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MEMORANDUM  
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Arizona Corporation Commission

DOCKETED

FROM: Ernest G. Johnson  
*for* Director  
Utilities Division

AZ CORP COMMISSION  
DOCUMENT CONTROL

JUN 17 2005

DATE: June 17, 2005

DOCKETED BY *KW*

RE: IN THE MATTER OF THE APPLICATION OF OCMC, INC. TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY FROM ONE CALL COMMUNICATIONS, INC. DBA OPTICOM TO PROVIDE TELECOMMUNICATIONS SERVICES AS A PROVIDER OF RESOLD INTEREXCHANGE SERVICES AND ALTERNATIVE OPERATOR SERVICES WITHIN THE STATE OF ARIZONA (DOCKET NOS. T-04103A-02-0274 AND T-02565A-02-0274)

INTRODUCTION

In Decision No. 67444, dated December 3, 2004, the Arizona Corporation Commission (the "Commission") granted OCMC, Inc.'s ("OCMC") application for authority to provide competitive resold interexchange and interLATA and intraLATA alternative operator services. In addition, the Commission granted OCMC a six (6) month waiver of the zero-minus rules, as set forth in Arizona Administrative Code ("A.A.C.") R14-2-1006.A. Decision No. 67444 ordered Staff to review the performance of OCMC during the waiver period and provided that OCMC may file for a permanent waiver.

On April 28, 2005, OCMC filed a Request to Make Waiver Permanent, by which OCMC requested a permanent waiver of A.A.C. R14-2-1006.A based upon the fact that it was unaware of any complaints being made by customers regarding its provision of zero-minus service in Arizona.

On May 19, 2005, Staff sent its fourth set of data requests to OCMC in the above referenced matter. Staff asked OCMC to provide the zero-minus call processing time data for the waiver period. On May 25, 2005, Staff received OCMC's responses (Attachment A).

In a Procedural Order issued on May 25, 2005, Staff was ordered to file a memorandum detailing its findings with regard to the performance of OCMC in providing zero-minus services during the six (6) month waiver period. Staff was also ordered to set forth its recommendation with regard to granting OCMC a permanent waiver of A.A.C. R14-2-1006.A.

In a Procedural Order issued on May 31, 2005, the temporary waiver granted to OCMC was extended until a Decision is issued by the Commission regarding OCMC's Request to Make Waiver Permanent.

On June 6, 2005, OCMC filed a Verification by which it verified that it was not aware of any complaints being made by customers in relation to its zero-minus service in Arizona.

### COMPARATIVE ANALYSIS

The following table compares the call data OCMC's reported in Attachment A with the data previously provided by Qwest.

<u>Call Processing Times (in seconds)</u>	<u>OCMC</u>	<u>Qwest</u>
After being connected to the automated operator the average/typical time reported for the caller to be connected with a live operator	10	7.9 – 9.6
After being connected with the live operator the average/typical time reported for the caller to be connected with an emergency service provider	44	25
The total average call processing time reported	54	32.9 – 34.6

#### Notes:

- 1) OCMC responded that it examined the data for call processing times beginning December 1, 2004, and ending April 30, 2005, and verified that the times remain at the level set forth in previous responses to Staff discovery.

### COMPLAINTS

According to Consumer Services Section records there were no formal or informal complaints received regarding OCMC's provision of zero-minus services during the waiver period. There were however several informal complaints received that were categorized as billing disputes or billing related. It appears that in almost every case the complaint was settled to the satisfaction of the customer and closed.

### CONCLUSIONS AND RECOMMENDATION

In the Procedural Order issued on May 25, 2005, Staff was ordered to file this memorandum detailing its findings with regard to the performance of OCMC in providing zero-minus services during the six (6) month waiver period. Staff was also ordered to set forth its recommendation with regard to granting OCMC a permanent waiver of A.A.C. R14-2-1006.A.

OCMC did not report any new information in response to Staff's most recent discovery. OCMC reported that its call processing times remain at a level set forth in previous responses to

Staff discovery. As depicted in the table above, the call processing times previously provided by Qwest are shorter than the times reported by OCMC for the waiver period. However, the Commission was aware of this comparison when it issued Decision No. 67444 and granted OCMC a six (6) month waiver of the zero-minus rules.

At the Commission's November 23, 2004 Open Meeting there was discussion regarding OCMC's complaint history. The Commission decided to grant OCMC a temporary waiver of the zero-minus rules since there had not been any complaints received against OCMC. Chairman Spitzer suggested that at the end of the six (6) month waiver period that if there still were no complaints, the waiver could be extended.

During the waiver period there were no complaints received regarding OCMC's provision of zero-minus services. Therefore, Staff recommends that OCMC's waiver of A.A.C. R14-2-1006.A be extended indefinitely. Staff further recommends that the company be required to file within forty-five (45) days an application to continue its waiver of the zero-minus rules if OCMC fails to file each July and January a letter confirming that its call processing times adhere to the levels established (a letter of attestation) for the previous six calendar months.

Staff further recommends that the first letter of attestation be filed in January of 2006. OCMC may discontinue filing these letters of attestation in July of 2009 if it has continually adhered to the call processing times that have been established. The letter of attestation should be signed by an executive of the Company.

EGJ:DWS:lmh

Originator: Del Smith

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OPTICOM  
DOCKET NOS. T-04103A-02-0274 AND T-02565A-02-0274

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