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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF CENTURYLINK'S VERIFIED)
PETITION FOR FORBEARANCE OF THE) CAUSE NO. 44558
OPERATING SUPPORT SYSTEM ("OSS"))
PERFORMANCE REQUIREMENTS OF IURC CAUSE) APPROVED:
NO. 41324)

MAY 20 2015

ORDER OF THE COMMISSION

Presiding Officers:
James F. Huston, Commissioner
David E. Veleta, Administrative Law Judge

On November 3, 2014, United Telephone Company of Indiana, Inc., d/b/a CenturyLink ("CenturyLink") filed a Verified Petition ("Petition") requesting the Indiana Utility Regulatory Commission ("Commission") grant forbearance of CenturyLink's Operating Support System ("OSS") performance requirements established in the Commission's May 21, 1999 Docket Entry in Cause No. 41324.

On January 26, 2015, the Presiding Officers issued a Docket Entry ordering CenturyLink to file responses to questions on the CenturyLink's waiver request for forbearance. CenturyLink filed its responses to the Docket Entry on January 28, 2015. A public evidentiary hearing was conducted in this matter on February 20, 2015 at 9:30 a.m. in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. CenturyLink and the Indiana Office of Utility Consumer Counselor ("OUCC") appeared and were represented by counsel. No members of the general public appeared or sought to testify at the evidentiary hearing.

Based upon the applicable law and the evidence presented herein, the Commission now finds:

1. Notice and Jurisdiction. Notice of the evidentiary hearing in this Cause was given and published by the Commission as required under Indiana law. The proofs of publication of the notice of the hearing have been incorporated into the record of this proceeding. CenturyLink is a "public utility" and a "communications service provider" as those terms are defined in Indiana Code chapters 8-1-2 and 8-1-2.6 and is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Indiana. Therefore, the Commission has jurisdiction over CenturyLink and the subject matter of this proceeding.

2. CenturyLink's Characteristics. CenturyLink is an "Incumbent Local Exchange Carrier" ("ILEC") as defined by 47 U.S.C. § 251(h) and a "Local Exchange Carrier" as defined by 47 C.F.R. § 51.5. CenturyLink is certificated by the Commission to provide communications services in Indiana.

3. Evidence Presented. CenturyLink offered into evidence the prefiled testimony of Alan I. Matsumoto, State Regulatory and Legislative Affairs Manager, constituting its case-in-chief in support of the Petition. On January 6, 2015, the OUCC filed a Notice of Intent not to Prefile Testimony, so it had no testimony to offer.

Mr. Matsumoto testified that the Commission's May 15, 2013 Order in Cause No. 44300 granted CenturyLink's request for waiver to file quarterly OSS performance reports with the Commission, as required by the May 21, 1999 Docket Entry in Cause No. 41324. However, CenturyLink is still required to collect and make available OSS performance data for Competitive Local Exchange Carriers ("CLEC"). Mr. Matsumoto testified that in this proceeding, CenturyLink is requesting the Commission eliminate all of CenturyLink's OSS performance reporting requirements, including its OSS performance data collection efforts and the need to make CLEC-specific data available for any Indiana CLEC.

Mr. Matsumoto noted that there have been no Commission complaints or investigations, initiated by the Commission or any other party into CenturyLink's OSS performance results or data collection efforts since CenturyLink began filing OSS reports on June 29, 1999. Mr. Matsumoto testified that he is not aware of any CLEC complaints or issues with CenturyLink's OSS performance reports or data collection efforts. In response to the Presiding Officers' Docket Entry, Mr. Matsumoto stated that to the best of his knowledge, CenturyLink has not received a request from any Indiana CLEC for its CLEC-specific performance data. In addition, based on available information data from CenturyLink's CLEC Service Performance Reporting System ("CSPRS"), no CLEC-specific Indiana performance data has been accessed since 2006.

Mr. Matsumoto testified that telecommunications competition has advanced significantly since the Commission initiated Cause No. 41324 in 1998 pursuant to requirements in the Federal Telecommunications Act of 1996 that ILECs allow CLECs non-discriminatory access to ILEC support functions used to process orders. Mr. Matsumoto noted that with competition well-established, there is no longer a need to monitor OSS performance, as may have been the case in 1998 when these systems were new and further he is not aware of any CLEC complaints or allegations of discrimination on CenturyLink's OSS performance. Mr. Matsumoto cited the United States Telecom Association ("USTelecom") Petition for Forbearance with the FCC as an example of industry initiatives in other jurisdictions for relief from Performance Assurance Plans ("PAP") and similarly outmoded regulatory obligations. The USTelecom Petition, in part, asks the FCC to forbear from enforcing certain requirements under 47 U.S.C. 271. Additionally, it asks the FCC to encourage state commissions to terminate the PAPs once it grants forbearance from Section 271.

Mr. Matsumoto testified on CenturyLink's incentives to provide quality excellent service to its wholesale customers, even in the absence of any OSS performance requirements. He indicated it is far better for CenturyLink if it loses a retail customer to a CLEC retaining that customer on CenturyLink's network on a wholesale basis, rather than total bypass.

Mr. Matsumoto testified the OSS data collection requirements impose compliance costs on CenturyLink without any discernible competitive benefits. He suggested that with

Commission approval of CenturyLink's Petition, the Indiana OSS data collection expenditures could potentially be transitioned to more productive uses, e.g., network enhancements.

Mr. Matsumoto testified that CenturyLink's interconnection agreements with its wholesale customers provide an escalation process and other dispute resolution procedures to address deficiencies. He cited the Commission's expedited complaint process for resolving interconnection disputes should an issue arise. The Indiana Administrative Code at 170 IAC 7-7 provides for an expedited procedure for resolving interconnection disputes: "that directly affect the ability of a party to provide uninterrupted service to its customers or preclude the provisioning of any service, functionality, or network element." Mr. Matsumoto testified that granting CenturyLink's Petition would not abrogate an Indiana CLEC's rights or remedies under its interconnection agreement with CenturyLink or the Commission's authority to resolve any disputes.

4. Commission Discussion and Findings. Mr. Matsumoto stated that CenturyLink "has not received a request from any Indiana CLEC for its CLEC-specific performance data." However, there have been Indiana CLECs that have requested access to CenturyLink's CSPRS.

Mr. Matsumoto noted further that:

CenturyLink's records indicate that two CLECs accessed Indiana data several times from 2002 to 2006. However, for both of those CLECs, there is no longer any ordering or other activity and therefore access to the CSPRS for those CLECs has been discontinued. Currently, four CLECs have log-in IDs to CenturyLink's CSPRS, but for two of those CLECs, there is no evidence that they have attempted to view any Indiana performance reporting. The remaining two CLECs have logged in and would have access to Indiana performance reports, if they had existed, along with other states in which those CLECs operate. However, there is no reportable activity in Indiana for those CLECs and therefore there is no CLEC's specific Indiana performance data that could be viewed. The available information data from the CSPRS indicates that no CLEC-specific Indiana performance data has been viewed since 2006.

We find that the limited viewing of CLEC-specific data and the lack of any Commission or CLEC complaints, challenges, or other issues with CenturyLink's OSS performance and data collection, are all highly relevant to our review of CenturyLink's Petition. Furthermore, the approval of CenturyLink's Petition will not limit the Commission's authority to investigate and resolve disputes between CenturyLink and CLECs or other telecommunications carriers related to CenturyLink's OSS performance data collection and reporting, pursuant to 170 IAC 7-7 or other applicable state or federal law. Accordingly, we hereby approve CenturyLink's Petition, and grant forbearance of CenturyLink's OSS performance reporting requirements established in the Commission's May 21, 1999 Docket Entry in Cause No. 41324. We find further, that this Order shall not be considered to bar any CLEC or other requesting telecommunications carrier from seeking access, in the context of future negotiations under 47 U.S.C. 252, to company-specific OSS performance data.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. CenturyLink's Petition for Forbearance of its OSS performance reporting previously required under Cause No. 41324 is hereby granted.
2. This Order shall be effective on and after the date of its approval.

STEPHAN, MAYS-MEDLEY, HUSTON, WEBER, AND ZIEGNER CONCUR:

APPROVED: MAY 20 2015

I hereby certify that the above is a true and correct copy of the order as approved.



Brenda A. Howe
Secretary to the Commission