

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** July 1, 2020

**AT (OFFICE):** NHPUC

**FROM:**  Kath Mullholand, Director of Regulatory Innovation and Strategy Division

**SUBJECT:** Docket DT 19-041 Consolidated Communications  
Petition for Approval of Modifications to the Wholesale Performance Plan  
**Staff Recommendation to Approve Joint Settlement Stipulation to Amend Wholesale Performance Plan**

**TO:** Commissioners  
Debra A. Howland, Executive Director

**CC:** David K. Wiesner, Director, Legal Division Director

On February 28, 2019, Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications (Consolidated) filed petitions in New Hampshire, Maine and Vermont proposing modifications to its Wholesale Performance Plan (WPP).

The Commission issued an Order of Notice on March 8, 2019 and a prehearing conference and technical session were held on March 27, 2019. The Commission granted requests for intervention by the CLEC Association of Northern New England (CANNE) whose membership includes: CRC Communications LLC d/b/a OTELCO; FirstLight Fiber; and Biddeford Internet Corp. d/b/a Great Works Internet; and by the Charter Companies (Charter): Charter Fiberlink NH-CCO, LLC, and Time Warner Cable Information Services (New Hampshire), LLC.

Following unsuccessful negotiations between the parties, the Commission issued Order No. 26,299 Addressing Questions of Law and Directing Parties to Reopen Negotiations on October 14, 2019. The parties once again entered into negotiations, providing regular status reports regarding their negotiations.

On June 5, 2020, the parties filed a Joint Settlement Stipulation and Request for Approval Thereof (Joint Stipulation) and an Amended WPP, together with Consolidated's Memorandum in Support of Approval of Joint Settlement Stipulation. The company made similar filings with the Maine Public Utilities Commission and the Vermont Public Utility Commission.

The Amended WPP includes numerous housekeeping edits in addition to substantive revisions to many metrics, primarily to remove metrics for resale and for services either no longer required under the Telecommunications Act or not widely ordered by competitive carriers. The Amended WPP also provides for the sunset of 18 metrics,

effective August 2, 2022, and calls for Consolidated to file an updated WPP no later than September 1, 2022. A more detailed summary of the substantive revisions included in the Amended WPP is attached to this memorandum as Schedule 1.

Staff has reviewed the Joint Stipulation and the Amended WPP and believes that the Amended WPP continues to support competition in New Hampshire for current carriers and for future entrants to the competitive telecommunications market. Staff therefore recommends that the Commission approve the Joint Stipulation and Amended WPP as filed, without hearing and without any further process.

## Schedule 1

### Summary List of Amended WPP Revisions

The proposed changes include housekeeping edits such as the following:

- name changes throughout to reflect Consolidated's new name (see Docket DT 19-021)
- URL changes
- new heading titles and definitions that support substantive changes to metrics
- cross-references to metrics removed in this revision
- to remove outdated information

Substantive changes include:

- adding a reporting mechanism for CLECs in the event WPP reports do not arrive when expected.
- changes in wording to make the WPP consistent for Maine, New Hampshire and Vermont.
- increased penalties for incorrect reports.
- for metric PO-1-08 (Manual Loop Qualification), excluding: a) subsequent attempts on a single transaction that timed out; b) requests where the requisite loop information for the service address is available to the CLEC in the loop-qualification application; and c) adds CLEC-specific reporting for this metric.
- adding an exclusion for Duplicate LSRCs to OR-5 (Percent Flow-through LSRC); and adds CLEC-specific reporting for this metric.
- clarification that monthly volumes are averaged to determine the benchmark for OR 06-01 (% Service Order Accuracy), removed Platform, INP and Switching from the fields to be addressed for that metric, and added an exclusion for directory listings to that metric.
- removing an exclusion for disconnect orders from OR 06-04 (% Accuracy – Directory Listings).
- removing an exclusion for parity metrics with small sample rule “3 months roll up” from the sample size requirements in Appendix 1, Paragraph B, and procedures for same in Paragraph C.
- removing an exception for PR 04-15 (% Met Due Date – Trunks) in Appendix 2.

Eliminate the following metrics for all products:

- OR 01-02 (% On-Time LSRC)
- OR 05-01 (% Flow-Through-Total)
- OR 06-01 (% Service Order Accuracy)
- OR 11 (Timeliness of Provider Notification Report)
- PR 01-04 (Average Interval Offered – Dispatch – 6-9 Lines)
- PR 01-05 (Average Interval Offered – Dispatch – >10 Lines)
- PR 03-01 (% Completed in 1 Day – No Dispatch – 1-5 Lines)
- PR 03-02 (% Completed in 4 Days – No Dispatch – 1-5 Lines)
- PR 03-06 (% Completed in 3 Days – Dispatch – 1-5 Lines)

- PR 03-07 (% Completed in 4 Days – Dispatch – 1-5 Lines)
- PR 03-08 (% Completed in 5 Days – Dispatch – 1-10 Lines)
- PR 03-11 (% Completed in 10 Days – No Dispatch – 11-20 Lines)
- PR 04-04 (% Missed Due Date - Dispatch)
- PR 04-05 (% Missed Due Date – No Dispatch)
- PR 06-02 (% Installation Troubles Reported within 7 Days)
- All PR 09 metrics for Hot Cut Loop Performance
- All BI 01 metrics for Daily Usage Feed
- All OD 01 metrics for Operator Services and Directory Assistance

Eliminate the following Resale metrics:

- PO 03-02 (Contact Center Calls, % Answered within 30 Seconds – Ordering)
- PO 03-04 (Contact Center Calls, % Answered within 30 Seconds – Repair)
- OR 01-02 (On Time Flow-Through)
- OR 01-04 (% On-Time LSRC – No Facilities Check)
- OR 01-06 (% On Time LSRC/ASRC)
- OR 02-02 (% On Time LSR Reject)
- OR 02-04 (% On-Time LSR Reject– No Facilities Check)
- OR 02-06 (% On-Time LSR/ASR Reject– Facilities Check)
- OR 04-11 (% Completed Orders with Neither a PCN nor BCN Sent)
- OR 04-16 (% Provisioning Completion Notifiers Sent within One Business Day)
- OR 05-03 (% Flow-through – Achieved)
- OR 06-03 (% Resent LSRC)
- PR 04-02 (Average Delay Days)
- PR 05-01 (% Missed Due Date — Facilities)
- PR 05-02 (% Orders Held for Facilities > 15 Days)
- PR 06-01 (% Installation Troubles Reported within 30 Days)
- PR 08-01 (% Open Orders in a Hold Status > 30 Days)
- PR 08-02 (% Open Orders in a Hold Status > 90 Days)
- MR 02-02 (Network Trouble Report Rate – Loop)
- MR 02-03 (Network Trouble Report Rate – CO)
- MR 03-02 (Missed Repair Appointment – CO)
- MR 04-02 (% Mean Time to Repair – Loop Trouble)
- MR 04-03 (% Mean Time to Repair – CO Trouble)
- MR 04-04 (Cleared Within 24 Hours)
- MR 04-06 (% Out of Service > 4 Hours)
- MR 04-07 (% Out of Service > 12 Hours)
- MR 04-08 (% Out of Service > 24 Hours)
- MR 05-02 (% Repeat Reports within 30 Days on no trouble found)
- All BI 02 metrics for Timeliness of CLEC Bill
- BI 03-07 (% Full or Partial Denials)
- BI 09-01 (% Billing Completeness in 12 Billing Cycles)

Eliminate the following metrics for UNE 2-Wire Analog Loop/LNP:

- OR 01-04 (% On-Time LSRC – No Facilities Check)
- OR 01-06 (% On Time LSRC/ASRC)
- OR 02-04 (% On-Time LSR Reject– No Facilities Check)
- OR 02-06 (% On-Time LSR/ASR Reject– Facilities Check)
- PR 04-02 (Average Delay Days)
- PR 05-02 (% Orders Held for Facilities > 15 Days)
- PR 06-01 (% Installation Troubles Reported within 30 Days)
- PR 08-01 (% Open Orders in a Hold Status > 30 Days)
- PR 08-02 (% Open Orders in a Hold Status > 90 Days)
- MR 02-02 (Network Trouble Report Rate – Loop)
- MR 02-03 (Network Trouble Report Rate – CO)
- MR 03-01 (Missed Repair Appointment – Loop)
- MR 03-02 (Missed Repair Appointment – CO)
- MR 04-02 (% Mean Time to Repair – Loop Trouble)
- MR 04-03 (% Mean Time to Repair – CO Trouble)
- MR 04-04 (Cleared Within 24 Hours)
- MR 04-06 (% Out of Service > 4 Hours)
- MR 04-07 (% Out of Service > 12 Hours)
- MR 04-08 (% Out of Service > 24 Hours)
- MR 05-01 (% Repeat Reports within 30 Days)
- MR 05-02 (% Repeat Reports within 30 Days on no trouble found)

The standard or benchmark is changed for the following metrics for CLEC trunks, unless otherwise noted:

- PR 04-01 (% Missed Due Date) for DS3 orders
- PR 05-01 (% Missed Due Date — Facilities)
- PR 05-02 (% Orders Held for Facilities > 15 Days) for all remaining products
- PR 05-03 (% Orders Held for Facilities > 60 Days) for all products
- PR 06-01 (% Installation Troubles Reported within 30 Days)
- PR 08-01 (% Open Orders in a Hold Status > 30 Days)
- PR 08-02 (% Open Orders in a Hold Status > 90 Days) for all remaining products
- MR 04-01 (% Mean Time to Repair - Total)
- MR 04-04 (Cleared Within 24 Hours) for all remaining products
- MR 04-05 (% Out of Service > 2 Hours)
- MR 04-07 (% Out of Service > 2 Hours)
- MR 04-07 (% Out of Service > 12 Hours)
- MR 04-08 (% Out of Service > 24 Hours)
- MR 05-01 (% Repeat Reports within 30 Days)
- MR 05-02 (% Repeat Reports within 30 Days on no trouble found) for all remaining products

The revised plan provides for the sunset of an additional 18 metrics, effective August 2, 2022, and calls for Consolidated to file an updated WPP no later than September 1, 2022.

- BI 3-4-1000 % CLEC Billing Claims Acknowledged within 2 Business Days of Receipt
- BI 3-5-1000 % CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledged
- BI 3-8-1000 % CLEC Billing Claim Credits Appearing on the Bill within 45 Calendar Days
- MR 3-1-2010 % Missed Repair Loop
- MR 3-1-3112 % Missed Repair Appointment - Loop
- MR 3-2-3112 % Missed Repair Appointment - Central Office
- MR 4-2-2010 Mean Time To Repair - Loop Trouble
- MR 4-7-2010 % Out of Service > 12 Hours
- MR 5-1-2000 % Repeat Reports within 30 days
- MR 5-1-3343 % Repeat Reports within 30 Days
- OR 11-1-2000 % On Time Resale Provider Notifications
- OR-4-17-1000 % Billing Completion Notifiers Sent on Time
- OR-5-3-3112 - % Flow Through Achieved
- OR-5-3-3121 - % Flow Through Achieved Directory Listings and LNP
- OR 6-3-2000, 3332 - % Resent LSRC
- OR 6-4-1040 % Accuracy – Directory Listing
- PR 4-7-3540 % On Time Performance – LNP Only
- PR 4-16-1040 -- % Directory Data Base Updates Completed On Time