

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the matter, on the Commission's own motion,	)	
to promulgate rules governing the quality of	)	Case No. U-13013
telecommunication services.	)	
_____	)	

At the March 31, 2003 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. David A. Svanda, Commissioner  
Hon. Robert B. Nelson, Commissioner

**ORDER ADOPTING RULES ON TELECOMMUNICATION SERVICES**

On February 20, 2003, the Commission approved rules governing the quality of telecommunication services, and submitted the rules to the Legislative Service Bureau and the Office of Regulatory Reform for their approval, which was granted on March 6 and March 7, 2003, respectively. The rules were filed with the Joint Committee on Administrative Rules on March 7, 2003.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.

b. The requirements of the Administrative Procedures Act of 1969, MCL 24.201 et seq., have been satisfied, and the rules governing the quality of telecommunication services should be adopted.

THEREFORE, IT IS ORDERED that the rules governing the quality of telecommunication services, attached to this order as Exhibit A, are adopted.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

( S E A L )

/s/ David A. Svanda  
Commissioner

/s/ Robert B. Nelson  
Commissioner

By its action of March 31, 2003.

/s/ Dorothy Wideman  
Its Executive Secretary

b. The requirements of the Administrative Procedures Act of 1969, MCL 24.201 et seq., have been satisfied, and the rules governing the quality of telecommunication services should be adopted.

THEREFORE, IT IS ORDERED that the rules governing the quality of telecommunication services, attached to this order as Exhibit A, are adopted.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

---

Commissioner

---

Commissioner

By its action of March 31, 2003.

---

Its Executive Secretary

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

PUBLIC SERVICE COMMISSION

TELECOMMUNICATION SERVICES

Filed with the Secretary of State on  
These rules take effect on August 1, 2003

(By authority conferred on the public service commission by sections 202 and 213 of 1991 PA 179, MCL 484.2202 and 484.2213)

R 484.401, R 484.402, R 484.421, R 484.422, R 484.423, R 484.424, R 484.425, R 484.431, R 484.434, R 484.435, R 484.438, R 484.439, R 484.440, R 484.440a, R 484.440b, R 484.440c, R 484.441, R 484.442, R 484.443, R 484.444, R 484.445, R 484.446, R 484.451, R 484.452, R 484.453, R 484.454, R 484.455, R 484.456, R 484.457, R 484.458, R 484.459, R 484.460, R 484.461, and R 484.471 are added to the Michigan Administrative Code.

PART 1. GENERAL PROVISIONS

R 484.401 Applicability.

Rule 1. These rules apply to telecommunication services regulated by the commission.

R 484.402 Definitions.

Rule 2. (1) As used in these rules:

(a) "Act" means 1991 PA 179, MCL 484.2101 et seq.

(b) "Answer" means that a provider's representative, voice response unit, or automated operator system is ready to render assistance or ready to accept information necessary to process a call.

(c) "Average busy season, busy hour traffic" means the average traffic volume for the busy season, busy hour.

(d) "Business day" means those days on which the provider's offices are open for business.

(e) "Busy hour" means the hour when a telecommunication switching system carries the greatest volume of traffic. The busy hour is typically the busiest hour of the busiest day of a normal week.

(f) "Busy season" means the period of the year during which a telecommunication switching system carries the greatest volume of traffic.

(g) "Call" means the action by a customer to obtain a telephone connection whether the connection is completed or not.

(h) "Central office" means a switching unit in a telecommunication system which provides service to the general public, and which has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.

(i) "Commission" means the Michigan public service commission.

(j) "Customer" means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency using regulated telecommunication services furnished by a provider.

(k) "Customer trouble report" means any oral or written report from a customer relating to a physical defect, difficulty, or dissatisfaction with the operation or facilities of a provider.

(l) "Emergency" means the loss of service to any of the following entities:

(i) A hospital, medical care facility, or any other facility providing health or public safety services.

(ii) An employee of a public safety, emergency medical, or professional trade who is on call during the service loss and has so advised the provider.

(iii) A person who has a medical need that is life-threatening and has so advised the provider.

(iv) A school while in regular class session.

(v) An adult care facility.

(vi) A child care facility during business hours.

(m) "Facilities-based provider" means a telecommunication provider that provides basic local exchange service to end user customers by means of network facilities that it owns or controls. Where the term facilities-based provider is used throughout these rules, the rule shall only apply to a provider to the extent that the rule applies to the network facilities that the provider user owns or controls and uses to provision service to the affected end-user.

(n) "Installation" means the provision of service to the provider's interface device or equivalent equipment.

(o) "Out of service" means a condition of a customer's telecommunication service that prevents the customer from either making or receiving calls.

(p) "Provider" means a person, firm, partnership, corporation, or other entity that provides basic local exchange service as defined by section 102(b) of the act.

(q) "Small business customer" means a business which has 20 or fewer access lines or any business which does not have a contract, tariff, or agreement covering service installation and repair terms and conditions.

(r) "Tariff" means the compilation of all rates, charges, classifications, and rules adopted by a provider and filed with the commission.

(s) "Traffic" means telephone call volume, based on the number and duration of messages.

(2) A term defined in the act has the same meaning when used in these rules.

## PART 2. RECORDS, REPORTS, AND TARIFFS

R 484.421 Availability of records.

Rule 21. (1) A provider shall make available to the commission or its staff, upon request, all records, reports, and other information required to determine compliance with these rules and to permit the commission and its staff to investigate and resolve quality of service issues related to regulated telecommunication services.

(2) A provider shall make records, reports, and other information available to the commission or its staff in 5 business days, preferably in an electronic format which is available through the internet and which is accessible with standard browser software, identification, and password, or as soon thereafter as feasible.

(3) Records constituting or incorporating trade secrets or commercial or financial information that are made available to the commission or its staff may be made exempt from disclosure pursuant to section 210 of the act.

R 484.422 Retention of records.

Rule 22. A provider shall preserve, in detail, all records required by these rules for the immediate past 12 months, and shall preserve, in summary form, all records for not less than 3 years, unless otherwise ordered by the commission.

R 484.423 Reports of service disruptions.

Rule 23. (1) A facilities-based provider shall report promptly to the commission any specific occurrence on its network that disrupts service to a substantial number of customers or that may impair its ability to furnish service to a substantial number of customers. A facilities-based provider shall report all disruptions that affect the lesser of 25% or 2,000 of the access lines in any exchange for 1 hour or more. It shall notify the commission and post the disruption

information on the provider's internet website, if the provider has an internet website, within 90 minutes of becoming aware of the disruption during normal business hours, or, if the disruption occurs during the evening or a weekend, within 90 minutes of the commencement of the next business day. The facilities-based provider shall also notify other providers dependent on the facilities-based provider's network within 90 minutes of becoming aware of the occurrence, unless interconnection agreements specify other notice requirements.

(2) A facilities-based provider shall file a final report with the commission in electronic form within 30 days of any service disruption subject to subrule (1) of this rule. The report shall contain all of the following information:

- (a) The reason for the disruption.
- (b) The geographic area affected.
- (c) The number of customers affected.
- (d) The type of services affected.
- (e) The effect upon the provider.
- (f) Whether the service disruption was avoidable.
- (g) An explanation of the provider's remedy for the service disruption.
- (h) A description of the actions that the provider has taken or could take to avoid similar disruptions in the future.

R 484.424 Service measurements.

Rule 24. Upon request of the commission or its staff, a provider shall make measurements to determine the level of its compliance with these rules.

R 484.425 Tariffs.

Rule 25. A provider shall file its tariff with the commission in accordance with applicable laws and commission orders governing the filing of tariffs. A provider's bills and telephone directories shall prominently display an internet URL address at which its tariff is available or a phone number to call for information.

### PART 3. CUSTOMER RELATIONS

R 484.431 Rate and special charges information.

Rule 31. (1) Upon the request of a customer or an applicant for service, a provider shall explain the rates, charges, and provisions under which it provides service and shall provide a copy of the applicable tariff section or pages for the regulated telecommunication services. This requirement may be satisfied by referring a customer to

an internet website containing tariffs if the customer states he or she has access.

(2) A provider shall furnish reasonable access to information and assistance necessary to enable the customer or applicant to obtain the most economical service available to meet the customer's or applicant's stated needs, including state or federal "lifeline" programs that may be available. The provider shall advise the customer or applicant about any of the provider's alternative services that are available to meet those needs. The information may include printed explanations of alternative services and rates.

(3) Before changing or installing a service, a provider shall furnish the customer or applicant with an estimate of the amount of any service connection charges and an estimate of the initial bill for basic monthly service and any other applicable charges.

(4) Upon request, a provider shall furnish the customer or applicant with a written, detailed estimate of any special charges not specifically set forth in the provider's tariff. Special charges include any of the following:

(a) Extraordinary construction, maintenance, and replacement costs.

(b) Expenses for overtime work at the customer's or applicant's request.

(c) Special installations, equipment, and assemblies.

R 484.434 Public information.

Rule 34. (1) A provider shall make available to a customer or applicant all of the following information on a website or shall provide copies upon request:

(a) Maps or npa-nxx data showing local calling areas and zone boundaries.

(b) Publicly announced information as to the availability of specific classes of service at a customer's or applicant's location.

(c) Publicly announced information concerning plans for major service changes at a customer's or applicant's location.

(2) A provider shall advise a customer if the customer is located in an area in which the dialing of a 7- or 10-digit number may result in toll charges.

(3) A provider shall prominently display on its bills and other messages to its customers the provider's phone numbers to be used for customer inquiries, disputes, repairs, and other contacts.

R 484.435 Business offices.

Rule 35. (1) A provider shall maintain business offices that are adequately staffed with qualified persons to do all of the following:

(a) Provide information relating to its services and rates.

- (b) Accept and process applications for service.
- (c) Explain charges on bills.
- (d) Adjust erroneous charges.
- (e) Enter into payment arrangements.
- (f) Act as a representative of the provider.

(2) A provider shall maintain a local or toll-free telephone number by which all customers served by a business office may call that office at no charge.

(3) A provider shall maintain sufficient staffing to ensure that customers and others who call a business office are permitted to talk to a person who is able to provide assistance within a monthly average of 120 seconds of calling the office during normal business hours.

(4) A provider shall ensure that all information provided to customers and others is accurate and in compliance with commission rules and the provider's tariff. A provider shall not make a statement to a customer that the provider knows to be untrue.

#### R 484.438 Advertising.

Rule 38. If a regulated service is not generally available, then a provider's advertising of that service without clearly disclosing the limits on its availability is false, misleading, or deceptive within the meaning of section 502(1)(a) of the act.

#### R 484.439 Directories.

Rule 39. (1) A provider shall furnish to new customers and annually to existing customers, at no additional charge, an up-to-date telephone directory for the customer's area unless the provider and customer agree otherwise.

(2) If a provider publishes a directory, the provider shall furnish a copy to the commission.

(3) The front cover of each directory shall indicate the area included in the directory and the month and year of issue. The front portion of the directory shall conspicuously feature information about placing calls to emergency services, police and fire departments, 9-1-1 service, 2-1-1 service, and dual party relay service.

(4) Each directory shall contain instructions concerning all of the following:

- (a) Placing of local and long distance calls.
- (b) Obtaining repair and directory assistance services.
- (c) The locations and telephone numbers of the provider's business office or offices for the area served by the directory.
- (d) The means to determine which numbers are in the local calling area.

R 484.440 Directory errors, omissions, and changes.

Rule 40. (1) If an error in the listed number of a customer occurs, which resides in the provider's switch, then the provider shall intercept all calls to the listed number for the remaining life of the directory, if the existing central office equipment permits it to do so and the number is not in service for another customer.

(2) If an error or omission in the name listing of a customer occurs, then the provider shall include the customer's correct name and telephone number in the files of the directory assistance and intercept operators.

(3) If a customer's telephone number is changed, then the provider shall intercept all calls to the previous number for a minimum of 3 months and give the calling party the new number unless the previous number has been reassigned, the customer has denied permission, or equipment limitations prevent the intercept.

(4) If additions or changes to plant or any other operations necessitate changing telephone numbers assigned to a group of customers, then a provider shall give reasonable notice to all customers affected, even though the change in numbers may coincide with the issuance of a directory.

R 484.440a Directory assistance and intercept calls.

Rule 40a. (1) Directory assistance operators shall have access to all telephone numbers for the area for which they are responsible for furnishing directory assistance service, except telephone numbers not listed or published at the customer's request.

(2) If a provider's directory assistance operator provides an incorrect number, then the provider shall not bill for the call or shall give a credit equal to the charge and the provider shall not count the call against the customer's monthly call allowance.

(3) A provider shall furnish a customer up to 2 numbers per call to directory assistance.

R 484.440b Operator services.

Rule 40b. A provider shall assure that operators answer calls within a monthly average of 10 seconds. An acknowledgment that the customer is waiting on the line is not an answer.

R 484.440c Complaints and appeals.

Rule 40c. (1) Within 10 business days after receiving an oral or written complaint from a customer or applicant, a provider shall investigate and respond fully and promptly unless an extension of time is requested and granted by the complainant. A provider shall notify the customer or applicant of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint. Upon request by the customer or applicant, a provider shall furnish its proposed disposition of the complaint in writing.

(2) A provider shall prominently include, on all of its bills and in each telephone directory, the telephone number to which a customer or applicant can make inquiries and direct a complaint. The provider shall provide a mailing address upon request and shall include a distinctive entity or person designated by the company to receive written complaints.

(3) A provider shall require its personnel to provide upon request any complaint escalation procedures and the name, address, and telephone number of the commission for further review of an unresolved problem.

(4) Upon receipt of a complaint, whether oral or written, from the commission or its staff, a provider shall do all of the following:

(a) If necessary, attempt to contact the affected customer within 2 business days.

(b) Promptly investigate the complaint and report the results of its investigation.

(c) Provide a final response to the commission or its staff within 10 business days, unless an extension is requested and granted by the commission staff.

(5) Failure to respond to a customer, applicant, commission, or commission staff within 30 days of a complaint, unless an extension is granted, shall create a presumption that the complaint is valid.

#### PART 4. ENGINEERING AND PLANNING

R 484.441 Construction.

Rule 41. (1) A provider shall design, engineer, construct, maintain, and operate its telecommunication plant and facilities as a reasonably prudent provider would and in compliance with R 460.813, except as may be modified by the commission. A provider shall comply with these requirements in the manner that best accommodates the public and prevents, to the extent practical, interference with and from services furnished by other telecommunication service providers and public utilities.

(2) A provider shall design its telecommunication plant as a reasonably prudent provider would so as to prevent electromagnetic interference from alternating current power systems. A provider shall engage in prior coordination with an electric utility before placing new plant or making major changes in existing plant likely to be affected by the electric utility's facilities.

(3) To minimize the occurrence of voltage and grounding problems, a provider shall consult and coordinate with existing electric and natural gas utilities in the general vicinity of planned telecommunication plant construction before construction.

(4) A provider shall comply with the provisions of 1974 PA 53, MCL 460.701 et seq.

R 484.442 General practices.

Rule 42. (1) A provider shall employ prudent management and engineering practices, including the use of reliable procedures for forecasting future demand for services. It shall conduct studies and maintain records to determine whether regulated telecommunication services will comply with these rules.

(2) A provider shall make traffic studies and maintain records as required to determine if sufficient equipment and an adequate operating force are provided at all times, including the average busy hour, busy season.

(3) A provider shall install sufficient central office capacity and equipment to permit customers to obtain dial tone within 3 seconds 98.5% of the time and complete not less than 99% of dialed calls without encountering an equipment blockage or irregularity.

(4) A provider shall engineer, construct, and maintain the trunk and related switching components in the provider's network that connect to the switched access network so that not less than 99% of properly dialed switched access calls (outgoing trunks) during the average busy season do not encounter equipment blockage or irregularity.

R 484.443 Customer line transmission requirements.

Rule 43. A provider shall comply with all of the following standards for all customer loops at the network interface device:

(a) A circuit loss of less than 10.5 decibels measured to a milliwatt reference.

(b) A circuit current of 20 milliamperes or more.

(c) A circuit noise level of less than 30 decibels-reference noise calibration.

(d) A power influence level of less than 90 decibels-reference noise calibration.

R 484.444 IntraLATA trunk transmission requirements.

Rule 44. A facilities-based provider shall comply with both of the following standards for all intraLATA trunks:

(a) Interoffice trunks shall have an objective of +/- 3.6 decibels of the engineered measured loss.

(b) End office to end office testing shall have an objective of +/- 3.6 decibels per switched leg of the engineered measured loss.

R 484.445 Inspections and tests.

Rule 45. (1) A facilities-based provider shall adopt and implement a written program, including, but not limited to, periodic and routine testing and inspection of all of the following:

(a) Interoffice trunking, before and after being placed in service.

(b) Central office switching equipment connections.

(c) A sample of customer loops in each exchange.

(2) The written program shall be developed so as to achieve an efficient operation of the provider's system and the rendering of safe, adequate, and continuous service for both routine testing and inspection activities and for the testing and inspection of trouble locations.

(3) A facilities-based provider shall maintain, or have access to, test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities specified in subrule (1) of this rule.

R 484.446 Emergency operation.

Rule 46. (1) A facilities-based provider shall make reasonable provision to provide service notwithstanding emergency power interruptions, unusual and prolonged increases in traffic, illness of its personnel, and fires, storms, or other emergencies. It shall inform its employees of the procedures to be followed for an emergency to prevent or minimize interruption and impairment of telecommunication service.

(2) A facilities-based provider shall equip each central office, remote switch, remote line unit, and interexchange toll switching office or access tandem with a minimum of 3 hours of peak load battery reserve, if permanent auxiliary power is installed, and 5 hours of battery reserve, if permanent emergency power is not installed, or 8 hours of battery reserve if the central office is in a remote location. It shall have available a mobile power unit to be delivered and connected to central offices, remote switches, and remote line units within 8 hours.

(3) A provider shall maintain current, written emergency procedures that are directed to the prompt restoration of telecommunication service during abnormal conditions.

(4) A 9-1-1 service supplier shall provide 24-hour, 7-day-a-week data base access so as to permit information to be acquired or corrected.

(5) A provider, 9-1-1 service supplier, public safety answering point, or any entity providing or maintaining 9-1-1 data base information shall correct each error in the 9-1-1 system or data base within 1 business day.

#### PART 5. REPAIR AND INSTALLATION

R 484.451 Maintenance of plant and equipment.

Rule 51. (1) A facilities-based provider shall adopt and implement a maintenance program designed to achieve efficient operation of its system consistent with the rendering of safe, adequate, and continuous service in compliance with applicable codes.

(2) A facilities-based provider shall test, as needed, and maintain all plant and equipment up to and including the network interface device at the customer's location in safe and serviceable repair at no charge to the customer beyond the normal monthly charge for basic local exchange service. A facilities-based provider shall do at least all of the following:

(a) Repair or replace broken, damaged, or deteriorated parts.

(b) Readjust adjustable apparatus and equipment when found to be in unsatisfactory operating condition.

(c) Correct electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics.

R 484.452 Customer trouble reports.

Rule 52. A facilities-based provider shall maintain service so that the average monthly rate of all customer trouble reports does not exceed 4 per 100 access lines, excluding reports concerning interexchange calls and trouble found in equipment other than the provider's equipment, such as inside wiring and customer premises equipment.

R 484.453 Customer repair requests.

Rule 53. (1) A provider shall make provision for the receipt of customer repair requests at all hours. A provider shall maintain adequate personnel to answer customer repair calls within a monthly average of 25 seconds. An acknowledgment that the customer is waiting on the line is not an answer.

(2) A provider shall arrange to have a representative available at all times to accept calls from providers and users of 9-1-1 and emergency services to report trouble with its telecommunication services to those providers.

(3) A provider shall make a full and prompt investigation of all repair requests and shall render reasonable assistance to the customer to identify a cause for the outage that may be corrected by the customer.

(4) A provider shall maintain an accurate record of repair requests by telephone number or circuit number, as appropriate. The record shall include all of the following information:

- (a) The customer or service affected.
- (b) The time, date, and nature of the repair request.
- (c) The action taken to clear the repair request or satisfy the complaint.
- (d) The date and time the repair was completed or the request was otherwise closed.

(5) A provider shall not attempt to market new services to a customer calling to report a repair request, unless such services would assist in resolving the problem.

(6) If access to a customer's premises is necessary to complete the repair and the customer is not available, then a tag shall be left on the customer's door indicating the date, an explanation of the repair problem necessitating entry into the customer's premises, and the technician's name and signature.

#### R 484.454 Emergency repairs.

Rule 54. (1) A provider shall attempt to clear all emergency out-of-service trouble within 4 hours after being reported to or found by the provider, except in any of the following situations:

- (a) The safety of the provider's personnel would be at risk.
- (b) Access to the customer's premises is required but not available.
- (c) The repair is necessitated by an unavoidable occurrence affecting a large number of customers.
- (d) The repair is technically infeasible to accomplish.

(2) A provider shall expedite a repair for a customer who has a medical emergency. Unless it has a specific, identifiable reason to doubt a customer's claim, a provider shall accept the customer's statement there is a medical condition requiring expedited restoration of service.

R 484.455 Out-of-service repairs.

Rule 55. (1) A provider shall arrange to clear all out-of-service trouble of a nonemergency nature within the following time frames, unless the customer agrees to alternative arrangements:

(a) Out-of-service trouble shall be cleared within a monthly average of 36 hours after being reported to or found by the provider.

(b) The same repeat out-of-service trouble reported or found within 30 days of a prior repair shall be repaired the same or next business day after being reported to or found by the provider and identified as a repeat trouble.

(2) For the second and third days of an out-of-service incident, a provider shall give a residential or small business customer a credit equal to 1/30 of the customer's monthly charge for basic local exchange service for each day or portion of each day, commencing when the out-of-service trouble is reported to or found by the provider, until service is restored. After the third day, a provider shall give the customer a credit of \$10.00 per day for the fourth and succeeding days until service is restored.

(3) For the same repeat trouble within 30 days of the first occurrence, a provider shall give a residential or small business customer a credit of \$10.00 for each day or portion of each day, commencing when the repeat trouble is reported to or found by the provider, until service is restored.

R 484.456 Other repairs.

Rule 56. A provider shall arrange to clear trouble that does not involve an emergency or out-of-service condition within a monthly average of 36 hours after being reported to or found by the provider.

R 484.457 Repair appointments and commitments.

Rule 57. (1) For all repair requests requiring a customer to be present, a provider shall give a residential or small business customer a 4-hour time period within which the repair will commence. Otherwise, the commitments will specify a 24-hour period.

(2) For appointments scheduled at least 48 hours in advance, a provider shall keep all repair commitments unless it contacts the customer not less than 24 hours in advance and reschedules the appointment or commitment. If unusual repairs are required or other factors preclude completing repairs promptly, then a provider shall make reasonable efforts to notify the customer.

(3) If a provider misses a time commitment and subrule (2) of this rule does not apply, then the provider shall give the customer a credit of \$25.00 for each missed commitment.

R 484.458 Installation commitments.

Rule 58. (1) A provider shall install service for a residential or small business customer or applicant within a monthly average of 5 business days of the installation request, or a monthly average of 10 business days after a customer is released for a migration, unless a later date is requested or agreed to by the customer or applicant, the customer or applicant misses the appointment, or government permits or right-of-way access are required before installation.

(2) For basic local exchange service, a provider shall release the loop facilities and telephone number serving its customer within a monthly average of 5 business days after a request is made by a customer or on behalf of a customer to change local service providers.

(3) A provider shall keep records of all installations not completed by the commitment date.

(4) If a provider does not complete an installation by the fifth day, tenth day for a migration, or commitment date, then the provider shall give the customer or applicant a credit of \$10.00 for each day or portion of each day beyond the commitment date until service is installed and shall waive the installation fee, unless the customer or applicant misses the appointment.

(5) A provider shall provide for the reclassification of service at the request of a customer not later than the date mutually agreed to between the provider and the customer. A provider shall report to the commission orders for reclassification of service being held more than 60 days.

R 484.459 Return calls.

Rule 59. A provider shall return a call to a customer if the provider's representative tells the customer to expect a return phone call.

R 484.460 Planned service interruptions.

Rule 60. If a provider must interrupt service to work on lines or equipment, then it shall arrange to do the work in a manner that will cause minimal inconvenience to its customers. If the provider reasonably expects that service will be interrupted for more than 15 minutes, then the provider shall attempt to notify each affected customer, including wholesale customers, in advance of the interruption. The provider shall make emergency service available, as required, for the duration of the interruption.

## PART 6. MONITORING

R 484.461 Key measures of performance.

Rule 61. (1) A provider shall compile information on all of the following performance measures:

(a) Completing the investigation and contacting the customer within a monthly average of 10 days of the receipt of a complaint.

(b) Restoring service in a monthly average of 36 hours of the receipt of a trouble report.

(c) Answering calls to a business office in a monthly average of 120 seconds.

(d) Answering calls to a repair office in a monthly average of 25 seconds.

(e) Meeting new installation commitments within a monthly average of 5 business days.

(f) An average monthly rate of customer trouble reports of more than 4%.

(2) If a provider fails to meet any of the measures specified in subrule (1) of this rule for 2 consecutive months, then the provider shall file a performance measure report and a remedial plan with the commission.

(3) The provider shall develop the format of the report in consultation with the commission staff.

## PART 7. WAIVERS AND EXCEPTIONS

R 484.471 Waivers and exceptions.

Rule 71. (1) A provider may petition for a permanent or temporary waiver or exception from these rules when specific circumstances beyond the control of the provider render compliance impossible or when compliance would be unduly economically burdensome or technologically infeasible.

(2) A provider may request a temporary waiver in order to have sufficient time to implement procedures and systems to comply with these rules.

(3) A provider may request a waiver or exception from some or all of these rules if it has obtained a competitive service classification from the commission pursuant to section 208 of the act.

(4) A provider shall be exempt from the provisions of these rules related to directory assistance to the extent the commission determines that the service is competitive under section 207 of the act.

(5) A provider is exempt from R 484.455, R 484.457, R 484.458, or R 484.459 under any of the following circumstances:

(a) The problem is or was caused by the customer.

(b) The problem is or was attributable to an "act of God." The term "act of God" shall include events such as any of the following:

- (i) Flood.
- (ii) Lightning.
- (iii) Tornado.
- (iv) Earthquake.
- (v) Fire.
- (vi) Blizzard.
- (vii) Ice storm.
- (viii) Other unusual natural or man-made disasters.

(c) There is a work stoppage or other work action by the provider's (or underlying provider's) employees, beyond the control of the provider, that causes or caused a significant reduction in employee hours worked.

(d) The problem occurs or occurred during a major failure. A "major failure" is a single event or occurrence that is not the direct result of action taken by the provider and that generates out-of-service reports affecting 100 or more access lines.

(6) The provider shall notify the commission, in writing, within 10 business days of its intent to invoke the occurrence of an event described in subrule (5) of this rule. The notification to the commission shall include all of the following information:

- (a) Specific description of the event and general impact.
- (b) Date or dates of the event.
- (c) Location affected, such as exchanges or wire centers.
- (d) Estimated number of customers affected.

The commission staff shall have 10 business days following the notification to advise the provider, in writing, if it disputes the validity of the invocation of an event described in subrule (5) of this rule and the reasons for such dispute. If the dispute cannot be resolved within 10 business days of the commission staff's advice, then the provider shall file an application with the commission within 10 business days thereafter for resolution of the dispute.