

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

GUAM TELECOMMUNICATIONS ACT  
OF 2004

DOCKET 05-1



**ORDER**

*[Interconnection implementation rules]*

On February 1, 2007 the Guam Public Utilities Commission [PUC] authorized and directed the commencement of a rule making proceeding under 12 GCA § 12104 to propose rules, consistent with FCC policy: a) to establish timelines, conditions and standards which GTA Telecom, LLC [GTA] as the incumbent local exchange carrier, should meet in order to implement PUC approved interconnection arrangements and to provide new entrants with a fair and reasonable opportunity to compete in the local exchange market; and b) to establish a monitoring system by which PUC can be assured that GTA has taken appropriate action to accommodate competitors as well as its own customer base in the future.

In furtherance of this directive, PUC's regulatory consultant Georgetown Consulting Group [GCG] filed a report and proposed rules on April 13, 2007. Public notice of the proposed rules and of an invitation to file comments was published in the Pacific Daily News on April 26 and May 3, 2007. In addition, a copy of the GCG report and proposed rules was provided to GTA, Guam Cellular and Paging, Inc.[GuamCell], Pacific Data Systems[PDS] and IT&E Overseas, Inc.[ITE]. Each of these companies filed comments regarding the proposed rules<sup>1</sup>. On July 21, 2007, GCG provided a report, which reviews the filed comments and recommends revisions to the proposed rules consistent with many of those recommendations.

After careful review and discussion of the rules proposed by GCG in its April 13, 2007 and July 21, 2007 reports and the comments filed by GTA, Guamcell, PDS and ITE and for good cause shown, on motion duly made, seconded and carried by the undersigned commissioners, the Guam Public Utilities Commission **HEREBY ORDERS THAT:**

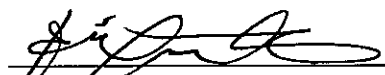
1. The rules in form attached to this order are approved.
2. PUC complements the parties for their comments with regard to the proposed rules and in particular GCG for its work in crafting the proposed rules. PUC adopts GCG's July 21, 2007 report on the rules as a statement of regulatory intent in how the rules should be implemented and administered by its administrative law judge.
3. Given the substantial benefit and use which Guamcell, PDS and ITE will derive from the rules, PUC finds and orders that GTA, Guamcell, PDS and ITE shall equally share the regulatory expenses, which PUC incurred in this proceeding.

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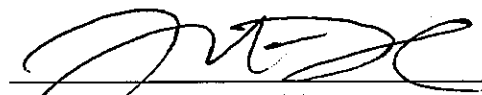
<sup>1</sup> PDS comments dated May 16, 2007 and June 26, 2007; ITE comments dated May 16, 2007; Guamcell comments dated May 18, 2007; and GTA comments dated May 10, 2007.


Dated this 13<sup>th</sup> day of August 2007.

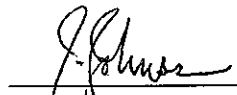
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**Implementation Rules  
In Connection With  
Interconnection Agreements  
Between**

**GTA and Competing Local Exchange Carriers and CMRS Operators**

**Rule 1: Purpose:**

These rules are intended to provide guidance on implementation of interconnection agreements between the incumbent local exchange carrier (ILEC) and competing local exchange carriers (CLECs) or Commercial Mobile Radio Services (CMRS) providers. They also provide standards that may be used by the Commission in evaluating whether or not good faith efforts have been made by the parties to implement such agreements. Rules 2, 5 and 6 apply during the negotiation phase of establishing interconnection agreements as well as during their implementation.

**Rule 2: Interconnection Requirements**

- a) All ILECs must provide appropriate interconnection arrangements with other telecommunications carriers at reasonable prices and under reasonable terms and conditions that do not discriminate against or in favor of any provider, including the local exchange carrier. Appropriate interconnection arrangements shall provide access on an unbundled, nondiscriminatory basis to physical, administrative and database network components. Unless a different date is agreed to through negotiation, ILECs shall provide appropriate interconnection arrangements within nine months of receiving a bona fide request for interconnection or, after an interconnection agreement is signed, interconnection shall be provided in accordance with the standards contained in Rule 7, whichever is earlier. If no provisioning interval for a particular network element is specified in Rule 7, the interconnection arrangement shall be provided within 30 days after the requesting carrier submits a form order for the network element.
- b) The interconnection requirements contained in Part 51 of Title 47 of the Code of Federal Regulations, as amended from time to time by the Federal Communications Commission (FCC), are adopted by the Commission and are incorporated herein by reference. In the event of a conflict between the rules of the Commission and the rules of the FCC, rules of the FCC shall prevail.
- c) All local exchange carriers shall cooperate in the development of a process to handle inter-carrier service ordering, provisioning and repair service referrals.

**Rule 3: Relationship of Rules to Interconnection Agreement**

All implementation matters except those covered by Rule 2(b) shall be handled in accordance with these rules. Unless otherwise stated herein, in the event of any actual conflict between a technical standard contained in Rule 6 and a technical standard contained in an ICA approved by the Commission, the technical standard contained in the ICA shall take precedence. An ICA approved by the Commission may contain service

ICA shall take precedence. An ICA approved by the Commission may contain service quality standards stricter than those contained in Rule 7, and any such stricter service quality standards shall take precedence over the minimum service quality standards contained in Rule 7. The dispute resolution procedures in Rule 4 do not prohibit the use of other dispute resolution procedures and forums, including the FCC or courts, set forth in an ICA; provided, unless otherwise unambiguously and conspicuously provided for in an ICA, nothing in an ICA shall abrogate the right of either party to pursue the dispute resolution procedures in Rule 4.

#### **Rule 4: Dispute Resolution**

- a) This rule establishes administrative procedures for Commission resolution of disputed issues arising under or pertaining to ICAs approved by the Commission pursuant to its authority under the Federal Telecommunications Act of 1996 and the Guam Telecommunications Act.
- b) The dispute resolution procedures set forth in this rule are intended to resolve disputes concerning:
  - 1) Proper interpretation of terms and conditions in the ICA;
  - 2) Implementation of activities explicitly provided for, or implicitly contemplated in, the ICA;
  - 3) Enforcement of terms and conditions in such ICA; and
  - 4) Any issue not explicitly addressed in the ICA that the parties agree to resolve pursuant to this rule; provided the resolution of the issue would facilitate the provisioning of service pursuant to the ICA.
- c) The procedures described in this rule are not intended to prohibit the use of other dispute resolution procedures set forth in the ICA between the parties. However, unless otherwise unambiguously and conspicuously provided for in an ICA nothing in the ICA shall abrogate the right of either party to pursue the dispute resolution procedures in this rule.
- d) As a prerequisite to utilizing this rule, a party must be able to demonstrate that it has exhausted any dispute resolution procedures that, by the terms of the ICA, are required to be exhausted before filing any petition or complaint with the Commission under these rules. Nothing in these rules shall require the exhaustion of dispute resolution procedures set forth in the ICA for the filing of any petition or complaint within the Commission's jurisdiction that is not the subject of a dispute under Rule 4(b) above, including, without limitation, any claim for a violation of a Commission order.
- e) All parties participating in dispute resolution under this rule have a duty to participate in good faith. Good faith participation means both parties meet and confer with minds open to persuasion and with an eye toward reaching agreement on the disputed issues.
- f) The processes for resolution of disputes include facilitation and formal arbitration. The party requesting dispute resolution under formal arbitration may also request interim relief. Interim relief is not available under facilitation.
- g) Facilitation is an informal, voluntary process wherein the Commission conducts settlement conferences with the parties to attempt to reach a mutually acceptable

resolution of any dispute. The Commission's Administrative Law Judge (ALJ) will act as facilitator.

- 1) A request for an informal facilitation conference may be made by either party by filing a written request with the Commission and the other party to the ICA. The written request should include:
  - i) The name, address, telephone number and facsimile number of each party to the ICA and the requesting party's designated representative;
  - ii) A description of the parties' efforts to resolve their differences by negotiation;
  - iii) A list of the narrow issues in dispute, with a cross-reference to the area of the ICA applicable or pertaining to the issues in dispute; and
  - iv) The requesting party's proposed solution to the dispute.
- 2) Upon receipt of any request for facilitation, the other party to the ICA shall promptly appoint a designated representative for the facilitation conference and may propose an alternative solution to the dispute.
- 3) The facilitator shall be responsible for scheduling and notifying the parties of the time, date, and location of the facilitation conference which shall be held no later than ten (10) business days from the date the request was filed. The parties shall provide the appropriate personnel with settlement authority to discuss and to resolve the disputes at the facilitation conference. The parties shall seek to resolve the dispute in good faith.
- 4) The facilitation conference shall be conducted as an informal meeting. Discovery will not be allowed and notice will not be provided concerning the facilitation. At any time during the facilitation, either party may request that the dispute resolution be moved to formal arbitration as set forth in this rule.
- 5) The informal facilitation conference shall be concluded within thirty (30) days from the written request for facilitation unless otherwise mutually agreed by the parties.
- h) Arbitration is a formal proceeding for dispute resolution and will commence when a party (complainant) files a complaint with the Commission and, on the same day, delivers a copy of the complaint to the other party (respondent) to the ICA from which the dispute arises.
  - 1) Unless otherwise ordered by the arbitrator, parties shall file with the Commission the same information listed above for the facilitation process plus an identification of pertinent background facts and relevant law or rules applicable to each disputed issue.
  - 2) The Commission's ALJ shall act as arbitrator.
  - 3) The respondent shall file a response to the complaint within twenty (20) days after the filing of the complaint and shall serve a copy of the response on the complainant, the arbitrator and the Commission's consultants. The response shall specifically affirm or deny each allegation in the complaint. The response shall include the respondent's position on each issue in dispute, a cross-reference to the area or areas of the ICA applicable or pertaining to the issue in dispute, and the respondent's proposed solution on each issue in dispute. In addition, the response shall stipulate to any undisputed facts and identify relevant law or rules applicable to each disputed issue.

- 4) The complainant may file a reply within five (5) business days after the filing of the response to the complaint and serve a copy to the parties listed above. The reply shall be limited solely to new issues raised in the response to the complaint.
  - 5) As soon as possible after the complaint has been filed with the Commission, the arbitrator shall schedule a prehearing conference with the parties to the arbitration. The arbitrator shall make arrangements for the hearing to address the complaint, which shall commence no later than 50 days after filing of the complaint. The arbitrator shall notify the parties, not less than 15 days before the hearing of the date, time, and location of the hearing.
  - 6) The arbitrator has broad discretion in conducting the dispute resolution proceeding. The arbitrator shall have the authority to award remedies or relief deemed necessary by the arbitrator to resolve a dispute subject to the procedures established under this rule.
  - 7) Parties may obtain discovery by submitting a discovery request to the arbitrator. Discovery may include requests for inspection and production of documents, requests for admissions, and depositions by oral examination, as allowed within the discretion of the arbitrator.
  - 8) The arbitrator may require the parties to file a direct case, under the same deadline, and a joint issues list on or before the commencement of the hearing and may direct a party or witness to provide additional information as needed to fully develop the record of the proceeding. If a party fails to present information requested by the arbitrator, the arbitrator shall render a recommendation on the basis of the best information available from whatever source derived.
  - 9) The written recommendation of the arbitrator shall be filed with the Commission within fifteen (15) days after the close of the hearing and shall be distributed to all parties of record in the dispute resolution proceeding. The recommendation of the arbitrator shall be based upon the record of the dispute resolution hearing, and shall include a specific ruling on each of the disputed issues presented for resolution by the parties. The recommendation shall include a narrative report explaining the arbitrator's rationale for each of the rulings included in the final decision.
  - 10) The Commission shall issue a final order accepting or rejecting, in whole or in part, the recommendation of the arbitrator within ten (10) days after the recommendation has been filed.
- i) Expedited dispute resolution may be requested when the dispute directly affects the ability of a party to provide uninterrupted service to its customers or precludes the provisioning of any service, functionality or network element. The arbitrator has the discretion to determine whether the resolution of the complaint may be expedited based on the complexity of the issues or other factors deemed relevant. The provisions and procedures relating to arbitration apply, except as otherwise specifically set forth in this sub-rule.
- 1) The complaint shall also state specific circumstances that make the dispute eligible for an expedited ruling.
  - 2) The respondent shall file a response to the complaint within five business days after the filing of a complaint. The response shall specifically affirm or deny each allegation in the complaint.

- 3) After reviewing the complaint and the response, the arbitrator will determine whether the complaint warrants an expedited ruling. If so, the arbitrator shall schedule a prehearing conference with the parties to the arbitration. The arbitrator shall make arrangements for the hearing to address the complaint, which shall commence no later than seventeen days after filing of the complaint. The arbitrator shall notify the parties of the date, time, and location of the hearing not less than three days before the hearing. If the arbitrator determines that the complaint is not eligible for an expedited ruling, the arbitrator shall so notify the parties within five days of the filing of the response.
  - 4) The recommendation of the arbitrator shall be filed with the Commission within three days after the close of the hearing and shall be distributed to all parties of record in the dispute resolution proceeding. The recommendation of the arbitrator shall be based upon the record of the dispute resolution hearing, and shall include a specific ruling on each of the disputed issues presented for resolution by the parties.
- j) A party who requests dispute resolution may also request an interim ruling on whether the party is entitled to relief pending the resolution of the merits of the dispute. This relief is intended to provide an interim remedy when the dispute compromises the ability of a party to provide uninterrupted service or precludes the provisioning of scheduled service.
- 1) Within three business days, if feasible, of the filing of a complaint and request for interim ruling, the arbitrator shall conduct a hearing to determine whether interim relief should be granted during the pendency of the dispute resolution process. The arbitrator will notify the parties of the date and time of the hearing by facsimile within one business day of the filing of a complaint and request for interim ruling. The parties should be prepared to present their positions and evidence on factors including but not limited to: the type of service requested; the economic and technical feasibility of providing that service; and the potential harm in providing or not providing the service.
  - 2) Based upon the evidence provided at the hearing, the arbitrator shall issue a written ruling on the request within 24 hours of the close of the hearing and will notify the parties of the ruling. The interim ruling will be effective throughout the dispute resolution proceeding until a final order is issued. The interim ruling shall have no precedential impact.
  - 3) Notwithstanding the foregoing, the arbitrator may, upon good cause shown and attested to by the requesting party, issue a temporary injunction or similar relief to the extent necessary to ensure that a party may continue to provide uninterrupted service or scheduled service until such time as the arbitrator conducts a hearing and issues a written ruling as provided in this Rule 4(j). Such temporary relief under this Rule 4(j)(3) may be rescinded by the arbitrator at any time and shall not in any event extend beyond the time required for the written ruling of the arbitrator in Rule 4(j)(2) above.

## **Rule 5: Good Faith Implementation of ICA**

- a) Both parties to the ICA are obligated to implement its provisions in good faith. The parties are expected to comply with the provisions of the ICA with the highest standards of professionalism, decency and honesty.
- b) The Commission is authorized under Sections 12107(d) and 12108 of the Guam Telecommunications Act to assess penalties and damages for failure to act in good faith in implementing the ICA in accordance with these rules. In determining the amount of penalty, the Commission will consider the appropriateness of the penalty relative to the size of the violating party, the gravity of the violation, and the actual harm incurred by the complaining party.
  - 1) Penalties may be assessed for “willful” violations of the Commission’s rules. For the purposes of these implementation standards, the term “willful” shall be interpreted to mean “deliberate,” especially with the intention of harming another carrier or in spite of knowing that it will harm another carrier
  - 2) “Willful” acts include acts that are capable of being proven by circumstantial or direct evidence in regards to acts of omission or affirmative acts.
- c) The following prohibited acts are examples of failure to act in good faith. This list is not intended to be all inclusive. Violations of other Commission rules or of commercial law may also constitute failure to act in good faith.
  - 1) No telecommunications carrier shall:
    - i) File, submit, or present to the Commission an any document related to interconnection that contains false or misleading information, facts, or materials, or that omits material information, facts, or materials;
    - ii) Refuse to use its commercially reasonable efforts in implementing the ICA;
    - iii) Engage in acts, conduct, or behavior with the sole purpose of delaying implementation of the ICA;
    - iv) Fail to respect the privacy of personally identifiable customer information;
    - v) Upon bona fide request, unreasonably refuse to fully disclose in a timely manner all information necessary to achieve interconnection; or
    - vi) Engage in any other anti-competitive action, conduct, or behavior.
  - 2) The ILEC shall not:
    - i) Unreasonably refuse or delay access to its exchange by the other party to the ICA;
    - ii) Unreasonably delay interconnection under the ICA;
    - iii) Provide inferior interconnections to the other party to the ICA
    - iv) Degrade the quality of access provided to the other telecommunications carrier;
    - v) Impair the speed, quality, or efficiency of access lines used by the other telecommunications carrier;
    - vi) Sell services or products, extend credit, or offer other terms and conditions on more favorable terms to its affiliates or to the carrier’s retail department, than to the other party to the ICA; or
    - vii) Unreasonably reserve capacity in any existing network facility in order to prevent the other telecommunications carrier from obtaining access to interconnection services including buildings, dark fiber cable and any Unbundled Network Elements (UNEs).



- 3) The failure of the ILEC to meet the Quality of Service intervals specified in the ICA or in Rule 7 shall not be deemed to be evidence of failure to implement the ICA in good faith unless the ILEC systematically and deliberately provides services at intervals that are worse than those the ILEC provides to its self, its own customers or customers of the ILEC's affiliates.

#### **Rule 6: Technical Standards**

- a) Interconnection between the ILEC and CLEC or CMRS operator shall be established in a manner that is seamless, interoperable, technically and economically efficient and transparent to the end-user customer.
- b) The ILEC shall provide interconnection facilities and access to UNEs that is at least equal in type and quality to that provided to itself or its affiliates.
- c) Interconnection between carriers shall utilize nationally accepted telecommunications industry standards and/or mutually acceptable standards for construction, operation, testing and maintenance of networks, such that the integrity of the networks is not impaired.
- d) Interconnecting carriers shall make a good-faith effort to accommodate each other's technical requests, provided that the technical requests are consistent with national industry standards and implementation of the requests would not cause unreasonable inefficiencies, unreasonable costs, or other detriment to the network of the ILEC receiving the requests.
- e) Interconnecting carriers shall establish joint procedures for troubleshooting the portions of their networks that are jointly used. Each carrier shall be responsible for maintaining and monitoring its own network such that the overall integrity of the interconnected network is maintained.
- f) Each interconnecting carrier shall be responsible for ensuring that traffic is properly routed to the other carrier and jurisdictionally identified by percent usage factors or in a manner agreed upon by the interconnecting carriers.
- g) Reserved for future use.
- h) The ILEC shall provide physical interconnection to other carriers in a nondiscriminatory manner. Physical collocation for the transmission of local exchange traffic shall be provided upon request, unless the ILEC demonstrates that technical or space limitations make physical collocation impractical. Virtual collocation for the transmission of local exchange traffic shall be implemented if physical collocation is not feasible or at the option of the carrier requesting the interconnection.
- i) In determining whether space is available for physical collocation, the ILEC may retain a limited amount of central office floor space for its own specific future uses, provided, however, that neither the ILEC nor any of its affiliates may reserve space for future use on terms more favorable than those that apply to other telecommunications carriers seeking to reserve collocation space for their own future use.
  - 1) The ILEC is permitted to reserve central office floor space for future use only if such use is in accordance with a written plan that includes floor plans that show any space that is reserved for future use, and the ILEC must describe in detail the

specific future uses for which the space has been reserved and the length of time for each reservation. Central office floor space may not be reserved in the absence of a written plan for use.

- 2) Space may not be reserved for longer than 3 years from the date the reservation plan was first approved by ILEC management.
  - 3) The written plan for future use of ILEC central office space shall be treated as confidential by any party to which the information is disclosed, including the Commission. The written plan shall be maintained by the ILEC and will not be filed with the Commission or any other party unless specifically requested to do so.
- j) The ILEC is permitted to reserve up to two fiber strands on each fiber cable route for maintenance purposes. This reservation addresses the possibility that a fiber could become defective and require emergency or immediate resolution. The ILEC is permitted to reserve the remaining existing dark fiber facilities for future use only if such use is in accordance with a written utilization plan that describes in detail the specific future uses for which the dark fiber has been reserved and the length of time for each reservation. Dark fiber may not be reserved for future use for longer than 18 months from the date the reservation plan was first approved by ILEC management. If no written utilization plan is in place, existing dark fibers shall be assigned in a nondiscriminatory manner between the ILEC and any requesting carrier.
  - k) Each interconnecting carrier shall be responsible for contacting the North American Numbering Plan (NANP) administrator for its own NXX codes and for initiating NXX assignment requests.

#### **Rule 7: Service Quality**

- a) This rule provides minimum overall service quality standards. If an interconnection agreement is adopted pursuant to negotiation or arbitration under the Federal Act, the ICA may contain obligations and performance standards for network facilities and services that are stricter than the guidelines contained in this rule.
- b) Each ILEC shall provide essential facilities and associated services in accordance with the following provisioning intervals and shall separately measure each provisioning interval for commonly used circuit or facility types. The provisioning interval is the elapsed time measured in hours from the ILEC's receipt of a service order to return of an OCN. The percentage of service orders completed on time will be determined by the number of orders completed within the installation interval or the committed due date specified in a FOC. The cumulative elapsed time for each circuit or facility type is divided by the total number of corresponding completed service orders for each circuit or facility type to derive measures of service order flow-through. The ILEC shall return a FOC within two business days of receipt of a service order from another telecommunications carrier.
- c) Pursuant to forecasting requirements established in Rule 8 below, forecasted trunk, routing and switching facilities shall be provisioned to any requesting carrier within 30 days of receipt of a service order, unless otherwise agreed to by the requesting carrier.

- d) The ILEC shall provide either interim number portability or permanent number portability to a requesting carrier. The installation interval for interim number portability shall not exceed three business days following receipt of a service order. Permanent number portability shall be provided pursuant to Federal Communications Commission requirements.
- e) The ILEC shall provide for the receipt of trouble reports 24 hours a day, seven days a week and shall investigate and respond to each trouble report.
  - 1) Provisions shall be made to clear emergency out-of-service trouble at all hours, consistent with the public interest and the personal safety of ILEC personnel. Emergency or alternative service shall be provided local law enforcement and public safety agencies during the period of any network interruption.
  - 2) If unusual repairs preclude prompt disposition of a reported trouble, the ILEC shall notify all affected telecommunications carriers. If service must be interrupted for purposes of rearranging facilities or equipment, all affected telecommunications carriers shall be notified and the work shall be completed in the least disruptive manner in order to minimize public inconvenience.
- f) The ILEC shall clear out-of-service trouble reports received from another telecommunications carrier within the following intervals, unless other repair intervals have been agreed to in the ICA:

| REPAIR INTERVAL TABLE  |          |
|--|----------|
| DS - 3, OC - 3 and higher  | 2 hours  |
| DS - 1, Fractional DS - 1, Design DS - 0, and Local Interconnection Trunks | 4 hours  |
| Residential and Business Resale POTS                                       | 24 hours |

The repair interval for clearing a trouble between telecommunications carriers is the elapsed time measured in hours and tenths of hours from the time a trouble report is received by a telecommunications corporation to the time the telecommunications corporation returns a valid trouble resolution notification. Elapsed time shall be measured by common circuit or facility types and trouble disposition and closure shall be recorded.

- g) The ILEC shall undertake all commercially reasonable efforts to facilitate parity of access to operational support functionality the incumbent local exchange carrier uses to store and retrieve information related to network engineering and administration.
- h) The ILEC shall provision essential network facilities and services in accordance with the following intervals and shall measure provisioning intervals for each of the following loop facilities and services:
  - 1) Provisioning intervals for an unbundled loop will vary by circuit and facility type, the number of loops requested on a service order, availability of facilities and whether or not a dispatch of ILEC personnel must occur. The following essential facilities will be provisioned for telecommunications carriers within the specified intervals.

| PROVISIONING INTERVAL TABLE |          |          |
|-----------------------------|----------|----------|
| Facility Type               | Quantity | Interval |
|                             |          |          |

|  |                  |                                       |
|--|------------------|---------------------------------------|
| DSO or analog equivalent, dispatch, facilities available | 1 - 24<br>24 - n | 5 days<br>negotiated                  |
| DSO or voice grade equivalent, no dispatch               | 1 - 24<br>24 - n | 3 days<br>7-10 days                   |
| DS1 -- Facilities provisioned and available              |                  | 5 days                                |
| ISDN -- Facilities provisioned and available             |                  | 7 days                                |
| XDSL -- Facilities provisioned and available             |                  | 7 days                                |
| DS3 -- Facilities provisioned and available              |                  | 7 days                                |
| OC3 -- Facilities provisioned and available              |                  | 15 days                               |
| OC4 and Higher -- Facilities provisioned and available   |                  | 15 days or<br>negotiated<br>due date. |

- 2) Installation intervals for wholesale (resold) services shall vary depending upon whether an existing end user service provided by the ILEC is transferred to another telecommunications carrier, or, is a new service installation.
  - i) The ILEC shall transfer wholesale services without changes for an existing end user served by the ILEC within one business day following receipt of a service order from the requesting carrier.
  - ii) The ILEC shall transfer wholesale service with changes for an existing end user served by the ILEC within three business days following receipt of a service order from the requesting carrier.
  - iii) The ILEC shall install new wholesale service to a new end user, if facilities are available, within three days following receipt of a service order from the requesting carrier
- 3) The following provisioning intervals and optional arrangements are common to both virtual and physical collocation:
  - i) Upon receipt by the ILEC of a request for collocation, the ILEC shall within 15 days notify the requesting carrier whether sufficient space exists. If the requesting carrier disputes the ILEC's denial of a request for collocation, and the carriers cannot negotiate a mutually satisfactory resolution, the requesting carrier may petition the Commission pursuant to Rule 4 for an expedited hearing and resolution of the dispute. The burden shall be on the ILEC to demonstrate to the Commission that collocation is not practical due to space limitations or is technically infeasible.
  - ii) If collocation is available, the ILEC shall within 25 days following receipt of a request for collocation provide a written quotation containing all non-recurring charges for construction of the requesting carrier's requested collocation arrangement.
  - iii) The requesting carrier shall within 30 days following receipt of the ILEC's quotation, by written notice to the ILEC: 1) accept the quotation; 2) withdraw the request for collocation; or, 3) provide the ILEC an independent contractor quotation for construction of the requested collocation arrangement.
  - iv) If the requesting carrier accepts the quotation from the ILEC, collocation equipment shall be installed on the ILEC's premises in accordance with the

following provisioning intervals: 1) For physical collocation arrangements, the ILEC shall within 45 days of the requesting carrier's acceptance of the ILEC's quotation complete construction of the collocation space necessary and sufficient for installation of the requesting carrier's collocated interconnection facilities. The ILEC shall grant the requesting carrier access to the collocation space to install network elements therein. 2) For virtual collocation arrangements, the ILEC shall within 45 days after delivery of the requesting carrier's collocation equipment complete provisioning of all network facilities ordered by the requesting carrier.

- v) If the requesting carrier provides the ILEC an independent contractor quotation for construction associated with a collocation arrangement, the ILEC shall within 15 days of receipt of the quotation: 1) accept the proposal and grant to the independent contractor access to the ILEC's premises to complete construction of the collocation space and installation of the collocated interconnection facilities; 2) amend the ILEC's own quotation to perform on substantially similar terms, including, without limitation, price, the services specified in the independent contractor's quotation; or, 3) reject the proposal. If the requesting carrier accepts the ILEC's amended quotation, construction of the collocation space shall proceed. If the ILEC rejects an independent contractor quotation or amend its own quotation, the requesting carrier may petition the Commission for an expedited hearing and resolution of the dispute.
- i) The ILEC shall maintain network engineering and administrative records related to interconnection services provided to other carriers.
  - 1) The ILEC shall make these records available for inspection by the Commission or its designee.
  - 2) All information required by this rule shall be preserved for at least 36 months after the date of entry.
  - 3) The ILEC shall maintain records of its network engineering and administrative operations in sufficient detail to permit review of network performance, provisioning intervals and general service quality provided other carriers.
  - 4) Within 30 days of a request by the Commission, the ILEC shall file a study with the Division of Public Utilities evidencing actual provisioning intervals for network facilities and services or actual repair intervals for services provided to another carrier, to an affiliate, or, aggregated for its ten largest customers.
  - 5) The ILEC shall monitor the use of its network so as to:
    - i) issue the reports required by this Rule; and
    - ii) monitor the use of all trunk groups and other interconnection facilities and equipment on its own side of the point of interconnection between its network and the network of each interconnecting telecommunications corporation.
  - 6) The ILEC shall maintain a daily record, by wire center, of call blocking. The record shall indicate the percentage of calls blocked by trunk group utilized by each interconnecting telecommunications carrier. The ILEC shall notify each interconnecting telecommunications carrier immediately if call blocking on any trunk group within in any wire center exceeds standard industry levels.

- 7) The ILEC shall maintain a record, by wire center, of each instance when it fails to supply essential facilities and services to an interconnecting telecommunications carrier in accordance with the provisioning intervals established in this Rule. The record shall provide the following data:
  - i) the name and address of the telecommunications corporation;
  - ii) the circuit or facility type requested in the service order;
  - iii) the date and hour the service order was received;
  - iv) the reason for the delay;
  - v) the number of days the order has been delayed;
  - vi) the expected order completion date for each service order;
  - vii) whether an initial service order was supplemented by the requesting telecommunications corporation and, if so, the date and time the supplement was approved by the providing carrier;
  - viii) a copy of the FOC provided the requesting telecommunications carriers.
- 8) The ILEC shall maintain a record, by wire center, of trouble reports received from another telecommunications carrier. The record shall identify the telecommunications carrier experiencing trouble; the affected services; the time, date and nature of the report; the cause and action taken to clear the trouble and its recorded disposition; and the date and time of trouble clearance.
- j) The ILEC will provide to the Commission performance monitoring reports detailing the ILEC's provisioning of:
  - i) services to the ILEC's retail customers in the aggregate;
  - ii) essential facilities and services provided to itself or any retail affiliate purchasing interconnection or access;
  - iii) essential facilities and services provided in the aggregate to other telecommunications carriers purchasing interconnection; and
  - iv) essential facilities and services provided to individual telecommunications carriers purchasing interconnection.
- k) Performance monitoring reports shall include the following metrics:
  - 1) Firm Order Confirmation Interval – This metric is the average interval from receipt of a service order to distribution of a firm order confirmation notice
  - 2) Delayed Order Ratio -This metric measures uncompleted orders where the committed due date on a firm confirmation order has passed. It is calculated as the number of delayed orders divided by the number of orders pending including those past due.
  - 3) Average Completion Interval - This metric measures the average time from the date and time of the ILEC's receipt of a service order to the completion date and time provided on an order completion notification (OCN).
  - 4) Percentage of Orders Completed On Time - This metric measures the percentage of total orders completed on or before the completion date provided on an OCN.
  - 5) Trouble Report Rate - This report measures the frequency of direct or referred trouble report incidents across a universe of facilities where the cause is determined to be in network facilities. It is measured as a percentile of lines or circuit types in service. The ILEC shall exclude from its count of trouble reports queries made to the ILEC from another telecommunications carrier's end- user customers who are not served by the ILEC.

- 6) Mean Time to Restore - This metric measures the interval for resolution of maintenance and repair troubles. It measures the elapsed time from receipt of a trouble report to the time the reported trouble is cleared.
- l) The Commission may request from the ILEC a report on a specific basis rather than on an average basis with respect to any of the information described in the foregoing performance monitoring metrics.
- m) The reports required under this Rule are due monthly.

**Rule 8: Joint Planning and Forecasting**

Deleted

**Rule 9: Monitoring of Construction Program**

Deleted

Definitions

The meaning of terms used in these rules shall be consistent with their general usage in the telecommunications industry unless modified in the context of a specific rule.

"Affiliate" -- means, with respect to any telecommunications corporation, a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of these rules, the term "own" means to own an equity interest, or the equivalent, of more than ten percent.

"Blocking" -- means the occurrence of insufficient capacity between the end office or tandem of a telecommunications corporation and the end office or tandem of another telecommunications corporation, and includes a call not completed because of insufficient capacity usually evidenced by a fast busy signal or message that circuits are busy.

"Busy Hour" -- means the uninterrupted period of 60 minutes during the day when the traffic is at its maximum.

"Business Day" -- means any day other than Saturday, Sunday or other day on which commercial banks in Utah are authorized or required to close.

"Carrier" -- means the ILEC, CLEC or CMRS operator collectively.

"CFR" -- means the Code of Federal Regulations.

"Commission" -- means the Public Service Commission of Guam.

"Competitive Local Exchange Carrier" (CLEC) -- means an entity certificated to provide local exchange services that does not otherwise qualify as an incumbent local exchange carrier.

"Commercial Mobile Radio Service" (CMRS) -- means a mobile wireless telecommunications service provided by a cellular, Personal Communications Service, paging or other wireless network operator to the general public. Does not include private wireless network operators such as taxi dispatch operators.

"Delayed Service Order" -- means a written or electronic order for an essential interconnection service or facility that is not filled on or before the standard installation interval or the date specified in a FOC, whichever occurs first.

"End User" -- means the person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency purchasing the telecommunications service for its own use, and not for resale.

"Essential Services" -- means Unbundled Network Elements as defined by the FCC, access to 911 or E911 emergency call networks, interoffice transmission facilities and OSS functionality

"FCC" -- means the Federal Communications Commission..

"Federal Act" -- means the Federal Telecommunications Act of 1996

"Firm Order Confirmation" (FOC) -- means notice provided by one telecommunications corporation to another in electronic or manual form of acceptance of a service order and the date that the service order will be completed.



"Incumbent Local Exchange Carrier" (ILEC) -- the local exchange carrier that provided telephone exchange services prior to enactment of the federal Telecommunications Act of 1996. GTA has been defined as the ILEC for Guam by the FCC.

"Interoffice Trunk Facilities" -- means the facilities, including transport, switching and cross-connect facilities, necessary for the transmission and routing of telephone exchange service between two end offices, or an end office and a tandem office.

"Local Exchange Carrier" -- means a telecommunications provider, authorized by the Commission, that provides local exchange service in a defined geographic service territory.

"Network Element" or "Network Facility" -- means the features, functions and capabilities of network equipment used to transmit route, or otherwise provide public telecommunications services.

"Order Completion Notification" (OCN) -- means notice provided by one telecommunications corporation to another in electronic or manual form that a service order has been completed.

"OSS Functionality" -- means the functions used by the ILEC in preordering, ordering, provisioning, maintenance and repair telecommunications services. These functions may involve manual or mechanized processes or system.

"Service Order" -- means a written or electronic request for essential facilities or services.

"Trouble Report" -- means an oral, written or electronic report received by a telecommunications corporation from an end user of public telecommunications service, or, an oral, written or electronic report received by one telecommunications corporation from another who purchases essential facilities or services from the former. In either case, a Trouble Report communicates improper functioning of facilities over which the providing telecommunications corporation exercises control. A trouble report is used by telecommunications carriers to monitor repair and maintenance actions required for disposition of out-of-service or substandard service conditions.

"Wholesale Services" -- means essential services available to telecommunications carriers for the purpose of resale to end users.

"Wire Center" -- means a building that contains the necessary telecommunications facilities and functions to terminate, switch, route and interconnect local exchange, interoffice, and interexchange public telecommunication services.