

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE COMPANIES

PART 731
WHOLESALE SERVICE QUALITY
TELECOMMUNICATIONS CARRIERS

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90 Act [220 ILCS 5/13-712(g) and 220 ILCS 5/13-902(c)(3)]

SUBPART A: GENERAL

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Section 731.100 Purpose and Application of Part

This Part governs carrier to carrier wholesale service quality standards and remedies in accordance with Section 13-712(g) of the Public Utilities Act (220 ILCS 5/13-712(g)), including, but not limited to, establishing guidelines for the development and submittal of Wholesale Service Quality Plans for Level 1 Carriers (as defined below), establishing wholesale service quality obligations for Level 2 Carriers (as defined below), and establishing the criteria pursuant to which certain carriers are or may be exempt from Subparts B, C, D, E and F of this rule. Unless otherwise indicated, the provisions of this Part are applicable to all providers of Wholesale Service to the extent that they are providing Wholesale Services.

Section 731.105 Definitions

“Act” or “PUA” means The Public Utilities Act (220 ILCS 5/1-101 et seq.).

“Adopt” or “adopted” shall mean, in addition to their customary and usual meaning, approve or approved.

“Billing” means the processes and systems used to prepare and provide bills to carriers for services ordered and rendered by the providing carrier. Also includes functions required to investigate and dispute bills by the carrier receiving the bill.

“Bona fide request” or “BFR” means a telecommunications carrier’s written request to another telecommunications carrier to provide a wholesale service.

“Business Day” means Monday through Friday, inclusive, excluding weekends and holidays observed and published by the providing carrier.

“Carrier” means a telecommunication carrier as defined in Section 13-202 of the Act (220 ILCS 5/13-202).

“Carrier to carrier wholesale service quality” means the level of quality of telecommunications services, measured pursuant to the Standards and Measures adopted in this Part, that one telecommunications carrier sells or provides to another telecommunications carrier for the latter carrier’s use in providing a telecommunications service to end users.

“Change Management” means the series of processes and procedures negotiated between two or more carriers which detail the guidelines by which operation support system (OSS) changes are requested and made and for which notice is provided to the users of the OSS.

137
138 “Chronic Failure” means a Wholesale Special Access circuit in connection with which a
139 Trouble Report is opened on four separate occasions during any rolling twelve-month
140 period (excluding CRTs).

141
142 “Collocation” means the placement by one carrier of its network equipment at the
143 premises of another carrier.

144
145 “Commission” means the Illinois Commerce Commission.

146
147 “Customer Not Ready” or “CNR” means a verifiable situation beyond the normal control
148 of a Provisioning Carrier that prevents the Provisioning Carrier from completing an order
149 for a Wholesale Special Access service, including the following: a Requesting Carrier or
150 another Carrier is not ready; an end user is not ready; a connecting company or
151 customer premises equipment is not ready.

152
153 “Customer Related Trouble” or “CRT” means a verifiable situation where trouble is
154 caused by the negligent or willful act of a Requesting Carrier, a malfunction of
155 equipment owned by the Requesting Carrier, rescheduling of service appointments per
156 the request of a Requesting Carrier or a Wholesale Emergency Service Situation.

157
158 “Customer Service Record” or “CSR” means account information that a providing carrier
159 maintains about an end user and includes, but is not limited to the billing name, service
160 address, and billing address of the end user. A CSR shall not be requested until after
161 the requesting carrier has received authorization from the end-user customer.

162
163 “Days Late” means a measure of the average number of days during each month that
164 Wholesale Special Access circuits a Provisioning Carrier installs for a Requesting
165 Carrier were installed after FOC/EC due dates (excluding CNRs).

166
167 “Engineering Complete” or “EC,” where facilities to complete a Wireless Wholesale
168 Special Access service request are available to the Provisioning Carrier, means the
169 date by which the Provisioning Carrier must complete all required engineering relating
170 to an order for a Wireless Wholesale Special Access service (including both outside and
171 inside engineering) and also must advise the Requesting Carrier of the date on which
172 the service shall be installed. In the event facilities to complete a Wireless Wholesale
173 Special Access service request are not available to a Provisioning Carrier, “Engineering
174 Complete” or “EC” means the date by which the Provisioning Carrier must: (1) advise
175 the Requesting Carrier of the facilities that are not available; and (2) provide the
176 Requesting Carrier with a good faith estimate of the date on which the requested
177 service shall be installed, which date shall not exceed 30 days from the “EC” due date
178 unless the Provisioning Carrier provides the Requesting Carrier with a written and
179 verifiable explanation of the reason why installation cannot be completed within 30 days
180 of the “EC” due date.

181

182 “Failure Rate” means a measure of the percentage of a Requesting Carrier’s Wholesale
183 Special Access circuits, provisioned by a single Provisioning Carrier, that fail during
184 each month (excluding CRTs), expressed as a percentage of the total number of
185 Wholesale Special Access circuits provisioned by the Provisioning Carrier as of the end
186 of the month.

187
188 “Firm Order Confirmation” or “FOC,” with respect to services other than Wireless
189 Wholesale Special Access services,” means the document or electronic record by which
190 a Provisioning Carrier notifies a Requesting Carrier that the service order has been
191 received and what due date has been assigned. With respect to Wireless Wholesale
192 Special Access services, “Firm Order Confirmation” or “FOC” means the document or
193 electronic record by which a Provisioning Carrier notifies a Requesting Carrier of the
194 date on which an ordered service shall be installed.

195
196 “FOC/EC Dates Met” means a measure of the percentage of Wholesale Special Access
197 circuits installed by a single Provisioning Carrier on or before FOC/EC due dates during
198 each month (excluding CNRs), expressed as a percentage of the total number of
199 FOC/EC due dates falling due during the month.

200
201 “FOC/EC Past Due” means a measure of the number of a Requesting Carrier’s
202 Wholesale Special Access service orders in connection with which a Provisioning
203 Carrier has not provided an FOC/EC as of the end of each month, excluding FOCs/ECs
204 not yet falling due.

205
206 “High Frequency Portion of the Loop” or “HFPL” means the frequency range above the
207 voiceband on a copper loop facility that is being used to carry analog circuit-switched
208 voiceband transmissions. Access to the HFPL is commonly called line sharing or line
209 splitting.

210
211 “Interconnection Trunks” means a network facility used to interconnect two switches of
212 different carriers.

213
214 “Local Exchange Carrier” or “LEC” means a carrier certificated by the Commission to
215 provide intra-exchange and/or inter-exchange service within the same MSA.

216
217 “Local Loop” means a transmission facility between a distribution frame (or its
218 equivalent) in a carrier’s central office and the loop demarcation point at an end-user
219 customer premises. Local Loop includes HFPL.

220
221 “Loss Notification” means the notice or notification given to a requesting carrier that
222 uses the Provisioning Carrier’s facilities to offer service to its end user when the end
223 user of the service decides to switch its service to the Provisioning Carrier or to another
224 carrier. This notification is sent from the Provisioning Carrier to the losing carrier to
225 notify them that they have lost the end user customer. Typically, this notification is the
226 mechanism through which the losing carrier obtains information to know that it should
227 cease billing the end user for a given service that one carrier sells or provides to

228 another carrier, as a component of, or for the provision of, telecommunications service
 229 to end users.

230
 231 “Maintenance and Repair” means the actions taken or functions used to create trouble
 232 reports, view status history, receive proactive status reports, and clear and close trouble
 233 reports.

234
 235 “Measure” means the specific component or attribute of a Wholesale Service that is
 236 being measured to assess service quality pursuant to an adopted or agreed upon
 237 standard. Measures are often based on the pre-ordering, ordering, provisioning,
 238 maintenance and repair, or billing functions used to deliver the service.

239
 240 “Network Availability” means a measure of the percentage of time a Requesting
 241 Carrier’s Wholesale Special Access circuits, provided by a single Provisioning Carrier,
 242 are not Out of Service during each month (excluding CRTs), expressed as a percentage
 243 of the total time available during the month on all Wholesale Special Access circuits
 244 provisioned by the Provisioning Carrier as of the end of the month.

245
 246 “New Circuit Failure Rate” means a measure of the percentage of a Requesting
 247 Carrier’s new Wholesale Special Access circuits (i.e., circuits installed for 30 days or
 248 less), provisioned by a single Provisioning Carrier, that fail during each month
 249 (excluding CRTs), expressed as a percentage of the total number of new Wholesale
 250 Special Access circuits provisioned by the Provisioning Carrier as of the end of the
 251 month.

252
 253 “Market Service Area” or “MSA” shall have the same meaning ascribed to those terms
 254 in Section 13-208 of the Act (220 ILCS 5/13-208).

255 “Operation Support Systems” or “OSS” means the various systems and business
 256 processes used by a Carrier to conduct business with its customers. Typically OSS
 257 covers pre-ordering, ordering, provisioning, maintenance and repair and billing
 258 functions.

259
 260 “Ordering” means the sequence of steps involved in placing an order with a carrier.

261
 262 “Past Due Circuits” means a measure of the total number of Wholesale Special Access
 263 circuits a Provisioning Carrier fails to install for a Requesting Carrier on or before the
 264 FOC/EC due date as of the last day of each month, excluding Wholesale Special
 265 Access circuits that were not scheduled for installation during the month and excluding
 266 CNRs.

267
 268 “Preexisting Plan” means:

269
 270 a) A plan implemented by or for a Carrier prior to the effective date of this
 271 rule (but not necessarily effective on such date) that contains one or more
 272 of the components required for a Wholesale Service Quality Plan as set
 273 forth in Section 731.300 (“Pre-Rule Plan”), the terms and provisions of

274 which have been specifically reviewed and approved by the Commission
 275 within the previous three (3) years in a docketed proceeding (the scope of
 276 which was limited to review and approval of a Pre-Rule Plan); or

277
 278 b) If the terms and conditions of a Pre-Rule Plan have not been specifically
 279 reviewed and approved by the Commission within the previous three (3)
 280 years in a docketed proceeding (the scope of which was limited to review
 281 and approval of a Pre-Rule Plan) for such Carrier, then the most recent
 282 Pre-Rule Plan implemented by such Carrier pursuant to a Commission
 283 order or, if no Pre-Rule Plan was implemented by such Carrier pursuant to
 284 a Commission order, the most recent Pre-Rule Plan implemented by such
 285 Carrier on a voluntary basis.
 286

287 “Pre-ordering” means the exchange of specific information (usually an inquiry and
 288 response process) between two carriers for the purpose of gathering appropriate
 289 information before submitting a request or order.
 290

291 “Pre-Rule Plan” shall have the meaning ascribed to such term in the definition of
 292 “Preexisting Plan.”
 293

294 “Provision” or “provisioning” means to supply, or the supplying of, telecommunications
 295 service to a user. With respect to OSS, “provisioning” also means the functions used to
 296 manage and monitor an order during the period between the order placement and order
 297 completion.
 298

299 “Provisioning Carrier” means the carrier provisioning, or committing or offering to
 300 provision a Wholesale Service to another carrier.
 301

302 “Reject Notice” means a method by which a carrier notifies a requesting carrier that a
 303 service request or order is rejected.
 304

305 “Remedy” means a payment or credit from one carrier to another carrier or the State of
 306 Illinois for failure to provide Wholesale Services at the standard prescribed per Section
 307 731.315 for Level 1 carriers and Section 731.610 for Level 2 carriers.
 308

309 “Repair Time” means the period between the time a Requesting Carrier submits a
 310 Trouble Report relating to a Wholesale Special Access circuit and the time at which the
 311 Provisioning Carrier closes the Trouble Report (excluding CRTs).

312
 313 “Repeat Failure Rate” means a measure of the percentage of a Requesting Carrier’s
 314 Wholesale Special Access circuits, provisioned by a single Provisioning Carrier, in
 315 connection with which more than one Trouble Report is opened during any thirty-day
 316 period (excluding CRTs), expressed as a percentage of the total number of Wholesale
 317 Special Access circuits provisioned by the Provisioning Carrier as of the end of the
 318 month.
 319

320 “Requesting Carrier” means the carrier requesting, ordering or receiving a Wholesale
321 Service from another carrier.

322
323 “Resold Local Services” means the sale, for purposes of resale, of a complete
324 telecommunications path (i.e., switch, port, and loop) and associated support (e.g., 911,
325 OS/DA) by a facilities based carrier to another carrier.

326
327 “Rural Exemption” means the exemption granted to rural telephone companies under
328 Section 251(f) of the Telecommunications Act.

329
330 “Standard” means the rate or level at which a measure is to be provided.

331
332 “Telecommunications Act” means the Telecommunications Act of 1934 as Amended by
333 the Telecommunications Act of 1996.

334
335 “Trouble Report” shall have the meaning ascribed to such term in Code Part 730 (83 Ill.
336 Admin. Code Part 730).

337
338 “Unbundled Local Loop” means the physical connection from the end user’s premise to
339 the carrier’s point of presence, excluding switching or ports, provided by one carrier to
340 another carrier.

341
342 “Unbundled Loop Return” means the release for reuse by a carrier of an unbundled
343 local loop to a different carrier when the subscriber, whose local telephone service
344 resides on the unbundled loop, authorizes a change in its local telephone service to a
345 different carrier.

346
347 “Wholesale Out of Service” means a situation in which the Wholesale Service can not
348 be used for its intended function. “Out of Service” does not include a situation in which
349 the essential elements of a Wholesale Service are still operational but there are extra
350 features that are not working (e.g., for dial tone wholesale services a line is not Out of
351 Service if the call blocking feature is not working but the line has a dial tone and can be
352 used to receive and place calls; for non-dial tone wholesale services a line is out of
353 service when the circuit is incapable of transporting voice and/or data.).

354
355 “Wholesale Service” means any telecommunications service subject to the
356 Commission’s jurisdiction that one carrier sells or provides to another carrier, as a
357 component of, or for the provision of, telecommunications service to end users.

358
359 “Wholesale Service Emergency Situation” means a single event that causes an
360 interruption of service or installations affecting Wholesale Service provided by a carrier.
361 The emergency situation shall begin with the first carrier whose Wholesale Service is
362 interrupted by the single event and shall end with the restoration or installation of the
363 service of all affected carriers. The term “single event” shall include:
364

365 a declaration made by the applicable State or federal governmental agency that
 366 the area served by the local exchange carrier is either a State or federal disaster
 367 area; or

368
 369 an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or
 370 war, or acts of parties that are not agents, employees or contractors of the local
 371 exchange carrier, or the first 90 calendar days of a strike or other work stoppage;
 372 or

373
 374 a severe storm, tornado, earthquake, flood or fire, including any severe storm,
 375 tornado, earthquake, flood or fire that prevents the local exchange carrier from
 376 restoring service due to impassable roads, downed power lines, or the closing off
 377 of affected areas by public safety officials.

378
 379 The term “Wholesale Service Emergency Situation” shall not include:

380
 381 a single event caused by high temperature conditions alone; or

382
 383 a single event caused, or exacerbated in scope and duration, by acts or
 384 omissions of the local exchange carrier, its agents, employees or contractors or
 385 by the condition of facilities, equipment, or premises owned or operated by the
 386 local exchange carrier who is claiming that the interruption of service is due to an
 387 Emergency Situation; or

388
 389 any service interruption that occurs during a single event listed above, but is not
 390 caused by those single events; or

391
 392 a single event that the local exchange carrier who is claiming that the interruption
 393 of service is due to an Emergency Situation could have reasonably foreseen and
 394 taken precautions to prevent; provided, however, that in no event shall such
 395 carrier be required to undertake precautions that are technically infeasible or
 396 economically prohibitive.

397
 398 “Wholesale Service Quality Plan” or “Plan” means a plan filed or adopted pursuant to
 399 Subparts B, C, D and E of this Part.

400
 401 “Wholesale Special Access” means a Wholesale Service utilizing a dedicated non-
 402 switched transmission path used for carrier-to-carrier services from the customer’s
 403 Requesting Carrier’s NID (Network Interface Device) or POI (Point Of Interface) to one
 404 or more of the following: (1) the Provisioning eCarrier’s POI (Point Of Interface); (2)
 405 another NID or POI on the Requesting Carrier’s network; or (3) another carrier’s
 406 network. Wholesale Special Access also means a dedicated non-switched transmission
 407 path used for carrier to carrier services from a point of Collocation to a Requesting
 408 Carrier’s end-use customer or to another carrier’s network. A non-switched
 409 transmission path may include, but is not limited to, DS1, DS3, and OCn facilities as
 410 well as links for SS7 signaling, database queries, and SONET ring access. “Wholesale

411 Special Access” includes Wholesale Special Access Services provided to a wireless
 412 carrier or other telecommunications carrier.

413
 414 “Wireless Wholesale Special Access” means a Wholesale Service provided to a
 415 wireless telecommunications carrier.

416
 417 Section 731.110 Policies, Goals and Objectives

418
 419 This Part is adopted for the purposes stated herein and should be interpreted in a
 420 manner consistent with the policies, goals and objectives stated herein. The
 421 Commission’s policies for establishing carrier to carrier wholesale service quality
 422 standards and remedies have been developed to ensure the following basic goals and
 423 objectives:

- 424
 425 a) To foster a competitive market consistent with the protection of end users.
 426
 427 b) To encourage the maintenance of service quality on a consistent basis to
 428 satisfy the public interest.
 429
 430 c) To develop the competitive offering of telecommunications services that
 431 will increase innovation and efficiency, and which may also lead to
 432 reduced prices for consumers.
 433
 434 d) To ensure reliable telecommunications service which the Commission
 435 determines to be essential to the health, safety and welfare of the citizens
 436 of the State of Illinois.
 437
 438 e) To ensure reliable carrier to carrier wholesale telecommunications service
 439 which the Commission determines to be essential to obtaining and
 440 maintaining an open telecommunications market and to the provision of
 441 reliable telecommunications service by competitive carriers.
 442
 443 f) To ensure that the economic benefits of competition in all
 444 telecommunications service markets are realized as effectively as
 445 possible.
 446
 447 g) To ensure that wholesale services are delivered at a level of quality that
 448 provides the competitive carriers with a meaningful opportunity to compete
 449 in the market for customers.
 450
 451 h) To define clearly the Commission’s requirements, standards and
 452 processes with respect to carrier to carrier wholesale service quality and
 453 remedies.
 454

- 455 i) To adopt, as required by law, rules, regulations and remedies for
456 assessing, and assuring, the quality of carrier to carrier wholesale service
457 for carriers and services that are under the Commission’s jurisdiction.
458
- 459 j) To establish procedures and guidelines for adopting carrier to carrier
460 Wholesale Service Quality Plans, including remedies, for Level 1 carriers
461 (as defined below) that establish minimum requirements for such plans
462 while allowing the tailoring of individual plans that take into account the
463 particular design and operation of each carrier’s network and operation
464 support systems.
465
- 466 k) To establish minimum and uniform measures and standards to assess
467 carrier to carrier wholesale service quality for Level 2 carriers (as defined
468 below), remedies to ensure compliance with such standards, and other
469 requirements to promote and ensure carrier to carrier wholesale service
470 quality.
471
- 472 l) To allow the Commission to effectively monitor carrier to carrier wholesale
473 service quality, and to impose additional measures, standards and
474 remedies where required to assure or maintain the quality of carrier to
475 carrier wholesale services in the State of Illinois.
476
477

478 Section 731.115 Classifications of Carriers
479

- 480 a) Level 1 Carriers - For purposes of this rule, the following Carriers shall be
481 Level 1 Carriers:
482
- 483 1) LECs in the State of Illinois that provide Wholesale Service and
484 have a Preexisting Plan; or
485
- 486 2) LECs in the State of Illinois that have obligations pursuant to
487 Section 251(c) of the Telecommunications Act, with equal to or
488 greater than 400,000 subscriber access lines in service; or
489
- 490 3) LECs in the State of Illinois that provide Wholesale Service and are
491 directed pursuant to a Commission order to comply with all of the
492 requirements of Subparts B, C, D and E pursuant to Section
493 731.635.
494
- 495 b) Level 2 Carriers — For purposes of this rule, the following carriers shall be
496 Level 2 carriers:
497
- 498 1) LECs in the State of Illinois that provide Wholesale Service and
499 satisfy each of the following requirements:
500

- 501 A) Have obligations pursuant to Section 251(c) of the
502 Telecommunications Act, with less than 400,000 subscriber
503 access lines in service;
- 504 B) Do not have a Preexisting Plan;
- 505
- 506 C) Do not have a Wholesale Service Quality Plan adopted by
507 the Commission pursuant to Subpart E;
- 508
- 509 D) Have not been directed pursuant to a Commission order to
510 comply with all of the requirements of Subparts B, C, D and
511 E pursuant to Section 731.635; and
- 512
- 513 E) Do not have a currently effective Rural Exemption.
- 514

515 c) Level 3 Carriers - For purposes of this rule, the following carriers shall be
516 Level 3 carriers:

- 517
- 518 1) LECs in the State of Illinois with a Rural Exemption from the
519 obligations of Section 251(c) of the Telecommunications Act.
- 520

521 d) Level 4 Carriers- For purposes of this rule, the following carriers shall be
522 Level 4 carriers:

- 523
- 524 1) LECs in the State of Illinois that do not have obligations pursuant to
525 Section 251(c) of the Telecommunications Act and are not Level 3
526 Carriers.
- 527

528

529 Section 731.120 Applicability of Subparts B, C, D and E

530

531 The provisions of Subparts B, C, D and E are applicable to all Level 1 Carriers.

532

533

534 Section 731.130 Applicability of Subpart F

535

536 The provisions of Subpart F are applicable to all Level 2 Carriers.

537

538

539 Section 731.140 Applicability of Subpart G

540

541 The provisions of Subpart G are applicable to all Level 3 Carriers.

542

543

544 Section 731.150 Applicability of Subpart H

545

546 The provisions of Subpart H are applicable to all Level 4 Carriers.
 547
 548

549
 550 SUBPART B: PROCEDURE FOR LEVEL 1 CARRIERS
 551

552
 553 Section 731.200 Filing of Tariffs Regarding Wholesale Service Quality Plans
 554

- 555 a) On April 1, 2003, and every two years thereafter, every Level 1 carrier
 556 shall file with the Commission for review and approval a tariff containing its
 557 Wholesale Service Quality Plan as specified in, and pursuant to, Subparts
 558 B, C, D and E of this Part. For any filing due after April 1, 2003, if a Level
 559 1 carrier proposes to maintain, without any additions, deletions or
 560 modifications, its existing tariff containing its Wholesale Service Quality
 561 Plan, the Level 1 carrier may file, in lieu of filing a new tariff, a verified
 562 statement confirming that it will maintain in effect, without any additions,
 563 deletions or modifications, its existing tariff until modified pursuant to this
 564 Part.
 565
- 566 b) Any carrier designated by the Commission as a Level 1 carrier pursuant to
 567 Sections 731.115(a)(3) and 731.635 shall file a tariff containing its
 568 Wholesale Service Quality Plan within ninety (90) days of its designation
 569 as a Level 1 carrier by the Commission, and, after one year from the filing
 570 of its initial Wholesale Service Quality Plan, shall file all subsequent
 571 Wholesale Service Quality Plans pursuant to paragraph (a) of this Section.
 572
- 573 c) To the extent the Commission determines that a Level 1 carrier's
 574 Wholesale Service Quality Plan should be investigated, modified, updated
 575 or in any way amended for any reason prior to the end of a biennial
 576 period, the Commission may initiate a proceeding to investigate, modify,
 577 update or amend the previously adopted Wholesale Service Quality Plan.
 578 Additionally, if another carrier seeks modification of a previously adopted
 579 Plan on an interim basis, it may file a petition originating a proceeding at
 580 any time.
 581

582
 583 Section 731.210 Review of Tariffs Regarding Wholesale Service Quality Plans
 584

585 For each investigation or review of a Wholesale Service Quality Plan filed as a tariff with
 586 the Commission for review and approval pursuant to Section 731.200, ~~unless otherwise~~
 587 ~~ordered by the Administrative Law Judge or the Commission,~~ the Commission shall
 588 initiate a proceeding and schedule a prehearing conference (see 83 Ill. Adm. Code
 589 200.300) to occur no more than 21 days after the filing date specified in Section
 590 731.200-, except that no proceeding shall be initiated if a carrier, pursuant to Section
 591 731.200(a), files a verified statement regarding its intent to maintain in effect its existing

592 Wholesale Service Quality Plan tariff. The purpose of the proceeding shall be to
 593 determine the adequacy and appropriateness of each Plan with respect to the
 594 requirements of the Act and this Part, and to adopt a Wholesale Service Quality Plan for
 595 the filing carrier. The carrier filing the Plan shall be a party to the proceeding. Other
 596 parties may intervene, pursuant to the Commission's Rules of Practice. The proceeding
 597 will be scheduled, unless otherwise ordered by the Administrative Law Judge or the
 598 Commission, so that a Proposed Order is presented to the Commission by the
 599 Administrative Law Judge no later than 3 months after the date of the carrier's filing as
 600 specified in Section 731.200. The Commission will adopt a carrier's Plan if it complies
 601 with the requirements of Subparts B, C, D and E of this rule.
 602
 603

604 Section 731.220 Wholesale Service Quality Plan Filing Requirements
 605

- 606 a) The Wholesale Service Quality Plan filing requirements set forth in this
 607 Section are designed to assist the Commission and Commission Staff in
 608 performing a review of Wholesale Service Quality Plan filings under this
 609 Part. Information and schedules contained in the filing requirements may
 610 be designed to provide support for the carrier's position or to provide
 611 supplemental information to facilitate the Commission Staff's review of the
 612 filing. The information supplied under the filing requirements shall not be
 613 construed as evidence or made part of the record unless it is offered by a
 614 party under the applicable Commission rules (83 Ill. Adm. Code 200.610
 615 to 200.700).
 616
- 617 b) Each carrier subject to this Subpart shall, on the date specified in Section
 618 731.200 for the filing of a tariff containing its Wholesale Service Quality
 619 Plan, file with its tariff the prepared direct testimony and exhibits of carrier
 620 personnel and any expert witnesses in support of the carrier's Plan.
 621 Prepared direct testimony shall be in compliance with the Commission's
 622 Rules of Practice (83 Ill. Adm. Code 200). At a minimum, the prepared
 623 direct testimony and exhibits shall address and/or include the following:
 624
- 625 1) The carrier's wholesale service quality record over the last two
 626 years, including a summary of performance and of any remedy
 627 payments or credits paid, given and/or assessed over that time
 628 period.
 629
 - 630 2) All changes to the carrier's Wholesale Service Quality Plan most
 631 recently adopted by the Commission or, if such carrier does not
 632 have a previously adopted Wholesale Services Quality Plan but
 633 does have a Preexisting Plan, all changes to the carrier's
 634 Preexisting Plan, and the basis for all such changes relied upon by
 635 the carrier.
 636

- 637 3) The extent to which the carrier's Wholesale Service Quality Plan
- 638 has successfully facilitated a competitive telecommunications
- 639 market.
- 640
- 641 4) Compliance of the carrier's Wholesale Service Quality Plan with the
- 642 requirements of Subpart C of this Part.
- 643
- 644 5) Compliance of the carrier's Wholesale Service Quality Plan with the
- 645 criteria for review described in Subpart D of this Part.
- 646
- 647 6) A listing of proposed changes to the carrier's existing Wholesale
- 648 Service Quality Plan.
- 649
- 650 7) Probable impact of proposed changes to the carrier's existing
- 651 Wholesale Service Quality Plan.
- 652
- 653 8) Any support for the impact of proposed changes.
- 654

655 The pre-filing requirements of this paragraph shall only apply to the initial
 656 and biennial tariff filings under Section 731.200(a) and the initial tariff filing
 657 under Section 731.200(b), and shall not apply to any interim filing prior to
 658 the end of a biennial period.

659

660 c) Waiver of Filing Requirements

661

- 662 1) Requests for waivers from these filing requirements shall be filed
- 663 with the Commission at least 60 days prior to the filing of new tariffs
- 664 for which the waiver would be effective, if granted. Requests for
- 665 waivers will be acted on by the Commission or, if directed by the
- 666 Commission, the Manager of the Administrative Law Judge ("ALJ")
- 667 Division or her appointed representative (Administrative Law
- 668 Judge) and will be in writing.
- 669
- 670 2) A request for waiver of any of the provisions of these filing
- 671 requirements shall be in writing, verified, and must set forth the
- 672 specific reasons in support of the request. The Commission or ALJ
- 673 (where directed by the Commission) shall grant the request for a
- 674 waiver upon good cause shown by the carrier. In determining
- 675 whether good cause has been shown, the Commission or ALJ shall
- 676 consider, among other things:
- 677
- 678 A) whether other information, which the carrier would provide if
- 679 the waiver is granted, permits the Commission Staff to
- 680 review the filing in a complete and timely manner;
- 681

682 B) the degree to which the information which is the subject of
683 the waiver request is maintained by the utility in the ordinary
684 course of business or available to it from the information
685 which it maintains;

686
687 C) the expense to the utility in providing the information, which
688 is the subject of the waiver request.
689

690 3) Proprietary and Confidential Information. Any data, information or
691 studies which are confidential, proprietary or trade secret in nature
692 shall be so marked by the carrier. The carrier shall separate from
693 its filing that information which is so marked as confidential,
694 proprietary or trade secret in nature from the material which is to be
695 made public.
696

697 Section 731.230 Effective Wholesale Service Quality Plan Pending Review and
698 Adoption By the Commission
699

700 a) A tariff containing a Level 1 carrier's Wholesale Service Quality Plan shall
701 become effective in accordance with the rules and procedures generally
702 applicable to tariffs under the PUA.
703

704 b) For a carrier with a Preexisting Plan, its Preexisting Plan shall be its
705 effective Wholesale Service Quality Plan from the effective date of this
706 rule through the effective date of its tariff due to be filed April 1, 2003,
707 under Section 731.200. The provisions of this paragraph shall apply
708 notwithstanding any provision, term or condition of the Preexisting Plan, or
709 any related Commission order, providing for the termination or expiration
710 of such plan due to or based on the passage of time.
711

712 c) For a carrier designated by the Commission as a Level 1 carrier pursuant
713 to Sections 731.110 and 731.635, that carrier shall not have an effective
714 plan pending the effective date of its initial tariff to be filed under Section
715 731.200 unless the Commission ordered or established an Interim
716 Wholesale Service Quality Plan. If the Commission ordered an Interim
717 Wholesale Service Quality Plan under Section 731.635, the Interim
718 Wholesale Service Quality Plan shall be that carrier's effective Wholesale
719 Service Quality Plan pending the effective date of its initial tariff to be filed
720 under Section 731.200.
721
722

SUBPART C: PLAN REQUIREMENTS FOR LEVEL 1 CARRIERS

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Section 731.300 General Plan Requirements

Each Wholesale Service Quality Plan shall include, at a minimum, the following components.

- a) A comprehensive set of wholesale measures and standards covering all necessary parts of a carrier's interaction with ~~their~~its wholesale customers. These measures and standards should include, but not be limited to, the following activities; pre-ordering, ordering, provisioning, maintenance and repair, billing and change management. See section 731.305. Further, where appropriate, the measures and/or standards included in a plan may differ depending on the type of Carrier being provided with Wholesale Service.
- b) Fully defined business rules on a per measure basis that are sufficient to describe what is being reported by the measure. Business rules shall include an applicable title, detailed definition, any exclusions, applicable standards or benchmarks, levels of disaggregation, and the specific calculation methodology used by the carrier. See Section 731.310.
- c) Self-executing remedy provisions deemed sufficient to modify a Level 1 carrier's actions in the event of noncompliance with the standards contained therein. See Section 731.315.
- d) Established benchmarks and standards on a per measure basis to provide a clear indication of the minimum performance level the carrier intends to provide. See Section 731.310.
- e) Reporting policies and procedures so that all parties understand exactly when and how the Level 1 carrier will report data. See Section 731.320. These policies and procedures should also cover data and remedy restatements in addition to the regular monthly reporting of carrier performance.
- f) A review process scheduled at regular intervals by which parties may propose changes to the performance measures contained in the Wholesale Service Quality Plans as changes occur in the industry.
- g) Audits scheduled at regular intervals to ensure that the data reported by the carrier is valid, reliable and adheres to the published business rules. See Section 731.325. The carrier must retain for three years, for purposes of regular audits, the original source data used to calculate the performance measurement results in its original, raw, or unmodified form.

768 Regular audits should validate both the measure data being reported as
 769 well as the remedy calculations.
 770

771
 772 Section 731.305 Services Covered
 773

774 The services to be covered for a Level 1 carrier shall include, but not be limited to, those
 775 Wholesale Services covered in such carrier's most recent Wholesale Service Quality
 776 Plan adopted pursuant to this Part or, if such carrier does not have a Wholesale
 777 Services Quality Plan adopted pursuant to this Part but does have a Preexisting Plan,
 778 those Wholesale Services covered in such carrier's Preexisting Plan. The services to
 779 be covered for a Level 1 carrier shall include wholesale special access services, and
 780 shall include at a minimum, the wholesale special access measures for ordering,
 781 provisioning, maintenance and repair identified in Section 731.310. The Commission
 782 may, for good cause shown, (i) include Wholesale Services not yet provided by the
 783 carrier (including but not limited to emerging services) or (ii) exclude specific Wholesale
 784 Services in adopting each carrier's Wholesale Service Quality Plan.
 785

786
 787 Section 731.310 Measures and Standards
 788

789 Each Wholesale Service Quality Plan shall include the following mMeasures and
 790 sStandards for EC, FOC, FOC/EC Past Due, FOC/EC Dates Met, Days Late, Past Due
 791 Circuits, Failure Rate, New Circuit Failure Rate, Chronic Failure, Repair Time, Repeat
 792 Failure Rate, Network Availability and any other Measures necessary to satisfy the
 793 requirements of Section 731.300(a). Each Wholesale Service Quality Plan also shall
 794 include a Standard for each Measure (except diagnostic measures including EC, FOC,
 795 Days Late and Past Due Circuits) that is consistent with as well as any other Measures
 796 and Standards necessary to satisfy the requirements of Section 731.300(a). ~~The~~
 797 ~~specific measures and standards included in each Wholesale Service Quality Plan shall~~
 798 ~~be as determined by the Commission. No measures or standards may be added,~~
 799 ~~modified, or deleted from a Wholesale Service Quality Plan adopted by the Commission~~
 800 ~~pursuant to Subpart E without the review and approval of the Commission.~~
 801

802 a) EC – a Provisioning Carrier must provide an EC to a Requesting Carrier
 803 within the average amount of time a Provisioning Carrier formally or
 804 informally provides an EC to itself or any of its affiliates at the time the
 805 Requesting Carrier orders a Wireless Wholesale Special Access service
 806 and in all cases within 7 days of the date on which a Requesting Carrier
 807 orders a Wireless Wholesale Special Access service. Where facilities to
 808 complete a service request are available, the service installation date
 809 included in an EC must be within 5 Business Days of the date on which all
 810 necessary engineering is complete, and the Requesting Carrier must be
 811 notified of that installation date at least 2 Business Days prior to the
 812 installation date. The service installation date included in an EC

- 813 supercedes any service installation date set forth in an FOC regarding the
814 same service request.
815
- 816 b) FOC – for Wireless Wholesale Special Access services, FOCs must be
817 provided in the same amount of time a Provisioning Carrier formally or
818 informally provides an FOC for Wireless Wholesale Special Access
819 services to itself or to any of its affiliates at the time a Requesting Carrier
820 orders a Wholesale Special Access service, and in all cases within 3
821 Business Days of the date on which a Requesting Carrier orders a
822 Wireless Wholesale Special Access service. For all other Wholesale
823 Special Access services, FOCs must be provided in the same amount of
824 time a Provisioning Carrier formally or informally provides an FOC for
825 Wholesale Special Access services to itself or to any of its affiliates at the
826 time a Requesting Carrier orders a Wholesale Special Access service,
827 and in all cases within 2 Business Days of the date on which a Requesting
828 Carrier orders a DSO or DS1 Wholesale Special Access circuit and within
829 5 Business Days of the date on which a Requesting Carrier orders any
830 other Wholesale Special Access service.
831
- 832 c) FOC/EC Past Due – 98% of FOCs/ECs must be timely provided.
833
- 834 d) FOC/EC Dates Met – 98% of Wholesale Special Access circuits must be
835 timely installed.
836
- 837 e) Days Late – on a monthly basis, the average number of days that
838 Wholesale Special Access circuits are installed after FOC/EC dates must
839 be less than 3 days.
840
- 841 f) Past Due Circuits – installation of less than 3% of Wholesale Special
842 Access circuits may be greater than 5 days late.
843
- 844 g) Failure Rate – the Failure Rate must not exceed the rate at which
845 Wholesale Special Access circuits the Provisioning Carrier provides to
846 itself or any one of its affiliates fail during the same month and, in any
847 event, must be less than 3%.
848
- 849 h) New Circuit Failure Rate – the New Circuit Failure Rate must not exceed
850 the rate at which new Wholesale Special Access circuits (i.e., circuits
851 installed for 30 days or less) the Provisioning Carrier provides to itself or
852 any one of its affiliates fail during the same month and in any event must
853 be less than 1% per 100 circuits.
854
- 855 i) Chronic Failure – must be re-engineered within 5 Business Days of the
856 date on which a Requesting Carrier notifies the Provisioning Carrier of a
857 Chronic Failure.
858

859 ~~j) Repair Time – the Repair Time must not exceed the length of time it takes~~
 860 ~~a Provisioning Carrier to repair Wholesale Special Access circuits it~~
 861 ~~provides to itself or any of its affiliates during the same month and in any~~
 862 ~~event must not exceed 3 hours.~~

863
 864 ~~k) Repeat Failure Rate – the Repeat Failure Rate must not exceed the rate~~
 865 ~~at which Wholesale Special Access circuits the Provisioning Carrier~~
 866 ~~provides to itself or any one of its affiliates experience trouble on more~~
 867 ~~than one occasion during the same thirty-day period and in any event~~
 868 ~~must not exceed 6% percent.~~

869
 870 ~~l) Network Availability – the Network Availability must not be less than the~~
 871 ~~percentage of time the Provisioning Carrier’s Wholesale Special Access~~
 872 ~~are available during the same month and in any event must not fall below~~
 873 ~~99.98% or an unavailability of 0.02%.~~

874
 875 ~~After a Requesting Carrier notifies a Provisioning Carrier that a CNR situation~~
 876 ~~has been remedied, the Provisioning Carrier shall promptly reschedule the~~
 877 ~~Wholesale Special Access service that was delayed by the CNR.~~

878
 879 ~~For good cause shown, a mMeasure or standard included in this Section 731.310~~
 880 ~~may be modified or deleted from a proposed Wholesale Service Quality Plan.~~
 881 ~~The specific mMeasures and sStandards included in each Wholesale Service~~
 882 ~~Quality Plan shall be as determined by the Commission. No mMeasures or~~
 883 ~~sStandards may be added, modified, or deleted from a Wholesale Service~~
 884 ~~Quality Plan adopted by the Commission pursuant to Subpart E without the~~
 885 ~~review and approval of the Commission.~~

886
 887
 888 Section 731.315 Remedies

889
 890 Each Wholesale Service Quality Plan shall include a self executing remedy provisions
 891 for each Standard, which remedy provision shall be consistent with the requirements of
 892 Section 731.300(c). The specific remedy provisions included in each Wholesale
 893 Service Quality Plan shall be determined by the Commission in accordance with this
 894 Part. The Remedy provisions included in the Plan filed by a Level 1 carrier shall be
 895 consistent with the remedy provisions included in the Plan most recently adopted
 896 pursuant to this Part by the Commission or, if such carrier does not have a Wholesale
 897 Services Quality Plan adopted pursuant to this Part but does have a Preexisting Plan,
 898 the Remedy provisions included in such carrier’s Preexisting Plan. ~~In connection with~~
 899 ~~the performance Measures and Standards included in Section 731.310, each Wholesale~~
 900 ~~Service Quality Plan shall include the Remedy provisions set forth below, except for~~
 901 ~~good cause shown.~~ No changes may be made to the Remedy provisions included in
 902 any Plan adopted by the Commission without the review and approval of the
 903 Commission.
 904

- 905 a) FOC/EC Past Due – if, during any two consecutive calendar months, a
906 Provisioning Carrier fails to satisfy the FOC/EC Past Due Standard set
907 forth in Section 731.310, the Provisioning Carrier must credit the
908 Requesting Carrier an amount equal to 100% of the amount the
909 Requesting Carrier otherwise would be obligated to pay the Provisioning
910 Carrier for all Wholesale Special Access services provided to the
911 Requesting Carrier, in Illinois, for that second month.
- 912
- 913 b) FOC/EC Dates Met – if, during any two consecutive calendar months, a
914 Provisioning Carrier fails to satisfy the FOC/EC Dates Met Standard set
915 forth in Section 731.310, the Provisioning Carrier must credit the
916 Requesting Carrier an amount equal to 100% of the amount the
917 Requesting Carrier otherwise would be obligated to pay the Provisioning
918 Carrier for all Wholesale Special Access services provided to the
919 Requesting Carrier, in Illinois, for that second month.
- 920
- 921 c) Failure Rate – if, during any two consecutive calendar months, a
922 Provisioning Carrier fails to satisfy the Failure Rate Standard set forth in
923 Section 731.310, the Provisioning Carrier must credit the Requesting
924 Carrier an amount equal to 100% of the amount the Requesting Carrier
925 otherwise would be obligated to pay the Provisioning Carrier for all
926 Wholesale Special Access services provided to the Requesting Carrier, in
927 Illinois, for that second month.
- 928
- 929 d) New Circuit Failure Rate – if, during any two consecutive calendar
930 months, a Provisioning Carrier fails to satisfy the New Circuit Failure Rate
931 Standard set forth in Section 731.310, the Provisioning Carrier must credit
932 the Requesting Carrier an amount equal to 100% of the amount the
933 Requesting Carrier otherwise would be obligated to pay the Provisioning
934 Carrier for all Wholesale Special Access services provided to the
935 Requesting Carrier, in Illinois, for that second month.
- 936
- 937 e) Chronic Failure – if a Provisioning Carrier fails to satisfy the Chronic
938 Failure Standard set forth in Section 731.310, the Provisioning Carrier
939 must credit the Requesting Carrier an amount equal to 12 times the
940 current monthly charge for the chronic circuit.
- 941
- 942 f) Repair Time – if, during any two consecutive calendar months, a
943 Provisioning Carrier fails to satisfy the Repair Rate Standards set forth in
944 Section 731.310, the Provisioning Carrier must credit the Requesting
945 Carrier an amount equal to 100% of the amount the Requesting Carrier
946 otherwise would be obligated to pay the Provisioning Carrier for all
947 Wholesale Special Access services provided to the Requesting Carrier, in
948 Illinois, for that second month.
- 949

950 g) Repeat Failure Rate – if, during any two consecutive calendar months, a
 951 Provisioning Carrier fails to satisfy the Repeat Failure Rate Standard set
 952 forth in Section 731.310, the Provisioning Carrier must credit the
 953 Requesting Carrier an amount equal to 100% of the amount the
 954 Requesting Carrier otherwise would be obligated to pay the Provisioning
 955 Carrier for all Wholesale Special Access services provided to the
 956 Requesting Carrier, in Illinois, for that second month.

958 h) Network Availability – if, during any two consecutive calendar months, a
 959 Provisioning Carrier fails to satisfy the Network Availability Standard set
 960 forth in Section 731.310, the Provisioning Carrier must credit the
 961 Requesting Carrier an amount equal to 100% of the amount the
 962 Requesting Carrier otherwise would be obligated to pay the Provisioning
 963 Carrier for all Wholesale Special Access services provided to the
 964 Requesting Carrier, in Illinois, for that second month.

966 The Remedies included in this Section are cumulative. Upon failing to satisfy
 967 any one Standard during two consecutive calendar months (with the
 968 exception of the Chronic Failure Standard), a Provisioning Carrier must credit
 969 a Requesting Carrier 100% of the amount the Requesting Carrier otherwise
 970 would be obligated to pay the Provisioning Carrier for all Wholesale Special
 971 Access services provided to the Requesting Carrier, in Illinois, for that second
 972 month. In the event a Provisioning Carrier fails to satisfy multiple Standards
 973 during any two consecutive calendar months and is thereby obligated to
 974 provide a Requesting Carrier with multiple credits, the Provisioning Carrier
 975 shall pay (rather than credit) the Requesting Carrier the amount due for each
 976 credit beyond the first.

977 Any calendar month that supports the imposition of a Remedy for a Provisioning
 978 Carrier's failure to satisfy a particular Standard set forth in Section 731.310
 979 may be used to support the imposition of a Remedy relating to that particular
 980 Standard only once during any calendar year. For example, if a Provisioning
 981 Carrier fails to satisfy the Network Availability Standard during January,
 982 February and March of a particular year, the Provision Carrier will be
 983 obligated to provide a Requesting Carrier a credit for the Provisioning
 984 Carrier's deficient performance relating to Network Availability during January
 985 and February but not for its deficient performance during February and
 986 March. However, if the Provisioning Carrier fails to satisfy the Network
 987 Availability Standard in April of the same year, the Provisioning Carrier would
 988 be required to provide the Requesting Carrier with a credit for the
 989 Provisioning Carrier's deficient performance during March and April.

990 • Notwithstanding the fact that as a result of a Provisioning Carrier's
 991 performance during two consecutive calendar months, the Provisioning
 992 Carrier fails to satisfy multiple Standards set forth in Section 731.310, in
 993 addition to issuing a Requesting Carrier the credit required under this section,
 994 the Provisioning Carrier shall not be obligated to pay the Requesting Carrier

995 [more than two times the amount the Requesting Carrier otherwise would be](#)
 996 [obligated to pay the Provisioning Carrier for Wholesale Special Access](#)
 997 [services during the second month.](#)

998
 999 Section 731.320 Reporting

1000
 1001 Each carrier's Wholesale Service Quality Plan shall provide that the Level 1 carrier will
 1002 report monthly data to the Commission and to carriers purchasing Wholesale Services.
 1003 At a minimum, the monthly data shall include the total number of transactions on a per
 1004 measure basis, the number of instances in which standards contained in the Level 1
 1005 carrier's Wholesale Service Quality Plan were not met on a per measure basis, and
 1006 calculations supporting any remedies paid to carriers purchasing Wholesale Services
 1007 from the Level 1 carrier.

1008
 1009 Each carrier's Wholesale Service Quality Plan shall indicate the process it will follow
 1010 each month for reporting including, without limitation, the date performance data and
 1011 remedy amounts will be made available. The reporting process shall also include the
 1012 timelines and procedures the carrier will follow when making data and or remedy
 1013 restatements.

1014
 1015
 1016 Section 731.325 Auditing

1017
 1018 Each Wholesale Service Quality Plan adopted by the Commission shall comply with the
 1019 requirements of Section 731.300(g), provide for periodic audits of the wholesale
 1020 performance data by an independent auditing firm, include the frequency and scope of
 1021 the required audits, and indicate responsibility for payment of audits. Audits should be
 1022 provided for both the measures being reported as well as for any remedy payments.
 1023 Level 1 carriers must follow the auditing requirements set forth in their respective
 1024 Wholesale Service Quality Plans. Each Plan shall, in any event, provide for both
 1025 Commission initiated audits as well as audits initiated by requesting carriers.

1026
 1027 Level 1 carriers shall retain all records required to support wholesale performance
 1028 relative to this rule for at least three (3) years. Audits are necessary to ensure that data
 1029 reported by the carriers is valid and reliable and adheres to the carrier's filed Plan.

1030
 1031
 1032 SUBPART D: PROVISIONS APPLICABLE TO ALL LEVEL 1 CARRIERS

1033
 1034 Section 731.400 Treatment and Effect of Wholesale Service Emergency Situations

1035
 1036 The standards contained in any Plan will not be considered to be violated for the period
 1037 of delay if such delay is due to a Wholesale Service Emergency Situation.
 1038 Notwithstanding anything to the contrary in this Part, in those situations where a
 1039 standard cannot be satisfied at all as a result of a Wholesale Service Emergency

1040 Situation, the failure to satisfy such standard shall not be deemed to be a violation of the
1041 applicable standard set forth in such Plan.

1042

1043

1044 Section 731.410 Additional Reporting Requirements

1045

1046 a) A Wholesale Service Quality Plan adopted pursuant to Subpart E shall be
1047 posted to both the Commission's web site and the Level 1 carrier's web
1048 site no more than thirty (30) days after entry of the Commission's order
1049 adopting such Plan.

1050

1051 b) Performance relative to a Level 1 carrier's Wholesale Service Quality Plan
1052 shall be posted to the Level 1 carrier's web site and made available to the
1053 Commission and other carriers on a monthly basis. Level 1 carriers shall
1054 also make available to the Commission both aggregate and individual
1055 carrier performance data, and shall make available to other carriers
1056 access to the aggregate data and their own performance data.

1057

1058 c) Additionally, the following information shall be reported monthly to the
1059 Commission by Level 1 carriers:

1060

1061 1) The total dollar amount of wholesale service quality remedy
1062 payments and credits paid, given and/or assessed.

1063

1064 2) The five highest dollar credit and payment amounts assessed
1065 and/or paid on a per measure basis.

1066

1067 3) Any wholesale service quality remedy payments and credits not
1068 included in the amount reported under subparagraph (c)(1) above
1069 but claimed due or owing by purchasing carriers.

1070

1071 4) Any changes to previously reported metrics data or remedy
1072 payments or credits made by the company during the past month
1073 and a detailed explanation for why the changes to previously
1074 reported metrics data or remedy payments or credits occurred.

1075

1076 d) Proprietary and Confidential Information. All Carrier-specific performance
1077 data and information that a Level 1 carrier is required to provide to the
1078 Commission under Sections 731.410(b) or (c) of this Part shall be clearly
1079 marked proprietary and confidential. When filing proprietary and
1080 confidential information with the Commission, a Level 1 carrier shall
1081 separate it from information which is to be made public.

1082

1083

1084 Section 731.420 Effect of ~~Interconnection~~ Contractual Agreements

1085

1086 If a Level 1 eCarrier is providing Wholesale Service to another carrier pursuant to a
 1087 contractual agreement, including an interconnection agreement, and those carriers have
 1088 negotiated the ~~interconnection~~ agreement or an amendment to the ~~interconnection~~
 1089 agreement after the effective date of this Part which expressly references this Section
 1090 and purports to amend any of the standards or requirements of the Level 1 eCarrier's
 1091 Wholesale Service Quality Plan, then those standards and requirements contained in
 1092 the Level 1 eCarrier's Wholesale Service Quality Plan shall not apply to such carriers (i)
 1093 if, but only to the extent, so provided in the ~~interconnection~~ agreement or amendment
 1094 and (ii) provided further that the changes from or to the Level 1 eCarrier's Wholesale
 1095 Service Quality Plan are not contrary to the public interest. In the event that such Level
 1096 1 carrier ~~also~~ provides ~~w~~Wholesale ~~s~~Service to another carrier and such carriers have
 1097 not negotiated an ~~interconnection~~ agreement or an amendment to an ~~interconnection~~
 1098 agreement after the effective date of this Part which expressly references this Section
 1099 and purports to amend any of the standards or requirements of the Level 1 eCarrier's
 1100 Wholesale Service Quality Plan, then the standards and measures in the Level 1
 1101 eCarrier's Wholesale Service Quality Plan shall apply.

1102
 1103
 1104 SUBPART E: COMMISSION REVIEW AND ADOPTION OF
 1105 PLANS FOR LEVEL 1 CARRIERS
 1106

1107
 1108 Section 731.500 Commission Review and Adoption of Wholesale Service Quality
 1109 Plans
 1110

- 1111 a) Adoption. Following hearings on each Plan or petition filed, or proceeding
 1112 commenced, pursuant to Section 731.200, the Commission shall adopt a
 1113 Wholesale Service Quality Plan for each carrier. The Plans adopted by
 1114 the Commission may be those Plans as filed by the Level 1 carriers or as
 1115 modified by the Commission.
 1116
- 1117 b) Basis for Adoption. In adopting a Wholesale Service Quality Plan for each
 1118 carrier, the Commission shall address and consider each of the following:
 1119
- 1120 1) Whether the Plan contains clearly articulated, pre-determined
 1121 measures and standards, which encompass a comprehensive
 1122 range of carrier-to-carrier performance.
 1123
 - 1124 2) Whether each measure has a clearly articulated definition, or
 1125 "business rule," which sets forth the manner in which the data is to
 1126 be collected by the carrier, lists any relevant exclusions, and states
 1127 the applicable performance standards.
 1128
 - 1129 3) Whether the Plan contains an effective mechanism that is designed
 1130 to detect and sanction poor performance when it occurs on both an
 1131 individual measure and aggregate basis.

- 1132
- 1133 4) Whether the Plan subjects the Level 1 carrier to potential liability
- 1134 sufficient to provide a meaningful and significant incentive to
- 1135 comply with the designated performance standards.
- 1136
- 1137 5) Whether liability under the Plan’s enforcement mechanism would
- 1138 actually accrue at meaningful and significant levels when
- 1139 performance standards are missed.
- 1140
- 1141 6) Whether the Plan contains a self-executing mechanism that does
- 1142 not leave the door open to litigation and appeal.
- 1143
- 1144 7) Whether the Plan contains reasonable assurances that the reported
- 1145 data is accurate and that the reported data is able to be audited.
- 1146
- 1147 8) Whether the Plan complies with, and satisfies the goals of, this Part
- 1148 731.
- 1149
- 1150 9) Whether the Plan complies with the requirements set forth in
- 1151 Subparts B, C, D and E of this Part 731, including but not limited to
- 1152 Section 731.300.
- 1153
- 1154

SUBPART F: OBLIGATIONS OF LEVEL 2 CARRIERS

Section 731.600 Services Covered and Exemption from Reporting Requirements

Services Covered. Unless otherwise indicated in this Subpart, the provisions of Subpart F are applicable to a Level 2 carrier to the extent the Level 2 carrier provides or offers the applicable service. Level 2 carriers shall be subject to wholesale service quality standards as provided below for the following wholesale services, to the extent the carrier offers or provides the service:

- a) Unbundled Local Loops;
- b) Interconnection Trunks;
- c) Resold Local Services;
- d) Collocation;
- e) Loss Notification; **and**
- f) Customer Service Record;
- g) Wholesale Special Access; and
- h) Wireless Wholesale Special Access.

Section 731.605 Measures and Standards

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a) Firm Order Confirmations - Level 2 Carriers shall provide FOCs or reject notices for Wholesale Services within the following timeframes, as measured from the time of receipt of an accurate and complete service request to the return of a FOC or reject notice:

- 1) Unbundled Local Loops - within 24 hours
- 2) Interconnection Trunks - within 10 business days
- 3) Resold Local Services - within 24 hours
- 4) Collocation - within 10 business days
- 5) Wholesale Special Access - within ___ business days
- 6) Wireless Wholesale Special Access - within 10 days

- The start time for requests received after the end of the business day will be the beginning of the next business day.
- There are two types of reject notices that may be issued by a carrier: syntax, which occur if required fields are not included in a service request; and content, which occur if invalid data is provided in a field.
- A rejected service request must be corrected and resubmitted before provisioning can begin.

b) Provisioning - For Wireless Wholesale Special Access services, Level 2 Carriers shall provision Wholesale Service within the following timeframes, as measured from the date on which all necessary engineering (outside and inside engineering) is complete to completion of the requested service. For all other Wholesale Services, Level 2 Carriers shall provision wWholesale sServices within the following timeframes, as measured from the time of receipt of a complete and accurate service request to completion of the requested service:

- 1) Unbundled Local Loops - within 5 business days
- 2) Interconnection Trunks - within 30 business days
- 3) Resold Local Services - within 5 business days
- 4) Collocation - within 90 business days
- 5) Wholesale Special Access - within ___ business days
- 6) Wireless Wholesale Special Access - within 15 business days

- The required due date is the later of: (1) the last day of the interval set forth above, or the provisioning date requested by the wholesale customer.
- The provisioning intervals, above, will not apply if the Level 2 Carrier demonstrates that the request(s) is not technically feasible and/or that the requested facilities are not available.

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- When a loop must be conditioned to remove bridge taps and load coils in order to provide a digitally capable loop or HFPL, the providing carrier must provide the conditioned (digitally capable) loop or HFPL within 8 days of receipt of an accurate and complete service request, rather than within 5 days as set forth above. However, provisioning intervals do not apply to digitally capable loops and HFPL when conditioning of the loop to meet the request would result in a significant degradation of the voiceband service that the Level 2 carrier is providing over that same loop.
- c) Maintenance and Repair - Level 2 Carriers shall clear Wholesale Out of Service trouble reports within the following intervals, as measured from the time of receipt of an accurate and complete ~~T~~rouble ~~R~~eport to the time the ~~T~~rouble ~~R~~eport is cleared:
- 1) Unbundled Local Loops - within 24 hours
 - 2) Interconnection Trunks - within 8 hours
 - 3) Resold Local Services - within 24 hours
 - 4) Collocation - within 8 hours
 - 5) Wholesale Special Access - within ___ hours
 - 6) Wireless Wholesale Special Access - within 5 hours
- All non-Out Of Service (i.e., “service affecting”) ~~T~~rouble ~~R~~eports must be cleared by the end of the next business day after receipt of non-Out Of Service ~~T~~rouble ~~R~~eport.
 - For a ~~t~~rouble-Trouble ~~R~~eport relating to Wholesale Services other than Wireless Wholesale Special Access services to be considered complete, the wholesale customer must provide the Provisioning eCarrier: 1) the end-user customer’s telephone number, 2) the Provisioning eCarrier’s circuit identification number; 3) a detailed description of the trouble conditions and other trouble prescreening information.
 - For a Trouble Report relating to Wireless Wholesale Special Access Services to be considered complete, the wholesale customer must provide the Provisioning Carrier: 1) the location of the base station, if any, to which the Trouble Report relates, 2) the Provisioning Carrier’s circuit identification number; 3) a detailed description of the trouble conditions and other trouble prescreening information.
- d) Loss Notifications - Level 2 carriers shall provide Loss Notifications within the following timeframes :
- 1) UNE-Platform - within 24 hours
 - 2) Resale - within 24 hours

- 1269 e) Customer Service Record – Level 2 carriers shall provide CSRs to the
 1270 carriers requesting the CSR within 24 hours.
 1271
- 1272 f) The standards set forth in Section 731.605 will not be considered to be
 1273 violated for the period of delay if such delay is due to the following:
 1274
- 1275 1) as a result of a negligent or willful act on the part of the wholesale
 1276 customer;
 - 1277 2) as result of a malfunction of equipment owned or operated by the
 1278 wholesale customer;
 - 1279 3) as a result of, or is extended by, a wholesale service emergency
 1280 situation;
 - 1281 4) as a result of the wholesale customer missing an appointment,
 1282 provided that the violation is not further extended by the carrier;
 - 1283 5) as a result of a wholesale customer request to change the scheduled
 1284 appointment, provided that the violation is not further extended by the
 1285 carrier;
 - 1286 6) as a result of a carrier’s right to refuse service to a wholesale
 1287 customer as provided in an interconnection agreement, tariff or under
 1288 applicable federal or state law; or
 - 1289 7) as a result of a lack of facilities where a wholesale customer requests
 1290 service at a geographically remote location, a wholesale customer
 1291 requests service in a geographic area where the carrier is not
 1292 currently offering service, or there are insufficient facilities to meet the
 1293 wholesale customer’s request for service, subject to carrier’s
 1294 obligation for reasonable facilities planning and the wholesale
 1295 customer’s obligation for forecasting.
 1296

1297 Notwithstanding anything to the contrary in this Subpart, in those
 1298 situations where a standard cannot be satisfied at all as a result of the
 1299 occurrence of any of the causes identified in clauses 1) through 7) above,
 1300 the failure to satisfy such standard shall not be deemed to be a violation of
 1301 the applicable standard set forth in Section 731.605.
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1303
 1304 Section 731.610 Remedies

1305
 1306 If a Level 2 Carrier fails to comply with Section 731.605 of this Part, it shall provide
 1307 credits to the purchasing Carrier in the following amounts:
 1308

- 1309 a) For Firm Order Confirmation and Reject Notice Failures, Level 2 Carriers
 1310 shall provide credits equal to 20% of the monthly recurring charge for the
 1311 service covered in Section 731.605(a) of this Part.
 1312
- 1313 b) For Provisioning Failures - Level 2 Carriers shall provide credits equal to
 1314 20% of the monthly recurring charge for each day beyond the timeframe

1315 set forth in Section 731.605(b) that the Level 2 carrier fails to provision a
 1316 wholesale service covered in Section 731.605(b) of this Part.

1317
 1318 c) For Maintenance and Repair Failures - Level 2 Carriers shall provide
 1319 credits equal to 20% of the monthly recurring charge for each day beyond
 1320 the timeframe set forth in Sections 731.605(c)(1) and 731.605(c)(3) that
 1321 the Level 2 carrier fails to clear a Wholesale Out of Service trouble report
 1322 for the services covered in Sections 731.605(c)(1) and 731.605(c)(3) of
 1323 this Part, ~~and~~ 10% of the monthly recurring charge for every 8 hours
 1324 beyond the timeframe set forth in Sections 731.605(c)(2) and
 1325 731.605(c)(4) that the Level 2 carrier fails to clear a Wholesale Out of
 1326 Service trouble report for the services covered in Sections 731.605(c)(2)
 1327 ~~and~~ and 731.605(c)(4) of this Part, and 10% of the monthly recurring
 1328 charge for every 5 hours beyond the timeframe set forth in Sections
 1329 731.605(c)(5) and 731.605(c)(6) that the Level 2 carrier fails to clear a
 1330 Wholesale Out of Service trouble report for services covered in
 1331 731.605(c)(5) and 731.605(c)(6) of this Part.

1332
 1333 d) For Loss Notification Failures - Level 2 Carriers shall provide a credit of \$1
 1334 per failure.

1335
 1336 e) For Customer Service Record Failures - Level 2 Carriers shall provide a
 1337 credit of \$1 per failure.

1338
 1339

1340 Section 731.615 Review

1341
 1342 All Level 2 carriers that elect to participate in the Commission's biennial review of
 1343 Subpart F: Obligations Of Level 2 Carriers must submit any proposed changes to
 1344 Subpart F to the Commission for review and approval. To the extent the Commission
 1345 finds Subpart F should be revisited for any reason prior to the end of a biennial period,
 1346 the Commission may initiate a proceeding to update or amend the previously approved
 1347 Subpart F. Additionally, if any carrier seeks modification to the approved Subpart F on
 1348 an interim basis, they may file a petition originating a proceeding at any time.

1349
 1350

1351 Section 731.620 Reporting

1352
 1353 a) Each Level 2 Carrier shall report monthly results on a quarterly basis to
 1354 the Commission. At a minimum, the information reported shall include:

1355
 1356 1) The total dollar amount of wholesale service quality credits on a per
 1357 measure basis.

1358

- 1359 2) Any wholesale service quality credits not included in the amount
 1360 reported under subparagraph (a)(1) above but claimed due or
 1361 owing by purchasing carriers.
 1362
 1363 3) Level of performance on an aggregate basis by measure (or as a
 1364 whole with respect to all measures for service provided to all
 1365 wholesale customers).
 1366
 1367 4) Top 3 carriers receiving wholesale service quality credits from the
 1368 Level 2 carrier.
 1369

1370 b) All Carrier-specific performance data and information that a Level 2 carrier
 1371 is required to provide to the Commission under Section 731.620(a) shall
 1372 be clearly marked proprietary and confidential. When filing proprietary
 1373 and confidential information with the Commission, a Level 2 carrier shall
 1374 separate it from information which is to be made public.
 1375

1376 b) _____
 1377 b)c) _____ Each Level 2 Carrier shall also report monthly data on a quarterly basis
 1378 to carriers purchasing wholesale services. At a minimum, the monthly
 1379 data shall include the number of reportable transactions, the number of
 1380 instances in which standards contained in Section 731.605 were not met,
 1381 and calculations supporting remedies paid as a result of Section 731.610.
 1382

1383 e)d) _____ Each carrier shall provide to the Commission, on a biennial basis, a
 1384 business rule document for each measure it reports. These business rule
 1385 documents shall be sufficient to describe what is being reported by the
 1386 measure, and compliant with the standards set out in Section 731.605.
 1387 The business rules shall include an applicable title, detailed definition, any
 1388 exclusions, levels of disaggregations and the specific calculation
 1389 methodology used by the carrier.
 1390

1391
 1392 Section 731.625 Auditing
 1393

1394 Carriers purchasing wholesale services from a Level 2 carrier may request an
 1395 independent audit of the reported results. To the extent the independent audit confirms
 1396 the specific concern of the carrier purchasing wholesale services from a Level 2 carrier,
 1397 as specifically identified in writing to the Level 2 carrier prior to requesting the audit, the
 1398 Level 2 carrier shall be responsible for the cost of the independent auditor associated
 1399 with the specific concern identified in writing prior to the audit. If the independent
 1400 auditor does not confirm the concern of the carrier purchasing wholesale services from
 1401 a Level 2 carrier, the carrier purchasing wholesale services will be responsible for the
 1402 cost of the independent audit. Any dispute over payment of audit costs will be resolved
 1403 by the Commission pursuant to a petition filed with the Commission by either party.

1404 Audits of a Level 2 carrier's records shall be limited to no more than 2 per calendar
1405 year, unless otherwise authorized by the Commission.

1406
1407 Unless otherwise authorized by the Commission, a Level 2 carrier shall make all
1408 records required by this rule available to the Commission or its authorized
1409 representatives at any time upon request. A carrier shall make customer proprietary
1410 network information available to the Commission to the extent allowed by law. A carrier
1411 shall retain all records required by this rule for at least three (3) years.

1412
1413
1414 Section 731.630 Effect of ~~Interconnection-Contractual~~ Agreement

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1416 If a Level 2 ~~e~~C carrier is providing Wholesale Service to another carrier pursuant to a
1417 contractual agreement, including an interconnection agreement, and those carriers have
1418 negotiated the ~~interconnection~~ agreement or an amendment to the ~~interconnection~~
1419 agreement after the effective date of this Part which expressly references this Section
1420 and purports to amend any of the standards and requirements contained in this
1421 Subpart, then those standards and requirements contained in this Subpart shall not
1422 apply to such carriers (i) if, but only to the extent, so provided in the ~~interconnection~~
1423 agreement or amendment and (ii) provided further that the changes from or to the
1424 standards and requirements contained in this Subpart are not contrary to the public
1425 interest. In the event that such Level 2 carrier ~~also~~ provides ~~w~~W ~~s~~S service to
1426 another carrier and such carriers have not negotiated an ~~interconnection~~ agreement or
1427 an amendment to an ~~interconnection~~ agreement after the effective date of this Part
1428 which expressly references this Section and purports to amend any of the standards
1429 and requirements contained in this Subpart, then the standards and measures in this
1430 Subpart shall apply.

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1432
1433 Section 731.635 Application of Level 1 Requirements to Level 2 Carriers and
1434 Conversion to Level 1

- 1435
1436 a) A Level 2 carrier may be required to comply with some or all of the Level 1
1437 requirements established in Subparts B, C, D and E of this Part only after
1438 the Commission considers and rules upon the following items:
1439
- 1440 1) The technical feasibility of compliance with each Subparts B, C, D
1441 and E requirement;
 - 1442 2) The economic feasibility of compliance with each Subparts B, C, D
1443 and E requirement;
 - 1444 3) The expected volume of wholesale service activity to be
1445
1446 provisioned by the Level 2 carrier;
 - 1447
1448

- 1449 4) Whether the benefits expected to accrue to requesting carriers
1450 justify the costs expected to be incurred by the provisioning carrier
1451 to comply each Subpart B, C, D and E requirement, and;
1452
1453 5) With which Subpart B, C, D and E requirements that carrier must
1454 comply and by what time period.
1455
1456 b) A carrier directed pursuant to a Commission order to comply with all of the
1457 requirements of Subparts B, C, D and E shall be a Level 1 carrier effective
1458 90 days after the date of the Commission's order unless a different
1459 conversion date is specified in the Commission's order. A carrier directed
1460 pursuant to a Commission order to comply with some but not all of the
1461 requirements of Subparts B, C, D and E shall remain a Level 2 carrier, but
1462 must, unless a different time period is provided in the Commission's order,
1463 comply with such Level 1 requirements as directed by the Commission
1464 commencing 90 days after the date of the Commission's order.
1465
1466 c) In any proceeding to determine whether a carrier should be required to
1467 comply with some or all of the Level 1 requirements established in
1468 Subparts B, C, D and E of this Part, the Commission may order or
1469 establish an Interim Wholesale Service Quality Plan to be tariffed and
1470 effective as ordered by the Commission.
1471

1472
1473 SUBPART G: PROVISIONS APPLICABLE TO LEVEL 3 CARRIERS
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1475
1476 Section 731.700 Exemption From Certain Subparts
1477

1478 Subparts B, C, D, E and F of this Part shall not apply to LECs with a Rural Exemption
1479 pursuant to Section 251(f) of the Telecommunications Act.
1480

1481
1482 Section 731.705 Conversion to Level 2
1483

- 1484 a) A carrier whose Rural Exemption is terminated by a Commission order
1485 pursuant to Section 251(f) of the Telecommunications Act will become a
1486 Level 2 carrier and shall, unless a different time period is provided in the
1487 Commission's order, comply with all of the Level 2 requirements
1488 established in Subpart F of this Part effective 90 days after the date of the
1489 Commission's order.
1490
1491 b) Notwithstanding paragraph (a) of this Section, a Level 3 carrier whose
1492 Rural Exemption is terminated by a Commission order pursuant to Section
1493 251(f) of the Telecommunications Act may petition the Commission for an
1494 exemption from some or all of the Level 2 requirements established in

1495 Subpart F of this Part. The burden of proof in establishing the right to an
1496 exemption under this paragraph shall be upon the petitioner. The petition
1497 shall include a demonstration that the requested exemption would not
1498 harm consumers and would not impede the development or operation of a
1499 competitive market. In ruling on any such petition, the Commission may
1500 also consider and rule upon the following items:

- 1501
- 1502 1) The technical feasibility of compliance with each Subpart F
- 1503 requirement;
- 1504
- 1505 2) The economic feasibility of compliance with each Subpart F
- 1506 requirement;
- 1507
- 1508 3) The expected demand for wholesale services covered under
- 1509 Subpart F;
- 1510
- 1511 4) Whether the benefits accrued to competing carriers justify the costs
- 1512 incurred by carrier necessary to comply each Subpart F
- 1513 requirement;
- 1514
- 1515 5) With which Subpart F requirements that carrier must comply and by
- 1516 what time period; and
- 1517
- 1518 6) Whether the carrier needs to comply with Subpart F if the carrier
- 1519 enters into an agreement with a competing carrier whereby the
- 1520 competing carrier agrees to accept different wholesale service
- 1521 quality standards than those contained in Subpart F.
- 1522

1523
1524 SUBPART H: PROVISIONS APPLICABLE TO LEVEL 4 CARRIERS

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1526
1527 Section 731.800 Services Covered and Exemption From Certain Subparts

1528
1529 Services Covered. Level 4 carriers shall be subject to the following wholesale service
1530 quality standards as provided below for the following services, to the extent the carrier
1531 offers or provides the service:
1532

- 1533
- 1534 a) Customer Service Record
- 1535 b) Unbundled Loop Return
- 1536 c) Loss Notification
- 1537

1538 Section 731.805 Measures and Standards
1539

1540 Level 4 Carriers shall be subject to the following wholesale service measures and
 1541 standards as provided below for the following services, to the extent the carriers offers
 1542 or provides the service:

- 1543
- 1544 a) Unbundled Loop Return - within 24 hours
- 1545 b) Loss Notification - within 24 hours
- 1546 c) Customer Service Record: - within 24 hours

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1551 Section 731.810 Remedies

1552

1553 If a Level 4 Carrier fails to comply with Section 731.805 of this Part, it shall provide
 1554 credits to the purchasing Carrier in the following amounts:

- 1555
- 1556 a) Unbundled Loop Return - \$1 per failure
- 1557 b) For Customer Service Record Failures - \$1 per failure
- 1558 c) Loss Notification - \$1 per failure

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Subparts B, C, D, E, F and G of this Part shall not apply to Level 4 carriers (LECs without obligations pursuant to Section 251(c) of the Telecommunications Act and that are not Level 3 Carriers).

1563
 1564

1565 Section 731.815 Application of Level 2 Requirements to Level 4 Carriers and
 1566 Conversion to Level 2

1567

- 1568 a) If a Level 4 carrier receives a bona fide request for wholesale services and
 1569 either (i) agrees to provide such services or (ii) is obligated to provide such
 1570 services under the PUA or the Telecommunications Act, that carrier may
 1571 be required, after notice and hearing, to comply with some or all of the
 1572 Level 2 requirements established in Subpart F of this Part. In connection
 1573 with any such hearing, the Commission must consider and rule upon
 1574 each of the following items:

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- 1) The technical feasibility of compliance with each Subpart F requirement;
- 2) The economic feasibility of compliance with each Subpart F requirement;
- 3) The expected demand for wholesale services covered under Subpart F;

- 1585 4) Whether the benefits accrued to competing carriers justify the costs
1586 incurred by carrier necessary to comply each Subpart F
1587 requirement;
1588
1589 5) With which Subpart F requirements that carrier must comply and by
1590 what time period; and
1591
1592 6) Whether the carrier needs to comply with Subpart F if the carrier
1593 enters into an agreement with a competing carrier whereby the
1594 competing carrier agrees to accept different wholesale service
1595 quality standards than those contained in Subpart F.
1596
1597 b) A carrier directed pursuant to a Commission order to comply with all of the
1598 requirements of Subpart F shall become a Level 2 carrier effective 90
1599 days after the date of the Commission's order unless a different
1600 conversion date is specified in the Commission's order. A carrier directed
1601 pursuant to a Commission order to comply with some but not all of the
1602 requirements of Subpart F shall remain a Level 4 carrier, but must, unless
1603 a different time period is provided in the Commission's order, comply with
1604 such Level 2 requirements as directed by the Commission commencing
1605 90 days after the date of the Commission's order.
1606
1607

1608 SUBPART I: PROVISIONS APPLICABLE TO ALL CARRIERS
1609

1610 Section 731.900 Notice of Termination of Wholesale Service
1611

1612 No Provisioning Carrier offering or providing Wholesale Service to a Requesting Carrier
1613 shall terminate, discontinue, or abandon such service once initiated except upon at least
1614 35 days prior written notice (the "Termination Notice") to the Commission and the
1615 Requesting Carrier. Notwithstanding anything to the contrary herein, no Termination
1616 Notice shall be required for interruptions in service due to Wholesale Service
1617 Emergency Situations. Nothing in this Section 731.900 shall be construed to abrogate
1618 or diminish the rights and obligations of a carrier under the Public Utilities Act or
1619 Commission rules (including without limitation Section 13-406 of the Public Utilities Act
1620 and Code Part 735).