

ORIGINAL

POLICY DIVISION STAFF REPORT

January 7, 2014

SUBJECT: Staff recommends that the Commission initiate rulemaking to amend 83 Ill. Adm. Code 736, "Service Quality and Customer Protection Applicable to Wireless Eligible Telecommunications Carriers"

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Background

Public Act 98-0045 was signed into law on June 28, 2013. Among other changes, PA 98-0045 amended several provisions of Article XIII (Telecommunications) of the Public Utilities Act (PUA). As a result, a number of the Commission's telecommunications-related Administrative Code Parts require various revisions to accord with these June 28, 2013 changes to the PUA.

PA 98-0045 amended PUA Section 13-712 (a) "Basic Local Exchange Service Quality; Customer Credits" as follows:

It is the intent of the General Assembly that every telecommunication carrier meet minimum service quality standards in providing noncompetitive basic local exchange service on a non-discriminatory basis to all classes of customers. [emphasis added]

Thus, providers of competitive local exchange services including all competitive local exchange carriers ("CLECs") and all Electing Providers are no longer, with respect to their retail telecommunications services (which are classified as competitive), required to comply with the service quality requirements of PUA Section 13-712. While such carriers are subject to service quality requirements contained in another Section of the PUA, Section 13-506.2, these requirements are more limited than those contained in Section 13-712, and these carriers are only subject to such requirements with respect to a limited number of services including safe harbor packages (as defined in subsection (d) of PUA Section 13-506.2) and basic local exchange services (as defined in subsection (a)(1) of PUA Section 13-506.2). Effectively, this means that many wireline local exchange carriers in Illinois are not subject to explicit service quality requirements pursuant to the PUA.

Code Part 736 contains service quality requirements for wireless carriers that are eligible telecommunications carriers (ETCs). ETCs are carriers the Commission has determined are eligible to participate in federal low income and other universal service

programs. Part 736 currently contains wireless ETC service quality rules that were comparable to those imposed upon wireline ETCs before the PUA was amended by PA 98-0045, but now go beyond those imposed upon wireline ETCs. The revisions proposed by Staff below are intended to generally comport service quality requirements imposed on wireless ETCs pursuant to Part 736 with service quality rules imposed by the PUA on wireline ETCs.

Proposed Revisions to Code Part 736

Subpart A: "General"

Staff proposes to revise Section 737.100 "Application of Part" to specify, for carriers designed at ETC providers for the sole purpose of receiving Lifeline support, that the part only applies to such wireless ETCs Lifeline supported services:

This Part shall apply to all wireless eligible telecommunication carriers ("WETC") offering or providing either competitive or noncompetitive telecommunications services as defined in Sections 13-209 and 13-210 of the Public Utilities Act [220 ILCS 5/13-209, 13-210]. This Part shall only apply to the relationship between a serving WETC and its end user. This Part shall not apply to the relationship between a serving WETC that provides wholesale facilities or services to another serving WETC for provisioning of services to its retail end user customers. For WETCs that are designated as ETC providers for the sole purpose of receiving federal universal service Lifeline support, this part shall only apply to those WETCs' Lifeline supported services.

Consistent with this addition, Staff proposes to add to Section 737.110 "Definitions" a definition of "Lifeline."

Staff proposes to repeal the requirement that wireless ETCs report service quality information pursuant to Part 736. Public Act 98-0045 eliminated such reporting requirements for CLECs. Eliminating the reporting requirements included in Part 736 affords wireless ETCs treatment under Part 736 comparable to what CLECs receive pursuant to Public Act 98-0045.

In addition to the changes above, Staff proposes to delete all definitions in Section 737.110 "Definitions" that are no longer necessary as result of proposals, described herein, to repeal various subsections of Part 737.

Subpart B "Engineering"

Staff proposes to repeal Section 736.300 "Construction and Maintenance of Plant and Equipment" and Section 736.310 "Incorporation of National Codes and Standards," which generally govern the manner in which wireless ETCs build and maintain their

networks. Staff does, however, propose to retain Section 736.305 "Emergency Operation" with some modifications. The modifications proposed to Section 736.305(b) by Staff continue to require wireless ETCs to maintain back-up power for their systems, but give the carriers more flexibility in execution of this requirement:

Each WETC shall maintain a reasonable amount of back-up power to ensure functionality without an external power source, be able to reroute traffic around damaged facilities, and be capable of managing traffic spikes resulting from emergency situations.~~deploy backup battery power and permanent generators at all mobile telephone switching offices (MTSOs), and sufficient backup power at each cellular tower to permit a portable generator to be timely deployed in extended power outages. MTSO batteries shall be maintained in accordance with Institute of Electrical and Electronic Engineers (IEEE) standards as adopted in Section 736.310(b), and records verifying such maintenance shall be kept on site.~~

Subpart C "Standards of Quality of Service"

Staff proposes to repeal Sections 736.505 "Answering Time," 736.510 "Interoffice Trunks," 736.515 "Dropped Calls and Signal Strength," 736.520 "Service Outages and Notification," 736.525 "Installation Requests – Failure to Provide Service," 736.530 "Trouble Reports," and 736.540 "Directory Notification." Consistent with the general changes in service quality requirements for CLECs introduced by Public Act 98-0045, these changes eliminate several specific service quality requirements in Code Part 736 for wireless ETCs. Staff proposes to retain the requirement in Section 736.500 that require wireless ETCs to meet the Wireless Association Consumer Code for Wireless Service ("CTIA Code"), but proposes to modify this provision to reference the most recent version of the CTIA Code.

Subpart D "Other WETC Requirements"

Staff proposes to repeal Sections 736.550 "Obligation to Serve," 736.610 "Customer Billing," 736.620 "Deferred Payment Agreements," 736.630 "Applicants for Service," 736.640 "Present Customers," 736.650 "Deposits," and 736.660 "Discontinuance for Refusal of Service," 736.670 "Illness Provision," 736.680 "Payment for Service," 736.685 "Past Due Bills," 736.690 "Service Restoration Charge," 736.695 "Dispute Procedures," 736.700 "Commission Complaint Procedures," 736.705 "Second Languages," Section 736.710 "Customer Information Booklet," and the related Appendices A "Notice of Discontinuance of Service" and B "Requirements to Avoid Shutoff of Service in the Event of Illness." Consistent with the general changes in service quality requirements for CLECs introduced by Public Act 98-0045, these changes eliminate several specific service quality requirements in Code Part 736 for wireless ETCs. Staff proposes to retain the provision in Code Part 736.555 that requires wireless ETCs to specifically define their ETC service area, but proposes that carriers identify exchanges included in their ETC service area and, when such

exchanges are served in their entirety, eases mapping requirements imposed upon carriers with respect to such areas:

Section 7360.555 WETC Service Area Maps

- a) Each WETC shall have on file with the Commission a list of exchanges for which it is granted ETC status. This list shall identify any incumbent local exchange carrier operating in each exchange listed a map of its designated ETC service area. If a WETC's Commission defined ETC service area includes a portion of an exchange, but less than the entire exchange, any such exchange shall be included on the exchange list and shall be identified as being served "in part".
- b) Each WETC shall file with the Commission a map of its designated ETC service area, in accordance with the WETC's ETC designation. A map filed after the effective date of this Part shall be in accordance with the WETC's ETC designation.
- c) Each map shall show the boundary lines of the area the WETC's Commission designated ETC service area holds itself out to serve. Boundary lines shall be located by appropriate measurement to an identifiable location if that portion of the boundary line is not otherwise located on section lines, waterways, railroads, or roads. ETC service area boundaries shall be identified according to labeled rate exchange areas ("exchanges") for all exchanges included in their entirety within the ETC service area. Any exchange served only "in part" shall have the ETC service area boundary displayed by section lines, waterways, railroads or roads for any portion of that boundary located on section lines, waterways, railroads or roads. Any portion of such boundary line not located on section lines, waterways, railroads, or roads shall be displayed by appropriate measurement to an identifiable location.
- d) The name of the WETC filing the map shall be placed at the top left corner side of the top of the map, and the name of the exchange followed by the words "(Name of carrier) ETC Service Area Boundary Map" shall be placed at the right side of the top corner of the map. The first filing of a map shall display be designated by the word "Original" immediately placed just below the words "(Name of carrier) ETC Service Area Boundary Map". If the map is subsequently refiled, the words "First Revisions" shall replace be substituted for the word "Original", and on each subsequent refiling the next higher number shall replace be substituted for the number preceding the word "Revision" on the previous last map filed. The docket number and the date of the order granting ETC Status shall also appear at the right side near the top corner of the map.

- e) Each WETC shall maintain and make available for public inspection a map of its ETC service area consistent with all requirements of this Part.

Informal Workshops

Commission staff convened four informal workshops (August 1 and 29, 2013 and September 13, 2013, and November 15, 2013) to discuss with all interested parties revisions to various Commission Code Parts required by enactment of PA 98-0045. The attached draft of proposed revisions to Code Part 736 fully reflects the input and opinions of interested parties participating in these Staff informal workshops.

Staff Recommendation

For reasons discussed herein, Staff recommends that the Commission initiate a rulemaking to amend 83 Ill. Adm. Code 736, "Service Quality and Customer Protection Applicable to Wireless Eligible Telecommunications Carriers."

Submitted by:


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