



RICHARD TELTHORST
President

December 30, 2003

The Honorable Dale Hardy Roberts
Secretary, Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

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Missouri Public
Service Commission

Dear Judge Roberts:

Thank you for the opportunity to provide comments on the proposed amendments to Chapter 32 as published in the December 1 edition of the Missouri Register. Sections of the proposed amendments that are being recommended by the association for deletion appear in brackets; provisions recommended for addition are in bold print. Comments regarding each recommended change follow.

4 CSR 240-32.020 - Definitions -- Amend as follows: "(48) Unusual Repair -- unusual repair exists when restoration is prohibited by an external element that is beyond the control of the company. [Lack of material and manpower does not constitute unusual repair.]"

Comment: Most carriers, especially small, rural companies, can not keep all possible repair and replacement materials in inventory and are at the mercy of third-party vendors for delivery of specialized equipment. In addition, many carriers have a relatively small work force that must be augmented with contract labor if emergency conditions warrant. When and if repairs exceed the immediate resources of a carrier, this condition should be considered an external element beyond the control of the company for purposes of monitoring quality of service standards.

4 CSR 240-32.070 - Quality of Service -- Amend as follows: "(4) Each customer requesting the installation or repair of basic local telecommunications service will be provided with [a commitment as to] the date **by which** service will be installed or repaired."

Comment: This change clarifies the requirement to provide all customers with a specific date to expect service while eliminating a term ("commitment") which has been difficult to define in a way that is commonly understood by the industry.

4 CSR 240-32.080 - Service Objectives and Surveillance Levels -- Amend as follows: "(5) (A) 1. Service objective - that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays, [and] a [declared] natural disaster, **or an external element that is beyond the control of the company--**.

A. Within five (5) working days after the customer ordered service; **or within seven (7) working days after the customer ordered service if the installation involves excavation which requires mandatory notice of intent to excavate to the state notification center pursuant to section 319.026 RSMo; or"**

Comment: Many natural disasters that impact service are very localized (sudden flooding of rural roads, lighting strike, etc.) and are not likely to be officially "declared" by the Governor. Also, the declaration of a natural disaster is not always immediate. In addition, adding the third provision recognizes the possibility of external conditions impacting the attainment of the service objective.

Also, service providers are now required by law to notify the state "one-call" notification center of their intent to excavate in an area at least two working days before commencement of the excavation. Owners of underground facilities in the affected area are given two working days to mark the location of underground utilities in the area. Since providers can not proceed with the installation until the locations are marked, two additional days should be added to the service objective for these installations.

4 CSR 240-32.080 - Service Objectives and Surveillance Levels -- Amend as follows "(5) (B) Installation [commitments] - all customers shall be given a [commitment of when] **date by which** service will be installed in accordance with 4 CSR 240-32.070(4) -

1. Service objective - that ninety-five percent (95%) or more of [commitments for] installations of basic local telecommunications service shall be [met] **made by the date provided the customer**, except for customer-caused delays, [and] a [declared] natural disaster, **or an external element that is beyond the control of the company;** "

Comment: Text changes made in accordance with previous recommendations.

4 CSR 240-32.080- Service Objectives and Surveillance Levels - Amend as follows: "(5) (H) Customer trouble reports **regarding basic local telecommunications service** -".

Comment: This addition is consistent with section 4 CSR 240-3.550 which outlines quality of service reporting requirements for companies providing basic local telecommunications service and clarifies that reports related to non-basic services are not included.

4 CSR 240-32.080 - Service Objectives and Surveillance Levels -- Amend as follows: "(5) (H) 1. D. The service objective and surveillance levels do not apply to trouble caused by **elements external to the provider's network (e.g., CPE, [and] inside wire, etc.,)** or when the report is a subsequent trouble report for the same access line. In order to exclude trouble reports caused by **elements external to the provider's network, the provider must complete trouble isolation tests to verify that the cause of the trouble does not reside on the provider's network.** [CPE or inside wire the company must specifically determine the cause is from CPE or inside wire. Trouble reports whereby a

company simply tests the line and produces a "test ok" or "found ok" condition are still countable trouble reports and are not excludable from the company's trouble report rate;].

Comment: Providers do not control and many times cannot test elements beyond their own network. A service provider, however, can verify through network testing that the trouble does not reside on its own network. In addition, if a customer initiates a service call, and the trouble is verified to be CPE or inside wiring, the customer in many cases will incur a service charge. A requirement to document the specific cause of trouble that is external to the network adds unnecessary time and possible customer expense to the reporting process without producing any additional customer benefit.

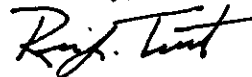
4 CSR 240-32.080 - Service Objectives and Surveillance Levels -- Amend as follows:
"(5)(H) 3. Repair [commitments] - All customers shall be given a [commitment of when] **date by which** service will be restored in accordance with 4 CSR 240-32.070(4) -

A. Service objective -- that ninety percent (90%) or more [of commitments for clearing trouble] **of trouble calls shall be cleared by the date provided the customer** [shall be met], except for customer-caused delays, [and] a [declared] natural disaster, **or an external element that is beyond the control of the company."**

Comment: Text changes made in accordance with previous recommendation.

Please let me know if you have any questions regarding our comments. I would be glad to further discuss the issue with you or the Commission staff.

Sincerely,



Richard Telthorst, CAE
President