

**TITLE 17
CHAPTER 11
PART 24**

**PUBLIC UTILITIES AND UTILITY SERVICES
TELECOMMUNICATIONS
QUALITY OF SERVICE**

17.11.24.1 **ISSUING AGENCY:** New Mexico Public Regulation Commission.
{NMAC, X-X-XX}

17.11.24.2 **SCOPE:** This rule applies to all large incumbent local exchange carriers (“LILECs”) authorized by the commission to provide retail telecommunications services in New Mexico, except that 17.11.22.18 NMAC applies to all carriers offering operator assistance in New Mexico.
{NMAC, X-X-XX}

17.11.24.3 **STATUTORY AUTHORITY:** Sections 8-8-21, 59A-52-2, 59A-52-15, 59A-52-16, and 60-2C-3 NMSA 1978.

17.11.24.4 **DURATION:** Permanent.
{NMAC, X-X-XX}

17.11.24.5 **EFFECTIVE DATE:** Month 1, 2019 unless a later date is cited at the end of a section.
{NMAC, X-X-XX}

17.11.24.6 **OBJECTIVE:** The purpose of this rule is to establish standards, procedures, and reporting requirements to ensure that large incumbent local exchange carriers (“LILECs”) provide telecommunications services to retail customers at an adequate quality of service level and in a manner consistent with the promotion of universal service.
{NMAC, X-X-XX}

17.11.24.7 **DEFINITIONS:** As used in this rule:

A. access line means a dial tone line that provides local exchange service from a carrier’s switching equipment to a point of termination at the customer’s network interface;

B. basic services means retail telecommunications services that provide residence or business customers with an individual primary line providing voice grade access to the public switched network;

C. circumstances beyond a large service provider’s control are limited to:

- (1) failure to obtain necessary rights-of-way or permits despite the filing of timely applications;
- (2) extraordinary weather and other acts of God; or
- (3) supplier issues, vendor issues, and work stoppages;

D. customer means any person or business that has applied for or is currently receiving telecommunications services;

E. designed services means the provisioning of regulated circuits requiring treatment, equipment, or engineering design purchased from a LILEC’s tariff or on an individual contract basis, including but not limited to analog private line services, DDS, DS-1 (including channelized), DS-3, ISDN-BRI, and special assemblies, where all facilities and equipment provided are physically located in the State of New Mexico;

F. designed services held order means an order for designed services where facilities are not available that is not provisioned within forty-five calendar days after the receipt of the customer’s order or within forty-five calendar days after the customer’s requested service date; an order shall not be considered a held order if the customer was the cause of the delay;

G. discretionary services means voice mail, caller ID, caller name ID, call waiting, 3-way calling, call forwarding, call return, call blocker, and auto redial, and any similar service sold as an add-on to a customer’s basic local exchange service;

H. end office switch means a switch to which a telephone subscriber is connected; frequently referred to as a class 5 office, it is the last central office before the subscriber’s phone equipment and is the switch that actually delivers dial tone to the subscriber;

I. held order means an order for a basic service placed by a customer whose premises are within one thousand feet of an existing terminal or pedestal, which, due to a lack of facilities, is not completed within thirty

days after the receipt of the order (or within thirty days after the customer's requested service date, where the customer requested a date more than five days after submission of the order); an order shall not be considered a held order if the customer was the cause of the delay;

J. incumbent local exchange carrier (ILEC) means a person, or an affiliate of a person, that was authorized to provide local exchange service in New Mexico on February 8, 1996, or a successor or assignee of the person or affiliate;

K. incumbent rural telecommunication carrier (IRTC) has the meaning given in Section 63-9H-3 NMSA 1978;

L. installation commitment means a date pledged by a LILEC to provide basic local exchange service or designed services to a customer;

M. large incumbent local exchange carrier (LILEC) means an ILEC with more than 50,000 access lines regulated pursuant to NMSA 1978 Section 63-9A of the Telecommunications Act;

N. non-basic services mean retail telecommunications services that are not a basic service, a switched access service or a wholesale service governed by an interconnection agreement;

O. out-of-service trouble report is a report from a customer of an inability to receive or place calls on an access line due to lack of dial tone or severe noise that prevents effective communication;

P. repeat trouble report is a network trouble report on an access line within 30 days of a closed trouble report concerning the same problem on the same line;

Q. trouble report means notification of trouble or perceived trouble by a customer, third party, or employee acting on behalf of a customer to a large incumbent local exchange carrier's repair office, including trouble reported on the access lines of the large incumbent local exchange carrier's retail customers, but not including troubles associated with a customer's unfamiliarity with new features or customer premises equipment, or extraordinary or abnormal conditions of operation;

R. wire center means a facility where local exchange access lines converge and are connected to a switching device which provides access to the public switched network, and includes remote switching units and host switching units.
[NMAC, X-X-XX]

17.11.24.8 REPORTING REQUIREMENTS FOR LILECs : Unless otherwise specified, a LILEC shall provide data both by wire center listed alphabetically by name, and on a statewide average basis. A LILEC shall submit all reports to the commission in printed and electronic spreadsheet format. A LILEC shall file separate reports for non-designed and designed services for the categories specified in subsections A through F. A LILEC shall file reports on an annual basis, but shall compile data on a monthly basis. Reports shall be filed with the commission within 30 days of the period covered by the report.

A. Trouble reports. A LILEC shall maintain an accurate and complete record of all trouble reports, categorized as out-of-service trouble reports or all other trouble reports, and shall note the wire center associated with each trouble report. Trouble reports received after 4:00 p.m. Monday through Friday shall be deemed received at 8:00 a.m. the following business day. Each LILEC shall report the number of trouble reports in each category received at each wire center and the number of access lines in service at each wire center.

B. Trouble report rate. A LILEC shall report the trouble report rate for out-of-service and all other trouble reports for each wire center (number of trouble reports per hundred access lines per wire center) and, where applicable, the reason a wire center exceeded the trouble report rate.

C. Trouble reports cleared. A LILEC shall report the percentage of out-of-service and all other trouble reports cleared by each wire center within 24 hours, and the average repair interval for out-of-service trouble reports.

D. Repeat trouble report rate. A LILEC shall report the repeat trouble report rate for out-of-service and all other trouble reports for each wire center (number of repeat trouble reports per hundred access lines per wire center) and, where applicable, the reason a wire center exceeded the applicable repeat trouble report rate.

E. Installation of primary local exchange lines within established time frames. A LILEC shall calculate and report by wire center the percentage of orders for primary local exchange lines installed within the time frames established in 17.11.X.X NMAC, excluding installations not completed due to circumstances beyond the reasonable control of the LILEC or for which a waiver or variance has been granted.

F. Average repair interval. A LILEC shall report, by wire center, the average interval for repairing service.

G. Held orders.

(1) **Non-designed services.** A LILEC shall report, by wire center and on a statewide average basis, the number of held orders for non-designed services in each of the following categories, and shall, upon request of the commission, provide an explanation for the level of held orders in any particular category. For primary local exchange lines, a LILEC shall also report the number of held orders as a percentage of the total switched access lines in service each month:

- (a) total;
- (b) business customers;
- (c) residence customers;
- (d) primary local exchange lines;
- (e) additional lines;
- (f) orders for which waiver petitions are pending or have been granted; and
- (g) orders cancelled by the customer.

(2) **Designed services.** A LILEC shall report the number of held orders for designed services in each of the following categories and shall, upon request of the commission, provide an explanation for the level of held orders in any particular category:

- (a) wire center;
- (b) orders for which waiver petitions are pending or have been granted; and
- (c) orders cancelled by the customer.

H. Business office and repair office answer time. A LILEC shall report separately for its business office and its repair office the percentage of calls answered within the time frames specified in 17.11.X.X NMAC.

I. Carrier profile. No later than March 1 of each year, LILECs shall also report the following information to the commission, based on its operations as of December 31 of the previous year:

- (1) total number of switched access lines in service;
- (2) total number of residence switched access lines in service;
- (3) total number of business switched access lines in service; and
- (4) total number of orders received.

[NMAC, X-X-XX]

17.11.24.9 OUTAGES:

A. A LILEC shall provide to the commission's consumer relations division all of the notifications and reports that it provides to the Federal Communications Commission ("FCC") pursuant to 47 C.F.R. 4, Disruptions to Communications, for its operations in New Mexico as a "wireline communications provider" as defined in 47 C.F.R. 4.3, on the same timeframes as they are provided to the FCC. Carriers may redact from those notifications and reports to the Commission any information concerning their operations outside of New Mexico.

[NMAC, X-X-XX]

17.11.24.10 PROVISION OF SERVICE DURING MAINTENANCE OR EMERGENCIES:

A. Emergency procedures. Each LILEC shall establish, and instruct its employees regarding procedures for preventing or mitigating interruption to or impairment of telecommunications service in emergencies resulting from power failures, sudden and prolonged increases in traffic, illness of operators, or force majeure. LILECs shall file written plans detailing their emergency procedures with the telecommunications bureau of the commission no later than 60 days after certification by the commission. Any changes to the plan shall be filed with the telecommunications bureau of the commission within 30 days of the change.

B. Reserve power requirements. LILECs shall maintain in each local wire center, toll switching office, and tandem switching office a minimum of four hours of battery reserve rated for peak traffic load requirements and shall:

- (1) install a permanent auxiliary power unit in toll and tandem switching offices and in wire centers serving 10,000 or more access lines;
- (2) have available a mobile power unit which normally can be delivered and connected within four hours or the time limit of the available battery reserve for wire centers serving fewer than 10,000 lines.

C. Maintenance scheduling. LILECs shall schedule maintenance requiring extended service interruptions when it will cause minimal inconvenience to customers. To the extent possible, LILECs shall notify customers in advance of extended service interruptions. Based upon their prior experience, LILECs shall make emergency service available in any area that may experience service interruptions affecting 1,000 or more access lines and lasting more than four hours between the hours of 8:00 a.m. to 10:00 p.m. If a LILEC cannot provide

emergency service, it shall file a report of the service interruption with the telecommunications bureau of the commission.

D. Loss of switch plan. Each LILEC shall develop a contingency plan to prevent or minimize service interruptions due to the loss of a wire center switch that serves more than 10,000 access lines or is the toll or tandem switching office for 10,000 access lines. The plan shall describe the actions and systems installed to prevent or minimize the probability of such an occurrence as well as the actions and systems available to minimize the extent of any incurred service interruption. LILECs shall file the plans with the telecommunications bureau of the commission no later than 60 days after certification by the commission. Any changes to the plan shall be filed with the telecommunications bureau within 30 days of the change.
{NMAC, X-X-XX}

17.11.24.11 ACCESS TO AND AUDIT OF DATA: Unless otherwise authorized by the commission, a LILEC shall make all records required by this rule available to the commission, staff, or its authorized representatives at any time upon reasonable notice. A LILEC shall make customer proprietary network information available to the commission to the extent allowed by law. A LILEC shall retain records of reports, measurements, summaries, and backup information for at least two years. The commission or staff may periodically audit a LILEC's quality of service data.
{NMAC, X-X-XX}

17.11.24.12 INSTALLATION OF BASIC LOCAL EXCHANGE SERVICE:

A. Order tracking. At the time of each service order, a LILEC shall provide to each applicant for basic local exchange service a unique indicator that will permit an applicant to track and verify the order.

B. Premises within 1000 feet of distribution terminal.

(1) Whenever a LILEC receives an application for installation of a primary local exchange line for a premises that is within 1000 feet of a distribution terminal, the LILEC shall provision service within five business days of receipt of the service request, or by such later date as the customer may request.

(2) When LILEC cannot fill an order for a primary local exchange line within ten business days of receipt of the order, it shall provide written notice to the customer noting the date of the service order and stating the expected installation date and the reason for the delay. This notice must be postmarked within ten business days of the date the service order is received by the LILEC. The LILEC shall promptly notify the customer of any changes in the expected installation date.

C. Premises 1000 feet or more from distribution terminal. Whenever a LILEC receives an application for installation of a primary local exchange line for a premises that is 1000 feet or more from a distribution terminal, the LILEC shall provision service within 30 business days of receipt of the service request, or by such later date as the customer may request, unless installation cannot be completed due to circumstances beyond the reasonable control of the LILEC.

D. Line extension policy. Each LILEC shall file its line extension policy for commission review and approval by March 1, 20XX and shall file any subsequent material changes to the policy for commission review and approval in accordance with commission procedures for tariff changes.
{NMAC, X-X-XX}

17.11.24.13 INSTALLATION OF DESIGNED SERVICES:

A. Confirmation of service order. Within three business days of receipt of a customer's order for designed services, a LILEC shall notify the customer of the proposed installation date and the customer's remedies for the LILEC's failure to meet the proposed installation date.

B. Held order standard. An LILEC shall complete 85 percent of installations for designed services in accordance with the installation intervals set forth in subsections C and D of this section.

C. Installation interval – facilities available. Where facilities exist, the installation interval shall be ten business days.

D. Installation interval – new facilities required. Where new facilities are needed to provide designed service, the LILEC shall install the service within 45 calendar days, unless the customer requests a later date. If the order is not completed within 45 calendar days or the later date requested by the customer, the customer shall receive a credit of the nonrecurring charge except when the LILEC can establish that delay was caused by circumstances beyond its reasonable control.

(1) When the delay is caused by circumstances beyond the LILEC's reasonable control and the

commission has granted a waiver of the held order standard pursuant to 17.11.22.25 NMAC, the period of delay shall be added to the time period allowed for installation of the service.

(2) A LILEC shall report any case in which it claims the delay is caused by circumstances beyond the reasonable control of the LILEC to the affected customer who shall have the right to challenge the exception.
[NMAC, X-X-XX]

17.11.24.14 DIRECTORY ASSISTANCE AND INTERCEPT:

A. An LILEC shall list basic local exchange service customers (except those customers requesting otherwise) in the directory assistance database within 24 hours of service connection, except during times of regular maintenance, in which case the listing shall occur within 48 hours of service connection.

B. If an LILEC makes an error in the listed number or name of any customer, then until a new directory is published, the LILEC shall make, at no charge to the customer, whatever special arrangements are necessary and reasonable to ensure that calling parties are able to reach the customer whose listed number or name is in error.

C. If an LILEC makes an error in the number, name or address of any listing of any customer, the LILEC shall place the customer's correct name, address and telephone number in the files of the directory assistance and intercept operators within 72 hours of confirmation of the error.

D. When a customer's telephone number is changed at the request of the customer after a directory is published, the LILEC shall provide intercept service for all calls to the former number for the lesser of 60 days or until a new directory is issued. If the change is made at the initiative of the LILEC, the LILEC shall provide intercept service for the former number at no charge to the customer for the greater of 60 days or the remaining life of the current directory. The LILEC shall provide the correct number to its information operator within 24 hours of the number change (except during times of regular maintenance, in which case the listing shall occur within 48 hours of service connection) or send it to the carrier providing information operator service within 24 hours if the local exchange carrier does not provide its own service. The LILEC's intercept recording shall state how the caller can obtain the new number.
[NMAC, X-X-XX]

17.11.24.15 NETWORK CALL COMPLETION REQUIREMENTS FOR DIRECT DIALED CALLS:

A. A LILEC shall maintain sufficient wire center and interoffice channel capacity and any other necessary facilities to meet the following minimum requirements during any normal busy hour:

(1) dial tone within three seconds for 98 percent of call attempts on the switched network;

(2) correct termination of 98 percent of properly dialed intraoffice or interoffice calls within an extended service area; and

(3) correct termination of 98 percent of properly dialed intraLATA calls when the call is routed entirely over the network of the LILEC.

B. Unless otherwise authorized by the commission, a carrier providing toll service shall maintain sufficient switching and network channel capacity and any other necessary facilities so that 98 percent of properly dialed intrastate toll calls are correctly terminated.

C. A LILEC shall terminate a properly dialed call in one of the following ways:

(1) the calling party shall receive an indication of ringing and a ringing signal shall be delivered to the station location of the called party; if the called party answers, a connection shall be established between the calling and called parties;

(2) if the called number is busy, the calling party shall receive a busy signal, unless the called party has subscribed to a voice messaging, call forwarding, or call waiting service;

(3) if the LILEC cannot establish a connection between the calling and called parties, the calling party shall receive an announcement or an appropriate overflow signal that is different than a called party busy signal; a call terminated in this way shall not be considered correctly terminated for purposes of calculating the percentage of correctly terminated calls required by subsections A and B of this section;

(4) if a call is made to a non-working code or inoperative customer number, it shall be directed to the LILEC's intercept service.

[NMAC, X-X-XX]

17.11.24.16 QUALITY OF SERVICE STANDARDS FOR NON-DESIGNED SERVICES:

A. Installation of primary local exchange lines. A LILEC shall complete at least 96 percent of all requests for installation of primary local exchange lines within the time frames established 17.11.22.12 NMAC.

B. Trouble reports.

(1) A LILEC's trouble report rate shall not exceed five trouble reports per month per 100 access lines in service per wire center.

(2) A LILEC's repeat trouble report rate shall not exceed 18 percent of total monthly trouble reports, on a wire center basis.

C. Out-of-service clearances.

(1) A LILEC shall clear 85 percent of out-of-service trouble reports in each month within 24 hours, on a wire center basis.

(2) The monthly average repair interval in a wire center shall not exceed 20 hours.

[NMAC, X-X-XX]

17.11.24.17 TIMELY RESPONSE BY CUSTOMER SERVICE REPRESENTATIVES:

A. Standards. A LILEC's business and repair offices shall answer calls within an average of 35 seconds. If a carrier uses an automated response system, the system shall transfer calls to a customer service representative within an average of 35 seconds of the customer's selection or within 40 seconds if the customer does not make a selection. A LILEC shall ensure that no more than one percent of calls to its business offices reach a busy signal and that no more than one percent of calls to its repair offices reach a busy signal.

B. Reports. A LILEC shall file an exception report within 30 calendar days of the end of any month in which it failed to meet any of the standards set forth in Subsection A of this section. The report shall identify each offending business office and repair office, the percent of calls answered, the percent of calls reaching a busy signal, the reason for failure to meet the respective standard, the remedial action taken by the LILEC, and any known results of that remedial action.

[NMAC, X-X-XX]

17.11.24.18 INDIVIDUAL CUSTOMER CREDITS:

A. Out-of-service clearances. A LILEC shall automatically make appropriate adjustments to a customer's bill whenever service from the LILEC is interrupted and remains out of order for more than eight hours during a continuous 24 hour period after the customer reports it or the LILEC finds it, whichever occurs first.

(1) The LILEC shall provide a credit on the monthly bill for LILEC services that is proportional to the duration of the service interruption. Each occurrence of a loss of service for eight hours during a 24 hour time period shall count as one day and every month shall be considered to have 30 days.

(2) The LILEC shall not be required to provide an adjustment for loss of service due to:

- (a) the negligence or willful act of the customer;
- (b) a malfunction of facilities other than those under control of the LILEC;
- (c) force majeure; or
- (d) the inability of the LILEC to gain access to the customer's premises when necessary.

[NMAC, X-X-XX]

17.11.24.19 EXEMPTION OR VARIANCE:

A. General requirements.

(1) Any carrier may petition for an exemption or variance from any of the requirements of this rule.

(2) Such petition may include a motion that the commission stay the affected portion of this rule for the transaction specified in the motion.

(3) Petitions for an exemption or a variance and motions for a stay must be supported by an affidavit signed by an officer of the carrier or other person with authority to bind the carrier.

(4) The commission may, at its discretion, require an informal conference or formal evidentiary hearing prior to making its determination.

B. All other exceptions. A petition for an exemption or variance from any other requirement of this rule shall:

- (1) identify the section of this rule for which the exemption or variance is requested;
- (2) describe the situation which necessitates the exemption or variance;
- (3) describe the effect of complying with this rule on the carrier and its customers, and on its competitive affiliates and their customers, if the exemption or variance is not granted;

(4) state how the exemption or variance will achieve the purposes of this rule and the New Mexico Telecommunications Act;

(5) state why the proposed alternative is in the public interest and is better than the requirement in the rule; and

(6) state why the exemption or variance would have no anticompetitive effect.
[NMAC, X-X-XX]

17.11.24.20 ENFORCEMENT: Enforcement of service quality standards under 17.11.XX is provided by the commission's fining authority set forth in Section 63-7-23 NMSA 1978 and the authority to seek an injunction set forth in Section 63-9-9 NMSA 1978.

[NMAC, X-X-XX]