

PROJECT NO. 29897

RULEMAKING TO REVIEW	§	PUBLIC UTILITY COMMISSION
TELECOMMUNICATIONS SERVICE	§	
OBJECTIVES AND PERFORMANCE	§	OF TEXAS
BENCHMARKS ESTABLISHED IN	§	
PUC SUBSTANTIVE RULE 26.54	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §26.54 FOR
CONSIDERATION AT THE FEBRUARY 10, 2005 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §26.54, specifically §26.54(c)(2) and (c)(6)(A) relating to service quality objectives, such as operator-handled calls and customer trouble report rates. The proposed amendment is intended to alter performance benchmarks for dominant carriers in order to have a meaningful and attainable standard in changing telecommunications market conditions. Project Number 29897 is assigned to this proceeding.

Katherine Farrell, Staff Attorney, Legal and Enforcement Division, and Nara Srinivasa, Director of the Network Analysis Section, Telecommunications Division, have determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Farrell and Mr. Srinivasa have determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure that the customers are provided a reasonable level of service in an evolving competitive environment.

Ms. Farrell and Mr. Srinivasa have determined that for each year of the first five years the proposed section is in effect there will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this section. There may be economic costs to persons who are required to comply with the proposed section. These costs are the result of altering internal company guidelines, are likely to vary from business to business, and are difficult to ascertain. However, Staff believes that the benefits accruing from implementation of the proposed section will outweigh these costs.

Ms. Farrell and Mr. Srinivasa have also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Friday, April 1, 2005. The request for a public hearing must be received within 30 days after publication.

Comments on the proposed amendment may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Sixteen copies of comments to the proposed rule review are required to be filed pursuant to §22.71(c) of this title. Reply comments may be submitted

within 45 days after publication. Comments should be organized in a manner consistent with the organization of the proposed rule(s). The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 29897.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2005) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 55.001, 55.002, and 55.003.

§26.54. Service Objectives and Performance Benchmarks.

(a) - (b) (No change.)

(c) The DCTU shall comply with the service quality objectives established below in providing the basic telecommunications service to its end-use customers. The DCTU shall file its service quality performance report on a quarterly basis. The report shall include its monthly performance for each category of performance objective and a summary of its corrective action plan for each exchange in which the performance falls below the benchmark. Additionally, the corrective action plan shall include, at a minimum, details outlining how the needed improvements will be implemented within three months and result in performance at or above the applicable benchmark.

(1) (No change.)

(2) **Operator-handled calls.** DCTUs shall maintain adequate personnel to provide an average operator answering performance as follows for each exchange on a monthly basis:

(A) Eighty-five percent of toll and assistance operator calls answered within ten seconds, or average answer time shall not exceed 3.3 seconds. Benchmark for Corrective Action: If the performance is either below 85% within ten seconds, or if the average exceeds 3.3 seconds at any answering location in any given month, the DCTU shall provide a detailed corrective action plan for such exchange or wirecenter.

(B) Ninety percent of repair service calls[] shall be answered within 20 seconds or average answer time shall not exceed 5.9 seconds. Benchmark for Corrective Action: If the performance is <etb>either <et>below 90% within 20 seconds<etb>,<et> or <etb>if <et>the average answer time exceeds 5.9 seconds at any answering location for a period of five days within any given month, the DCTU shall provide a detailed corrective action plan for such exchange or wirecenter.

(C) Eighty-five percent of directory assistance calls shall be answered within ten seconds or the average answer time shall not exceed 5.9 seconds. Benchmark for Corrective Action: If the performance is <etb>either <et>below 85% within ten seconds<etb>,<et> or if the average answer time exceeds 5.9 seconds at any answering location <etb>in<et>[] any given month, the DCTU shall provide a detailed corrective action plan for such exchange or wirecenter.

(D) - (E) (No change.)

(3) - (5) (No change.)

(6) Customer **trouble reports**.

(A) The DCTU shall maintain its network service in a manner that it receives no more than three customer trouble reports<etb> on a company-wide basis<et>, excluding customer premises equipment (CPE) reports, per 100 customer access lines per month (on average). Performance Benchmark Applicable for Corrective Action: If the customer trouble report exceeds <etb>3.0% (three per 100 access lines) for a large exchange or 6.0% (6

per 100 access lines) for a smaller exchange for three consecutive months<et>[], the DCTU shall provide a detailed corrective action plan for such exchange or wirecenter.<etb> For purposes of this section, a large exchange is defined as serving 10,000 or more access lines and a small exchange is defined as serving less than 10,000 access lines.<et>

(B) - (D) (No change.)

(7) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 10th DAY OF February 2005 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

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