

MEMORANDUM

To: Robert M. Pickett, Chairman
Stephen McAlpine
Rebecca L. Pauli
Norman Rokeberg
Janis W. Wilson

Date: May 10, 2017

From: Steven Kramer, Common Carrier Specialist

Subject: Summary of Comments in Response to Order R-15-004(4)

Background

In Order R-15-004(4), the Commission issued proposed regulations governing ongoing reporting obligations imposed on regulated utilities. A deadline of March 16, 2017 was established for comments in response to the proposed regulation revisions.¹ The following three parties filed comments on the regulation revisions pertaining to telecommunications carriers:

- The Office of the Attorney General, Regulatory Affairs and Public Advocacy Section (“RAPA”);²
- Alascom, Inc. d/b/a AT&T Alaska (“AT&T Alaska”); and New Cingular Wireless PCS, LLC (“AT&T Mobility”) (collectively, “AT&T”);³ and
- GCI Communication Corp. d/b/a General Communication, Inc. and GCI (“GCI”).⁴

Also filing, but not commenting on the regulations for the telecommunications sector:

- Chugach Electric Association, Inc. (“Chugach”);⁵
- Enstar Natural Gas Company and Alaska Pipeline Company (collectively, “Enstar”);⁶
- Matanuska Electric Association, Inc. (“MEA”);⁷
- Golden Valley Electric Association, Inc. (“GVEA”);⁸ and
- Municipality of Anchorage d/b/a Municipal Light and Power (“ML&P”).⁹

¹ Order R-15-004(4), *Order Issuing Proposed Regulations for Comment* (February 14, 2017).

² *Comments of the Office of the Attorney General in Response to Order R-15-004(4)*, filed March 16, 2017 (“RAPA Comments”).

³ *Comments and Proposed Revisions of AT&T*, filed March 16, 2017 (“AT&T Comments”).

⁴ *Comments of GCI*, filed March 16, 2017 (“GCI Comments”).

⁵ *Comments of Chugach Electric Association, Inc. to Commission Order R-15-004(4)*, filed March 16, 2017.

⁶ *Comments of Enstar Natural Gas Company and Alaska Pipeline Company on Proposed Regulations*, filed March 16, 2017.

⁷ *Matanuska Electric Association, Inc.’s Response to Order R-15-004(4)*, filed March 16, 2017.

⁸ *Golden Valley Electric Association, Inc.’s Comments to Order R-15-004(4)*, filed March 16, 2017.

⁹ *Municipal Light and Power’s Comments in Response to Order No. R-15-004(4)*, filed March 16, 2017.

General Comments From the Telecommunications Industry:

AT&T: While repealing and revising the reporting obligations is a good first step, there continues to be a need for a broader reform to Alaska's telecommunications regulations. As the scope of Docket R-15-004 was limited to reports that are filed to the Commission, in many cases the underlying regulation that places the obligation on the telecommunications carrier is not being addressed, meaning that many antiquated regulations are being retained. AT&T urges the Commission to consider repealing and revising the underlying regulations in a future docket.¹⁰ Regulations that are no longer necessary in today's communications market adds unnecessary burden upon carriers.¹¹

Order R-15-004(4) specific comments on proposed regulations revisions:

3 AAC 51.030(a). Requirements of telecommunications relay service (TRS) provider (monthly report TRS provider files with Commission).

COMMENTS: None.

3 AAC 52.300(d). Operator handled calls (Operator services answering time study report).

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this report.¹²

3 AAC 52.320(a). Information to be furnished (Quality of service failure reports).

COMMENTS:

AT&T Alaska: Recommends 3 AAC 52.320(a) be deleted in its entirety. Retaining the surveillance reporting requirements means telecoms are still required to comply with outdated rules. This is one example where the Commission should evaluate whether the underlying regulation is still needed. For instance, the surveillance level for operator handled calls. Demand for operator services have drastically declined and is of less importance to consumers as they are using wireless phones and other means to make calls previously handled by operators.¹³

RAPA: The way the regulation is drafted, the quality of service must fall below all three of the surveillance levels for three consecutive months before a report is to be generated. Since the surveillance levels address different quality of service issues, it seems unlikely that the intent was to trigger a report only when all three of the surveillance levels have not been met at the

¹⁰ AT&T Comments at 1-2.

¹¹ AT&T Comments at 7.

¹² AT&T Comments at 2.

¹³ AT&T Comments at 2-3.

same time. RAPA suggests an edit to the proposed regulation by replacing the “and” with an “or.”¹⁴

3 AAC 52.320(b). Information to be furnished (Service disruption reporting).

COMMENTS:

AT&T Alaska: Continues to have concerns regarding the proposed outage reporting requirements. First, AT&T believes there should be different outage reporting triggers for IXC and LECs. AT&T disputes Staff’s reasoning for making the criteria the same; which was since the FCC does not make a distinction between IXC and LECs for its outage reporting, why could there not be one set of criteria for state outage reporting as well? AT&T contends that in fact, the FCC rules apply different reporting thresholds for “IXC or LEC tandem facilities”¹⁵ outages versus the thresholds for “wireline” providers.¹⁶ AT&T states that FCC defines a wireline provider as a carrier providing direct connectivity between the serving central office and end user locations.¹⁷ And since AT&T does not provide this connectivity, it therefore, is not subject to the “wireline” outage reporting requirements under FCC rules. AT&T recommends that the Commission clarify which reporting requirements apply to the IXC versus other wireline providers.¹⁸

AT&T previously proposed that the reporting requirement threshold be the FCC’s regulations’ trigger point or any outage lasting over 12 hours in duration.¹⁹ AT&T acknowledged Staff’s concern with the 12-hour proposal, because as Staff noted the Commission’s quality of service standards require that the IXC COLRs and LECs are to maintain at least eight hours of back-up power.²⁰ AT&T now supports a reporting trigger for a trunk outage of eight hours or more in duration. AT&T argues that without requiring excessive reporting, this will ensure the Commission is made aware of both a large outage impacting a substantial portion of the state or larger urban areas, and an extended outage in remote locations.²¹

AT&T is also concerned that the proposed regulation is not clear on what an IXC is to report for “the number of customers affected” by an outage.²² AT&T states that in the instances where it provides wholesale IXC service which other IXC resell to end users, AT&T would not necessarily know the number of customers affected by an outage. Further, AT&T argues that the FCC outage reporting does not require IXC to provide the number of customers impacted by an outage. Moreover, although the FCC’s ETC annual report requires ETCs to report the number of

¹⁴ RAPA Comments at 2.

¹⁵ 47 C.F.R. 4.9(b).

¹⁶ 47 C.F.R. 4.9(f).

¹⁷ 47 C.F.R. 4.3(g).

¹⁸ AT&T Comments at 3-4.

¹⁹ *Comments and Proposed Revisions of AT&T*, filed January 22, 2016 at 8.

²⁰ 3 AAC 52.270(b)

²¹ AT&T Comments at 4-5.

²² Proposed 3 ACC 52.320(b)(4).

customers affected by outages as part of their FCC reporting obligations, IXCs are not ETCs. Therefore, AT&T suggests that this requirement be eliminated for the IXC outage reporting.²³

Lastly, AT&T believes that the Commission should simply require that the outage information be sent to the Commission via e-mail as suggested in the proposed regulation. Requiring that this be filed pursuant to 3 AAC 48.095 (permissive electronic filing) may only delay the reporting if it has to go through the Commission's website portal.²⁴

AT&T filed a comprehensive proposal incorporating all its modifications expressed above.²⁵

GCI: says the newest proposal suffers from two related problems. First, GCI believes it is preferable to develop separate reporting standards for LECs and IXCs, than to attempt to develop a single reporting standard for both. Second, GCI repeats its and AT&T's earlier arguments that it is difficult to determine which portion of the reporting regulation applies to LECs and which part applies to IXCs.²⁶

Although stating that an outage of 100 customers in the Anchorage may be considered too small, GCI concedes that the four proposed trigger points for outage reporting seem appropriate for LECs. However, applying the same standards on an IXC outage is problematic. IXCs generally do not have anything to do with an isolation of working lines or the loss of EAS. Additionally, unless IXC service is down for an entire exchange, an IXC would not have knowledge about how many end users were affected by an outage. IXCs do not even know the number of access lines a LEC serves in an exchange, so neither would it be able to determine the percentage of customers affected during an outage. GCI states the only outage reporting criteria that clearly seems applicable to IXCs is the complete loss of trunk groups.²⁷

3 AAC 52.320(c). Information to be furnished (Results of required tests and summaries of required reports).

COMMENTS: None.

3 AAC 52.330. Capital program and planning statement.

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this report.²⁸

RAPA: Repeats earlier comments that the 3 AAC 52.330 report should be retained and not repealed. There are times RAPA uses the information derived from this report such as when

²³ AT&T Comments at 5.

²⁴ AT&T Comments at 5-6.

²⁵ AT&T Comments at 6.

²⁶ GCI Comments at 1-2.

²⁷ GCI Comments at 2-3.

²⁸ AT&T Comments at 2.

deciding whether to participate in a docket, or whether to accept the Commission's invitation to participate. In such cases, a discovery inside a docket would be insufficient. RAPA states that if a carrier is not required to provide this information, it is unlikely the carriers will separately maintain this specific data in a readily assessable form.²⁹

3 AAC 52.358(g). Registration (Annual re-registration of registered intrastate interexchange carriers).

COMMENTS: None.

3 AAC 52.372(a). Long distance rate parity [REDUCTIONS FROM THE ELIMINATION OF CARRIER COMMON LINE RATES].

COMMENTS: None.

3 AAC 52.372(b). Long distance rate parity [REDUCTIONS FROM THE ELIMINATION OF CARRIER COMMON LINE RATES] (Annual long distance rate parity certifications).

COMMENTS: None.

3 AAC 52.372(c). Long distance rate parity [REDUCTIONS FROM THE ELIMINATION OF CARRIER COMMON LINE RATES].

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this sub-section.³⁰

3 AAC 52.372(d). Long distance rate parity [REDUCTIONS FROM THE ELIMINATION OF CARRIER COMMON LINE RATES].

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this sub-section.³¹

3 AAC 52.380(e). Reporting, verification, and auditing requirements (Non-compliance STMP reporting).

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this report.³²

3 AAC 52.380(f). Reporting, verification, and auditing requirements (IXC traffic data report).

COMMENTS:

²⁹ RAPA Comments at 2-3.

³⁰ AT&T Comments at 2.

³¹ AT&T Comments at 2.

³² AT&T Comments at 2.

AT&T Alaska: Strongly supports the recommendation to repeal this report.³³

3 AAC 52.381(c). Interstate carrier of last resort (IXC COLR plant Investment and expenses report).

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this report.³⁴

3 AAC 52.390(o). Miscellaneous provisions (IXC facilities report).

COMMENTS: None.

3 AAC 53.190(e). Procedures for changing an authorized telecommunications carrier (“Slamming” report).

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this report.³⁵

3 AAC 53.410(a)(7)(A). Designation of eligible telecommunications carriers (Designation commitment to provide service timely).

COMMENTS: None.

3 AAC 53.410(a)(7)(B). Designation of eligible telecommunications carriers (Designation commitment to file report of unfulfilled requests for service).

COMMENTS: None.

3 AAC 53.460(a). Reporting requirements (Eligible Telecommunications Carrier (ETC) annual reporting requirements.

COMMENTS:

AT&T Mobility: Strongly supports the recommendation to repeal sub-sections 3 AAC 53.460(a)(4), (5), (6), (7), (8), and (9) of this report.³⁶

3 AAC 53.460(b). Reporting requirements (Eligible Telecommunications Carrier (ETC) annual reporting requirements.

COMMENTS: None.

³³ AT&T Comments at 2.

³⁴ AT&T Comments at 2.

³⁵ AT&T Comments at 2.

³⁶ AT&T Comments at 2.

3 AAC 53.460(c). Reporting requirements (Eligible Telecommunications Carrier (ETC) annual reporting requirements).

COMMENTS:

AT&T Mobility: Strongly supports the recommendation to repeal this sub-section.³⁷

3 AAC 53.625(b). Directory assistance providers (Filing of directory assistance contracts).

COMMENTS: None.

3 AAC 53.710. Reporting requirements (State Telecommunications Modernization Plan (STMP)).

COMMENTS:

AT&T Alaska: Strongly supports the recommendation to repeal this report.³⁸

3 AAC 53.840(c). Operation and maintenance requirements (Private pay telephone (PPT) reports).

COMMENTS: None.

3 AAC 53.890(e). Complaint procedures; enforcement (Private pay telephone (PPT) reports).

COMMENTS: None.

³⁷ AT&T Comments at 2.

³⁸ AT&T Comments at 2.