

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 1, 2003

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC-2003-00110

Ex Parte: Establishment of
Rules for Service Quality
Standards for the Provision
of Local Exchange Telecommunications
Services

ORDER PRESCRIBING NOTICE AND GRANTING
LEAVE TO COMMENT OR REQUEST HEARING

By Order of June 10, 1993, the State Corporation Commission ("Commission") adopted Regulations Governing Service Standards for Local Exchange Telephone Companies codified at 20 VAC 5-400-80 ("current rules"). The Commission considered revising the current rules in Case No. PUC-1997-00146 but ultimately concluded that the competitive marketplace had changed significantly since those rules were drafted and comments thereon were received.¹

Accordingly, the Commission closed Case No. PUC-1997-00146 and directed the Division of Communications ("Staff") to prepare new rules governing retail service standards, taking into consideration the competitive environment and the differences

¹ Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of revising rules governing service standards for local exchange telephone companies, Case No. PUC-1997-00146, Order Closing Case at p. 2 issued July 13, 2001 (hereinafter "Order Closing Case").

between incumbent local exchange carriers and competitive local exchange carriers, and to consider standards to measure customer satisfaction. The new rules will be considered in a new docket, which we open by this Order.² This case will consider new rules measuring the health of the telecommunications network and assuring a minimum level of service quality for all consumers.

The Staff has conducted several meetings with the Attorney General's Division of Consumer Counsel, the Virginia Citizens Consumer Council, and members of the telecommunications industry³ to discuss the Staff's development of proposed Rules For Local Exchange Company Service Quality Standards ("Rules"). Following these meetings, the Staff received feedback from these parties, which was also considered in developing the Rules (to be codified at 20 VAC 5-427-10 et seq.).

The Commission will now consider the Staff's proposed Rules, which appear in Attachment A, appended to this Order. In addition, the Commission seeks comment from members of the telecommunications industry and other parties on the following matters that may be addressed in the final rulemaking:

1. Should there be further requirements for telephone directory information in addition to the proposed requirements

² Id. at pp. 2-3.

³ Specifically, the Staff has met with members of the Virginia Telecommunications Industry Association ("VTIA"), WorldCom, Inc., and Cavalier Telephone, LLC.

of 20 VAC 5-427-130 Directories in Attachment A;

2. Should the directory be competitively neutral, and, if so, what are the requirements to ensure neutrality;
3. What standards, if any, should there be to ensure telephone billing accuracy, and what metrics should there be to gauge compliance with any such billing accuracy standards;
4. What standards, if any, should there be to measure the overall intelligibility of the telephone bill, and what methodology should there be for measuring compliance with any such standards?

Finally, the Commission is considering consumer education that reflects the realities of competition in the provision of telecommunications services in the Commonwealth. In that regard, the Staff has prepared a Telecommunications Bill of Rights with the goal of providing consumers a quick reference of important rights and responsibilities relating to telephone service. This Bill of Rights, appended to this Order as Attachment B, was compiled from existing state and federal laws, rules, and regulations. The Commission seeks comment on this Bill of Rights and whether its publication in all Virginia telephone directories should be required in addition to the proposed requirements of 20 VAC 5-427-130 Directories.

NOW THE COMMISSION, pursuant to § 12.1-13 of the Code of Virginia and 5 VAC 5-20-100 of the Commission's Rules of

Practice and Procedure, finds that interested parties should be permitted to comment on, propose modifications or supplements to, or request a hearing on the Staff's proposed Rules, which the Commission now considers for replacement of the current rules. Parties are further requested to comment on other matters addressed in this Order consistent with the discussion above.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUC-2003-00110.

(2) The Commission's Division of Information Resources shall forward the Staff's proposed Rules For Local Exchange Company Service Quality Standards (Chapter 427), Attachment A herein, to the Registrar of Virginia for publication in the Virginia Register of Regulations.

(3) On or before August 25, 2003, the Commission's Division of Information Resources shall make a downloadable version of the Staff's proposed Rules For Local Exchange Company Service Quality Standards, Attachment A, and Telecommunications Bill of Rights, Attachment B, available for access by the public at the Commission's website,

<http://www.state.va.us/scc/caseinfo.htm>. The Clerk of the Commission shall make a copy of the Staff's proposed Rules For Local Exchange Company Service Quality Standards and

Telecommunications Bill of Rights available for public inspection and provide a copy, free of charge, in response to any written request for one.

(4) Interested persons wishing to comment on, propose modifications or supplements to, or request a hearing on the Rules For Local Exchange Company Service Quality Standards or upon other matters addressed in this Order, consistent with the findings above, shall file an original and fifteen (15) copies of such comments, proposals, or requests with the Clerk of the Commission, State Corporation Commission, P. O. Box 2118, Richmond, Virginia 23218, on or before October 3, 2003, making reference to Case No. PUC-2003-00110. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website, <http://www.state.va.us/scc/caseinfo/notice.htm>. Requests for hearing shall state with specificity why such concerns cannot be adequately addressed in written comments.

(5) On or before August 25, 2003, the Commission's Division of Information Resources shall publish the following notice as classified advertising in newspapers of general circulation throughout the Commonwealth of Virginia.

NOTICE TO THE PUBLIC OF A PROCEEDING TO
ADOPT NEW RULES FOR LOCAL TELEPHONE COMPANY
SERVICE QUALITY STANDARDS
CASE NO. PUC-2003-00110

By Order dated June 10, 1993, the State Corporation Commission ("Commission") adopted Regulations Governing Service Standards for Local Exchange Telephone Companies (20 VAC 5-400-80). These service standards rely upon customer satisfaction models that predate competition and do not reflect the Telecommunications Act of 1996 and the many technological changes that have since occurred.

The Commission's Division of Communications ("Staff") has proposed Rules For Local Exchange Company Service Quality Standards ("proposed rules"), which this Commission is considering for replacement of the Regulations Governing Service Standards for Local Telephone Companies (20 VAC 5-400-80). The Staff has also proposed a Telecommunications Bill of Rights to disseminate consumer information.

Interested parties may obtain a copy of the proposed rules and Telecommunications Bill of Rights by visiting the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>, or by requesting a copy from the Clerk of the Commission. The Clerk's office will provide a copy of the proposed rules and Telecommunications Bill of Rights to any interested party, free of charge, in response to any written request for one. The proposed rules will also be forwarded to the Office of the Registrar of Regulations for publication in the Virginia Register of Regulations.

Any person desiring to comment in writing or request a hearing on the proposed rules may do so by directing such comments or requests for hearing on or before October 3, 2003, to the Clerk of the Commission, c/o Document

Control Center, P.O. Box 2118, Richmond,
Virginia 23218. Interested persons desiring to
submit comments electronically may do so by
following the instructions found on the
Commission's website,
<http://www.state.va.us/scc/caseinfo/notice.htm>.
Comments and requests for hearing must refer to
Case No. PUC-2003-00110. Requests for hearing
shall state with specificity why such concerns
cannot be adequately addressed in written
comments.

VIRGINIA STATE CORPORATION COMMISSION

(6) This matter is continued for further orders of the
Commission.

STATE CORPORATION COMMISSION
Division of Communications

~~20 VAC 5-400-80. Regulation governing service standards for local exchange telephone companies; penalty.~~

~~Each local exchange telephone company shall provide the necessary equipment, plant facilities, and personnel within its certificated area(s) to deliver high quality customer service.~~

~~There are eight key indicators that shall be used to measure the quality of service being furnished by the local exchange companies. Where applicable, service results from these key indicators shall be banded as follows:~~

~~Satisfactory—Represents good service.~~

~~Weak spot—Requires management attention and corrective action.~~

~~Unsatisfactory—A level of service requiring immediate corrective action and management follow up.~~

~~The eight key indicators and their performance level bands are as follows:~~

~~SERVICE INDICATOR: Commission complaints per 1000 access lines per year.~~

~~DEFINITION: All customer complaints received by the Commission that, upon investigation, prove to be justified.~~

~~PERFORMANCE: Less than one per 1000 access lines per year~~

~~SERVICE INDICATOR: Trouble reports per 100 access lines per month.~~

~~DEFINITION: All customer trouble reports received, whether trouble was found or not found.~~

~~PERFORMANCE:~~

~~0—6.0 Sat.~~

~~6.1—8.0 Wkspt.~~

~~Over 8.0 Unsat.~~

~~SERVICE INDICATOR: Percent repeated trouble reports per month.~~

~~DEFINITION: The incidence of two or more trouble reports received from the same access lines within the same 30 day period, stated as a percent of total trouble reports.~~

~~PERFORMANCE:~~

~~0—16% Sat.~~

~~16.1—20% Wkspt.~~

~~Over 20% Unsat.~~

~~SERVICE INDICATOR: Network reports per 100 access lines per month.~~

~~DEFINITION: All customer trouble reports, whether found or not found, that are charged against the central office.~~

~~PERFORMANCE:~~

~~0—.35 Sat.~~

~~0.36—.45 Wkspt.~~

~~Over .45 Unsat.~~

~~SERVICE INDICATOR: Network switching performance, percent satisfactory per month.~~

~~DEFINITION: An index that measures the overall performance of central office equipment in providing dial tone, switching and connecting customers, and collecting call billing data.~~

~~PERFORMANCE BAND:~~

~~95.5—100% Sat.~~

~~92.0—95.4% Wkspt.~~

~~Under 92% Unsat.~~

~~SERVICE INDICATOR: Business office accessibility, percent per month~~

~~DEFINITION: The percent of all calls to the business office which are answered live within 20 seconds.~~

~~PERFORMANCE BAND:~~

~~85—100% Sat.~~

~~80—84.9% Wkspt.~~

~~Under 80% Unsat.~~

~~SERVICE INDICATOR: Repair service accessibility, percent per month.~~

~~DEFINITION: The percent of all calls to repair service which are answered live within 20 seconds.~~

~~PERFORMANCE BAND:~~

~~85—100% Sat.~~

~~80—84.9% Wkspt.~~

~~Under 80% Unsat.~~

~~SERVICE INDICATOR: Service orders completed within five working days, percent per month.~~

~~DEFINITION: The percent of all single line new service orders completed within five working days of service application or the customer requested completion date.~~

~~PERFORMANCE BAND:~~

~~90—100% Sat.~~

~~85—89.9% Wkspt.~~

~~Under 85% Unsat.~~

~~Local exchange companies which exceed 20,000 access lines shall report data to the Commission's Division of Communications each month on the above described eight key indicators.~~

~~Nothing in this section shall be deemed to excuse a local exchange company from submitting any additional information requested by the Commission's Division of Communications.~~

~~Violations of this section shall be punishable pursuant to either § 56-483 or § 12.1-33 of the Code of Virginia or both.~~

CHAPTER 427.

RULES FOR LOCAL EXCHANGE COMPANY SERVICE QUALITY STANDARDS.

20 VAC 5-427-10. Applicability; definitions.

A. The provisions of this chapter shall apply to local exchange carriers ("LECs") certificated to provide local exchange telecommunications services within the Commonwealth of Virginia.

B. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Bridged tap" means a multiple appearance of the same cable pair at several distribution points or a section of a cable pair not on the direct electrical path between the central office and the user's premises.

"Business office" means any functional entity that accepts service orders, billing inquiries, and processes other related customer requests.

"Busy hour" means the hour of each month in which a telecommunications system carries the most traffic.

"Central office" means a LEC operated switching system, including remote switches and associated transmission equipment (e.g., digital circuit switches, packet switches, carrier systems).

"Central office serving area" means the geographic area in which local service is provided by a LEC's central office and associated network.

"Commission" means the Virginia State Corporation Commission.

"Competitive local exchange carrier" ("CLEC") means an entity, other than a locality, certificated to provide local exchange telecommunications services in Virginia after January 1, 1996, pursuant to § 56-265.4:4 of the Code of Virginia. An incumbent local exchange carrier shall be considered a CLEC in any territory that is outside the territory it was certificated to serve as of December 31, 1995, for which it obtains a certificate to provide local exchange telecommunications services on or after January 1, 1996.

"Customer" means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency using local exchange telecommunications services provided by a LEC that are under the jurisdiction of the commission.

"Emergency" means a sudden or unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

"Facilities-based LEC" means a LEC that provides local exchange telecommunications services in whole or in part by means of its own network facilities.

"Federal Communications Commission ("FCC") reportable outage" means a service outage that meets the FCC criteria for notification of service outage to the FCC as required by 47 C.F.R. § 63.100 et seq.

"Final trunk group" means a last-choice trunk group that receives overflow calls and may receive first-route calls for which there is no alternate route.

"In service trouble report" means a customer-reported network trouble that allows calls to be originated or received but affects other aspects of service such as static or hazardous conditions.

"Incumbent local exchange carrier" or "incumbent" ("ILEC") means a public service company providing local exchange telecommunications services in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity, or the successors to any such company.

"Intercept" means a redirected call by an operator or a suitable recorded announcement that provides sufficient information as to the reasons for the call diversion, as well as directions to assist in completing the call.

"Justified commission complaint" means a complaint submitted to the commission or staff involving a telecommunications service under the jurisdiction of the commission where it

was determined by the commission or the staff that the LEC, its employees or agents either: (i) failed to comply with its tariffs, procedures, or policies; (ii) used poor judgment; (iii) resolved the customer's problem in an untimely fashion; or (iv) acted in an unreasonable or unprofessional manner.

"Load coil" means an induction device employed in local loops exceeding 18,000 feet to minimize amplitude distortion.

"Local exchange carrier" ("LEC") means a certificated provider of local exchange telecommunications services, whether an incumbent or a new entrant.

"Local exchange telecommunications services" means local exchange telephone service as defined by § 56.1 of the Code of Virginia.

"Locality" means a city, town, or county that operates an electric distribution system in Virginia.

"Major service outage" means any network condition that causes 1,000 or more customers to be out of service for 30 or more minutes; causes an unplanned outage of, or completely isolates, a central office for 30 or more minutes; or disrupts 911 emergency call processing for any period.

"Municipal local exchange carrier" ("MLEC") means a locality certificated to provide local exchange telecommunications services pursuant to § 56-265.4:4 of the Code of Virginia.

"Network" means a system of central offices and associated out side plant.

"Network access line" ("NAL") means a customer dial tone line, or its equivalent, that provides access to the public telecommunications network.

"New entrant" means a CLEC or an MLEC.

"Out of service" means a service condition causing: (i) an inability to complete an incoming or outgoing call or (ii) the presence of interference that causes a connected call to be incomprehensible.

"Outside plant" means all remaining facilities not included in the definition of central office (e.g., copper cables, fiber optic cables, coaxial cables, terminals, pedestals, load coils, or any other equipment normally associated with inter-office, feeder and distribution facilities up to and including the rate demarcation point).

"Rate demarcation point" means the point at which a LEC's network ends and a customer's wiring or facilities begin.

"Repeat report" means a customer-reported network trouble that is received by a LEC within 30 days of another network trouble report on the same NAL.

"Speed of answer interval" ("SAI") means the period of time measured in seconds following customer direction either at the completion of direct dialing or upon completion of the final selection within an automated answering system and lasting until the call is answered by a live agent or is abandoned by the customer or the LEC.

"Staff" means the commission's Division of Communications and associated personnel.

"Standard load" means transmission loss has been reduced on a cable pair by means of configuring the twisted copper pair loop using a 6,000 foot H spacing loading scheme or 4,500 foot D spacing loading scheme, which may be expressed as 6,000 foot H88 mh load or 4,500 foot d66 mh load scheme.

"Subsequent report" means a customer-reported network trouble received by a LEC while the initial customer trouble report remains open.

"Telecommunications relay service" means a telephone transmission service that provides the ability for an individual with a hearing or speech disability to engage in communication with a hearing individual in a manner functionally equivalent to someone without such a disability.

"Transmission" means a process of sending information from one point to another.

"Trouble" means an impairment of a LEC's network.

"Trouble report" means an initial oral or written notice, including voice mail and e-mail, to any LEC employee or agent of a condition that affects or may affect network service for which there is no pending network trouble report.

"Trunk blockage" means the unavailability of network transmission capacity at the time of a call that prevents call completion and results in the call originator receiving a busy signal or an indication of trunk blockage.

"Unbundled network elements" ("UNE") means the physical and functional components of the network, as defined by the FCC, that may be used or leased by a CLEC or a MLEC from an ILEC.

"Virginia universal service plan" ("VUSP") means the program under which eligible lower-income customers may obtain certain telecommunications services at reduced monthly charges and may also receive a discount on certain non-recurring connection or service charges from participating LECs. This program is also referred to as lifeline or link up.

"Voice grade service" means the transmission of communication signals in the range of 0 to 4000 Hertz.

20 VAC 5-427-20. General provisions.

A. The provisions of this chapter prescribe the minimum acceptable level of quality of service under normal operating conditions.

B. The commission may, after investigation, suspend application of any provision of this chapter during periods of emergency, catastrophe, natural disaster, severe storm, or other events affecting large numbers of customers. The commission may also suspend application of the provisions of this chapter for other extraordinary or abnormal conditions, including work stoppage, civil unrest, major transportation disruptions, or other events beyond the control of a LEC.

20 VAC 5-427-30. Network facilities, construction, maintenance, and operation.

A. Network facilities shall be designed, constructed, maintained, and operated in compliance with the latest edition of the National Electric Safety Code of the Institute of Electrical and Electronics Engineers, Inc., applicable commission orders, and all requirements for interconnection under applicable federal and state law.

B. Outside plant shall be designed, constructed, and maintained so as to prevent transmission interference from services provided by other public utilities.

C. A LEC shall participate in operational reviews held at the staff's discretion to ensure that construction, design, maintenance, disaster recovery plans, and any other applicable programs are adequate to meet the needs of a LEC's customers.

D. A LEC shall have the test equipment and technical ability to determine the operating and transmission characteristics of circuit and switching equipment.

20 VAC 5-427-40. Reporting requirements.

A. The reporting requirements as set forth in this section shall apply to a LEC with a total of 20,000 or more NALs.

B. A LEC subject to the reporting requirements of this section shall fulfill its reporting requirements in conformance with 20 VAC 5-427-140. Reports shall be electronically submitted to the staff on a quarterly basis no later than one month following the end of each calendar quarter reporting period. A LEC may use its own report format with the prior approval of the staff. Any reported data resulting in an unsatisfactory rating shall be addressed in an action plan as set forth in 20 VAC 5-427-170 and shall be included in the LEC's required report.

C. A CLEC or an MLEC may request an exemption from any of the reporting requirements in this section if it demonstrates that its services are provided through the resale of an ILEC's tariffed services or through the use or lease of an ILEC's unbundled network elements over which it has no direct control. The commission or staff shall grant or deny a request for exemption on a case-by-case basis.

20 VAC 5-427-50. Availability and retention of records.

A. A LEC shall make available to the commission or staff, upon request, all records, reports, and other information required to determine compliance with this chapter and to permit the commission and staff to investigate and resolve quality of service complaints related to regulated telecommunications services.

B. A LEC shall retain records pursuant to the requirements of 20 VAC 5-427-140, where applicable, for a minimum of three years in a manner that permits audit by the commission or staff.

C. A LEC shall retain customer billing records for a minimum of three years to permit the commission or staff to investigate and resolve billing complaints.

20 VAC 5-427-60. Maintenance of facility maps and records.

A LEC shall maintain maps and records that show the location, description, and capacity fill data of its network.

20 VAC 5-427-70. Rate and special charges information.

A. A LEC shall, upon request, disclose verbally to a current or prospective customer all rates, charges, and fees applicable to a customer's service request or inquiry including, but not limited to, the federal subscriber line charge or its equivalent, or any other rates, charges, and fees that it collects and retains. In addition, these rates, charges, and fees shall each be disclosed as line items on customer bills separately from governmental fees, taxes, and surcharges.

B. Upon the request of a current or prospective customer, a LEC shall describe and disclose the fees, taxes, and surcharges that it collects and distributes to governmental agencies.

C. Upon the request of a current or prospective customer, a LEC shall provide a copy of the applicable tariff section or pages for the regulated telecommunications service or, at the customer's option, may refer a customer to an Internet website containing its tariffs.

D. Upon the request of a current or prospective customer, a LEC shall provide reasonable access to information and provide assistance necessary to enable the current or prospective customer to obtain the most economical service available to meet the customer's needs, including VUSP or any other discount programs that may be available.

E. Before changing or installing a service, a LEC shall provide to the current or prospective customer an estimate of any special charges not specifically set forth in the LEC's applicable tariff. Special charges include, but are not limited to, any of the following: extraordinary construction, maintenance, and replacement costs; expenses for overtime work to be performed at the customer's request; or special installations, equipment, or assemblies needed to fulfill a customer's request.

20 VAC 5-427-80. Response to trouble reports.

A. A LEC shall take a trouble report from a customer at all times through an automated or live means. A LEC shall take immediate action to clear trouble reports of an emergency nature.

B. A LEC shall make a full and prompt investigation of all trouble reports and shall render reasonable assistance to its customer, whether an end user or another LEC, to identify a cause for the outage that may be corrected by the customer.

C. A LEC shall maintain an accurate record of trouble reports by telephone number or circuit number, as appropriate. The record shall include all of the following information:

1. The customer or service affected;
2. The time, date, and nature of the trouble report;

3. The action taken to clear the trouble or satisfy the complaint; and
4. The date and time the repair was completed or the trouble report was otherwise closed.

20 VAC 5-427-90. Service outage reporting requirements.

A. A service outage report shall be made to the staff according to the following guidelines:

1. A major service outage shall be reported to the staff on the same business day or, if the outage occurs after normal business hours or during a state holiday, at the beginning of the next business day;
2. An FCC reportable service outage shall be reported by a LEC to the staff at the same time it is reported to the FCC; and
3. A central office that experiences two or more unplanned outages within any 30-day period shall be reported by a LEC to the staff at the end of the calendar month in which the second unplanned stoppage occurred.

B. A facilities-based LEC shall notify any affected LEC dependent upon its network, in whole or in part, within 90 minutes of becoming aware of a major or FCC reportable service outage, unless interconnection agreements specify otherwise.

C. Service outages first shall be reported by a LEC to the staff via telephone and followed up with an e-mail or facsimile message and contain the following:

1. The central office, remote switch, or other network facility involved;
2. The date and estimated time of commencement of the outage;

3. The geographic area affected;
4. The estimated number of customers affected;
5. The types of services affected;
6. The duration of the outage (e.g., time elapsed from the commencement of the outage until estimated restoration of full service); and
7. The apparent or known cause of the incident, including the name and type of equipment involved and the specific part of the network affected, and methods used to restore service.

20 VAC 5-427-100. Emergency operation.

A LEC shall make reasonable preparations to continue operations and restore service outages resulting from fire, major electric power failures, other emergencies, and acts of divine providence. A LEC's employees or agents shall be instructed to follow predetermined emergency procedures to prevent or minimize interruption or degradation of service. A central office shall have access to adequate facilities to provide emergency electric power. A LEC shall determine the necessary reserve power capacity requirement based on its operating experience with its energy provider. If a central office does not have power generation equipment installed, a LEC shall design and maintain sufficient battery reserve, within the appropriate ampere hour rating, to allow time for delivery and setup of portable generators.

20 VAC 5-427-110. Customer complaint handling.

A LEC shall establish customer complaint processing procedures in compliance with § 56-247.1 C of the Code of Virginia by:

1. Providing the staff a means for immediate telephone access to company complaint resolution personnel during normal business hours;
2. Providing the staff an escalation list of at least three company contacts responsible for resolving customer complaints received by the commission or staff. This list shall include the names, titles, addresses, telephone numbers, fax numbers, and e-mail addresses of each individual contact. Any changes to the escalation list shall be provided to the staff within 30 days of the change;
3. Making a full and prompt investigation of all customer complaints;
4. Assisting customers who report obscene, threatening, or harassing calls;
5. Providing customers with toll-free numbers to report complaints;
6. Making its customer complaint procedure and its record of the number and type of complaints available to the staff whenever requested;
7. Noting and retaining customer contact records when an inquiry or complaint is resolved. Customer contact records shall be retained for a minimum of three years; and
8. Conducting an investigation upon notification by the staff or a customer inquiry or complaint. Out-of-service complaints shall be resolved immediately. For other complaints, the LEC shall provide a written or e-mail response to the staff detailing its resolution of the complaint within 10 business days following the initial notification

by the staff. Upon extraordinary circumstances when the matter cannot be resolved within the 10 business-day period, the LEC shall provide updates to the staff every fifth business day, or sooner, until the matter is finally resolved.

20 VAC 5-427-120. Intercept.

When a customer's telephone number is changed or disconnected the LEC shall intercept all calls to the former number in accordance with the following:

1. Intercept service shall be provided for changed numbers until the former number is reassigned due to equipment shortages or until it is no longer listed in the current directory; and

2. Intercept service shall be updated daily to reflect the most current service order activity affecting a LEC's customers.

20 VAC 5-427-130. Directories.

A. A LEC responsible for publishing a directory shall make every reasonable effort to resolve directory error disputes in a timely and efficient manner. A LEC responsible for directory publication may be required by the commission or directed by the staff to postpone publication depending upon the nature and severity of a complaint. “A LEC responsible for publishing a directory” includes, but is not limited to, a LEC that publishes directories, causes directories to be published, or provides customer information for inclusion in directories.

B. A LEC shall publish directories or cause its customers' listing information to be published in directories at yearly intervals. Exceptions to the yearly publication schedule shall be reviewed with the staff.

C. A LEC shall distribute, or cause to be distributed at no charge to each customer, at least one directory for each NAL that includes listings contained in a customer's local and extended calling areas. In cases where one directory does not include the listings contained in a customer's local and extended calling areas, then a LEC shall provide, upon request, at no charge, any additional directories or supplements that may be required to provide such listings.

D. A LEC shall provide the staff one copy of each directory it publishes or causes to be published.

E. If an error occurs in the listed telephone number of a customer, then the LEC shall, at no charge, offer to intercept or cause to be intercepted calls to the listed number for the remaining life of the directory, provided that it is technically feasible and that the number is not in service for another customer.

F. If an error or omission in the name, address, or telephone number of a customer occurs, a LEC shall, if applicable, include, or cause to be included, the customer's correct name, address, or telephone number in the files of the directory assistance database.

G. If additions or changes to the network or any other operations require changing a telephone number assigned to a customer, then the serving LEC shall give reasonable notice to the customer affected even though the change in telephone number may coincide with the issuance of a directory.

H. A LEC responsible for publishing a directory shall, in the opening pages, include:

1. Information pertaining to accessing emergency services such as fire and police;
 2. Information giving the commission's address, telephone number, website information, and regulatory authority;
 3. An explanation of the services for which local exchange telecommunications services may be terminated for failure to pay;
 4. Information pertaining to accessing the Telecommunications Relay Service. This service is also referred to as Virginia Relay;
 5. Information describing illegal telephone use;
 6. Information describing procedures for the prevention of damage to underground facilities;
 7. Information describing procedures on handling harassing, obscene, abusive, or threatening calls;
 8. Information pertaining to consumer rights to privacy including procedures on how to opt out or block services that may lead to the disclosure of personal information; and
 9. Information pertaining to procedures on how to prevent solicitation calls.
- I. All LECs providing service in an area represented by a directory shall, in the opening pages, include or cause to be included:
1. The LEC's complaint procedure established in compliance with § 56-247.1 C of the Code of Virginia;

2. Contact information necessary to reach directory assistance, repair service, and the appropriate business office;

3. An Internet address directing access to its tariffs. If tariffs are not accessible via the Internet, a LEC shall provide a toll-free telephone number from which a customer can receive assistance in obtaining tariffs directly from the LEC;

4. Instructions for obtaining information on billing and annoyance call procedures; and

5. Information describing the availability of VUSP services.

20 VAC 5-427-140. Service quality performance standards.

A. The rate of trunk blockage is a measure of the effectiveness of a LEC's engineering, forecasting, and maintenance of its circuit-switched inter and intra-exchange trunk paths. The threshold for satisfactory performance is less than or equal to 1.0. This measurement shall be calculated for a given month, per central office, as illustrated by the following formula:

$$\frac{\text{Busy hour calls blocked}}{\text{Busy hour calls attempted}} \times 100 = \text{Trunk blockage}$$

1. Include in this report the following:

a. Final trunk groups that carry local traffic;

b. Final trunk groups that carry two-way local and long distance traffic between a central office and an access tandem switch; and

c. Umbilicals or links that carry local traffic between central offices, including remotes.

2. Exclude from this report the following:

a. Trunk groups that alternately route calls to another trunk group in handling public message calls; and

b. Trunk groups that are dedicated to private or virtual private line use and trunk groups associated with mass calling networks or both.

B. Central office related trouble reports per 100 NALs is a measure of the quality of the switching systems and associated component's performance in processing calls. The threshold for satisfactory performance is less than or equal to 0.35. This measurement shall be calculated for a given month, per central office, as illustrated by the following formula:

$$\frac{\text{Central office related reports}}{\text{NALs at end of month}} \times 100 = \frac{\text{Central office related trouble reports}}$$

Exclude from this report the following:

1. Reports of trouble from an employee or agent of a LEC discovered through diagnostic or other work done during routine maintenance of equipment;

2. Reports of trouble cleared to the connecting company's network;
and

3. A subsequent report.

C. Outside plant trouble reports per 100 NALs is a measure of the design, construction, and maintenance of the outside plant portion of the network associated with a central office. The threshold for satisfactory performance is less than or equal to 3.0. This measurement shall be calculated for a given month, per central office serving area, as illustrated by the following formula:

$$\frac{\text{Outside plant trouble reports}}{\text{-----}} \times 100 = \frac{\text{Outside plant trouble reports}}{\text{NALs at end of month}}$$

Excluded from this report are:

1. Reports of trouble from an employee or agent of a LEC discovered through diagnostic or other work done during routine maintenance of equipment;
2. Reports of trouble cleared to the connecting company's network;
3. Reports of trouble on which the employee or agent upon arriving at the customer location is unable to gain access to the rate demarcation point and access is necessary for trouble analysis and clearance; and
4. A subsequent report.

D. Repeat report is a measure of a LEC's failure to resolve a network trouble on the initial attempt. Beginning January 1, 2004, through December 31, 2004, the performance threshold for repeat reports shall be no greater than 16%. As of January 1, 2005, the performance threshold for repeat reports shall be no greater than 14%. As of January 1, 2006, the performance threshold for repeat reports shall be no greater than 12%. As of January 1, 2007, the performance threshold for repeat reports shall be no greater than 10%. This measurement shall be calculated for a given month, per central office serving area, as illustrated by the following formula:

$$\frac{\text{Repeat reports}}{\text{-----}} \times 100 = \frac{\text{Percent repeat reports}}{\text{Trouble reports cleared}}$$

Excluded from this report are:

1. Reports of trouble from an employee or agent of a LEC discovered through diagnostic or other work done during routine maintenance of equipment;

2. Reports of trouble in which the employee or agent of a LEC upon arriving at the customer location is unable to gain access to the rate demarcation point necessary for trouble analysis and repair; and

3. A subsequent report.

E. Out-of-service trouble reports repaired within 24 or 48 hours are measures of a LEC's ability to provide timely and effective restoration of a customer's service after receiving a trouble report that calls cannot be received or originated.

1. A LEC shall maintain a performance threshold of 80% or greater cleared within 24 hours. This measurement shall be calculated for a given month, per central office serving area, as illustrated by the following formula:

$$\frac{\text{Out of service trouble reports cleared within 24 hours}}{\text{Out of service trouble reports}} \times 100 = \frac{\text{Percentage of out of service trouble reports cleared within 24 hours}}$$

2. A LEC shall maintain a performance threshold of 99% or greater cleared within 48 hours. This measurement shall be calculated for a given month, per central office serving area, as illustrated by the following formula:

$$\frac{\text{Out of service trouble reports cleared within 48 hours}}{\text{Out of service trouble reports}} \times 100 = \frac{\text{Percentage of out of service trouble reports cleared within 48 hours}}$$

3. Excluded from these reports are:

a. Customer requested extended interval appointments;

b. Reports of trouble from an employee or agent of a LEC discovered through diagnostic or other work done during routine maintenance of equipment;

c. An out-of-service trouble report on which an employee or agent of a LEC upon arriving at the customer location is unable to gain access to the rate demarcation point and access is necessary for trouble analysis and repair; and

d. A subsequent report.

F. In-service trouble reports cleared within 72 or 96 hours are measures of a LEC's ability to provide timely and effective correction of a customer's service after receiving a trouble report.

1. A LEC shall maintain a performance threshold of 90% or greater cleared within 72 hours. This measurement shall be calculated for a given month, per central office serving area, as illustrated by the following formula:

$$\frac{\text{In service trouble reports cleared within 72 hours}}{\text{In service trouble reports}} \times 100 = \text{Percentage of in service trouble reports cleared within 72 hours}$$

2. A LEC shall maintain a performance threshold of 99% or greater cleared within 96 hours. This measurement shall be calculated for a given month, per central office serving area, as illustrated by the following formula:

$$\frac{\text{In service trouble reports cleared within 96 hours}}{\text{In service trouble reports}} \times 100 = \text{Percentage of in service trouble reports cleared within 96 hours}$$

3. Excluded from these reports are:

a. Customer requested extended interval appointments;

b. Reports of trouble from an employee or agent of a LEC discovered through diagnostic or other work done during maintenance of telecommunications equipment; and

c. An in-service trouble report on which an employee or agent of a LEC upon arriving at the customer location is unable to gain access to the rate demarcation point and access is necessary for trouble analysis and clearance.

G. Business office access is a measure of a LEC's ability to provide a sufficient number of lines or trunks to reach its business office. A LEC shall maintain a performance threshold of 99% or greater of calls not blocked from entering its automated answering system or reaching a live agent for a LEC not utilizing an automated answering system. This measurement shall be calculated for a given month, based on the busy hour, on a statewide basis, as illustrated by the following formula:

$$\frac{\text{Busy hour calls not blocked}}{\text{Busy hour call attempts}} \times 100 = \text{Business office access percentage}$$

H. Business office answer time is a measure of workforce performance in answering business office calls in a timely manner. The performance threshold for business office answer time shall be an average speed of answer interval ("SAI") of no greater than 30 seconds. A call is considered to have been answered when a live agent is ready to render assistance or accept the information necessary to process the call. Information including, for example, marketing or promotional material provided by an automated answering system, other than that necessary to direct customers to a live agent, during normal hours of operation, shall be included in the

cumulative SAI. This measurement shall be calculated for a given month, on a statewide basis, as illustrated by the following formula:

$$\frac{\text{Cumulative SAI in seconds}}{\text{Calls answered by a live agent}} \equiv \text{Business office answer time}$$

Exclude from this report the following:

1. Customer initiated web transactions; and
2. Customer initiated automated transactions.

I. Business office hold time is a measure of workforce efficiency in processing customer requests. The performance threshold shall be an average hold time of no greater than 60 seconds. Business office hold time is any period after the call has been answered when the live agent is not actively engaged with the customer. This measurement shall be calculated for a given month, on a statewide basis, as illustrated by the following formula:

$$\frac{\text{Total hold time in seconds}}{\text{Total calls placed on hold by a live agent}} \equiv \text{Business office hold time}$$

J. Repair center access is a measure of a LEC's ability to provide a sufficient number of lines or trunks to reach its repair center. A LEC shall maintain a performance threshold of 99% or greater of calls not blocked from entering its automated answering system or reaching a live agent for a LEC not utilizing an automated answering system. This measurement shall be calculated for a given month, based on the busy hour, on a statewide basis, as illustrated by the following formula:

$$\text{Busy hour calls not blocked} \times 100 \equiv \text{Repair center}$$

$$\frac{\text{-----}}{\text{Busy hour call attempts}} \quad \text{access percentage}$$

K. Repair center answer time is a measure of workforce performance in answering business office calls in a timely manner. The performance threshold for repair center answer time shall be an average SAI of no greater than 30 seconds. A call is considered to have been answered when a live agent is ready to render assistance or accept the information necessary to process the call. Information including, for example, marketing or promotional material provided by an automated answering system, other than that necessary to direct customers to a live agent, shall be included in the cumulative SAI. This measurement shall be calculated for a given month, on a statewide basis, as illustrated by the following formula:

$$\frac{\text{Cumulative SAI in seconds}}{\text{-----}} \quad \equiv \quad \text{Repair center answer time}$$

Calls answered by a live agent

Exclude from this report the following:

1. Customer initiated web transactions; and
2. Customer initiated automated transactions.

L. Repair center hold time is a measure of workforce efficiency in processing customer trouble reports. The performance threshold shall be an average customer hold time of no greater than 60 seconds. Repair center hold time is any period after the call has been answered when the live agent is not actively engaged with the customer. This measurement shall be calculated for a given month, on a statewide basis, as illustrated by the following formula:

$$\frac{\text{Total hold time in seconds}}{\text{-----}} \quad \equiv \quad \text{Repair center hold time}$$

Total calls placed on hold by a live agent

M. Operator access is a measure of a LEC's ability to provide a sufficient number of lines or trunks to reach operator services at all times. A LEC shall maintain a performance threshold of 99% or greater of calls not blocked from entering its automated answering system or reaching a live agent for a LEC not utilizing an automated answering system. This measurement shall be calculated for a given month, based on the busy hour, on a statewide basis, as illustrated by the following formula:

$$\frac{\text{Busy hour calls not blocked}}{\text{Busy hour call attempts}} \times 100 = \text{Operator access}$$

N. Operator answer time is a measure of workforce performance in answering directory assistance, collect, third-party billed, person-to-person, emergency, and other calls in a timely manner. The performance threshold for operator answer time shall be an average SAI of no greater than 15 seconds. A call is considered to have been answered when a live agent is ready to render assistance or accept the information necessary to process the call. Information including, for example, marketing or promotional material provided by an automated answering system, other than that necessary to direct customers to a live agent, shall be included in the cumulative SAI. This measurement shall be calculated for a given month as illustrated by the following formula:

$$\frac{\text{Cumulative SAI in seconds}}{\text{Calls answered by a live agent}} \equiv \text{Operator answer time}$$

Exclude from this report customer initiated automated transactions.

O. Non-dispatchable service orders completed within two business days is a measure of a LEC's ability to complete installation and disconnection work requests, not requiring a dispatch of outside plant personnel, in a timely manner. A LEC shall complete no less than 90% of installations for one to five NALs within two business days. Non-dispatchable service orders include requests for new service, transfers to new locations, additions to existing service, and requests for disconnection.

This measurement shall be calculated for a given month as illustrated by the following formula:

$$\frac{\text{Non-dispatchable service orders completed within two business days}}{\text{Total non-dispatchable service orders}} \times 100 = \frac{\text{Percentage of non-dispatchable service orders completed within two business days}}$$

Exclude from this report the following:

1. Customer requested extended interval installation orders; and
2. Orders completed late due to customer caused delay.

P. Dispatchable service orders completed within five business days is a measure of a LEC's ability to complete installation and disconnection work requests, requiring a dispatch of outside plant personnel, in a timely manner. A LEC shall complete no less than 90% of installations for one to five NALs within five business days. Dispatchable service orders include requests for new service, transfers to new locations, additions to existing service, and requests for disconnection.

This measurement shall be calculated for a given month as illustrated by the following formula:

$$\frac{\text{Dispatchable service orders completed within five business days}}{\text{Total dispatchable orders}} \times 100 = \frac{\text{Percentage of dispatchable service orders completed within five business days}}$$

Exclude from this report the following:

1. Customer requested extended interval installation orders;
2. Orders completed late due to customer caused delay; and
3. Scheduled installations on which the employee or agent, upon arriving at a customer location during the agreed upon time, was unable to gain access to customer equipment necessary to perform the work.

Q. Service orders completed within 30 calendar days is a measure of a LEC's ability to forecast installation work requests in a manner to meet customer demand. A LEC shall complete no less than 99% of installations for one to five NALs within 30 calendar days.

Installation orders include requests for new service or transfers to new locations.

This measurement shall be calculated for a given month as illustrated by the following formula:

$$\frac{\text{Service order completed within 30 calendar days}}{\text{Total installation orders}} \times 100 = \frac{\text{Percentage of service orders completed within 30 calendar days}}$$

Exclude from this report the following:

1. Customer requested extended interval installation orders;
2. Orders completed late due to customer caused delay; and
3. Scheduled installations on which the employee or agent, upon arriving at a customer location during the agreed upon time, was unable to gain access to customer equipment necessary to perform the work.

R. Customer commitments met is a measure of a LECs ability to complete customer installation and repair requests on time. A LEC shall meet no less than 90% of customer commitments. This measurement shall be calculated for a given month, per central office serving area, as illustrated by the following formula:

$$\frac{\text{Total commitments met}}{\text{Total commitments made}} \times 100 = \text{Percentage of customer commitments met}$$

Exclude from this report commitments missed due to inability to gain access to customer equipment necessary to perform the work.

20 VAC 5-427-150. Transmission and auditing standards.

A. The copper twisted loop transmission standards are as follows:

1. Properly load all voice grade loops greater than 18,000 feet;
2. No load coils on loops 18,000 feet or less;
3. Central office end section shall be ½ of one standard load section for loaded loops;
4. The customer end section should be no more than 1 ½ standard load sections;
5. No bridged taps between load coils;
6. Tip Ground, Ring Ground, or Tip Ring leakage should be equal to or greater than 100K ohms;
7. Longitudinal noise less than or equal to 80 dBmC;

8. Metallic noise less than 20 dBrnC; and
9. 100% cable shield integrity between office frame ground and customer terminal.

B. In conducting a copper twisted pair transmission audit, the following shall be considered major faults:

1. Missing coil or coils on loops exceeding 18,000 feet;
2. Customer located less than ½ load section distance from last coil;
3. Customer end section more than 10,000 feet from last coil;
4. Deviation greater than 10% from standard load spacing;
5. Double loads;
6. Wrong type load coils;
7. Load coils varying more than 25% from threshold load coil;
8. Load coils on a loop 18,000 feet or less;
9. More than a 12% deviation on the standard spacing on the office end

section;

10. Bridged taps between load coils;
11. Tip Ground, Ring Ground, or Tip Ring leakage less than 100K ohms;
12. Voltage greater than 15 volts AC;
13. Voltage greater than 10 volts DC;
14. Longitudinal noise greater than 90 dBrnC; and
15. Metallic noise greater than 20 dBrnC.

C. In conducting a copper twisted pair transmission audit, the following shall be considered minor faults:

1. Longitudinal noise greater than 80 but less than or equal to 90 dBrnC; and
2. Failure to maintain shield continuity.

D. A rate exceeding 6.0% in the major fault category or a rate exceeding 16% in the minor fault category will constitute a failed inspection. A failed inspection shall require a corrective action plan when appropriate as determined by the staff, as set forth in 20 VAC 5-427-170.

E. The staff may audit the design, construction, and maintenance of network facilities. A LEC shall participate in such audits as requested by the staff.

20 VAC 5-427-160. Commission complaint threshold.

The commission complaint threshold is a measure of the number of justified commission complaints filed with the commission or staff against a LEC in a calendar year. Justified commission complaints in excess of one per 1,000 NALs, annualized, is unsatisfactory.

20 VAC 5-427-170. Action plan to remedy non-compliance.

A. A LEC subject to the reporting requirements of 20 VAC 5-427-140 shall submit a written action plan to remedy non-compliance if a LEC has:

1. Failed to meet a service quality performance standard established in 20 VAC 5-427-140 for at least three consecutive months;
2. Failed an audit pursuant to 20 VAC 5-427-150; or

3. Exceeded the commission complaint threshold pursuant to 20 VAC 5-427-160.

B. An action plan to remedy non-compliance shall be submitted to the staff within 30 days following the reported non-compliance or as otherwise requested by the staff. An action plan shall at a minimum contain:

1. A complete identification of the cause of non-compliance;

2. An explicit remedy or corrective action and a schedule of implementation of the remedial or corrective action to be taken by a LEC; and

3. A date by which a LEC will complete the remedial or corrective action identified.

C. Compliance by a LEC with the provisions of this section does not preclude the commission from further enforcement under its regulatory authority.

20 VAC 5-427-180. Waiver.

The commission may, at its discretion, waive or grant exceptions to any provision of this chapter.

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

Telecommunications Bill of Rights**You have a right to:**

- Affordable and quality local telecommunications services
- Seamless levels of service when migrating between local telecommunications service providers
- Select and keep the telecommunications service provider of your choice
- Keep your telephone number when changing local telecommunications service providers
- Maintain local telephone service when there is a valid billing dispute or when payments are current for basic local telecommunications services
- Identity protection to preclude the unauthorized use of records and personal information
- Safety and security of persons and property not to be intentionally jeopardized by telecommunications service providers
- Honest and accurate sales and service information
- Timely, accurate, and understandable billing
- Participate in the formation of Virginia telecommunications policies
- Dispute resolution up to and including a full hearing before the Virginia State Corporation Commission