

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 5903

Investigation into Service Quality Standards,)
Privacy Protections, and other Consumer Safeguards)
for Retail Telecommunications Service)

Order entered: 8/29/96

PREHEARING CONFERENCE MEMORANDUM

A prehearing conference was held in this proceeding on August 13, 1996. Representatives of all Vermont local exchange companies except Shoreham Telephone Company appeared as did counsel for the Department of Public Service, Hyperion Telecommunications, Inc., Atlantic Cellular, and AT&T Communications of New England.¹

SCOPE OF THE PROCEEDING

The first matter discussed at the prehearing conference pertained to the scope of this investigation. While the Order that opened this investigation contained a general outline of the range of issues the docket will address, the parties requested additional clarification. The parties recommended, and I agreed, that the best means to further refine the scope of this proceeding is to have all parties file comments explaining their views of the goals to be achieved and the issues to be examined in this docket. As set out on the schedule elsewhere in this Order, the parties shall submit their comments on the scope of the proceeding by September 18.

In response to the comments parties made at the prehearing conference, I will delineate some initial thoughts on the issues this docket will address. The investigation will focus on the service quality, consumer safeguards, and privacy protections that retail customers will receive irrespective of the company or companies providing them service. Parties should examine these issues from the customer's perspective. Our goal is to define what, if any, standards the Board should set in place to protect customers and ensure superior service quality.

From most consumers' standpoints, how the provider achieves the appropriate level of service quality has little relevance; it is the provision of service itself that matters. Thus, issues such as unbundling and resale of services become less important to the customer, so long as the providers attain the desired result. Preliminarily, I expect that this docket will reflect the dichotomy between consumer-oriented standards and how service providers attain those

1. Since the prehearing conference, AT&T Communications of New England has filed a Motion to Intervene, which I will rule on at or before the status conference. I remind Hyperion Telecommunications, Inc. and Atlantic Cellular that they are not yet parties to this proceeding and must file Motions to Intervene if they seek party status.

standards, with the focus upon the appropriate standards that customers should expect. Issues relating to the interaction of providers, such as which provider (or providers) is (are) responsible for meeting those standards where service is provided via resale or through the combination of facilities purchased on an unbundled basis, will remain within the purview of Docket 5713. Obviously, there may be instances where it will be difficult to maintain such a bright line distinction. For example, it is conceivable that in an environment where most competitive offerings are through resale or assembly of unbundled elements, the interaction of providers will make some service quality standards more difficult to attain or impractical to require. Parties should present evidence on such circumstances in this docket. To the extent the distinction between the two proceedings requires further clarification, I expect that the parties comments on the scope will highlight those issues.

I also want to reiterate that the intent of this investigation is not to reinvent the wheel. To the extent the Board has decided certain issues in other proceedings, such as what constitutes basic service (in Docket 5713), it is not necessary to revisit the Board's conclusions absent a showing as to why past decisions may require reexamination. Furthermore, the Board has dealt with some service quality and privacy issues in the past. For example, the Board has on two occasions approved service quality standards and monitoring plans for NYNEX. It is too early to conclude whether these past decisions represent the appropriate framework for future service quality and privacy standards, but they may provide a useful starting point, as may the work that many other states have performed on these service quality issues.

SCHEDULING

Because of some uncertainty as to the scope of this proceeding, the parties agreed that is was not appropriate to establish a firm schedule with specific dates at this time. Nonetheless, all parties agreed to the outlines of a schedule that would result in a final Board order by the end of May 1997, as contemplated by the Board's Order in Docket No. 5713.

As discussed above, the initial step of this investigation is the filing of comments on the scope of the proceeding. Those comments should address the range of issues that we will cover. The parties' comments should also discuss the scheduling and content of workshops on service quality, consumer, and privacy issues. Parties indicated their views, with which I concur, that workshops would be useful in this proceeding. To be effective, however, workshops will need to be both focussed and structured. The parties' guidance on achieving this result will be helpful.

The preliminary schedule is set out below.

Parties file Comments on Scope	September 18, 1996
Status Conference	end of week of September 23
Workshops	October and November
Prefiled Testimony	mid-December

Prefiled Rebuttal Testimony	February 1, 1997
Hearings	mid-February, 1997
Initial Briefs	3 weeks after close of hearings
Reply Briefs	2 weeks after Initial Briefs
Proposal for Decision	end of April
Board Order	end of May

DATED at Montpelier, Vermont, this 28th day of October, 1996.

s/George E. Young
George E. Young
Hearing Officer

OFFICE OF THE CLERK

FILED: 8/29/96

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board of any technical errors, in order that any necessary corrections may be made.