

**BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING**

IN THE MATTER OF THE PROPOSED ADOPTION  
OF NEW RULES BY THE PUBLIC SERVICE  
COMMISSION OF WYOMING RELATING TO  
THE IMPLEMENTATION OF  
TELECOMMUNICATIONS SERVICE QUALITY  
STANDARDS

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) GENERAL ORDER 73  
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**APPEARING FOR PERSONS FURNISHING ORAL**

**OR WRITTEN DATA, VIEWS OR ARGUMENTS:**

For the participant U S WEST Communications, Inc. (U S WEST):

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For the participant United Telephone Company of the West (United):

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For the Participants, RT Communications, Dubois Telephone Exchange, Union Telephone Company, TCT West, Inc., Range Telephone Company, Project Telephone, Chugwater Telephone and All West Communications, Inc. (collectively the Independents):

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For the participant Wyoming Telephone Association, Inc. (WTA):

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For the participant McLeodUSA Communications, Inc. (McLeodUSA):

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For the participant wyoming.com:

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For the participant MCI Communications Corporation (MCI):

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MICHAEL B. ROSENTHAL, of Hathaway, Speight & Kunz, Cheyenne, Wyoming.

For the participant PTI Communications, Inc. (PTI):

JOHN GUNNERSON, Kalispell, Montana.

Additional Comments filed by:

AT&T Communications of the Mountain States, Inc. (AT&T).

Robert Larsen, Wyoming Public Service Commission engineering staff, Cheyenne, Wyoming.

**HEARD BEFORE**

Chairman Steve Ellenbecker

Deputy Chairman Doug Doughty

Chairman Ellenbecker Presiding

**AND HEARD BEFORE**

Chairman Steve Ellenbecker

Deputy Chair Kristin H. Lee

Commissioner Steve Furtney

Chairman Ellenbecker Presiding

**ORDER ADOPTING RULES REGARDING THE IMPLEMENTATION OF  
TELECOMMUNICATIONS SERVICE QUALITY STANDARDS**

**(Issued February 3, 2000)**

THIS MATTER is before the Wyoming Public Service Commission (Commission) for its consideration of the proposed adoption of new rules under the Wyoming Telecommunications Act of 1995, relating to the implementation of telecommunications service quality standards. The rules, as originally proposed, included the following sections:

<b>SECTION</b>	<b>TITLE</b>
501	Service Quality Definitions.
502	Records and Reports.
503	Relations Between Customers and the Provider.
504	Construction and Maintenance of Plant Equipment.
505	Construction and Maintenance Practices.
506	Provision of Service during Maintenance or Emergencies.
507	Availability of Service-Adequacy of Facilities.
508	Adequacy of Service.
509	Basic Telephone Service Standard.
510	Customer Access Lines.
511	Interoffice Trunking.
512	Network Call Completion Requirements.
513	Trouble Report Response.
514	Violations of Service Quality Standards.
515	Cellular Billing.
516	Rule Conflicts.

The rules, as adopted by this order, contain the following sections:

<b>SECTION</b>	<b>TITLE</b>
501	Applicability.
502	Service Quality Definitions.
503	Records and Reports.

504	Relations Between Customer and the Provider.
505	Construction and Maintenance Practices.
506	Provision of Service During Maintenance or Emergencies.
507	Availability of Service - Adequacy of Facilities.
508	Adequacy of Service.
509	Customer Access Lines.
510	Interoffice Trunking.
511	Network Call Completion Requirements.
512	Trouble Report Response.

The Commission, having reviewed its files regarding this general order, the oral and written data, views and arguments filed by the participants in this matter, applicable Wyoming and other regulatory law, and being fully advised in the premises, FINDS and CONCLUDES:

### **PROCEDURAL FINDINGS**

1. This proceeding was initiated by the Commission on its own motion to establish quality standards for telecommunications service in Wyoming consistent with the provisions of W.S. § 37-15-401(a)(iii) and W.S. § 37-15-406 of the Wyoming Telecommunications Act of 1995.
2. On November 20, 1995, the Commission issued its Notice of Intent to Adopt New Rules and Regulations and Procedural Order Setting Public Hearing and its Draft Statement of Reasons for Adoption of New Rules and Regulations which set forth the Commission's intention to promulgate new rules relating to quality of service standards for telecommunications pursuant to W.S. §§ 37-15-401 and 37-15-406 of the Wyoming Telecommunications Act of 1995. The Notice of Intent to Adopt New Rules and Regulations and Procedural Order Setting Public Hearing set a public hearing in this matter for January 8, 1996, beginning at 9:00 a.m. and continuing thereafter as necessary, in the Commission's hearing room, then located at 700 W. 21st Street in Cheyenne, Wyoming.
3. Notice of the proposed rule making and public hearing was published, once per week for three consecutive weeks, in the *Rock Springs Daily Rocket-Miner*, the *Casper Star Tribune*, the *Sheridan Press* and the *Wyoming Tribune-Eagle*. In addition, a public service announcement was aired five times per week for three consecutive weeks, on KUWR, Wyoming Public Radio. The Commission also provided personal notice of the proposed rule making and public hearing, together with a draft of the proposed rules to all telecommunications providers operating within Wyoming, and to the Wyoming Legislative Service Office, the Attorney General's office, the Secretary of State's office and the Governor's office.
4. On January 4, 1996, AT&T filed its comments and proposed changes to the proposed quality of service rules.

5. On January 5, 1996, the Commission received the Comments of U S WEST Communications, Inc.
6. Pursuant to the Notice of Intent to Adopt New Rules and Regulations and Procedural Order Setting Public Hearing, a public hearing was held on January 8, 1996, in the Commission's hearing room. The hearing was scheduled by the Commission, on its own motion, absent a request for hearing under W.S. § 16-3-103(a)(ii)(A). At the conclusion of the public hearing and pursuant to a request from United Telephone Company of the West, the proceeding was recessed until January 10, 1996, and the Commission set January 19, 1996, as the filing deadline for additional comments with regard to the proposed rules.
7. On January 9, 1996, United Telephone Company of the West notified the Commission, via facsimile, that it did not wish to provide oral comment on January 10, 1996, and had chosen instead to simply file its comments by the January 19, 1996, filing deadline. On January 16, 1996, the Commission received United's original letter verifying its January 9, 1996, facsimile.
8. On January 19, 1996, the Commission received the comments of the Wyoming Telephone Association, the Final Comments of U S WEST Communications, Inc., the Comments of United Telephone Company of the West to the Proposed Quality of Service Rules via facsimile, the Comments of MCI Telecommunications Corporation via facsimile, comments from the Independents, including RT Communications and separate comments from RT Communications. On January 22, 1996, the Commission received original copies of both United and MCI's comments.
9. On September 5, 1997, the Commission issued a revised draft of the proposed quality of service rules to all telecommunications companies authorized to provide local exchange telecommunications services in Wyoming and inviting further comment.
10. On September 9, 1997, the Commission received the comments of wyoming.com via electronic mail (e-mail).
11. On October 27, 1997, the Commission received the Comments of United Telephone Company of the West to the Proposed Quality of Service Rules.
12. On October 29, 1997, U S WEST filed its Commitment to Wyoming Wholesale Service Quality.
13. On November 29, 1997, Robert A. Larsen of the Commission's engineering staff filed comments concerning the proposed quality of service rules, and on December 8, 1997, the Commission received additional comments from wyoming.com.
14. On December 12, 1997, McLeodUSA filed brief comments regarding the proposed rules. Also on December 12, 1997, the Commission issued a memorandum to the Governor notifying him of its intent to renotice the rules and solicit additional comment, due not only to substantial changes to the rules but also within the telecommunications industry as a whole.
15. On February 6, 1998, the Commission issued a second Notice of Intent to Adopt New Rules and Regulations and Procedural Order Setting Public Hearing and Draft Statement of Reasons for the Promulgation of New Rules and Regulations which requested additional input from telecommunications carriers and set an additional public hearing in this matter for April 13, 1998, beginning at 10:00 a.m., in the Commission's hearing room located at 2515 Warren Avenue, Suite 300 in Cheyenne, Wyoming.

16. A copy of the Notice of Intent to Adopt New Rules and Regulations and Procedural Order Setting Hearing and the Draft Statement of Reasons for the Promulgation of New Rules and Regulations was mailed to all telecommunications carriers operating within Wyoming.
17. On March 20, 1998, the Commission received the Comments of LCI International Worldwide Telecommunications.
18. On April 6, 1998, the Commission received the Comments of United Telephone Company of the West, the comments of the Independents, a request, via facsimile, from AT&T for an extension of time, until April 8, 1998, in which to file its comments and U S WEST Communications, Inc.'s Motion for Extension of Time, also requesting until April 8, 1998, to file its comments.
19. On April 7, 1998, the Commission received the Comments of U S WEST Communications, Inc.
20. On April 8, 1998, the Commission received AT&T's original letter requesting an extension of time to file comments and AT&T's Comments and Suggested Changes regarding the proposed quality of service rules.
21. On April 10, 1998, the Commission received the Comments of McLeodUSA Telecommunications Services, Inc.
22. On June 24, 1998, the Commission notified all interested persons of the Commission's intention to conduct public deliberations on July 20 and 21, 1998, in the Commission's hearing room in Cheyenne, Wyoming. Pursuant to due notice, deliberations were conducted on the above-referenced dates, resulting in substantial changes to the proposed rules and a Commission decision to solicit additional comment.
23. On September 25, 1998, the Commission provided the Legislative Service Office, the Secretary of State's office, the Attorney General's office and the Governor with its February 6, 1998, Notice of Intent to Adopt New Rules and Regulations and Procedural Order Setting Public Hearing and Draft Statement of Reasons for the Promulgation of New Rules and Regulations.
24. On October 8, 1998, the Commission notified the Governor of its intention to renote the proposed rules and solicit further comment pursuant to its July 20 and 21, 1998, deliberations.
25. On October 19, 1998, the Commission issued its third Notice of Intent to Adopt New Rules and Regulations and Draft Statement of Reasons for the Promulgation of New Rules and Regulations in this proceeding. In its notice, the Commission concluded that further public hearing was not required unless requested under W.S. § 16-3-103(a)(ii), and directed interested persons to submit written comment only.
26. A copy of the Notice of Intent to Adopt New Rules and Regulations and Procedural Order Setting Hearing and the Draft Statement of Reasons for the Promulgation of New Rules and Regulations was mailed to all telecommunications carriers operating within Wyoming.
27. On November 6, 1998, the Commission provided the Legislative Service Office, the Secretary of State's office, the Attorney General's office and the Governor with its October 19, 1998, Notice of Intent to Adopt New Rules and Regulations and Draft Statement of Reasons for the Promulgation of New Rules and Regulations.

28. On December 4, 1998, the Commission received the Comments of the Telecommunications Resellers Association, the Second Comments of U S WEST Communications, Inc., and the joint Comments of AT&T, MCI WorldCom, Inc., and McLeodUSA.

29. On April 14 and 15, 1999, pursuant to due notice, the Commission conducted its final deliberations in this matter, in which it determined, *inter alia*, that the public notice regarding the proposed rules was deficient in this case, and ordered that the rules, as amended by the deliberations, be renoticed.

30. On May 12, 1999, the Commission issued its fourth Notice of Intent to Adopt New Rules and Regulations and Draft Statement of Reasons for the Promulgation of New Rules and Regulations in this proceeding. In its notice, the Commission concluded that further public hearing was not required unless requested under W.S. § 16-3-103(a)(ii) and directed interested persons to submit written comment only.

31. Notice of the proposed rule making was published, once per week for two consecutive weeks, in the *Jackson Hole Guide*, the *Rock Springs Daily Rocket-Miner*, the *Casper Star Tribune*, the *Sheridan Press* and the *Wyoming Tribune-Eagle*. In addition, a public service announcement was aired five times per week for three consecutive weeks, on KUWR, Wyoming Public Radio. The Commission also provided personal notice of the proposed rule making, together with a draft of the proposed rules to all telecommunications providers operating within Wyoming and to the Wyoming Legislative Service Office, the Attorney General's office, the Secretary of State's office and the Governor's office.

32. On June 25, 1999, the U S WEST and MCI filed comments regarding the proposed rules.

33. On November 1, 1999, the Commission conducted final deliberations regarding the proposed rules.

34. Having previously fully considered comments received prior to its fourth Notice of Intent to Adopt New Rules and Regulations and Notice of Additional Comment Period, issued May 12, 1999, the Commission deliberated on the basis of those additional comments received pursuant to the fourth Notice of Intent, issued May 12, 1999. As permitted by W.S. § 16-3-103(a)(ii), no person requested a "statement of the principal reasons for overruling the consideration urged against the adoption of the proposed rule," relating to those comments received prior to the fourth Notice of Intent, issued May 12, 1999. A concise statement of the principal reasons relating to comments received prior to May 12, 1999, will be made available upon request. The concise statement of the principal reasons for overruling the consideration urged against adoption of the proposed rules, relating to comments received after May 12, 1999, is provided.

### **PROCEDURAL CONCLUSIONS**

35. This rule making was properly initiated pursuant to the provisions of the Wyoming Administrative Procedure Act, and specifically, W.S. § 16-3-103.

36. Proper notice of the above described rule making proceedings was provided pursuant to W.S. § 16-3-103(a)(i) and in content, form, timing and distribution.

37. At the public hearings held with regard to these proceedings, all interested persons were given the opportunity to present data, views and arguments, orally and in writing, as provided for in W.S. § 16-3-103 (a)(ii). All public hearings were held in compliance with the Wyoming Administrative Procedure Act, the Commission's Procedural Rules and Special Regulations and other applicable requirements. The

Commission will not conduct further hearings with regard to these rules.

### **SECTION 501 SUBSTANTIVE FINDINGS**

38. Section 501 of the proposed rules, entitled Applicability, provides for the application of the proposed rules to all telecommunications companies, as defined by W.S. § 37-15-103(a)(xi).

39. Section 501 of the proposed rules provides that quality of service rules apply to all telecommunications companies operating within Wyoming unless a specific waiver is granted by the Commission. Section 501 also provides for legal action by the Commission, in the event that a telecommunications company fails to adhere to these rules.

40. The primary reason for this proposed rule is to establish the applicability of these rules to all telecommunications companies providing service in Wyoming and to ensure that Wyoming customers receive the highest quality telecommunications service possible.

41. W.S. § 37-15-406(a) required each telecommunications company to "[p]erform a study to determine the reasonable measures of customer service satisfaction and service adequacy for all classifications of noncompetitive and competitive telecommunications services. . . ."

42. W.S. § 406(a) further required each telecommunications company to submit to the Commission proposed service quality standards for each of those services, no later than September 1, 1995.

43. W.S. § 37-15-401(a)(iii) provides that the Commission has the power to "[m]ake any rules and regulations, in accordance with the Wyoming Administrative Procedure Act, necessary for the [C]ommission to carry out its powers in this chapter. . . ."

44. W.S. § 37-15-406(a) specifically directs the Commission to consider the proposals submitted by each telecommunications company pursuant to W.S. § 37-15-406(a) in any rule making on quality undertaken by the Commission pursuant to W.S. § 37-15-401(a)(iii).

45. During the final comment period commencing May 12, 1999, AT&T and MCI suggested amended language which would limit the applicability of the proposed rules to incumbent local exchange carriers, as defined by the federal Telecommunications Act of 1996. U S WEST suggested amended language which would state that the Commission would not give discriminatory or preferential treatment in consideration of waiver requests.

46. The Commission, being of the opinion that the Wyoming Legislature intended, pursuant to W.S. § 37-15-406, that the Commission determine the reasonable measure of service adequacy for both noncompetitive and competitive telecommunications service, declined to limit applicability of the proposed rules to incumbent local exchange carriers.

47. The Commission, being of the opinion that W.S. § 37-15-404(b) specifically prohibits the Commission from giving unreasonably discriminatory or preferential treatment in the regulation of any telecommunications company, declined to adopt the language suggested by U S WEST.

### **SECTION 501 CONCLUSIONS**

48. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

49. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

50. W.S. § 37-2-215 grants the Commission the authority to take appropriate legal action, in district court, for violations of duly promulgated rules.

51. Proposed rule section 501 is consistent with the language of W.S. §§ 37-15-401(a)(iii), 37-15-406(a) and 37-2-215, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 502 SUBSTANTIVE FINDINGS**

52. Section 502 of the proposed rules, entitled Service Quality Definitions, provides definitions for the terminology used in the rules and incorporates the definitions used in the Wyoming Telecommunications Act of 1995, W.S. § 37-15-103, and also incorporates the provisions of W.S. § 37-15-104.

53. The primary reason for this proposed rule is to provide all information necessary for the appropriate use and interpretation of these rules.

54. The proposed rule adopts the general definitions and terms provided in W.S. § 37-15-103, and W.S. § 37-15-104, and provides additional definitions which are necessary to determine compliance with the proposed quality standards applicable to telecommunications companies and to the services which they provide.

55. During the final comment period, commencing May 12, 1999, the Commission received comments relating to two of the definitions contained within proposed rule section 502.

56. Section 502(c). U S WEST suggested language amending proposed rule section 502(c), entitled "Customer." The U S WEST proposed language would define a customer as one of the entities enumerated in the proposed rules which "is currently receiving retail telecommunications service, for its own use and/or for resale, or for incorporation in a service provided to third parties."

57. W.S. § 37-15-406(b) allows any customer to complain against quality of service provided by a telecommunications company.

58. W.S. § 37-15-406(a) requires the Commission, in any rule making on quality, to consider proposals submitted by telecommunications companies designed to determine the reasonable measure of customer service satisfaction and service adequacy for both noncompetitive and competitive telecommunications services.

59. The Commission, being of the opinion that the language proposed by U S WEST did not adequately define a customer as envisioned by the Wyoming Telecommunications Act of 1995, and specifically as envisioned by the language of W.S. § 37-15-406, declined to adopt U S WEST's proposed language.

60. Section 502(x). U S WEST further suggested that the definition of "[n]etwork [e]lement" contained in Section 502(x) be deleted.

61. The Commission, having decided to retain the definition of "customer" contained within proposed rule section 502(c), found that the definition of "network element" is necessary to the determination of the existence of a customer-provider relationship. Therefore, the Commission declined to delete proposed rule section 502(x).

### **SECTION 502 CONCLUSIONS**

62. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

63. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

64. Proposed rule section 502 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 503 SUBSTANTIVE FINDINGS**

65. Section 503 of the proposed rules, entitled Records and Reports, establishes criteria for the location and retention of records and establishes standard requirements for reports which must be retained by the provider and for those which must be filed with the Commission, including a time schedule for such filing.

66. The primary reason for this proposed rule is to establish record keeping standards relating to services being provided to customers and the timeliness and quality of those services.

67. Record keeping standards provide necessary and essential documentation relating to a telecommunications company's compliance with the quality standards contained within these proposed rules, and aid the Commission in the disposition of quality of service complaints pursuant to W.S. § 37-15-406(b).

68. During the final comment period, commencing May 12, 1999, U S WEST suggested that proposed rule sections 503(c)(iii)(A)-(K) should be deleted, on the basis that the critical information relating to service interruptions was available to the Commission by means of the Federal Communications Commission (FCC) Automated Reporting Management Information System (ARMIS).

69. The Commission had previously proposed requiring telecommunications companies to submit either the information provided to the FCC ARMIS system, or those items contained in subsections 503(c)(iii)(A)-(K). AT&T and MCI had argued that the ARMIS reporting requirements were designed only to address deterioration of service quality of incumbent local exchange carriers as the industry moves from the monopolistic to the competitive environment. Not all telecommunications companies are required to submit information to the ARMIS system.

70. The Commission, being of the opinion that the information required by the ARMIS system provides a

sufficient basis to determine basic service quality relating to service interruptions, but being aware that not all telecommunications companies are required to submit information to the ARMIS system, found that telecommunications companies should be required to file with the Commission on a quarterly basis, either the information required by ARMIS, or the information required by proposed rule subsections 503(c)(iii)(A)-(K).

71. The Commission amended proposed rule section 503(c)(iii) to state that a telecommunications company may file on a quarterly basis either the information required by the ARMIS system or the information contained in subsections (A)-(K).

### **SECTION 503 CONCLUSIONS**

72. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

73. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

74. Proposed rule section 503 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 504 SUBSTANTIVE FINDINGS**

75. Section 504 of the proposed rules, entitled Relations Between Customer and the Provider, establishes standards for improved relations between customers and providers. It specifically addresses complaint resolution, dissemination of public information, discontinuance and reconnection of service, advance payment, deposit requirements and billing.

76. The primary reason for this proposed rule is to provide standards by which the Commission can ensure that relations between customers and providers are of high quality.

77. W.S. § 37-15-406(b) specifically grants the Commission authority to order telecommunications companies to take whatever remedial action is technically feasible and economically reasonable to provide reasonably adequate service.

78. The proposed rule is designed to require a telecommunications company to take affirmative efforts to resolve service quality requests for information and complaints. The proposed rule requires a telecommunications company to respond to customer complaints promptly, and further requires the company to provide adequate information to customers concerning the company's telecommunications services. The rule imposes requirements on the telecommunications company regarding billing disputes, disconnection of service, reconnection, advance payments, customer deposits, content and form of bills, and refunds. The Commission found that these issues are necessary components of reasonable customer service satisfaction and service adequacy.

79. During the final comment period commencing May 12, 1999, U S WEST suggested adding language to proposed rules section 504(h)(i), providing that out-of-service credits shall not be available when service

interruption is due to conditions defined in proposed rule section 508(d).

80. The Commission found that U S WEST's proposed addition was fair and reasonable, and added consistency to the proposed rules. The Commission adopted the language proposed by U S WEST.

#### **SECTION 504 CONCLUSIONS**

81. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

82. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

83. Proposed rule section 504 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

#### **SECTION 505 SUBSTANTIVE FINDINGS**

84. Section 505 of the proposed rules, entitled Construction and Maintenance Practices, establishes standards for construction and maintenance practices employed by telecommunications companies, including requirements that providers adhere to nationally accepted safety standards, that providers must coordinate with other entities regarding the minimization of construction costs and the location of facilities, and that the provider must adopt a program of periodic testing, inspections and preventive maintenance.

85. The primary reason for this proposed rule is to establish standards for acceptable engineering practices to ensure the safe, reliable and consistent provision of telecommunications services and to minimize service interruptions and impairment of quality.

86. Safe, reliable, adequate, and available facilities are necessary components of telecommunications service quality.

#### **SECTION 505 CONCLUSIONS**

87. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

88. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

89. Proposed rule section 505 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

#### **SECTION 506 SUBSTANTIVE FINDINGS**

90. Section 506 of the proposed rules, entitled Provision of Service During Maintenance or Emergencies, establishes standards for maintaining service in the event of catastrophic emergencies or extended facilities maintenance, and directs telecommunications companies to maintain a disaster recovery plan.

91. The primary reason for this proposed rule is to establish standards for compliance with state and federal emergency management procedures.

92. The ability of a telecommunications company to respond promptly to emergency or extended facilities maintenance is a necessary and essential component of telecommunications service quality, inasmuch as telecommunications services are critical to members of the public affected by emergency situations.

### **SECTION 506 CONCLUSIONS**

93. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

94. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

95. Proposed rule section 506 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 507 SUBSTANTIVE FINDINGS**

96. Section 507 of the proposed rules, entitled Availability of Service - Adequacy of Facilities, directs telecommunications providers to employ prudent management and engineering planning and design practices and establishes standards governing construction charge estimates, timely provision of local exchange service, alternate forms of service and potential facility unavailability. In addition, it provides for the implementation of single party service for all customers, except where deemed economically infeasible or untimely, whereby, upon approval by the Commission, multiparty service shall be limited to four-party service.

97. The primary reason for this proposed rule is to establish standards to ensure that telecommunications services are provided in a timely fashion and that prospective customers be kept informed where availability of service is impaired. In addition, it serves to provide for an alternative service option for customers when facilities may not be immediately available.

98. Availability of telecommunications services is a necessary and essential component of telecommunications service quality.

99. During the final comment period commencing May 12, 1999, U S WEST suggested removing the customer's ability to choose between alternative service offered by the telecommunications company suffering an impairment of service availability, or a payment for an alternate form of service.

100. The Commission, being of the opinion that customer choice is consistent with the intent of the Wyoming Telecommunications Act of 1995, declined to adopt the language proposed by U S WEST.

### **SECTION 507 CONCLUSIONS**

101. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

102. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

103. Proposed rule section 507 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 508 SUBSTANTIVE FINDINGS**

104. Section 508 of the proposed rules, entitled Adequacy of Service, establishes standards for the provision of adequate service including the use of prudent management and engineering practices to ensure the availability of equipment and trained personnel to provide technically feasible and economically reasonable service.

105. The primary reason for this proposed rule is to establish standards to ensure that methods for the measurement of performance are in place.

106. Minimum standards for the measurement of performance are critical to the determination of whether a telecommunications company is providing reasonably adequate service, or whether the company should be required to take technically feasible and economically reasonable remedial action, pursuant to W.S. § 37-15-406(b).

### **SECTION 508 CONCLUSIONS**

107. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

108. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

109. Proposed rule section 508 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 509 SUBSTANTIVE FINDINGS**

110. Section 509 of the proposed rules, entitled Customer Access Lines, establishes standard requirements for customer access lines including criteria for acceptable levels of transmission losses, circuit noise and line current. In addition, this proposed rule provides for dual tone multi-frequency or its equivalent for all access lines, exclusive use of a wireline subscriber loop or access line for each call placed for single party service and access to directory, emergency and interexchange services.

111. The primary reason for this proposed rule is to establish standards to minimize transmission loss and line noise and to ensure high quality transmission and to comply with federal rules for those services eligible for universal service funding.

112. Minimum standards for customer access line performance are critical to telecommunications service quality, and are critical to the determination of whether a telecommunications company is providing reasonably adequate service.

### **SECTION 509 CONCLUSIONS**

113. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

114. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

115. Proposed rule section 509 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 510 SUBSTANTIVE FINDINGS**

116. Section 510 of the proposed rules, entitled Interoffice Trunking, establishes a minimum engineering design standard of B.01 (P.01) for local and extended area service and a minimum engineering design standard of B.005 (P.005) for toll and tandem facilities, and establishes criteria for Jurisdictional Digital Services. In addition, it establishes Bit Error Ratio standards which require a ratio of  $10^{-6}$  on at least ninety-eight (98) percent of the connections for end-to-end connections through the network.

115. The primary reason for this proposed rule is to provide target standards for interoffice trunking and toll facilities.

116. Interoffice trunking is a necessary component of telecommunications service quality.

117. Minimum standards for interoffice trunking are critical to the determination of whether a telecommunications company is providing reasonably adequate service.

### **SECTION 510 CONCLUSIONS**

118. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

119. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

120. Proposed rule section 510 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 511 SUBSTANTIVE FINDINGS**

121. Section 511 of the proposed rules, entitled Network Call Completion Requirements, establishes standards for network call completion which requires that direct dialed calls must meet the standards recommended in LATA Switching Systems Generic Requirements and provides answer time parameters for operator assisted calls.

122. The primary reason for this proposed rule is to establish standards for call completion for central office and interoffice channel capacity and to establish standards requiring that calls to the provider be answered within certain time parameters.

123. The ability of the end users to complete direct dialed calls within a reasonable parameter of promptness and reliability is critical to telecommunications service quality.

124. The standards recommended in TRTSY-000511, Section 11, LATA Switching Systems Generic Requirements (LSSGR) provide a reasonable minimum standard for direct-dial call completion, and are necessary to the determination of whether a telecommunications company is providing reasonably adequate service.

125. Operator assisted calls, including directory, intercept, toll and local assistance, and business center and repair center calls are necessary components of customer service satisfaction and service adequacy.

126. The proposed minimum standards for operator assisted calls are reasonable minimum standards, and are necessary to the determination of whether a telecommunications company is providing reasonably adequate service.

### **SECTION 511 CONCLUSIONS**

127. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

128. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

129. Proposed rule section 511 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **SECTION 512 SUBSTANTIVE FINDINGS**

130. Section 512 of the proposed rules, entitled Trouble Report Response, limits the maximum acceptable number of trouble reports to five reports per 100 access lines per month per wire center or exchange, averaged over a three-month period. It further requires that 90% of all out of service reports during any

three-month period be cleared within 24 hours of receiving the report.

131. The primary reason for this proposed rule is to establish standards to ensure that timely attention is paid to customer reports of trouble with telecommunication services.

132. Timely attention to customer reports of trouble is critical to customer service satisfaction and service adequacy.

133. The proposed standards for response to customer trouble reports are reasonable, and are necessary to the determination of whether a telecommunications company is providing reasonably adequate service.

### **SECTION 512 CONCLUSIONS**

134. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards.

135. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

136. Proposed rule section 512 is consistent with the language of W.S. §§ 37-15-401(a)(iii) and 37-15-406, serves its intended purpose, and its adoption is in the public interest.

### **GENERAL FINDINGS AND CONCLUSIONS**

137. As required by W.S. § 16-3-103(d)(i), these proposed rules are within the scope of the statutory authority delegated to the Commission.

138. As required by W.S. § 16-3-103(d)(ii), these proposed rules are within the scope of the legislative purpose of the authority delegated to the Commission.

139. To date, these rules have been adopted in substantial compliance with the provisions of the Wyoming Administrative Procedure Act, as required by W.S. 16-3-103(c).

140. Adoption of these proposed rules is in the public interest and fully supported by the record of this proceeding.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Pursuant to open meeting action taken on February 3, 2000, the following rule provisions are formally adopted.

Section 501. Applicability.

(a) These service quality rules apply to all telecommunications companies as defined in W.S. § 37-15-103 (a)(xi). The Commission, upon application from a provider, and for good cause shown, may waive or modify any specific provision of these service quality rules.

(b) Failure to adhere to any of the service standards set forth in these rules may result in Commission action pursuant to the provisions of W.S. § 37-2-215.

Section 502. Service Quality Definitions. All of the definitions and provisions contained within W.S. § 37-15-103 and W.S. § 37-15-104 are incorporated herein by this reference. In addition, the following definitions, as used in these regulations, apply:

(a) Application for Service - In cases where a construction agreement is not required, an application shall be considered as made when the customer either verbally or in writing requests service utilizing the provider's designated service request procedures. In cases where a construction agreement is required, an application shall be considered as made when the customer accepts the provider's cost estimate as evidenced by the provider's receipt of the applicable construction agreement signed by the customer, and the customer makes any required advanced payment to the provider.

(b) Base Rate Area - The developed portion or portions within an exchange service area as defined in the provider's tariffs. Service within this area is generally furnished at uniform rates without charges that vary with distance from the central office.

(c) Busy Hour - The uninterrupted period of sixty (60) minutes during the day when the traffic level is at a maximum calculated as a twenty (20) day rolling average.

(d) Calls - Customer's telecommunications messages.

(e) Central Office - The inside plant of the provider as an operating unit, including the switch or remote switching terminal or module, or other central offices within the same or at other exchanges providing telecommunication services to the general public for terminating and interconnecting lines and trunks, for both local and long distance.

(f) Channel - A transmission path for telecommunications between two (2) points. Channel may refer to a one-way path or, when paths in the two (2) directions are always associated, a two-way path. A channel is the smallest subdivision of a transmission system by means of which a single type of communication service is provided.

(g) Class of Service - A description of telecommunications service furnished a customer, which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate, measured rate or message rate). Classes of service are usually subdivided in grades, such as individual line, two (2) party or four (4) party.

(h) Community of Interest - An area consisting of one or more exchanges in which the general population has similar governmental, health, public safety, business or educational interests, or as determined by the Commission.

(i) Customer Trouble Report - Any customer report to the provider's repair telephone number or written report to the provider relating to physical defects or operational deficiencies in the provider's facilities. All telephone and written reports received about a specific physical defect or operational deficiency shall be counted as one trouble report until that trouble report is cleared.

(j) Customer - Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency or other legal entity which has applied for, been accepted, and is currently receiving telecommunications service, network elements, interconnection and/or collocation. Customers include end-users as well as wholesale purchasers.

(k) Decibel (dB) - The unit of measurement of the power of a sound or strength of a signal.

(l) Decibel Above Reference Noise Level Using C-Message Weighting (dBrnC) - The reference noise level of one (1) picowatt is defined as 0 dBrnC. C-message weighting is used to account for the frequency characteristics of a typical telephone set by specific weighting of the noise signal at various frequencies to determine the composite average noise signal value.

(m) Dual Tone Multi-Frequency Signaling (DTMF) - A method of signaling used on a local access line which uses a simultaneous combination of one of a lower group of frequencies and one of a higher group of frequencies to represent each digit of character transmitted from the customer's station to the central office. DTMF is also known as tone dialing.

(n) Exchange - The entire telecommunications plant and facilities used in providing telecommunications service to customers located in a geographic area defined by tariff or price list. An exchange may contain more than one (1) central office switch location or wire center.

(o) Grade of Service - The number of customers served on a telecommunications channel; i.e., one (1) party or multi-party.

(p) Held Service Order - An application for establishment of local exchange service or an order for interconnection, network elements, resold services and/or collocation in the service territory of a provider, which is not filled because of the inability of the provider to supply service, interconnection, network elements, resold services or collocation in thirty (30) calendar days after the date of the customer's application. When the customer requests a service date beyond thirty (30) days, the application shall be considered a held service order after the customer requested date.

(q) Hertz (Hz) - The unit of measurement for frequency which is equal to one (1) cycle per second.

(r) Intercept Service - A service arrangement offered by a provider so that calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number is no longer in service, has been discontinued, changed to another number or that calls are being received by another telephone number.

(s) Interconnection - The linking of two (2) networks for the mutual exchange of traffic. This term does not include the transport and termination of traffic.

(t) Local Access Line - The transmission service and facilities necessary for the connection between the customer's premises or location and the local network switching facility including the necessary signaling service used by customers to access essential telecommunications services. This definition is consistent with W.S. § 37-15-103(a)(iv)(C).

(u) Local Access and Transport Area (LATA) - The geographic regions created as part of the divestiture of American Telephone and Telegraph Company which defined the area where Regional Bell Operating

Companies were permitted to provide telephone service.

(v) Local Calling Area - The geographic area approved by the Commission as a community of interest in which customers may make calls without payment of a toll charge. The local calling area may include other exchange areas in addition to the serving exchange area.

(w) Local Exchange Area (or Exchange Area) - The geographic territorial unit established by the Commission for the provision of telecommunications services. Calls within an exchange area are considered local calls. This definition is consistent with that found in W.S. § 37-15-103(a)(vii).

(x) Network Element - A facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions and capabilities that are provided by the means of such facility or equipment, including subscriber numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provision of a telecommunications service.

(y) Out-of-Service - When the customer's telephone service quality is such that the customer cannot effectively originate or receive calls, or otherwise use the service.

(z) Party Line Service - A grade of local exchange service which provides for a number of customers to be served by the same central office channel.

(aa) Provider - Any telecommunications company as defined in W.S. § 37-15-103(a)(xi).

(bb) Single Line Service - A grade of exchange service which provides that only one (1) customer shall be served by a single channel connecting the customer's service location with the serving central office.

(cc) Standard Network Interface - The demarcation point between provider facilities and the customer's inside wire.

(dd) Station Equipment - A device and any other necessary equipment at the customer's premises which allows the customer to establish and continue communication and which conforms to and does not exceed the requirements and specifications for the specific service ordered as described by price schedule, contract or tariff.

(ee) Toll Service - The furnishing of switched telecommunications service between stations in different exchange areas or local calling areas. This service is also referred to as Message Telecommunication Service (MTS), Message Toll or Interexchange Telecommunications Service.

(ff) Wire Center - The facility which houses the local equipment from which communications services are furnished and outside plant is terminated, and which furnish service within a designated wire center serving area.

### Section 503. Records and Reports.

(a) Access to Records. Records required by these rules shall be made available to the Commission or its staff at any reasonable time or upon request at the Commission's office, as authorized by W.S. § 37-15-401 (a)(iv). Data identified as "confidential" or "proprietary" and printed on yellow paper by the provider, which is filed with the Commission or its staff under this section, shall be deemed to be proprietary unless otherwise

determined by the Commission.

(b) Retention of Records. Records required by these rules shall be preserved for at least twenty-four (24) months after the date of entry of the record unless the provider is otherwise authorized by the Commission.

(c) Required Reports to be Filed with the Commission. Upon meeting or exceeding Quality of Service goals, as authorized by the Commission, reporting under the following sections may be reduced subject to application and Commission approval.

(i) A report of Held Service Orders on a quarterly basis.

(ii) The provider shall, on a quarterly basis commencing with the effective date of this rule, file a summary or a summary exception, showing the information as required by these rules and in a form and format as directed by the Commission.

(iii) Service Interruptions. The provider shall, as soon as is practical, notify the Commission of all interruptions affecting service in an entire exchange or any major portion of an exchange. The provider shall file, on a quarterly basis, either: the information required by the Federal Communications Commission (FCC) via the Automated Reporting Management Information System (ARMIS) or, the following specific information, describing switching and network transmission performance:

(A) T-1 Alarm Rate;

(B) Network synchronization and clocking failures;

(C) Network framing losses;

(D) For each trunk group, all trunk busy count;

(E) Radio system failures including phase shift or fades rendering the system ineffective;

(F) All major and catastrophic alarms reported in the preceding quarter;

(G) Failures of local network to properly interface with other elements of the public switched network;

(H) Specific card and component failures in switching equipment;

(I) Total switch outage time for the quarter;

(J) Longest interval of switch outage in the quarter; and

(K) Mean time between failures and restoral for switching nodes in the quarter.

(d) Records and Reports to be Maintained by the Provider. For good cause shown by specific application, the information, form and format may be modified if approved by the Commission.

(i) Complaints. The provider shall maintain an accurate record of all oral and written complaints. This record shall include the name, address and voice telephone number of the customer or complainant, date, nature of

the complaint, the action taken and shall be categorized to indicate the nature of the complaint. If the complaint is not satisfactorily resolved with the initial customer contact, the provider will determine:

(A) Whether any particular customer encounters the same difficulties frequently, in terms of complaints or trouble reports per month; and

(B) Whether five (5) percent or more of all complaints over a three (3) month period, from different customers arise from the same irregularity.

(ii) Held Service Orders.

(A) The provider shall keep records, by exchange or wire center, of each instance of a held service order. The record shall indicate the name and address of each applicant for service, the date of application, the class of service applied for, if the held service is for a first line or an additional line, together with the reason for the delay in providing the service to the applicant, the expected date of service, the provider identification number and whether a construction agreement is required.

(B) Applicants for service shall be given a written or verbal notice, as documented by the provider, stating the cause for the delay, the expected date of service and all remedies available to the customer pursuant to these rules. The provider shall provide such notice as soon as the provider expects a delay in providing service to the customer. The customer will be renotified immediately if the expected date of service changes.

(C) When the number of held service orders divided by the number of access lines in a wire center or exchange exceeds two (2) percent or ten (10) orders, whichever is smaller, the provider shall maintain and file with the Commission on a monthly basis a summary of applications for each affected wire center or exchange showing the total number of held service orders categorized by reason for delay and by dates of application.

(iii) Maintenance and Operations Records. Records of various tests and inspections, necessary for the purposes of the provider to fulfill the requirements of the Commission's rules, shall be kept on file by the provider as required by these rules. These records shall also include significant nonroutine corrective maintenance actions or monthly traffic analysis summaries for network administration. Corrective maintenance records shall identify the line or facility that was tested or inspected. The records shall also include sufficient detail to show that adequate testing conditions existed and that timely and effective corrective action was undertaken.

(iv) Trouble Reports. The provider shall maintain trouble reports by wire center or exchange through which trends for plant improvement may be identified.

(v) Record of Construction Charge Estimates. The provider shall maintain a record of each instance when the provider issues a construction charge estimate, as set forth in Section 507(a) of these rules, for an applicant. The record shall indicate the name and address of each applicant for service, the date the construction charge estimate was sent to the applicant, the class of service applied for, if the request was for a first line or an additional line, the dollar amount of the estimate, a listing of materials needed and whether the estimate provided involved a group of applicants.

Section 504. Relations Between Customer and the Provider.

(a) Complaints.

(i) Prompt Investigation. The provider shall fully and promptly investigate and respond to all oral and written complaints made by its customers requiring significant involvement by the provider. The provider shall notify the customer promptly of the results of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint. Upon request by the customer, the provider shall inform the customer in writing of its proposed disposition of the complaint.

(ii) Provision of Information. Upon receipt of an oral or written complaint from the Commission or its staff on behalf of a customer or applicant, the provider shall make a suitable investigation and advise the Commission or its staff of the results. An initial oral or written response to the Commission or its staff shall be provided in a timely manner, and in all cases within five (5) working days after the receipt of the complaint by the provider. If requested by the Commission or its staff, a written final response detailing the disposition of the complaint by the provider shall be made available.

(b) Public Information.

(i) Business Offices. The provider shall provide access to qualified personnel, in person or by telephone, to information relating to service and rates, to accept and process applications for service, explain charges on customer's bills, adjust charges made in error and to generally act as representatives of the provider. If one business office serves several exchanges, toll-free calling from those exchanges to that office shall be provided.

(ii) Information Available to the Public. The provider shall give applicable information to customers and applicants upon their request. The information shall include the following:

(A) Tariffs, prices, price schedules and terms and conditions of service, as applicable to the service being requested;

(B) Maps for each exchange served by the business office showing the exchange, base rate area, zone and wire center boundaries in sufficient size and detail from which customer locations, mileage and zone charges can be determined from these boundaries;

(C) Information about the present and intended future availability of service and features at customer specified locations;

(D) Publicly announced information concerning plans for major service changes in the area served by the business office; and

(E) Information pertaining to services and rates as proposed in pending tariff or rate change filings.

(iii) Billing Disputes. If a telecommunications bill, or part of a bill, is in dispute and, if the customer pays the utility bill or portion not in dispute, the telecommunications carrier may not disconnect service for nonpayment of the disputed bill or part of a bill while the dispute is unresolved.

(c) Discontinuance of Service to Customers. Except as provided in the following sections, no provider shall discontinue its service to customers for violation of any of its rules and regulations or for nonpayment of bills covering such service until the provider shall have first given at least seven (7) days written notice to the

customer of such violation or delinquency and of its intention to disconnect service on account thereof. Such notice shall be considered to be given to the customer when a copy thereof is provided to the customer, or at the premises where service is rendered or posted in the United States mail addressed to the customer's last known address.

(i) After the period of notification has elapsed and the delinquent account has not been paid, nor arrangement made with the provider for the payment thereof, or in the case of a violation of the provider's rules the customer has not satisfied the provider that such violation has ceased, the provider may then discontinue service without further notice.

(ii) Any provider may discontinue its service to a customer without advance notice and without notice of termination of the agreement for service in the event of: a) fraudulent use of the provider's service or where it is deemed necessary by the provider to protect itself against the imposition of large indebtedness; b) the use of obscene or profane language over lines of the telephone company; c) the listening on party line conversations and other similar infractions affecting the quality of telephone service; or d) where a safety hazard is found to exist on the customer's premises.

(iii) Internet service providers or other persons or entities which furnish internet related service to the public or other persons or business entities, which thereafter ultimately provide the internet related service to the public by resale or otherwise, constitute a special class of retail customer for purposes of discontinuance of service. Discontinuance of service to such customers shall be subject to the requirements of this subsection.

(A) If any local telecommunications service provider furnishes a telecommunications service to any competitive local exchange carrier, internet service provider or other person or entity (the Dependent Provider), which furnishes internet related service to the public, or other persons or business entities which thereafter ultimately provide the internet related service to the public by resale or otherwise, the local telecommunications service provider shall not interrupt or disconnect service to the Dependent Provider until it shall first have given fourteen (14) days prior notice by telephone and registered mail to the Dependent Provider and the Commission, stating its intention to disconnect or interrupt the service, describing the condition which could require the impairment or interruption of the Dependent Provider's service to its customers and suggesting how the problem could be resolved.

(B) A Dependent Provider, whether or not it is directly under the jurisdiction of the Commission, should notify its customers within seven (7) days of receiving notice from the local telecommunications service provider, including information necessary to allow the Dependent Provider's customers to plan for a disruption or disconnection of service in the event that the Dependent Provider and the local telecommunications service provider cannot resolve the problems which could lead to such a disruption or disconnection. A copy of the notice should be transmitted to the Commission immediately.

(C) If the above notices have been given in a timely manner and the problem leading to the possible disruption or disconnection of service to a Dependent Provider has not been successfully resolved by the parties, the Commission may, after an emergency hearing or otherwise, make such order and take such other action as the public interest may require to continue emergency telecommunications services to the customers of the Dependent Provider without placing an unfair financial burden on the local telecommunications service provider.

(d) Reconnection After Service Discontinuance. Whenever service has been disconnected on account of a violation of the rules and regulations, nonpayment of bills or fraudulent use of service and the customer

desires the service to be reconnected, the provider may require the customer to pay in full all bills due for service rendered up to the date service was discontinued, plus such reasonable reconnection charge as is stated in the provider's rules and regulations on file with the Commission; provided, that the provider shall not be required to restore service in such cases until the customer has complied with all of the provider's rules and regulations with respect to service reconnections. Each provider shall state by separate rule or regulation for reasonable periods of time for disconnection for violation of its rules and regulations other than failure to pay utility bills.

(e) Advance Payment for Service. Each provider may require an applicant for service to pay in advance of the establishment thereof the monthly service charge and fixed charges applicable for the first month under their contract.

(f) Customer Deposits. Each provider may require from an applicant for service or a customer, a deposit intended to guarantee payment of current bills. Deposits shall be held by the provider as security for payment of such bills only in the event that service is discontinued. Such deposits shall in no way relieve an applicant or customer from complying with the provider's regulations as to advance payment and the prompt payment of bills on presentation, nor constitute a waiver or modification of the regular practices of the provider for the discontinuance of service for nonpayment of bills covering service rendered.

(i) The required deposit shall not exceed the estimated amount of the total charges for service and facilities for two (2) months.

(ii) Simple interest shall be paid by the provider on the deposits at the rate of not less than six (6) percent per annum, payable annually at the request of the customer or upon return of the deposit, for the time the deposit is held by the provider and the customer is served by the provider; provided, the period is not less than six (6) months.

(iii) Each provider having on hand deposits from customers or hereafter receiving deposits from them, shall keep records to show: the name and address of each customer making a deposit, the date and amount of deposit and each transaction concerning the deposit.

(iv) Each provider shall issue a receipt to every customer from whom a deposit is received.

(v) Each provider shall provide reasonable ways and means whereby a customer can make application for the return of their deposit, or any balance thereof, to which they are entitled, even though said customer is unable to produce the original certificate of deposit or receipt.

(vi) The provider may, at any time it deems a deposit no longer necessary, return the deposit prior to the discontinuance of service, in which case, interest will be computed to the date the deposit is personally returned or mailed to the customer.

(vii) Upon final discontinuance of service, the provider shall forthwith refund to the customer any amount held as a deposit with accrued interest due thereon; provided, that if at the time of discontinuance the customer is indebted to the provider, the deposit and accrued interest may be applied to the account due and refund made of the balance, if any, due to the customer. If the provider finds it impossible to make the refund due to a lack of knowledge of the customer's whereabouts, it shall retain the deposit until claimed, but no interest shall accrue thereon from the date service was discontinued. The provider will manage such deposits as required by the Uniform Unclaimed Property Act, W.S. § 34-24-101, *et seq.*

(g) Billing. All bills shall be rendered periodically to customers and shall reflect all facts upon which the bill is based.

(h) Refunds to Customers. The following regulations govern conditions under which refunds are to be made to customers:

(i) When a customer's telephone remains "out of service" in excess of forty-eight (48) consecutive hours after report thereof by the customer to the provider, the provider shall refund or credit to the customer the prorated portion of that month's charges for the period for which the telephone was out of service. Out of service credits shall not be available when the service interruption is due to conditions identified in section 508(d) of these rules.

(ii) If service is discontinued after payment in advance thereof either upon request of a customer or by the provider for violation of its rules and regulations, the provider shall refund to the customer that portion of the month's charges for the time the telephone was not used; provided, that such refunds shall not be due to the customer in the following instances:

(A) Where charges for a minimum term of service, as provided by the provider's tariff or price list on file with the Commission, are applicable; or

(B) Where the customer, at the time service is discontinued, is indebted to the provider in an amount sufficient to absorb the amount of refund.

(iii) Any amount due the customer over and above the amount due the provider for service rendered shall forthwith be refunded to the customer.

#### Section 505. Construction and Maintenance Practices.

(a) Construction Standard.

(i) The provider shall use as a safety standard for existing and new facilities the current edition of the National Electrical Safety Code (NESC), endorsed by the American National Standards Institute (ANSI), Standard C2, which is incorporated herein by this reference.

(ii) For telecommunication plant constructed, the standard of accepted engineering practice shall be the edition of the National Electrical Safety Code in effect at the time of beginning construction installations of the telecommunications plant.

(iii) Any telecommunications plant of the provider that is constructed, installed, maintained or operated in accordance with the National Electrical Safety Code in effect at the time of its construction or installation shall be presumed to comply with the accepted engineering practice in the telecommunications industry. All plant and facilities shall be maintained in accordance with practices standard in the industry. All telecommunications cables, both direct and in conduit, shall be installed at least twelve (12) inches below the final surface grade. This requirement is not waived if a provider opts to install buried cable before the final grade is established. Separation from other buried facilities shall be maintained in accordance with the current edition of the NESC.

(iv) The provider shall use as a standard of safe practice the current edition of Part 68, Title 47 of the Federal Code of Regulations for the interconnection of new or existing telecommunications plant of the provider with terminal equipment of a customer.

(v) The provider shall coordinate with other entities, where feasible, concerning construction work initiated by itself or other entities that may affect the provider's facilities used for serving the public. For example, the provider shall, where feasible and without reasonable delays to scheduling:

(A) Economically minimize construction expenditure by coordination with other entities, such as the joint use of trenches for cable, where such coordination is safe, cost effective and in the best interests of the provider; and

(B) Locate underground facilities which may be affected by construction work in accordance with W.S. §§ 37-12-301 and 37-12-304. The provider, or its agent, shall maintain a facility database or some other information that is quickly and locally accessible.

(vi) The provider shall maintain its system in a manner to meet service adequacy standards defined in rules 508 through 511 herein, and in accordance with the general practices and standards of the telecommunications industry. Programs of testing, inspections and preventive maintenance aimed at achieving efficient operation of its system to permit, at all times, the rendering of safe, adequate and continuous service shall be adopted. The existence of inductive interference, cutoffs, crosstalk and excessive noise is evidence of the necessity of a maintenance program.

Section 506. Provision of Service During Maintenance or Emergencies.

(a) The provider should make reasonable provisions to meet catastrophic emergencies.

(b) For any local central office, toll switching facility, tandem switching facility or any facility critical to network integrity, permanent auxiliary power generation capable of sustaining functionality for a minimum of eight (8) hours shall be installed and operable. Quarterly functional tests shall be conducted to assure auxiliary power sources correctly activate and continue uninterrupted facility operation. The test results shall be filed with the Commission.

(c) Service interruptions for an extended time due to maintenance requirements shall be done at a time which causes minimal inconvenience to customers. Customers shall be notified in writing, in advance by the provider of extended maintenance requirements with appropriate and reasonable consideration of customer security requirements considered.

(d) The provider shall maintain a disaster recovery plan to comply with the requirements of FEMA and/or WEMA.

Section 507. Availability of Service - Adequacy of Facilities. The provider shall employ prudent management and engineering planning and design practices to assure that adequate equipment is in place to meet requests for service to prospective customers in its service territory within a reasonable time as set forth in this section. The time frames specified in this section and the associated remedies for failure to meet these time frames apply to requests for local exchange service. To facilitate this section, all telecommunications providers shall file terms of service, tariffs or other documents which set forth the conditions and costs under which service extensions will be made available.

(a) Construction Charge Estimate. Where construction charges apply, the provider shall provide to the customer a good faith written cost estimate of the amount of the construction charge within a thirty (30) day period from the date of a customer's request for such estimate. Agreement by the customer with such estimate, as evidenced by the provider's receipt of a signed construction agreement, accompanied with payment of any required construction advances by the customer, shall be notice to the provider that the customer desires service. The signature date of receipt by the provider of the construction agreement shall be considered the application date. The good faith, written cost estimate shall inform the customer that receipt of a signed construction agreement is required before the customer's request will be considered an application for service. In no event will the customer have less than thirty (30) days to accept and return the signed construction agreement.

(b) Timely Provision of Local Exchange Service. Where adequate facilities to and on the customer's premises exists, the provider shall provide local exchange service no later than five (5) working days from the date of the customer's application. When the customer requests a later date of service, the service shall be provided by the customer's requested date. Providers shall keep adequate records to demonstrate compliance with this section.

(c) Provision of Alternative Form of Service and Other Remedies. When the provider fails to provide initial local exchange service within thirty (30) days of the customer's application date or by the customer's requested service date, if that date is more than thirty (30) days beyond the application date, the provider, at its option, shall provide the customer with either a choice of an alternative form of service or payment for an alternative form of service. This rule applies only where a provider could reasonably provide service without major construction within thirty (30) days. Any provider which causes an alternative form of service to be triggered shall be responsible for the provision of the alternative form of service.

(d) Permissible Stations on a Line. Providers shall provide for the implementation and establishment of one (1) party service for all customers, except where one (1) party service is deemed uneconomic or untimely, in which case, the provider shall not connect more than four (4) customers (four (4) party service) on any line regardless of the length thereof unless allowed by the Commission for good cause shown upon proper application. Service of a higher class may be rendered on a rural line where the customers are willing to pay a reasonable proportion of the additional cost thereof. The provider may group customers in such manner as may be necessary to carry out the provisions of this paragraph, when such regrouping can be reasonably and efficiently accomplished.

#### Section 508. Adequacy of Service.

(a) The provider shall employ prudent management, engineering and maintenance practices in accordance with industry standards to assure that sufficient equipment and personnel are available to provide adequate service.

(b) The criteria for quality of service established within these rules define an acceptable standard for the most basic elements of telecommunications service which is technically feasible and economically reasonable to provide adequate service.

(c) The provider shall make regular, periodic measurements to determine the level of service for each item included in Sections 507 and 510 of these rules. These records shall be available for review by the Commission or its staff at the Commission's offices upon request.

(d) These rules do not establish a level of performance to be achieved during periods of emergency, catastrophe, natural disaster or other events affecting large numbers of customers, nor shall they apply to extraordinary or abnormal conditions of operation such as those resulting from work stoppage, civil unrest or *force majeure*.

Section 509. Customer Access Lines. The provider shall construct, operate and maintain all local access lines used for individual line service so that the transmission loss does not exceed eight and a half (8.5) dB measured at a frequency within two (2) percent of one thousand Hz (1000+/-20), as measured at the interface with the provider's network at the customer's location including accounting for any losses in central office equipment. All local access lines used for party line service shall be constructed, operated and maintained so that the transmission loss under the previously described condition does not exceed ten (10) dB.

(a) All local access lines shall receive a minimum of twenty (20) milliamperes of line current into an assumed station resistance of four hundred thirty (430) ohms. Total line resistance, excluding station equipment, shall not exceed the basic operational limits of the central office. Range extension equipment shall be applied to customer lines which are longer than the basic working limits of the central office.

(b) Local access lines shall be functionally capable of transmission of a bandwidth of two thousand seven hundred (2,700) Hz with a frequency range of three hundred (300) Hz to three thousand (3,000) Hz.

(c) Dual tone multi-frequency signaling, or its functional equivalent, shall be supported for all access lines.

(d) Single party service shall permit the user to have exclusive use of a wireline subscriber loop or access line for each call placed or, in the case of wireless telecommunications, a dedicated message path for the duration of a user's particular transmission.

(e) Local access lines shall be capable of accessing directory, emergency and interexchange services.

Section 510. Interoffice Trunking.

(a) Local and extended area service interoffice trunk facilities shall have a minimum engineering design standard of B.01 (P.01) level of service. Toll and toll tandem facilities shall have a minimum engineering design standard of B.005 (P.005) level of service.

(b) Jurisdictional Digital Services. The provider shall conform to the following minimum digital circuit performance standards. Actual network performance will depend on the type of facility utilized (copper or fiber) and the utilization of self-healing and alternate route protection services.

(i) The Bit Error Ratio (BER) is the fraction of error bits relative to total bits received in the transmitted digital stream. The BER shall be less than  $10^{-6}$  on at least ninety-eight (98) percent of the connections for end-to-end connections through the network. A digital transmission channel is considered unavailable, or in outage condition, when its BER in each second is worse than  $10^{-5}$  for a period of ten (10) consecutive seconds.

(ii) Error free performance for digital circuits, expressed in terms of a percentage of time in seconds when the

circuit is available, shall be no less than ninety-eight (98) percent error free seconds. An error free second is any one second interval that does not contain any bit errors.

(iii) Circuit availability for digital circuits, expressed as a percentage of total calendar month minutes, shall be no less than ninety-eight (98) percent.

#### Section 511. Network Call Completion Requirements.

(a) Direct Dialed Calls. The provider shall utilize equipment that complies with the requirements of the standards recommended in TRTSY-000511 Section 11, LATA Switching Systems Generic Requirements (LSSGR), during any busy hour.

(b) Operator Assisted Calls.

(i) The provider's operators shall answer eighty (80) percent of directory, intercept, toll and local assistance calls within twenty (20) seconds. Other performance measures may be used upon specific Commission authorization.

(ii) Business and repair center calls directed to the published telephone numbers, excluding calls to private line and design repair centers, for service repair or the business offices of the provider shall be answered by an operator or other employee within twenty (20) seconds for eighty-five (85) percent of all such calls. Where automated response systems exist, timing to determine adherence to this rule begins after the customer has made a choice from the initial menu of services available. Timing for an answered call ends when the customer is speaking to a live operator or other employee. For telephone companies having less than five hundred (500) access lines and not using an automated or contract system, a live operator must be connected within sixty (60) seconds. If one hundred (100) percent of a customer's request may be handled by an automated system, the provider is deemed to have satisfied this rule with respect to that request.

#### Section 512. Trouble Report Response.

(a) Maximum Acceptable Number of Reports. The provider shall maintain its network so as to economically minimize customer trouble reports for services and shall not exceed five (5) reports per one hundred (100) access lines, per month per specific wire center or exchange for any consecutive three (3) month period.

(b) Allowable Response Time. The provider shall clear not less than ninety (90) percent of all out-of-service trouble reports during any three (3) month period within twenty-four (24) hours. This criteria excludes the following conditions:

(i) Reports for services of another provider;

(ii) Situations where access to the customer's premise is required but not available; and

(iii) Customer premise equipment is at fault.

(c) Response Priority. Based on management's discretion, if requested by a customer, the provider shall give priority to and initiate repairs regardless of the hour for customer trouble reports which may affect the public health and safety.

(d) Customer Notification. If employees of the provider cannot clear the reported trouble promptly, the customer shall be given a reasonable estimate of when the trouble report will be cleared.

(e) Repair Service Commitments. The provider shall meet the FCC target or, if an FCC target is not specified, ninety (90) percent of its repair service commitments during any three (3) month period. This criteria excludes situations where the commitment cannot be met due to customer related reasons.

Sections 513, 514, 515 and 516, reserved for later use.

2. Pursuant to the requirements of the Wyoming Administrative Procedure Act, copies of this order will be provided to the Governor's office, the Attorney General's office, the Legislative Service Office, the Secretary of State's office and all interested parties.

3. Pursuant to W.S. § 16-3-103(d), these rules shall become effective upon being signed by the Governor and filed with the Secretary of State.

4. This Order is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming this 3<sup>rd</sup> day of February, 2000.

PUBLIC SERVICE COMMISSION OF WYOMING

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STEVE ELLENBECKER, Chairman

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STEVE FURTNEY, Deputy Chair

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KRISTIN H. LEE, Commissioner

(SEAL)

ATTEST:

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EDNA YOUNG, Assistant Secretary

**BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING**

IN THE MATTER OF THE PROPOSED )  
ADOPTION OF NEW RULES BY THE )  
PUBLIC SERVICE COMMISSION OF ) GENERAL ORDER 73  
WYOMING RELATING TO THE ) (RECORD NO. 3782)  
IMPLEMENTATION OF )  
TELECOMMUNICATIONS SERVICE )  
QUALITY STANDARDS )

**STATEMENT OF PRINCIPAL REASONS FOR THE ADOPTION**  
**OF NEW RULES AND REGULATIONS**

**(February 3, 2000)**

Pursuant to the provisions of W.S. § 16-3-103, the Public Service Commission of Wyoming (Commission) hereby provides a statement of reasons for the promulgation of new rules and regulations with regard to the above-docketed rule making proceeding.

1. Section 501 of the proposed rules provides that quality of service rules apply to all telecommunications companies operating within Wyoming unless a specific waiver is granted by the Commission. Section 501 also provides for legal action by the Commission, in the event that a telecommunications company fails to adhere to these rules.

a. The primary reason for this proposed rule is to establish the applicability of these rules to all telecommunications companies providing service in Wyoming and to ensure that Wyoming customers receive the highest quality telecommunications service possible.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

c. W.S. § 37-2-215 grants the Commission the authority to take appropriate legal action, in district court, for violations of duly promulgated rules.

2. Section 502 of the proposed rules provides definitions for the terminology used in the rules and

incorporates the definitions used in the Wyoming Telecommunications Act of 1995, W.S. § 37-15-103, and also incorporates the provisions of W.S. § 37-15-104.

a. The primary reason for this proposed rule is to provide all information necessary for the appropriate use and interpretation of these rules.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

3. Section 503 of the proposed rules establishes criteria for the location and retention of records and establishes standard requirements for reports which must be retained by the provider and for those which must be filed with the Commission including a time schedule for such filing.

a. The primary reason for this proposed rule is to establish record keeping standards relating to services being provided to customers and the timeliness and quality of those services.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

4. Section 504 of the proposed rules establishes standards for improved relations between customers and providers. It specifically addresses complaint resolution, dissemination of public information, discontinuance and reconnection of service, advance payment, deposit requirements and billing.

a. The primary reason for this proposed rule is to provide standards by which the Commission can ensure that relations between customers and providers are of high quality.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

5. Section 505 of the proposed rules establishes standards for construction and maintenance practices employed by telecommunications companies including requirements that providers adhere to nationally accepted safety standards, that providers must coordinate with other entities regarding the minimization of construction costs and the location of facilities and that the provider must adopt a program of periodic testing, inspections and preventive maintenance.

a. The primary reason for this proposed rule is to establish standards for acceptable engineering practices to ensure the safe, reliable and consistent provision of telecommunications services and to minimize service interruptions and impairment of quality.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the

Commission's general quality of service authority under the Act.

6. Section 506 of the proposed rules establishes standards for maintaining service in the event of catastrophic emergencies or extended facilities maintenance and directs telecommunications companies to maintain a disaster recovery plan.

a. The primary reason for this proposed rule is to establish standards for compliance with state and federal emergency management procedures.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

7. Section 507 of the proposed rules directs telecommunications providers to employ prudent management and engineering planning and design practices and establishes standards governing construction charge estimates, timely provision of local exchange service, alternate forms of service and potential facility unavailability. In addition, it provides for the implementation of single party service for all customers, except where deemed economically infeasible or untimely, whereby, upon approval by the Commission, multiparty service shall be limited to four-party service.

a. The primary reason for this proposed rule is to establish standards to ensure that telecommunications services are provided in a timely fashion and that prospective customers be kept informed where availability of service is impaired. In addition it serves to provide for an alternative service option for customers when facilities may not be immediately available.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

8. Section 508 of the proposed rules establishes standards for the provision of adequate service including the use of prudent management and engineering practices to ensure the availability of equipment and trained personnel to provide technically feasible and economically reasonable service.

a. The primary reason for this proposed rule is to establish standards to ensure that methods for the measurement of performance are in place.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

9. Section 509 of the proposed rules establishes standard requirements for customer access lines including criteria for acceptable levels of transmission losses, circuit noise and line current. In addition, this proposed rule provides for dual tone multi-frequency or its equivalent for all access lines, exclusive use of a wireline subscriber loop or access line for each call placed for single party service and access to directory, emergency and interexchange services.

a. The primary reason for this proposed rule is to establish standards to minimize transmission loss and line noise and to ensure high quality transmission and to comply with federal rules for those services eligible for universal service funding.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

10. Section 510 of the proposed rules establishes a minimum engineering design standard of B.01 (P.01) for local and extended area service and a minimum engineering design standard of B.005 (P.005) for toll and tandem facilities and establishes criteria for Jurisdictional Digital Services. In addition, it establishes Bit Error Ratio standards which require a ratio of  $10^{-6}$  on at least ninety-eight (98) percent of the connections for end-to-end connections through the network.

a. The primary reason for this proposed rule is to provide target standards for interoffice trunking and toll facilities.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

11. Section 511 of the proposed rules establishes standards for network call completion which requires that direct dialed calls must meet the standards recommended in LATA Switching Systems Generic Requirements and provides answer time parameters for operator assisted calls.

a. The primary reason for this proposed rule is to establish standards for call completion for central office and interoffice channel capacity and to establish standards requiring that calls to the provider be answered within certain time parameters.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995, including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

12. Section 512 of the proposed rules limits the maximum acceptable number of trouble reports to five reports per 100 access lines per month per wire center or exchange averaged over a three-month period. It further requires that 90% of all out of service reports during any three-month period be cleared within 24 hours of receiving the report.

a. The primary reason for this proposed rule is to establish standards to ensure that timely attention is paid to customer reports of trouble with telecommunication services.

b. W.S. § 37-15-401(a)(iii) grants the Commission the authority to promulgate rules and regulations necessary for it to carry out the powers granted to it by the Wyoming Telecommunications Act of 1995,

including rules consistent with commonly accepted industry standards. W.S. § 37-15-406 establishes the Commission's general quality of service authority under the Act.

**PUBLIC SERVICE COMMISSION OF WYOMING**

**STEVE ELLENBECKER, Chairman**