DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

BEV BARKER

GARY RICHARDSON

WORKING FILE

FROM:DON HOWELL

DATE:DECEMBER 11, 1996

RE:U S WEST’S COMPLIANCE WITH RESTORATION OF LOCAL SERVICE RULE 503, CASE NO.  USW-N-95-2

On January 19, 1996, the Commission issued Order No. 26303 adopting a Consent Agreement entered into between the Commission Staff and U S WEST Communications.  The Consent Agreement provided that U S WEST would voluntarily pay a civil penalty of $2,500 for each month that the Company failed to meet the requirements of the Commission’s Telephone Customer Relation Rule 503 in northern Idaho.  Rule 503 generally requires that a telephone company restore local service within 24 hours from the time a service outage is reported.  The Rule further provides that telephone companies “clear” 90% of the out-of-service trouble reports within 24 hours each month.  Order No. 26303 also provided that “when” the Company meets the 90% standard for three consecutive months . . ., U S WEST’s obligation to pay civil penalties will terminate.”  Order No. 26303 at 3.(footnote: 1)

On November 20, 1996, the Company filed its restoration of service report for the month of October 1996.  The Company reported that its restoration of service performance for the month of October was 93%.  October was the third consecutive month that the Company exceeded the 90% standard (see table below):

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1995 |  |  |  |  | 1996 |  |  |  |  |  |
|  | Dec | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct |
| northern | 83 | 72\* | 82 | 88 | 82 | 91 | 86 | 84 | 91 | 93 | 93 |
| southern | 76 | 86 | 92 | 92 | 92 | 92 | 89 | 91 | 92 | 93 | 93 |

Source: Monthly BSM report.

     \*Flood Conditions

It appears that the Company has met the 3-month condition, thereby terminating the civil penalty requirement.  Order No. 26303 at 6.

Telephone companies that fail to meet the 90% standard for three consecutive months must notify the Commission.  Rule 503.03 provides that such companies “shall notify the Commission whenever the record indicates the ninety percent (90%) level has not been met for a period of three consecutive months.”  IDAPA 31.41.01.503.03.

Commission Decision

1.  Having exceeded the restoration-of-service standard of 90% for three consecutive months, does the Commission desire to close this case?

2.  Should the Company continue to report its compliance with Rule 503 as part of the monthly Basic Service Measurement (BSM) report or is the automatic reporting requirement in Rule 503.03 sufficient?

Don Howell

vld/USW-N-95-2.dh3

**FOOTNOTES**

1:

In Order No. 26650 issued October 24, 1996, the Commission removed the 5% improvement incentive originally applicable to U S WEST’s operations in northern Idaho.  This Order also continued the existing monthly civil penalty of $2,500  for northern Idaho if the Company did not meet the 90% standard.