

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of MCC Telephony    )  
of Missouri, Inc., for Waiver of Compliance with    )           Case No. TE-2006-0415  
the Requirements of 4 CSR 240-32.                        )

**STAFF’S STATEMENT OF POSITION**

COMES NOW the Staff of the Missouri Public Service Commission and states:

1.       On September 20, 2006, the Commission issued an Order Adopting A Procedural Schedule directing, *inter alia*, the parties to file a List of Issues no later than January 11, 2007, and to file their Statements of Position no later than January 20, 2007.

2.       In this case MCC requests that the Commission grant it a waiver from Commission rule 4 CSR 240-32.080 (5)(A)1, which requires:

Service objective – that ninety percent (90%) or more of [basic local telecommunications service] orders shall be installed, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition –

- A. Within five (5) working days after the customer ordered service; or
- B. On or by the date requested if it is at least five (5) working days after the date the customer ordered service;

Pursuant to Commission rule 4 CSR 240-32.010(2), the Commission may grant, for good cause, a temporary or permanent exemption from the requirements of Chapter 32.

3.       The Staff states its position on the two issues proposed by the parties, as follows:

**Issue:** Is there good cause for the Commission to grant MCC’s request for a waiver of 4 CSR 240-32.080(5)(A)1?

**Staff Position:** No.

MCC has contracted with Sprint for Sprint to perform several steps in the installation process. According to MCC, the contract does not require Sprint to meet the Commission's service objective for installation time. MCC also claims that the rather long porting intervals of independent incumbent LECs jeopardize the ability of Sprint and MCC to meet installation time frames.<sup>1</sup>

The failure of MCC to require its contractor to meet the installation objective is not good cause to waive that objective, and MCC does not meet the installation objection even if ported numbers are excluded from MCC's results. (Rebuttal Testimony of Larry Henderson, pp. 3-12) MCC has also failed to meet other quality of service standards. (Id., pp. 13-17) These failures reflect a lack of good faith by MCC in approaching its obligation to comply with the Commission's quality of service standards. Nor does MCC's position - - that if the installation interval is unacceptable, the customer need only hang up the phone and have no further dealings with MCC's voice offering<sup>2</sup> - - provide good cause for waiver of the installation service objective.

**Issue:** Should the Commission conduct a rulemaking to revise the Commission's quality of service rules?

**Staff Position:** Yes.

The Commission's quality of service standards were last reviewed in 2004. The Commission should explore whether the service objective for installing service should be revised, whether a different standard should be established for competitive situations, whether service orders involving porting a telephone number warrant a different service standard, and

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<sup>1</sup> See Application, ¶ 6.

<sup>2</sup> See Surrebuttal Testimony of Calvin Craig, p. 2.

whether to establish minimum porting time frames. (Rebuttal Testimony of Larry Henderson, pp. 12-13)

Respectfully submitted,

/s/ William K. Haas

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19<sup>th</sup> day of January, 2007.

/s/ William K. Haas