

Exhibit No.:  
Issues: Quality of Service  
Witness: Larry Henderson  
Sponsoring Party: MO PSC Staff  
Type of Exhibit: Rebuttal Testimony  
Case No.: TE-2006-0415  
Date Testimony Prepared: December 4, 2006

**MISSOURI PUBLIC SERVICE COMMISSION**  
**UTILITY OPERATIONS DIVISION**

**REBUTTAL TESTIMONY**

**OF**

**LARRY HENDERSON**

**MCC TELEPHONY OF MISSOURI, INC.**

**CASE NO. TE-2006-0415**

**Jefferson City, Missouri**  
**December 2006**

**\*\*Denotes Highly Confidential Information\*\***

**NP**

*Staff* Exhibit No. *6-NP*  
Date *1-25-07* Case No. *TE-2006-0415*  
Reporter *M*

**FILED<sup>2</sup>**

FEB 07 2007

Missouri Public  
Service Commission

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

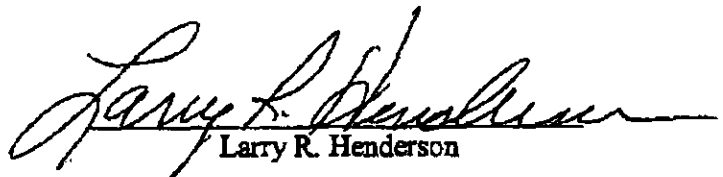
In the Matter of the Application of MCC )  
Telephony of Missouri, Inc., for Waiver of )  
Compliance with the Requirements of 4 )  
CSR 240-32. )

Case No. TE-2006-0415

**AFFIDAVIT OF LARRY R. HENDERSON**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF COLE     )

Larry R. Henderson, of lawful age, on his oath states: that he has participated in the preparation of the following Rebuttal Testimony in question and answer form, consisting of 17 pages of Rebuttal Testimony to be presented in the above case, that the answers in the following Rebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.

  
Larry R. Henderson

Subscribed and sworn to before me this 4<sup>th</sup> day of December, 2006.



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06842086

  
Notary Public

My commission expires 9-21-10

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**REBUTTAL TESTIMONY**  
**OF**  
**LARRY HENDERSON**  
**MCC TELEPHONY OF MISSOURI**  
**CASE NO. TE-2006-0415**

Q. Please state your name and business address.

A. My name is Larry R. Henderson. My business address is 200 Madison Street,  
Jefferson City, Missouri, 65102.

Q. By who are you employed?

A. I am employed as a Technical Specialist II in the Telecommunications  
Department for the Missouri Public Service Commission.

Q. Can you summarize your testimony?

A. MCC has not provided good cause to waive 4 CSR 240-32.080(5)(A)(1). The  
Commission should either reject MCC's request and/or conduct a rulemaking to revise the  
Commission's quality of service standards. My testimony also attempts to identify MCC's  
compliance with other portions of the Commission's quality of service standards. The  
Commission should direct MCC to submit a plan to show how the company intends to  
comply with these reporting requirements.

Q. What are your duties and responsibilities?

A. I provide technical assistance on telecommunications matters to the  
Commission, consumers, the telecommunications industry and other Commission Staff

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1 members. This technical assistance includes helping address consumer complaints. I also  
2 help train and educate Commission Staff members on technical telecommunications matters.

3 One of my primary duties is to monitor the quality of service provided by basic local  
4 telecommunications companies. I review the quarterly quality of service report results  
5 submitted by these companies and follow-up, as necessary to help ensure companies maintain  
6 the Commission's service objectives. This responsibility includes reviewing and ensuring  
7 companies are accurately tabulating their quarterly quality of service report results. In certain  
8 instances I will inspect a company's physical plant to ensure compliance with Commission's  
9 rules, the National Electric Code, and National Electric Safety Code. I'll also provide  
10 constructive feedback and training to correct deficiencies in non-compliant areas.

11 Q. Please describe your prior experience.

12 A. I have 38 years of technical experience within the telecommunication industry.  
13 I progressed through a variety of technical positions at Southwestern Bell from 1968 before I  
14 retired from the company in 2001. A significant portion of my experience with Southwestern  
15 Bell was as Manager of Technical/Network Operations where I supervised and helped train  
16 subordinates and contractors on the construction and maintenance of telecommunications  
17 facilities. In this capacity I supervised the installation, rearrangement and design of analog,  
18 digital and fiber optic outside plant facilities. I also held the position of Area Manager Digital  
19 Electronics for Southwestern Bell where I supervised the design, installation and repair of  
20 data and broadband networks. In 2001 I accepted the position of Technical Specialist with the  
21 Missouri Public Service Commission. My specific experience is outlined in Schedule 1.

22 Q. Have you previously testified before the Commission?

23 A. Yes, in Case No. IO-2006-086.

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1 Q. What is the purpose of your testimony?

2 A. My purpose is to assess a request filed on April 25, 2006 by MCC Telephony  
3 of Missouri, Inc (MCC). MCC filed an Application for Waiver of Commission rule 4 CSR  
4 240-32.080(5)(A)(1), which is a part of the Commission's telecommunications quality of  
5 service standards. I intend to address MCC's Application for Waiver and the direct testimony  
6 sponsored by MCC in support of its application.

7 Q. Can you give us an overview of the Commission's quality standards?

8 A. Yes. Any telecommunications company offering basic local  
9 telecommunications service is currently required to comply with the Commission's quality of  
10 service requirements as identified in Commission rule 4 CSR 240-32. This rule sets quality of  
11 service standards for basic local telecommunications providers. Specifically, 4 CSR 240-  
12 32.080 establishes ten (10) categories for monitoring the quality of a company's  
13 telecommunications service. These categories monitor responses by a company to a  
14 customer's request for installation, repair and call interaction. In each category a service  
15 objective and surveillance level is established. The service objective is an acceptable level of  
16 service set by the Commission for a company to provide Missouri consumers. The  
17 surveillance level is a substandard level of performance by a company to the Missouri  
18 consumer. The surveillance level requires a company to take appropriate corrective action to  
19 achieve and maintain the Commission's service objective in each category. The surveillance  
20 level requires a company to take appropriate corrective action to achieve and maintain the  
21 Commission's service objective in each category.

22 Q. How does the Commission monitor the quality performance of a company?

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1           A.     Commission rule 4 CSR 240-3.550 requires each company providing basic  
2     local telecommunications service to submit a quarterly quality of service report. The quarterly  
3     quality of service report is due within 45 days after the end of the quarter. These reports  
4     identify a company's results in meeting the ten categories of monitoring the quality of a  
5     company's telecommunications service. Attachment No. 1 is a copy of a form used by  
6     companies in compiling their quarterly quality of service reports. Additional information  
7     about compiling these reports is found on the Commission's web site at  
8     <http://psc.mo.gov/TelecoIndustryInfo.asp> under the heading "quality of service".

9           Q.     MCC specifically requests a waiver from compliance to Commission rule 4  
10    CSR 240-32.080(5)(A)(1). Can you explain this section of the quality of service rule?

11          A.     Yes, Commission rules 4 CSR 240-32.080 (5)(A)(1) specifically establishes  
12    requirements for responding to customer requests for basic local telecommunications service.  
13    The service objective for this criteria is 90% or more of orders requesting service shall be  
14    installed within five (5) working days after the customer ordered service; or on or by the date  
15    requested if it is at least five (5) working days after the date the customer ordered service  
16    installed. If a company fails to install 85% of the basic service order requests within five (5)  
17    working days, this area is considered in the surveillance level and the Commission requires  
18    immediate corrective action by the company.

19          Q.     Does Commission rule 4 CSR 240-32.080 (5)(A)(1) allow for a company to  
20    adjust results for abnormal conditions beyond the control of the company?

21          A.     Yes. It should be pointed out that Commission rule 4 CSR 240-  
22    32.080(5)(A)(1) allows a company to exclude certain orders in calculating the company's  
23    result for installing service within five working days. For example, if a customer's action

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1 prevents a company from installing service within five (5) days, then the company does not  
2 need to include the order in its result. Another example for excluding certain orders is if the  
3 area has suffered a declared natural disaster. Exclusions due to a natural disaster are usually  
4 isolated to a specific geographic area and have a specific date time stamp. A company may  
5 also request the Commission Staff's approval to exempt orders that meet a specific condition  
6 or unique situation. The procedure for making such requests with the Commission Staff are  
7 found at [http://psc.mo.gov/teleco/IP\\_NEW\\_Exclusions.pdf](http://psc.mo.gov/teleco/IP_NEW_Exclusions.pdf).

8 Q. Why is MCC requesting a waiver of 4 CSR 240-32.080(5)(A)(1)?

9 A. The basic reasons for MCC to request a waiver of this Commission rule are  
10 outlined in MCC's Application for Waiver filed on April 25, 2006 and the direct testimony of  
11 MCC witness Calvin Craib. I intend to respond to the reasons cited in both documents.

12 Q. What reasons for the waiver are contained in MCC's Application for Waiver?

13 A. MCC's Application for Waiver indicates MCC is seeking the waiver due to a  
14 unique situation beyond MCC's control. MCC's application states how MCC has contracted  
15 with a CLEC partner, Sprint, and MCC cannot control the first step in the process. MCC's  
16 application also claims incumbent local exchange carriers (ILECs) have a wide variance in  
17 porting intervals that jeopardize the ability of Sprint and MCC to meet the Commission's  
18 service objective. MCC states it is reasonable to be held only to a standard based on the  
19 portion of the process within MCC's control. Consequently MCC's application offers a  
20 proposal for MCC to be held to a service objective that 90% of MCC's installs would be  
21 installed within three working days of the time Sprint completes provisioning.

22 Q. Does the direct testimony of MCC witnesses support or reiterate the points  
23 MCC tried to make in its Application for Waiver?

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1           A.     Not exactly. The direct testimony of MCC witnesses appears to take a  
2 different tack and do not appear to try and support some of the points made in MCC's  
3 application. For instance, MCC's Application for Waiver appears to justify its request by  
4 emphasizing how certain aspects of the installation process are beyond MCC's control. In  
5 contrast, the direct testimony of MCC witness Calvin Craib doesn't appear to try and make  
6 this point. Instead Mr. Craib's testimony suggests MCC's service is different than the service  
7 provided by other carriers. Calvin Craib states, "MCC is seeking a waiver of this requirement  
8 because operational constraints prevent our being able to meet this benchmark at this time...."  
9 In addition, Mr. Craib appears to try and make the point the Commission's rule is unnecessary  
10 in situations where the customer has a number of options and is not held hostage by an  
11 unresponsive utility company.

12           Q.     Were any claims made in MCC's Application for Waiver not addressed by  
13 direct testimony?

14           A.     Yes. Direct testimony was not provided to support the claim that ILEC porting  
15 intervals vary greatly. In fact, MCC's response to Staff Data Request No. 6 provides porting  
16 intervals for five ILECs (AT&T, Alltel, CenturyTel, Spectra, and Embarq) and all five ILECs  
17 share the same porting intervals. Direct testimony was not provided by any MCC witnesses  
18 to support the proposal contained in MCC's Application that would hold MCC to a service  
19 objective that 90% of MCC's installs would be installed within three working days of the time  
20 Sprint completes provisioning.

21           Q.     Do you have any comments about Mr. Craib's description of MCC's service?

22           A.     Yes. Mr. Craib's direct testimony describes MCC's service as a "VoIP  
23 service". My observation is that no MCC witness appears to be making an issue of the



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1 Commission's jurisdiction over VoIP service. Nevertheless MCC's response to Staff Data  
2 Request No. 5 makes this somewhat uncertain. When asked why MCC is seeking a waiver of  
3 the rule rather than apply for permission to exclude certain service orders as contemplated in  
4 the rules, MCC replied, "...However, since the possible application of this rule to a VoIP  
5 services provider is an unsettled matter, if after reviewing the facts about how MCC provides  
6 voice service, the Commission deems this rule inapplicable to the way MCC provides service  
7 and thus finds that a waiver of the rule is unnecessary, then MCC would find this assurance  
8 from the Commission to be as effective as a waiver in allowing MCC to continue to provide  
9 service without adhering to the rule."

10 My comment to Mr. Craib's reference to MCC's service as a VoIP service is MCC's  
11 service should be considered basic local telecommunications service that is under the  
12 Missouri Commission's jurisdiction. This Staff position is consistent with the Staff position  
13 in Case No. TC-2007-0111, Staff of the Public Service Commission of the State of Missouri  
14 versus Comcast IP Phone, LLC.

15 Q. Has MCC provided good cause for justifying a waiver of 4 CSR 240-  
16 32.080(5)(A)(1)?

17 A. No. MCC appears to be claiming its service is unique and parts of the ordering  
18 process are beyond MCC's control. MCC also tries to justify the waiver request through  
19 competitive considerations. In my opinion MCC has failed to justify its request.

20 Q. Do you have any comments about whether MCC's service is unique whereby  
21 parts of the ordering process are beyond MCC's control?

22 A. Yes. MCC response to Staff Data Request No. 15 reflects MCC's belief  
23 MCC's service arrangement is "...unique, and not entirely within MCC's control." MCC's

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1 response goes on to describe how MCC relies on Sprint to perform various support functions.  
2 MCC is essentially claiming its reliance on Sprint results in situations where portions of  
3 MCC's service installation process is not entirely within MCC's control. Sprint handles  
4 various portions of the process to install service to MCC customers. Sprint's responsibilities  
5 are identified in a Letter of Intent signed by MCC and Sprint officials on August 20, 2004.  
6 This document identifies the specific services Sprint will provide for MCC.

7 In my opinion arrangements where another company assists another company in  
8 completing a service order is not unique. Likewise a company may depend on the actions of  
9 another company in order to complete the service order. In addition, other companies need to  
10 make a visit to the customer's premise in order to complete the installation of service.

11 From my perspective, the crux of the issue is that MCC has entered into an  
12 arrangement with Sprint that will make it impossible for MCC to meet the Commission's  
13 service objective for installing service. The reluctance of MCC and Sprint to provide  
14 unredacted version of the Letter of Intent suggests portions of the agreement are negotiated  
15 and may differ between companies. The bottom line is that I suspect any attempts to  
16 accelerate the time periods to install service will be more costly for MCC to provide.

17 Q. Is the porting of a telephone number the reason why MCC can not comply with  
18 the Commission's service objective to install 90% of service orders within five business days?

19 A. No. MCC can not even meet the Commission's service objective for non-  
20 ported service orders. According to MCC's response to Staff Data Request No. 8,  
21 approximately \*\* \_\_\_\_ \*\* of service orders involve porting while \*\* \_\_\_\_ \*\* do not involve  
22 porting. In addition, MCC's response to Staff Data Request No. 19 indicates under the terms  
23 of the agreement, Sprint has five days to perform functions for providing service for a non-

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1 ported number. This arrangement will make it difficult for any MCC service order request to  
2 be installed within five days. In fact out of all the service orders processed to date by MCC  
3 only \*\* \_\_\_\_ \*\* orders or \*\* \_\_\_\_ \*\* of all orders have been installed within five days. The  
4 vast majority of MCC's orders \*\* \_\_\_\_ \*\* take more than ten days to install service, based  
5 on MCC's response to Staff Data Request No. 24. Moreover, MCC's response to Staff Data  
6 Request No. 32 indicates MCC does not even schedule telephone installations under five days  
7 as part of its ongoing, routine delivery of telephone service.

8 Q. Do you have any comments regarding Mr. Craib's statement, page 5, lines 20-  
9 21, that the incumbent is significantly advantaged relative to MCC in meeting the  
10 Commission's service objective?

11 A. I can not say that incumbent local telephone companies have an advantage  
12 over MCC in meeting the Commission's service objective. Any company essentially has to  
13 complete many of the same tasks in completing a customer's service request to install service.

14 Q. Do you have any comments regarding Mr. Craib's statement, page 5, lines 18-  
15 20, that competition places healthy pressure on all providers to deliver the highest quality  
16 service?

17 A. In theory I agree with Mr. Craib's statement; however competition may take  
18 some time to work. In addition, consumers will need information about the quality of a  
19 company's service in order to make an informed decision. The reality of the situation is that  
20 it is costly for any company to maintain meeting the Commission's service objective for  
21 installing service. MCC wants the Commission to waive this portion of the Commission's  
22 rule. If granted, competitors and incumbents will likely file similar waiver requests. If the  
23 Commission grants waivers to more companies I seriously doubt competition will

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1 immediately produce higher quality service. In fact, I suspect competition will produce a  
2 lower quality of service.

3 Q. Are quality of service standards the same for ILECs and CLECs?

4 A. Yes. In 1999 the Commission entertained revisions to the Commission's  
5 telecommunications quality of service rules. At that time, some parties filed comments  
6 suggesting the Commission's quality of service standards should not apply to competitively  
7 classified companies. In response to such comments the Commission responded, "The  
8 Commission is establishing minimum acceptable standards of quality which should apply to  
9 all providers." The comments and the Commission's response can be found in the Missouri  
10 Register page 1953 dated August 2, 1999.

11 Q. What options does the Commission have to address MCC's waiver request?

12 A. I think the Commission has several options. One option is for the Commission  
13 to grant MCC's request. A second option is for the Commission to deny the request. A third  
14 option is to allow MCC's orders to be excludable orders as contemplated by the  
15 Commission's rules. A fourth option is to pursue a rulemaking to revise the Commission's  
16 quality of service rules.

17 Q. What comments do you have regarding the option whereby the Commission  
18 grants MCC's request?

19 A. In my opinion, MCC has not provided good cause for the waiver. For the  
20 reasons previously stated in my testimony MCC appears to be solely relying on the belief that  
21 portions of the service ordering process are beyond MCC's control. Many companies rely on  
22 other parties in handling service orders. For instance, companies may contract with outside  
23 parties to install facilities. Other companies simply resell the service provided by the

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1 incumbent. Such situations should not automatically exclude a company from maintaining  
2 the Commission's service objective. If the Commission grants MCC's request, I anticipate  
3 most other companies will submit similar waiver requests.

4 Q. What comments do you have regarding the option of denying MCC's request?

5 A. In my opinion this option is a viable choice for the Commission to make since  
6 I do not believe MCC has adequately justified its request. However, if the Commission  
7 denies the request the Staff's expectation is that MCC will make certain adjustments through  
8 its contractual arrangement with Sprint and begin meeting the Commission's service  
9 objective. I don't know if MCC will ultimately meet the Commission's service objective for  
10 installing service. If MCC continues to fail to meet this service objective, then a complaint or  
11 similar action will be filed against MCC. I anticipate we'll probably be back and have  
12 another case with MCC addressing the same issue.

13 Q. What comments do you have regarding the option of the Commission to allow  
14 MCC to exclude certain service orders as contemplated by current Commission rules?

15 A. This option applies the following portion of the Commission's rule 4 CSR 240-  
16 32.080(5)(A)1: "Service objective---that ninety percent (90%) or more of such orders shall be  
17 installed, except for customer-caused delays, delays caused by a declared natural disaster or a  
18 specific exemption requested by a company and approved by the commission staff to address  
19 a unique situation or condition---" The Commission could indicate that MCC be allowed to  
20 exclude some, or all, of its service orders. This option would essentially be similar to granting  
21 MCC's request without formally waiving the rule. I do not recommend this option. In my  
22 opinion, this option is reserved for situations where a severe storm, flood or some other  
23 disaster may have occurred but perhaps it was never officially declared a natural disaster.

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1 This option is not intended to be an on-going permission slip for a company to exclude all  
2 service orders.

3 Q. What comments do you have regarding the option to conduct a rulemaking to  
4 revise the Commission's quality of service rules?

5 A. In my opinion, this option is the most reasonable. The Commission should  
6 conduct a rulemaking to revise the Commission's quality of service rules. Such a rulemaking  
7 will ensure all companies comply with the same quality of service standards. Since the  
8 Commission's quality of service standards were last reviewed in 2004, competition appears to  
9 have expanded; at least competitive status has been granted in 108 exchanges out of 698  
10 exchanges. The Commission should specifically explore whether the service objective for  
11 installing service should be revised. In addition, the Commission should specifically explore  
12 whether a different standard should be established for competitive situations. The  
13 Commission may also explore whether service orders involving porting a telephone number  
14 warrant a different service standard than other orders to install telephone service. If this  
15 option is selected by the Commission, Staff is not prepared to immediately submit proposed  
16 rule revisions for the Commission's consideration. Staff prefers to first consult with other  
17 parties before proposing revisions for the Commission's consideration.

18 Q. Do you have any other comments regarding a Commission rulemaking?

19 A. Yes. The Commission may want to consider the appropriateness of  
20 establishing wholesale requirements for the porting of telephone numbers. Wholesale porting  
21 requirements could establish minimum time frames and other expectations for a carrier to  
22 respond to another carrier's porting request. The direct testimony of Calvin Craig, page 3,  
23 lines 16-17, identifies the amount of time it takes for the losing carrier to respond to MCC's

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1 Local Service Request. Sprint witness Darin Liston, page 6, lines 1-2, indicates the porting  
2 interval depends on "...each carrier's minimum required interval." When asked about the  
3 establishment of minimum guidelines for establishing the due date for a port, MCC responded  
4 to Staff Data Request No. 18 by saying the carriers have business rules or provide a  
5 completed Trading Party Profile. These sources appear to establish guidelines through a  
6 cooperative effort among carriers. While Staff has not observed any evidence suggesting  
7 incumbent local exchange companies have a wide variance in porting intervals, competitive  
8 local exchange companies may have a wide porting interval. In other words, in response to  
9 another carrier's porting request, some CLECs may respond quicker than other CLECs. The  
10 Commission may want to consider the appropriateness of establishing wholesale porting  
11 requirements since the Federal Communications Commission or any other regulatory body  
12 does not appear to have established such requirements.

13 Q. Do you have any comments regarding Mr. Craib's statement on page 6 lines  
14 11-15 where he says, "...Without speculating on the details of our customers' decision-  
15 making processes, I would imagine that our providing a reliable, high quality voice service at  
16 an extremely competitive price is something our customers consider in their evaluation of our  
17 performance with respect to this matter."?

18 A. I question how much information a customer has regarding the reliability and  
19 quality of MCC's service. In my opinion, the Missouri Commission is not even being  
20 provided with timely and accurate information regarding MCC's quality of service. For  
21 example MCC has continually failed to submit its quality of service report on a timely basis to  
22 the Commission. In addition, several other reported results contained in MCC's quality of

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1 service reports appear to be mis-reported or at least conflict with other information revealed in  
2 this case.

3 Q. Why do you state that MCC has continually failed to submit is quality of  
4 service report on a timely basis to the Commission?

5 A. We have received four (4) quarterly quality of service reports from MCC and  
6 all four reports were not filed in a timely manner. The 4<sup>th</sup> quarter 2005 report was due on  
7 February 15<sup>th</sup> 2006; however it was received on \*\* \_\_\_\_\_ \*\* The 1st quarter 2006  
8 report was due May 15<sup>th</sup> 2006 but was received \*\* \_\_\_\_\_ \*\* The 2<sup>nd</sup> quarter  
9 2006 report was due August 15<sup>th</sup> but was received on \*\* \_\_\_\_\_ \*\* The 3rd  
10 quarter 2006 report was due November 15th 2006 but was received \*\* \_\_\_\_\_  
11 \_\_\_\_\_ \*\*

12 Q. What quality of service results do you believe are being misreported by MCC?

13 A. MCC appears to have mis-reported the following results contained in its  
14 quality of service reports: percentage of service orders installed within 5 days, percentage of  
15 installation commitments met, customer trouble report rate, the percentage of out-of-service  
16 trouble cleared within 24 hours, the percentage of repair commitments met, and the average  
17 speed of answering customer calls to MCC's business or repair office.

18 Q. Please explain why you believe MCC is misreporting the percentage of service  
19 orders installed within 5 days.

20 A. All four of MCC's reports indicate that \*\* \_\_\_\_ \*\* of orders are being installed  
21 within 5 days; however MCC's response to Data Request No. 24 indicates MCC completed  
22 \*\* \_\_\_\_ \*\* service orders within 5 days. Although MCC's number of completed orders within



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1 5 days is small, MCC's quality of service report(s) should indicate some percentage other than  
2 0%.

3 Q. Please explain why you believe MCC is misreporting the percentage of  
4 installation commitments met.

5 A. Mr. Trefry's testimony states MCC offers customers installation commitments  
6 of 5 days, 8 days and 10 days. Stated differently the longest amount of time that MCC will  
7 provide a commitment of installing service is 10 days from the date the customer orders  
8 service. MCC's quality of service reports indicate MCC has met \*\* \_\_\_\_ \*\* out of  
9 \*\* \_\_\_\_ \*\* installation commitments for a composite rating of \*\* \_\_\_\_ \*\*. These figures  
10 appear to conflict with the figures provided to MCC's response to Data Request No. 24.  
11 MCC's response to this data request states that \*\* \_\_\_\_ \*\* orders have been completed,  
12 since MCC commenced providing service. Among these orders \*\* \_\_\_\_ \*\* orders were  
13 completed within 5 days, \*\* \_\_\_\_ \*\* orders were completed within 8 days, \*\* \_\_\_\_ \*\* orders  
14 within 10 days and \*\* \_\_\_\_ \*\* orders were installed in greater than 10 days. I question  
15 MCC's the results contained in MCC's quarterly quality of service reports if the longest  
16 commitment date provided by MCC is 10 days yet MCC completes only \*\* \_\_\_\_ \*\* out of  
17 \*\* \_\_\_\_ \*\* orders within 10 days. Based on the figures provided in Data Request No. 24,  
18 MCC's percentage of installations met should be significantly less than the results provided in  
19 MCC's quality of service reports.

20 Q. Please briefly explain why you believe MCC is misreporting its customer  
21 trouble report rate, the percentage of out of service trouble cleared within 24 hours, and the  
22 percentage of repair commitments met.

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1           A.     All three performance measures are based on the total number of trouble  
2 reports received by a company. For example a company's trouble report rate should reflect  
3 any form of trouble. In contrast the percentage of out of service trouble cleared within 24  
4 hours is based on a subset of the company's total trouble reports. The percentage of repair  
5 commitments met should reflect whether a company met its commitment to resolve any  
6 trouble. The total number of repair commitments made to customers should equal the total  
7 number of trouble reports.

8           The results contained in MCC's quality of service reports are confusing and produce  
9 impossible results. For example MCC's 2<sup>nd</sup> quarter 2006 quarterly quality report shows a  
10 total of \*\* \_\_ \*\* trouble reports were made by MCC's customers. In this same report MCC  
11 claims the company cleared \*\* \_\_ \*\* out of service trouble reports within 24 hours and  
12 provided repair commitments for \*\* \_\_\_\_ \*\* trouble reports. These results do not make  
13 sense and do not appear to reflect any relationship to each other. The total number of out of  
14 service trouble reports and the total number of repair commitments should not exceed a  
15 company's total number of trouble reports.

16          Q.     Please explain why you believe MCC may be inaccurately tracking the average  
17 speed of answer for calls to MCC's business or repair office.

18          A.     MCC reports that \*\* \_\_ \*\* seconds is an estimate derived from call center data  
19 and a formula. According to 4 CSR 240-32.080(5)(D)3 a company is either required to  
20 monitor its performance continuously or, if that is not possible, manual monitor 25 incoming  
21 calls on a monthly basis. Simply "estimating" the time and using a formula is not how a  
22 company's performance should be tracked.

Rebuttal Testimony of  
Larry Henderson

1           Q.     What action, if any, should be taken by the Commission to address these other  
2 compliance issues?

3           A.     I recommend the Commission direct MCC to submit a plan on how it intends  
4 to comply with these reporting requirements.

5           Q.     Please summarize your testimony.

6           A.     MCC has not provided adequate justification to waive 4 CSR 240-  
7 32.080(5)(A)(1). The Commission should either reject MCC's request and/or conduct a  
8 rulemaking to revise the Commission's quality of service standards. In my opinion, all  
9 companies should be under the same set of quality of service standards. In addition, the  
10 Commission may want to consider the appropriateness of an additional rulemaking that  
11 establishes inter-company porting time frames and standards. The Commission may want to  
12 seek further guidance from other parties on the appropriateness of this type of rulemaking for  
13 carriers currently operate under various industry agreements and guidelines. My testimony  
14 also attempts to identify MCC's compliance with other portions of the Commission's quality  
15 of service standards. The Commission should direct MCC to submit a plan to show how the  
16 company intends to comply with these reporting requirements.

17          Q.     Does this conclude your testimony?

18          A.     Yes, it does.

## **Larry Henderson**

### **Work History**

#### **Telecommunications Technical Specialist I & II –**

##### **Missouri Public Service Commission:**

**Jefferson City, Mo.**

##### **2001 to present:**

The Telecommunications technical specialist at the Commission wears many hats concerning telecommunications matters to the Commission, consumers, the telecommunications industry and other Commission Staff members. This technical assistance includes helping address consumer complaints. I also help train and educate Commission Staff members on technical telecommunications matters. One of my primary duties is to monitor the quality of service provided by basic local telecommunications companies. I review the quarterly quality of service report results submitted by these companies and follow-up, as necessary to help ensure companies maintain the Commission's service objectives. This responsibility includes reviewing and ensuring companies are accurately tabulating their quarterly quality of service report results. In certain instances I will inspect a company's physical plant to ensure compliance with Commission's rules, the National Electric Code, and National Electric Safety Code. I'll also provide constructive feedback and training to correct deficiencies in non compliant areas. I also provide input into suggesting revisions to existing rules, including policies and procedures.

##### **Area Manager Digital Electronics Southwestern Bell Telephone Company: St. Louis Mo.**

##### **2000 to 2001:**

I provided direct supervision to contractors, managers and their subordinates in "Project Pronto" which consisted of the planning, scheduling, design, construction, provisioning, acceptance and maintenance of digital electronic networks in the 573, 660, 636 and 314 area codes of Missouri. I was responsible to assure the final product met company specifications, needs of the consumer and was cost effective. In addition I was responsible to ensure a safe working environment for subordinates and the general public. The job required a clear understanding of all job functions performed by the subordinates, whether, those of a technical nature or one relating to policy and procedure. The position required an individual that could provide training to the management staff as well as to those that performed the technical aspects of the job.

##### **Construction Manager Network Operations Southwestern Bell Telephone Company: Eldon Mo.**

##### **1989 to 2000**

I provided direct supervision to contractors and subordinates to construct, splice and turn-up over 500 miles of fiber optic cable routes , 350 digital line carrier systems, 31 central offices conversions and thousands of miles of copper plant. This position also provided

me the opportunity to successfully complete design engineering training, hold positions on state, division and district safety committees; establish and train one of the first Digital Electronic installation and repair crews; establish and train one of the first DaVar performance testing crews. DaVar provides the ability to review the outside plant facilities and records for errors, pinpoint defects in the cable being tested and make recommended record changes. This position was a multi task position that involved several product and procedure field trials, including restoration projects in Springfield St. Louis, and Houston TX. The job required all work associated within your area of responsibility to be performed in a safe, quality and cost effective manner and rate those performing the task.

**Construction Manager Network Operations Southwestern Bell Telephone  
Company: Kaiser, Mo.**

**1986 to 1989**

I provided direct supervision to contractors and subordinates to construct splice and inspect the installation of copper and fiber facilities in aerial, direct buried and underground environments. This position required coordination of the relocation of facilities involved with many road relocations in central Missouri.

**Construction Manager Network Operations Southwestern Bell Telephone  
Company: Camdenton, Mo.**

**1984 to 1985**

I provided direct supervision to contractors and subordinates to construct splice and inspect the installation of copper and fiber facilities in aerial, direct buried and underground environments. This position required extensive contractor and employee training involving the National Electric Code, the National Electric Safety Code and local regulations.

**Manager Repair Service Bureau Network Operations Southwestern Bell Telephone  
Company: St. Louis, Mo.**

**1983 to 1984**

I provided direct supervision to subordinates and repair supervisors for the receipt, test, dispatch and close of all customers direct and non- direct trouble reports. This job set the commitment clock for repair and installation forces. I supervised the status of trouble reports including documenting when trouble reports are received, when service was restored, what caused the trouble and who closed the out of service ticket. This data was used to populate the quarterly quality of service report required by this Commission in Chapter 32.

**Manager Repair Service Bureau Network Operations Southwestern Bell Telephone  
Company: Eldon, Mo.**

**1980 to 1982**

I provided direct supervision in a non- mechanized test and mechanized test environment to subordinates and repair supervisors for the receipt, test dispatch and close of all customers direct and non-direct trouble reports. This job set the commitment clock for

repair and installation forces. I supervised the status of trouble reports including documenting when trouble reports are received, when service was restored, what caused the trouble and who closed the out-of-service ticket. This data was used to populate the quarterly quality of service report required by this Commission. This job also handled the consolidation of several rural test centers.

**Manager Installation / Repair Network Operations Southwestern Bell Telephone Company: Camdenton, Mo.**

**1979 to 1981**

I provided direct supervision and hands-on training to technicians installing all services offered by Southwestern Bell. This supervision included the installation of public coin, business single/multi line and public branch exchanges, (PBX) residential service private line and party line services. I had the opportunity install one of the first digital PBX's and remove one of the last plug board PBX's in Missouri.

**PBX Installer / Repairman Network Operations Southwestern Bell Telephone Company: Laurie, Mo.**

**1977 to 1979**

I installed and repaired all business services provided by Southwestern Bell which included multi line key and PBX service and private line data circuits. I had the opportunity to install one of the last crossbars PBX's and install a five way button and buzzer signaling device.

**Installer / Repairman /Cable Repair Network Operations Southwestern Bell Telephone Company: Sunrise Beach, Mo.**

**1975 to 1977**

I was required to isolate and repair cable faults in aerial and buried cable. This job also required the locating of underground facilities prior to excavation work.

**Installer / Repairman Network Operations Southwestern Bell Telephone Company: Sunrise Beach, Mo.**

**1973 to 1977**

I installed and repaired basic and party line service, coin and business service.

**Station Installer Network Operations Southwestern Bell Telephone Company: Kansas City, Mo.**

**1971 to 1973**

I installed basic and coin telephone service. This job also required wiring of PBX projects. I installed the coin telephones in Arrowhead and Kauffman Stadiums.

**Frame Attendant Network Operations Southwestern Bell Telephone Company: Kansas City, Mo.**

**1971 to 1971**

I had an opportunity to cut the last panel central office out of service on this project. My job was the coordination of placement of 38, 000 ½ tap jumpers from the main distribution frame to the office equipment.

**Installer / Repairman Network Operations Southwestern Bell Telephone Company:  
Camdenton, Mo.**

**1969 to 1970**

I installed and repaired basic and party line service, coin and business service. Installed telephones at the first National Governors Conference in 1970 at Tan-Tar-A resort.

**Lineman Network Operations Southwestern Bell Telephone Company:  
Camdenton, Mo.**

**1969 to 1969**

I installed aerial cable and poles. I worked on an un-located crew that traveled Missouri Re-Trans positioning AT& T Long lines copper open wire circuits.

## QUARTERLY QUALITY SERVICE REPORT

COMPANY:

DATE:

Number of Exchanges:



Quarter  
Reporting

| SERVICE ITEMS                      | Objective Level            | ITEM BASE   | Number meeting Objective                                | Item results | Surveillance Level               |
|------------------------------------|----------------------------|---|---|--------------|----------------------------------|
| Basic Service Orders with in 5days | > 90%                      | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | < 85%                            |
| Installation Commitments           | >95%                       | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | < 90%                            |
| OPERATOR ASSISTED CALLS            | 100% < 12 SECONDS          | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> |              | > 14 SECONDS                     |
| CUSTOMER ASSISTED CALLS            | < 15 SECONDS               | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> |              | > 20 SECONDS                     |
| ORIGINATED SWITCH CALLS            | >98% < 3 SECONDS           | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | < 97.4% < 3 SECONDS              |
| LOCAL EXCHANGED SWITCHED CALLS     | > 98% COMPL.               | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | < 95%                            |
| INTEREXCHANGED SWITCH CALLS        | > 98% COMPL.               | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | < 95%                            |
| CUSTOMER TROUBLE REPORT RATE LINES | < 6 REPORTS PER 100 ACCESS | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | > 8 REPORTS PER 100 ACCESS LINES |
| CLEARING TIME OOS TROUBLE          | CLEARED < 24 HOURS         | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | < 85%                            |
| REPAIR COMMITMENTS MET             | > 90% MET                  | <input style="width: 40px; height: 15px;" type="text"/> | <input style="width: 40px; height: 15px;" type="text"/> | #VALUE!      | < 85% MET                        |
| HELD SERVICE ORDERS > 30DAYS       |                            |   | <input style="width: 40px; height: 15px;" type="text"/> | 0            | MONITORING                       |
| HELD SERVICE ORDERS > 60DAYS       |                            |   | <input style="width: 40px; height: 15px;" type="text"/> | 0            |                                  |
| HELD SERVICE ORDERS > 90DAYS       |                            |   | <input style="width: 40px; height: 15px;" type="text"/> | 0            |                                  |
| HELD SERVICE ORDERS >120DAYS       |                            |   | <input style="width: 40px; height: 15px;" type="text"/> | 0            |                                  |