not contain detailed wholesale service quality requirements.

Wholesale service quality measured within the CPAP is either compared against a benchmark or CenturyLink's retail service quality standards, depending on the particular product being measured. As a result, changes to service quality standards that impact retail performance could also impact wholesale service quality performance, by changing the standard against which wholesale service quality is measured.

In addition, the Commission's service quality rules play another important role in the maintaining an interconnected competitive carrier environment. Many of the service quality rules are not specific to retail performance, and thus, the rules can provide carriers with intercompany disputes the baseline expectations needed to resolve disputes. This is especially important for wholesale relationships with incumbent carriers that do not have a comprehensive wholesale service quality plan, such as the CPAP.

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<sup>14</sup> The Minnesota CPAP can be found at <http://www.centurylink.com/wholesale/clecs/nta.html> under Exhibit K.

Should the Commission take action to alter the service quality rules in Minnesota, the Joint CLECs request the Commission consider the impact changes could have on wholesale service quality, both within the rule itself, and as it relates to CenturyLink's CPAP.

The Joint CLECs are concerned that changes in the Commission's service quality rules could potentially hamper the Joint CLECs' ability to offer high quality customer service to end users. As a result, the Joint CLECs request that the Commission take extra care when changing or eliminating performance metrics applicable to service quality standards that are referenced within wholesale performance plans.

For example, the CPAP Mean Time to Restore (MR-6) metric for unbundled loops is measured in comparison to CenturyLink's retail residential and business POTS performance, which is governed by Minnesota Administrative Rule 7810.5800. If the repair standard in the rule is relaxed, CenturyLink could successfully meet the standard and comply with the rule, even as both retail and wholesale service quality decline. This decrease would not be captured as missed performance in CenturyLink's CPAP because, even though performance is declining, CenturyLink is successful in complying with the relaxed retail standard in the Commission rules.<sup>15</sup>

The table below shows the current CenturyLink CPAP wholesale performance metrics with a retail comparison standard. The table also identifies the corresponding Commission service quality rule.

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<sup>15</sup> This example is for illustrative purposes. Specific recommendations with respect to 7810.5800 are contained later in these comments.

**Table 1: List of Minnesota CPAP Measures with Corresponding Retail Service Quality Standard**

<b>Minnesota CPAP Measure</b>	<b>Products with Retail Comparison</b>	<b>Related Minnesota Administration Rule</b>
MR-5 – Troubles Cleared within Specified Intervals	DS1 Loops, DS1 EELs and LIS Trunks	7810.5800 INTERRUPTIONS OF SERVICE
MR-5 – Troubles Cleared within Specified Intervals (Diagnostic)	Sub-loops and Resale Business Single Line Service	7810.5800 INTERRUPTIONS OF SERVICE
MR-6 – Mean Time to Restore	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5800 INTERRUPTIONS OF SERVICE
MR-7 – Repair Repeat Report Rate	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5900 CUSTOMER TROUBLE REPORTS
MR-8 – Trouble Rate	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5900 CUSTOMER TROUBLE REPORTS
MR-9 – Repair Appointments Met (Diagnostic)	Residential Single Line Service	7810.5800 INTERRUPTIONS OF SERVICE
NI-1 – Trunk Blocking (Diagnostic)	LIS Trunks	7810.5400 INTEROFFICE TRUNKS
OP-3 – Installation Commitments Met	Residential Single Line Service, LIS Trunks and DS1 Loops	N/A

OP-4 – Installation Interval	Residential Single Line Service and LIS Trunks	7810.5500 TRANSMISSION REQUIREMENTS
OP-5 – New Service Installation Quality	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5900 CUSTOMER TROUBLE REPORTS
OP-15 – Interval for Pending Orders Delayed Past Due Date (Diagnostic)	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5500 TRANSMISSION REQUIREMENTS
PO-9 – Timely Jeopardy Notices (Diagnostic)	Non-Designed Services, Unbundled Loops, LIS Trunks	N/A
BI-2 – Invoices Delivered within 10 days (Diagnostic)	UNEs and Resale Residence (combined)	N/A
BI-4 – Billing Completeness (Diagnostic)	UNE Loops and Resale Residence (combined) and Reciprocal Compensation	N/A

A number of incumbent carriers requested changes to existing Commission rules. Table 2 below summarizes each party's proposal, and indicates whether there are wholesale implications.

**Table 2: ILEC Proposals and Wholesale Implications**

<b>Metric</b>	<b>CenturyLink Proposal<sup>16</sup></b>	<b>Frontier Proposal<sup>17</sup></b>	<b>MTA Proposal<sup>18</sup></b>	<b>Wholesale Implications</b>
<b>7810.4100 Access to Test Facilities</b>	Delete	Delete	Delete	N/A
<b>7810.4300 Accuracy Requirements</b>	Delete	Simplify	Delete	N/A
<b>7810.4900 Adequacy of Service</b>	Delete	Simplify	Simplify	Yes
<b>7810.5000 Utility Obligations</b>	Eliminate record keeping and obligations	Retain	Eliminate record keeping and obligations	N/A
<b>7810.5100 Telephone Operators</b>	Delete	Simplify	Delete	N/A
<b>7810.5200 Answer Time</b>	Delete	Adjust metric	Adjust metric	N/A
<b>7810.5300 Dial Service Requirements</b>	Delete	Delete	Delete	N/A
<b>7810.5400 Interoffice Trunks</b>	Delete	Delete	Delete	Yes
<b>7810.5500 Transmission Requirements</b>	Slight modification	Retain	Retain	Yes
<b>7810.5800 Interruptions of Service</b>	Modify and eliminate metric	Adjust metric	Modify and eliminate metric	Yes
<b>7810.5900 Customer Trouble Reports</b>	Delete	Adjust metric	Adjust metric	Yes
<b>7810.6000 Protective Measures</b>	Delete	Retain	Delete	N/A
<b>7810.6100 Safety Program</b>	Retain	Delete	Retain	N/A

It is important to note that the Joint CLECs are not proposing any changes to the Commission’s service quality rules, but are concerned about the impact proposed changes could have on wholesale service quality. To the extent the Commission plans to modify its existing

<sup>16</sup> *Comments of CenturyLink*, p. 19.

<sup>17</sup> *Comments of Frontier*, pp. 11-18.

<sup>18</sup> *Comments of MTA*, pp. 11-19.



rules, the Joint CLECs are primarily concerned with changes to five of the Commission's service quality rules: 7810.4900 Adequacy of Service, 7810.5400 Interoffice Trunks, 7810.5500 Transmission Requirements, 7810.5800 Interruptions of Service, and 7810.5900 Customer Trouble Reports.

### *7810.4900 Adequacy of Service*

Current Rule (emphasis added)

**Each utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer.** Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off-periods by the use of alarms maintained in proper conditions with someone conveniently available so that emergency calls will be given prompt attention.

**Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.**

Carriers need to employ reasonable engineering and administrative procedures, not just to retail customers, but to their wholesale customers as well. This standard highlights an overarching obligation which can be useful if disputes arise between carriers in a multi-carrier environment. The rule also strengthens the ability to have the Commission as an arbitrator of disputes by offering clear rules that set expectations between carriers. Should the Commission modify service quality rule 7810.4900 Adequacy of Service, the Joint CLECs propose adoption of Frontier's proposal which though significantly

modifying the rule, maintains the requirement for “reasonable engineering and administrative procedures” as well as “adequate procedures for assignment of facilities.”

### ***7810.5400 Interoffice Trunks***

#### **Current Rule**

Local interoffice trunks shall be provided so that at least 95 percent of telephone calls offered to the group will not encounter an all-trunks-busy condition. For toll connecting trunks, this figure shall be at least 97 percent. When the completion rate falls below 95 percent on a continuing basis investigative or corrective action should be initiated.

Interoffice trunks serve not only end user customers but are the life-blood of a multi-carrier environment. Current performance with regard to trunk blocking for local interconnection trunks is well above the current benchmark, but incentives should be in place to maintain this level of performance. In the event the Commission modifies rule 7810.5400 Interoffice Trunks, the Joint CLEC’s support the alternative proposal contained in the MCCA Reply Comments.<sup>19</sup> The MCCA supports a 1% benchmark standard for this rule based on the affidavit of Dr. Ankum and recommends that corresponding modifications also be made to the CPAP. The 1% proposal is consistent with the historical benchmark contained in the CPAP for this measure. The CPAP measure is currently diagnostic, which means that no performance incentive payments are associated with poor wholesale performance. The measure, however, was retained in the CPAP because of the importance of interconnection trunks to competitive carriers.

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<sup>19</sup> Note the MCCA does not recommend changes to this rule, but in the event there are changes recommends a 1% benchmark.

### *7810.5500 Transmission Requirements*

Current Rule (emphasis added)

**Telephone utilities shall furnish and maintain adequate plant, equipment, and facilities to provide satisfactory transmission of communications between customers in their service areas.** Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross talk shall be such as not to impair communications.

This rule, like rule 7810.5400, remains important in a multi-carrier environment. Carriers need to rely on each other to be able to effectively serve end user customers. All incumbent carriers proposed to retain rule 7810.5500 Transmission Requirements and the Joint CLECs concur. CenturyLink provided slight modifications to the language, to which the Joint CLECs are not opposed.

### *7810.5800 Interruptions of Service*

Current Rule (emphasis added)

**Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay.** The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported. **In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.**

Every telephone utility shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged and serious interruption of service to a large number of customers.

The obligation to prevent interruptions and repair service with the shortest possible delay is important in minimizing customer inconvenience and notifying impacted customers of outages in a multi-carrier environment. The Joint CLECs note that all incumbent carrier proposals retained the most important part of rule 7810.5800 Interruptions of Service, which maintains expectations with respect to the prevention of interruptions and minimizing out of service conditions. If the Commission intends to modify this rule, the Joint CLECs request the Commission consider the importance of maintaining the obligations to prevent interruptions, minimize service outages, and continue the obligation to notify impacted customers of service interruptions.

#### ***7810.5900 Customer Trouble Reports***

Current Rule (emphasis added).

**Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.**

**Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition.** This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 per 100 telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.

This rule is also crucial in a multi-carrier environment. It sets the expectations that troubles can be reported 24 hours a day, and that emergency situations will be prioritized

and repaired as quickly as possible. Adequate records of troubles are also important in order for carriers to investigate and trouble shoot chronic issues. Should the Commission modify rule 7810.5900 Customer Trouble Reports, the Joint CLECs recommend Frontier’s proposal. Frontier’s proposal retains the most important part of this rule, which requires carriers to receive trouble reports 24 hours a day, and clear troubles of an emergency nature at all hours.

**Conclusion**

The Joint CLECs do not propose changes to the Commission’s service quality rules. However, to the extent the Commission intends to adopt changes to these rules, consideration should be given to the impact these rules can have on wholesale service quality. To the extent the Commission changes the rules in table 3 below, the Joint CLECs make the recommendations contained in Table 3 below.


**Table 3: Joint CLEC Recommendations**

<b>Metric</b>	<b>Joint CLEC Proposal</b>	<b>Discussion</b>
<b>7810.4900 Adequacy of Service</b>	Adopt Citizen’s Proposal	Citizen’s proposal significantly modifies the rule, but continues to require “reasonable engineering and administrative procedures” as well as “adequate procedures for assignment of facilities.” These obligations are important in a multi-carrier environment and enhance rather than constrain competition.
<b>7810.5400 Interoffice Trunks</b>	MCCA Proposal	Interoffice trunks serve not only end user customers but are the life-blood of a multi-carrier environment. Current performance with regard to trunk blocking for local interconnection trunks is well above the current benchmark, but incentives should be in place to maintain this level of performance.

<b>7810.5500 Transmission Requirements</b>	Retain	All incumbent carriers proposed to retain this measure. CenturyLink provided slight modifications to the language to which the Joint CLECs are not opposed.
<b>7810.5800 Interruptions of Service</b>	Any ILEC proposal plus notification obligations	The most important part of this rule is the obligation to prevent interruptions of service and notification with respect to prolonged outages. All ILEC proposals retain these provisions. The requirement to notify impacted customers in advance of interruptions.
<b>7810.5900 Customer Trouble Reports</b>	Frontier proposal	The Frontier proposal retains the most important part of this rule which requires carriers to receive trouble reports 24 hours a day and clear troubles of an emergency nature at all hours.

Dated this 13<sup>th</sup> day of March, 2015.

On behalf of the Joint CLECs




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