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Fred Horecky, Esq.
The Guam Public Utilities Commission
Suite 207, GCIC Building
Hagatna, Guam 96932

Re: GTA Petition for Rulemaking, xDSL Repair Interval Docket 11-03

Dear Mr. Horecky,

This letter is in response to your June 1, 2011, e-mail in which you asked for a recommendation on the appropriate repair time interval for xDSL services. We have reviewed the materials submitted by the parties in this proceeding. Since the issue was raised by GTA, we also examined the practices of several large ILECs determine their repair time intervals for xDSL services.

GTA had filed its initial request for a rulemaking on March 15, 2011, citing the absence of a standard repair interval for these services in the current Interconnection Implementation Rules (IIR). GTA proposed a standard of 24 hours and stated that the FCC's rules require repair of unbundled network elements (UNEs) provided to competitors at parity with the repair interval provided to its own customers. GTA says superior quality is not required. PDS filed comments on May 13, 2011. PDS proposed that the appropriate repair interval for xDSL services should be three hours based on the intervals for high speed circuits already covered in the IIR. PDS also suggests that the Commission should also provide repair intervals for eight other services which it says are not currently specified in the IIR. GTA filed reply comments on May 19, 2011, reiterating its position on FCC requirements and opposing the interval suggested by PDS.

For purposes of clarity, we felt it would be useful to provide some comments about DSL. DSL is a family of technologies that are primarily used to provide access to the Internet over copper loops connecting the telephone company's central office to customer premises. There are a number of variations – ADSL, HDSL, IDSL, SDSL, VDSL, ADSL2, ADSL2+, etc. – which vary in transmission speed in each direction. ADSL (Asynchronous Digital Subscriber Line) has greater transmission speed in the downward direction than in the upward direction, thus it is “asynchronous.” SDSL provides the same speed in both directions. Thus it is “synchronous.” The transmission speeds of all DSL services are not guaranteed and depend on a number of factors such as length and quality of the loop and the capacity of the Internet Service Provider.

The family of DSL services is referred to as xDSL. The common characteristic is that all are provisioned over copper loops.

As a threshold matter, we agree with GTA that ILECs are not required to provide repair service to competitors superior in quality to that which it provides to itself. As has been cited by GTA, this matter has been decided in the courts. In other jurisdictions, there have been numerous proceedings to determine if parity had been provided and a number of regulatory agencies have assessed fines and penalties for providing below parity service. That is not to say that an ILEC offering poor service to its own customers should necessarily be excused for providing poor service to its competitors. A PUC generally has an obligation to ensure reasonable service for all customers. Further, there is a responsibility under the federal Telecommunications Act to ensure that an incumbent provides an opportunity for other carriers to compete using the incumbent's facilities. That was one of the primary reasons for establishing the IIR.

GTA offers a comparison to Verizon, Frontier and AT&T to show that 24 hours is a typical standard. GTA's argument is unpersuasive since some other large carriers adhere to more stringent standards. For example, Qwest calls for restoration of service within four hours for ADSL.¹ AT&T and Verizon do not specify any particular time for restoration of xDSL lines. They only require parity with the equivalent retail service. Note that a metric of percent restored in 24 hours is not the equivalent of a requirement to restore service within 24 hours.

We also believe PDS' suggestion of three hours is unreasonable. PDS appears to believe that there is some direct relationship between transmission speed and the required repair interval. There is no such relationship. Moreover, we agree with GTA that the work involved in troubleshooting a DSL line is essentially the same regardless of which type of DSL is being supported. Since the loop portion of DSL service is basically the same piece of copper wiring as used for traditional POTS, there is no reason to conclude that the repair interval should be different from POTS.

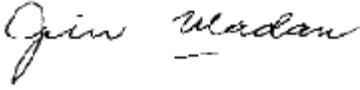
Although not required to provide greater quality of service to its competitors than it provides to itself, an ILEC may voluntarily agree to a higher standard. GTA has offered repair on xDSL facilities within 24 hours even though its own performance averaged 42 hours for business basic DSL customers.² Therefore, we recommend acceptance of GTA's 24 hour standard. This standard should be applied for all services within the xDSL family.

¹ Qwest Service Interval Guide for Resale, Unbundled Network Element (UNE) and Interconnection Services, Version 103.00, dated October 4, 2010.

² GTA Reply Comments, page 3. We have not checked GTA's data or reviewed it in any way. Consequently, we relied on GTA's statement.

Please call us if you have any questions.

Cordially,

A handwritten signature in cursive script that reads "Jamshed K. Madan". The signature is written in black ink on a white background.

Jamshed K. Madan

Cc: Ed Margerison
Walter Schweikert