August 27, 2001

Comments on Version 8 of
Code Part 730

Allegiance Telecom of Illinois, Inc., McLeodUSA Telecommunications Services, Inc., and RCN Telecom Services of Illinois, Inc., are submitting these comments on Version 8 of Code Part 730.

Section 730.110 Waiver

Allegiance, McLeodUSA and RCN continue to urge inclusion of additional language in this Section, as they proposed with respect to Version 7. That language is as follows:

> c) The rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome. If the applicant for a waiver can show that compliance with a subpart of this Part was infeasible due to the actions or inaction of a third party outside of the applicant's control and upon whom the applicant relies in part to provide service to applicant's customers, then applicant will be deemed to have established that the provision of this Part from which it seeks a waiver is "unreasonable" as that term is used in this subpart, and applicant need not establish that it meets the requirements of subpart (b) above.

Section 730.540 Installation Requests

The time periods within which service installations must be completed should not commence to run until the carrier has received all information from the customer needed to process the customer's order, including the customer's letter of authorization where applicable, and any necessary third party verification has been completed. (We note that this concept is reflected in new Section 732.20(e) which has been added in the Staff version of Part 732 that was posted to the Commission website on August 27, 2001.) Therefore, Section 730.540(c) should be revised to read as follows:

> c) For purposes of maintaining records or reporting information relating to the objective set forth in subsection (a) above, the information required to be so maintained or reported shall be calculated by measuring customer applications or requests for basic local exchange service installation from the date the local exchange carrier receives all information from the customer needed to process the order, including but not limited to any required letter or authorization from the customer, and any necessary third party verification has been

completed, to the date the installation order is signed off by the carrier as completed.

Section 730.545 Trouble Reports

We question why subsection (g) has been added. It does not seem to belong in this Section on "Trouble Reports", and it is duplicative of provisions in Section 730.535, Interruptions of Service, which is the appropriate Section in Part 730 for this subject matter to be covered.

"Four hour window" for appointments for customer premises visits

Section 730.105 (definition of "Appointment"), Section 730.535(c) (Interruptions of Service), and Section 730.540(e) (Installation Requests), all require that where a repair or installation requires a visit to the customer's premises and the customer must be present, the local exchange carrier must schedule the appointment within a four-hour window, and must give notice to the customer by noon on the preceding day in order to cancel a scheduled appointment. While these requirements ultimately will not be objectionable, at the present time they are extremely problematic for CLECs. These requirements are extremely problematic for CLECs at this time because the CLEC is often dependent on actions by a wholesale provider to implement a repair or installation activity, at this time CLECs are not able to obtain commitments from all ILECs within four hour windows – only all-day commitments are provided. This situation could make it extremely difficult for CLECs to comply with a requirement to schedule and keep appointments for customer premises visits within a four-hour window, as well as to cancel scheduled appointments by noon of the preceding day.

From the CLEC perspective, this problem would be resolved if rules were in place requiring wholesale providers to make commitments within four-hour windows corresponding to the four hour windows to which retail providers must commit to their customers. In light of the limitation on the scope of this Code Part as expressed in Section 730.100, it is assumed that Part 731 is the more appropriate Code Part for establishment of such a requirement. (From the CLEC perspective, of course, including such a requirement in Part 730 would not be objectionable.) However, until such a requirement applicable to wholesale providers is in place (in Part 731 or elsewhere), Part 730 should provide that applicability of the four-hour window requirement for appointments is waived for CLECs.