

WELDON B. STUTZMAN
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
TELEPHONE: 208-334-0318
E-MAIL: weldon.stutzman@puc.idaho.gov
IDAHO STATE BAR NO. 3283

RECEIVED
2012 MAY -4 AM 11:19
IDAHO PUBLIC
UTILITIES COMMISSION

STREET MAILING ADDRESS:

472 WEST WASHINGTON STREET
BOISE, IDAHO 83702-5983

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE COMMISSION'S)
REVIEW OF TELEPHONE CUSTOMER) CASE NO. GNR-T-12-03
RELATIONS RULE 502, IDAPA 31.41.01.502)
) SETTLEMENT STIPULATION
)

1. This Settlement Stipulation is entered into by and between Qwest Corporation dba CenturyLink QC, CenturyTel of Idaho, Inc. dba CenturyLink, and CenturyTel of the Gem State, Inc. dba CenturyLink (the CenturyLink Companies or CenturyLink), Frontier Communications Northwest Inc. and Citizens Telecommunications Company of Idaho dba Frontier Communications of Idaho (Frontier), TDS Telecommunications Corp. (TDS), the Idaho Telecom Alliance (ITA), and Commission Staff.

2. On December 22, 2011, the CenturyLink Companies filed a Petition requesting an exemption from the Commission's Telephone Customer Relations Rule 502 (IDAPA 31.41.01.502). Rule 502 establishes standards for a telephone company to restore basic local service after an outage, and requires payment of customer credits when standards are not met. The rule was initially adopted in 1993, and CenturyLink asserted in its Petition that changes in the telecommunications industry since the rule was adopted make the rule obsolete, and that the rule now creates unusual and unreasonable hardships in a competitive marketplace that did not exist when the rule was adopted.

3. Rule 502, under most circumstances, requires a telephone company to restore local service within 24 hours after an outage is reported to the company. IDAPA 31.01.41.502.01.b. If a telephone company does not restore service within the time required by the Rule, the company must credit the customer's account for an amount equal to the monthly rate for one month of local exchange service. *Id.* The rule requires telephone companies to keep monthly records of out-of-service reports and to notify the Commission if the company is not able to clear at least 90% of outages within the time required by the rule for a period of three consecutive months. IDAPA 31.01.41.502.03.

4. The Commission determined to initiate a review of Telephone Customer Relations Rule 502 and update the rule, if appropriate, to recognize the changes that have occurred in the telecommunications industry since 1993. The Commission Staff convened a public workshop on April 30, 2012, to discuss Rule 502, and obtain information and expertise from industry representatives to recommend possible changes to the rule.

5. The Commission served notice of the workshop on April 10, 2012, to all telecommunications providers with contact information on file with the Commission. Representatives from CenturyLink, Frontier, ITA, TDS, and Commission Staff attended the workshop.

6. The parties attending the workshop agreed to revisions to Rule 502, simplifying the rule and removing the reporting requirements and the credit to customers requirements. The rule as revised by agreement of the parties is the following:

502. REPAIR SERVICE STANDARDS (RULE 502).

01. Restoration of Service. When a telephone company providing local exchange service is informed by a customer of a service outage as described in Rule 500.02, the telephone company must restore service within forty-eight (48) hours after the report of the outage, except (a) for outages reported on Thursday, the company must restore service no later than the following Monday by 6:00 pm, and (b) for outages reported on Friday, Saturday or Sunday, the company must restore service no later than the following Tuesday by 6:00 pm. ()

02. Extenuating Circumstances. Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone

company is required to use reasonable judgment and diligence to restore service, giving due regard for the needs of various customers. When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to meet the restoration timelines of Rule 502.01.

()

03. Compliance Standard. Each month at least eighty percent (80%) of out-of-service trouble reports shall be cleared in accordance with Rules 502.01 and 502.02.

()

7. The parties agreed to file the Settlement Stipulation with the Commission and request that the Commission approve it without alteration or modification. The parties further request that the Commission's consideration of the Settlement Stipulation be processed by Modified Procedure with a 21-day comment period. The parties further recommend, if the revised rule is approved by the Commission, that it be submitted to the Rules Coordinator for publication and promulgation as a revised rule.

8. The parties agree and request that the Commission grant an exemption to the existing Rule 502 to the companies that are parties to this Settlement Stipulation, and to any other companies that subsequently request an exemption, pending completion of the rulemaking process and the effectiveness of the revised Ruled 502. The parties agree, and the Commission may order, that any company granted an exemption will be bound by the terms of the revised Rule 502 during pendency of its enactment.

9. The parties agree the Stipulation represents a fair, just and reasonable compromise of the issues, and the Stipulation is in the public's interest. The parties believe the Stipulation and its acceptance by the Idaho Public Utilities Commission (Commission) represents a reasonable resolution of the issues identified in this matter. The parties, therefore, recommend that the Commission, in accordance with Rule of Procedure (RP) 274, approve the Stipulation and all of its terms and conditions without material change or condition.

10. The parties agree that this Stipulation represents a compromise of the positions of the parties. Therefore, other than any testimony or comments filed in support of the approval of this Stipulation, and except to the extent necessary for a party to explain before the Commission

its own statements and positions with respect to the Stipulation, as directed by RP 272, all statements made and positions taken in negotiations relating to this Stipulation shall be confidential and will not be admissible in evidence in this or any other proceeding.

11. If the Commission rejects any part or all of this Stipulation, or imposes any additional material conditions on approval of this Stipulation, each party reserves the right, upon written notice to the Commission and other parties to this proceeding, within fourteen (14) days of the date of such action by the Commission, to withdraw from this Stipulation. In such case, no party will be bound or prejudiced by the terms of this Stipulation, and each party shall be entitled to seek reconsideration of the Commission's Order, file testimony as it chooses, cross-examine witnesses, and do all other things necessary to put on such case as it deems appropriate.

12. This Stipulation may be executed in counterparts and each signed counterpart shall constitute an original document.

Respectfully submitted this 4th day of May 2012.

Idaho Public Utilities Commission

By: 
Weldon B. Stutzman
Deputy Attorney General
Attorney for Commission Staff

The CenturyLink Companies

By: 
Mary S. Hobson
Attorney for the CenturyLink Companies

Frontier Communications

By: _____
Renee Willer
Frontier Communications Representative

TDS Telecommunications Corp.

By: _____
Gail Long
Manager, State Government Affairs

Idaho Telecom Alliance

By: _____
Cynthia A. Melillo
Attorney for Idaho Telecom Alliance

its own statements and positions with respect to the Stipulation, as directed by RP 272, all statements made and positions taken in negotiations relating to this Stipulation shall be confidential and will not be admissible in evidence in this or any other proceeding.

11. If the Commission rejects any part or all of this Stipulation, or imposes any additional material conditions on approval of this Stipulation, each party reserves the right, upon written notice to the Commission and other parties to this proceeding, within fourteen (14) days of the date of such action by the Commission, to withdraw from this Stipulation. In such case, no party will be bound or prejudiced by the terms of this Stipulation, and each party shall be entitled to seek reconsideration of the Commission's Order, file testimony as it chooses, cross-examine witnesses, and do all other things necessary to put on such case as it deems appropriate.

12. This Stipulation may be executed in counterparts and each signed counterpart shall constitute an original document.

Respectfully submitted this _____ day of May 2012.

Idaho Public Utilities Commission

The CenturyLink Companies

By: _____
Weldon B. Stutzman
Deputy Attorney General
Attorney for Commission Staff

By: _____
Mary S. Hobson
Attorney for the CenturyLink Companies

Frontier Communications

TDS Telecommunications Corp.

By: *Renee M. Willer*
Renee Willer
Frontier Communications Representative

By: _____
Gail Long
Manager, State Government Affairs

Idaho Telecom Alliance

By: _____
Cynthia A. Melillo
Attorney for Idaho Telecom Alliance

bls/N:GNR-T-12-03_ws_Settlement Stipulation

its own statements and positions with respect to the Stipulation, as directed by RP 272, all statements made and positions taken in negotiations relating to this Stipulation shall be confidential and will not be admissible in evidence in this or any other proceeding.

11. If the Commission rejects any part or all of this Stipulation, or imposes any additional material conditions on approval of this Stipulation, each party reserves the right, upon written notice to the Commission and other parties to this proceeding, within fourteen (14) days of the date of such action by the Commission, to withdraw from this Stipulation. In such case, no party will be bound or prejudiced by the terms of this Stipulation, and each party shall be entitled to seek reconsideration of the Commission's Order, file testimony as it chooses, cross-examine witnesses, and do all other things necessary to put on such case as it deems appropriate.

12. This Stipulation may be executed in counterparts and each signed counterpart shall constitute an original document.

Respectfully submitted this _____ day of May 2012.

Idaho Public Utilities Commission

The CenturyLink Companies

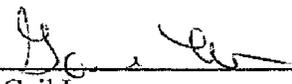
By: _____
Weldon B. Stutzman
Deputy Attorney General
Attorney for Commission Staff

By: _____
Mary S. Hobson
Attorney for the CenturyLink Companies

Frontier Communications

TDS Telecommunications Corp.

By: _____
Renee Willer
Frontier Communications Representative

By: _____

Gail Long
Manager, State Government Affairs

Idaho Telecom Alliance

By: _____
Cynthia A. Melillo
Attorney for Idaho Telecom Alliance

bls/N:GNR-T-12-03_ws_Settlement Stipulation