

032064coma030404.wpd

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the Public Service Commission of West Virginia, in the City of Charleston, on the 4th day of March, 2004.

CASE NO. 03-2064-T-P

VERIZON WEST VIRGINIA INC.

Petition in the matter of Verizon's proposed
revisions to the West Virginia Carrier-to-Carrier
Guidelines Performance Standards and Reports

COMMISSION ORDER

The Commission shall approve revisions to the West Virginia Carrier-to-Carrier Guidelines Performance Standards and Reports.

BACKGROUND

On December 15, 2003, Verizon West Virginia Inc. (Verizon) filed its proposed revisions to the "West Virginia Carrier-to-Carrier Guidelines Performance Standards and Reports" (WV Guidelines). The filing was made in order to conform the WV Guidelines to the October 29, 2003, changes to the "New York State Carrier-to-Carrier Guidelines Performance Standards and Reports" (NY Guidelines). Further, in the proposed revisions Verizon included a change from a prior revision to the NY Guidelines that was inadvertently omitted from the WV Guidelines.

Verizon filed the proposed revisions in a "red-line" format over a plain text version of the existing WV Guidelines. [See FootNote 1](#) Verizon also filed a copy of the revised WV Guidelines in a plain text format. According to Verizon, all parties of record in Case No. 02-0809-T-P were served with a copy of the filing.

Verizon requested that the Commission establish a comment and reply period for the proposed revisions and establish an implementation schedule for the proposed revisions.

Verizon also asked that prior to the time comments are due, the Commission conduct a collaborative session to include Verizon, Staff and any other interested party so that Verizon may explain the proposed revisions.

On December 18, 2003, Staff indicated that it was reviewing the petition and that its final recommendation would be forthcoming.

On January 5, 2004, the Commission entered an order that directed Verizon to explain the proposed revisions to the WV Guidelines at either a quarterly business-to-business meeting between Verizon and various competitive local exchange carriers or to schedule a meeting to explain the proposed revisions

on or before January 23, 2004. The order also required any interested party to file its objections to the proposed revisions to the WV Guidelines on or before January 29, 2004. Replies to the objections were required to be filed on or before February 9, 2004.

On January 6, 2004, Verizon filed a letter indicating that a quarterly meeting was held on December 16, 2003, the day after the proposed revisions were filed with the Commission. At that meeting, Verizon reviewed the proposed revisions. Verizon indicated its willingness to schedule another meeting if any CLEC wanted one.

On January 21, 2004, Verizon filed a letter indicating that an additional meeting was scheduled by Verizon and held on January 15, 2004.

On January 29, 2004, the Commission's Consumer Advocate Division (CAD) filed a response to the proposed revisions. CAD indicated that it did not have any objection to the proposed revisions as filed. However, CAD had one substantive comment regarding the proposed implementation schedule for the new metric OR-11-01. In Verizon's petition CAD noted that Verizon did not commit to any specific time frame within which to implement metric OR-11-01. Rather, Verizon committed only to "implement this metric promptly after it is implemented in New York." CAD recommended that the Commission direct Verizon to implement OR-11-01 within 30 days of its implementation in New York.

On January 29, 2004, Staff filed its Final Joint Staff Memorandum. Staff noted that no CLEC or other party participated in the meeting conducted by Verizon on January 15, 2004, nor did any CLEC voice any concern about the proposed changes at the December 16, 2003 quarterly meeting. Staff recommended that the proposed changes to the WV Guidelines should be adopted.

On February 9, 2004, Verizon filed a letter indicating that it had a discussion with CAD regarding the concerns over implementation of metric OR-11-01. Verizon represented

that it had reached the following compromise with CAD regarding the implementation issue: (1) Verizon will exercise commercially reasonable efforts to implement metric OR-11-01 within 30 days after implementation in New York; (2) Verizon will submit monthly status reports, beginning no later than May 2004, concerning the status of implementation of metric OR-11-01; and (3) If CAD or any other party is dissatisfied with the progress or Verizon's explanation of the status, it remains free to bring the matter to the Commission's attention. Verizon's counsel represented that CAD's counsel was in agreement with the compromise set forth.

DISCUSSION

The Commission concludes that it is reasonable to approve the proposed revisions to the WV Guidelines as filed on December 15, 2004. Additionally, the Commission shall order the following with regard to the implementation of metric OR-11-01:

(1) Verizon will exercise commercially reasonable efforts to implement metric OR-11-01 within 30 days after implementation in New York;

(2) Verizon will submit monthly status reports, beginning no later than May 2004, concerning the status of implementation of metric OR-11-01; and

(3) If CAD or any other party is dissatisfied with the progress or Verizon's explanation of the status of implementation, it remains free to bring the matter to the Commission's attention.

FINDINGS OF FACT

1. On December 15, 2003, Verizon filed proposed revisions to the WV Guidelines. The filing was made in order to conform the WV Guidelines to the October 29, 2003, changes to the NY Guidelines. Further, Verizon included a change from a prior revision to the NY Guidelines that was inadvertently omitted from the WV Guidelines.

2. On January 5, 2004, the Commission entered an order that directed Verizon to explain the proposed revisions to the WV Guidelines at either a quarterly business-to-business meeting between Verizon and various competitive local exchange carriers or to schedule a meeting to explain the proposed revisions on or before January 23, 2004. The order also required any interested party to file its objections to the proposed revisions to the WV Guidelines on or before January 29, 2004. Replies to the objections were required to be filed on or before February 9, 2004.

3. Verizon reviewed the proposed revisions at the quarterly meeting that was held on December 16, 2003. An additional meeting regarding the proposed revisions was held on January 15, 2004.

4. On January 29, 2004, the Commission's Consumer Advocate Division (CAD) filed a response to the proposed revisions. CAD indicated that it did not have any objection to the proposed revisions as filed. However, CAD had one substantive comment regarding the proposed implementation schedule for the new metric OR-11-01.

5. On January 29, 2004, Staff filed its Final Joint Staff Memorandum. Staff recommended that the proposed changes to the WV Guidelines should be adopted.

6. On February 9, 2004, Verizon filed a letter representing that it had reached a compromise with CAD regarding the implementation of metric OR-11-01.

CONCLUSIONS OF LAW

1. The Commission concludes that it is reasonable to approve the proposed revisions to the WV Guidelines as filed on December 15, 2004.

2. The Commission concludes that it is reasonable to accept the compromise between Verizon and CAD regarding the implementation of metric OR-11-01 as follows:

(1) Verizon will exercise commercially reasonable efforts to implement metric OR-11-01 within 30 days after implementation in New York;

(2) Verizon will submit monthly status reports, beginning no later than May 2004, concerning the status of implementation of metric OR-11-01; and

(3) If CAD or any other party is dissatisfied with the progress or Verizon's explanation of the status of implementation, it remains free to bring the matter to the Commission's attention.

ORDER

IT IS, THEREFORE, ORDERED that the proposed revisions to the West Virginia Carrier-to-Carrier Guidelines Performance Standards and Reports filed on December 15, 2003, as Attachment 2 to the petition filed herein are hereby approved.

IT IS FURTHER ORDERED that the revisions adopted herein shall become effective on May 1, 2004. With the exception of metric OR- 11-01, the revisions shall be implemented with the performance report for the May 2004 data month which Verizon shall issue at the end of June 2004.

IT IS FURTHER ORDERED that with regard to metric OR-11-01, Verizon shall exercise commercially reasonable efforts to implement metric OR-11-01 within 30 days after its implementation in New York and Verizon shall submit monthly status reports, beginning no later than May 2004, concerning the status of implementation of metric OR-11-01.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this order upon Verizon West Virginia Inc. and all parties of record in Case No. 02-0809- T-P by United States First Class Mail and upon Commission Staff by hand delivery.

IT IS FURTHER ORDERED that upon entry of this order, this case shall be removed from the Commission's docket of active cases.

JMH/sek
032064ca.wpd

Footnote: 1 ¹ The WV Guidelines were originally approved in Verizon West Virginia Inc., Case No. 02- 0809-T-P, Commission Order and Consultative Report (January 9, 2003). Subsequent revisions were approved in Case No. 03-0157-T-P by order dated April 3, 2003.