



House Interim Studies Announced

Tom Craddick, Texas House Speaker, announced the interim studies for House Committees. In regards to telecommunications, the House Committee on Regulated Industries has been charged with the following:

- Gather and review information on the overall status of the telecommunications market in Texas, including the effects of inter-modal competition and emerging technologies.
- Recommend changes to Texas law to encourage new investment and technological innovation consistent with market-oriented public policies and the interest of Texas families and businesses.
- Gather and review information on the FCC triennial review and recommend adjustments to Texas law.
- Study broadband service deployment, including other states' models used to transition to a fully competitive communications marketplace and any new technologies of competitive providers.
- Examine issues related to access of rights-of-way and easements to ensure state laws encourage non-discriminatory access for all broadband service providers, regardless of technology used to offer the service or the regulatory status of the provider.

- Study the size and scope of the various broadband infrastructure platforms (e.g. cable, satellite, fixed wireless, DSL) in the state and how each is regulated under both state and federal law.



- Determine how investment in broadband networks by both competitive local exchange carriers and incumbent local exchange providers can be encouraged through public policy changes.

A committee meetings was held on March 22, 2004 for invited testimony only. Future TATOA Updates will include information as it becomes available.

For more information regarding interim studies check out www.capitol.state.tx.us

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President's Message

Here at the start of another year, we're already thinking about this summer's TATO A conference. As you know, last year's conference was a big success, due in no small part to the TATO A Programming Awards. The response to the program was wonderful, and the range and quality of the work shown were something we can all be proud of. In hopes of an even better showing this year, I'd like to encourage everyone to sign up for the third annual Programming Awards. The Call for Entries is an insert in this newsletter.

On the policy front, there are some doings at the PUC and the Legislature that everyone should be aware of. The PUC's Project #29347 is currently under way to address – and perhaps modify – the definition of "Access Line" as it is used in Local Government Code Chapter 283. This is the legislation established by the 76th Legislature's HB 1777, which "relates to the provision of local exchange telephone service in a municipality and the management by the municipality of public rights-of-way used by certificated telecommunications providers."

To gather input for this review, the PUC will be holding a workshop on April 13th. It's scheduled for 9:30 am in the Commissioner's Hearing Room, 7th floor of the William B. Travis Building, 1701 North Congress Avenue in Austin if you're planning to be in town then. The Commissioners are looking for testimony about relevant changes in technology, changes in competitive or market conditions, or any other factors that may shape an updated definition

of "Access Line."

The PUC itself is currently under sunset review. Based on public input and its own staff report, the Sunset Commission will adopt recommendations for consideration by the full Legislature when it convenes in January 2005. Using these recommendations, the Texas Legislature ultimately decides whether an agency will continue to operate.

Not coincidentally, the House Committee on Regulated Industries met on March 22 to review the status of the telecommunications industry in Texas and to discuss policy directions. According to the committee chair, their intention is to give the Oversight Committee "a snap-shot of where the telecom industry is today and a vision for where we should be ten years from now when we undertake sunset review again." The committee heard from industry representatives, "various think tanks," and notable public figures. Although cities weren't invited to testify for this particular meeting, it was a public event that anyone could attend.

***Rondella Hawkins, TATO A President
City of Austin***



**Mark Your Calendars
9th Annual TATO A Conference
August 5-6, 2004
Wyndham Dallas North**

Access Line Definitions and CPI Adjustments

The Public Utility Commission recently initiated project number 29347 to look at the possibility of modifying the definition of access lines. Chapter 283 of the Texas Local Government Code established a uniform method for cities to be compensated by telecommunications companies for use of public rights-of-way in terms of access lines. Due to the concerns of cities who have seen decreases in the number of access lines, the PUC has asked interested parties to file comments with the Commission by April 6th. Some of the decreases have been attributed to changes in technology such as voice over internet protocol (VOIP). The PUC will hold a workshop on the issue on April 13 at 9:30 a.m. in the commissioner's hearing room, 7th floor, William B. Travis Building, 1701 N. Congress, Austin. For questions regarding this project, contact Hayden Childs, Senior Policy Analyst, 512/936-7390

In other access line news, the PUC approved a 1.154% (1/2 of the CPI) adjustment to the current access line rates, effective July 1, 2004. This adjustment is automatic if your City is at its maximum rate unless the PUC is notified by the City by April 30, 2004 that it does not want the increase or wants a lower rate. If your City's rates are currently lower than the maximum allowed, the current rates will remain the same unless the PUC is notified that the City would like the higher rate by April 30, 2004.



Cable Customer Service Issues

by Connie Cannady, President ,C2 Consulting Services

For many local franchising authorities (LFA), there is an incongruity between the customer service compliance reporting submitted by their respective cable operators and the number of complaints that continue to be fielded by city staff. This situation may be particularly true with respect to the telephone statistic reporting from the local call center operations. It is hard to explain why the call centers appear to be operating well above the standards included in the franchise agreements, and Council members continue to get calls about busy signal, being on hold for long periods, or just not being able to speak to a Customer Service Representative (“CSR”).

Within the last few years, there are several LFAs that have attempted to understand this very issue. These cities have had varying degrees of success due to a range of factors including, but not limited to (1) the inability of cable operators to provide data to support its compliance reporting; (2) the inability of the cable operator to explain its calculations; and (3) the use of adjustment calculations that are not reasonable.

Before attempting any type of study of telephone call center compliance, one must first understand what the LFAs’ standards are and what the reporting is supposed to measure. For ease of explanation, FCC standards minimal levels of service include: (1)Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis. (2)Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

Given these requirements, let’s assume that the cable operator has a telephone system that will measure the actual incoming call experience and answer times on an hourly basis (which most systems do). And let’s also assume that the system not only captures the call handled by CSRs, but also records the number of calls that are handled by the automated routing system (“ARU”). Now we know the standard and we have a system that will provide the data. So what could be the problem in the cable operator reporting and the LFA verifying compliance?

Once the reporting is completed, some operators may not keep the information used to develop the reports. Therefore, when the LFA wants to review records, they are no longer available. Clearly, this becomes a problem if the cable operator cannot support its computations of compliance. In a recent study, we found that the cable operator had destroyed years of historical data, leaving only a few months of the actual raw data generated by the telephone system. In other

instances, we have found that certain data was never maintained in hard copy and was erased daily from the system. This was true for the daily number of calls handled by the ARU. Since most cable operators consider these ARU calls to automatically meet the 30 second requirement, it is critical that such information be available for verification.

Even when all of the raw data is available, there may be other obstacles for the LFA. Most cable operators do not report compliance based on the raw data. Look at the standard again and you will see the phrase “under normal operating conditions.” We have found that this phrase has varying meanings among operators. For example, many cable operators consider an outage not to be a normal operating condition and will “adjust” the answer times during periods of outage. In many cases the “adjustment methodology” may be someone’s best guess, or an assumption that all calls received during that outage period should be considered abnormal and excluded from the compliance measurement. Making these “adjustments” in compliance reporting can severely distort the true customer service that the subscriber is receiving from the call center.

Let’s step back and look at the premise that outages are “abnormal operating conditions.” How many times have you called the cable operator and the tapped message had something to do with some outage that the company is currently experiencing in your area? Would you not think that the cable operator would staff its call centers to take into account that these outages occur on a regular, “normal operating” basis? And even if there were abnormal outages of extended periods, how can a cable operator make the leap in logic that all calls during that period were due to abnormal operating conditions?

Defining normal and abnormal operating conditions is not an easy task. But the definition is one that should be developed and agreed to by both the operator and LFA since it will clearly impacts compliance reporting. In the absence of an agreed to adjustment methodology, the cable operator should report the “raw data” so the LFA can understand the actual service received by subscribers. the cable operator may need to provide an explanation for non-compliance.

Franchising authorities have begun to focus on call center activities recently due to the continued complaints from subscribers and, in many cases, the centralization of call center activity. Data is maintained at aggregated levels, and LFAs feel that their ability to monitor compliance is being depleted. However, LFAs served by central call centers can ban together to determine reporting requirements for the operator and provide consistency in the information that is gathered, maintained, and including in determining compliance with franchise standards.

Connie Cannady is President of C2 Consulting Services. Ms. Cannady can be reached at c2conser@airmail.net or at 972/726-7216 for consulting services on cable, rights-of-way franchises, gas and electric. Ms. Cannady will be speaking at the annual Confer-

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Coming Next Issue

We're on the Web!
www.tatoa.org

TATOA
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2004 Conference In Dallas

The 2004 TATOA Conference location has been finalized. The Conference will be held at the Wyndham Dallas North by the Galleria on Thursday and Friday, August 5 and 6, 2004.



Prior to arrival, guests can register for the Wyndham By Request Program which will allow them to receive personalized amenities during their visit. To participate in the Wyndham by Request Program or for more information about the hotel please log on to www.wyndhamnorthdallas.com.

Topics for this year's annual Conference will include:

- A Legislative Update (state and federal)
- Voice over Internet Protocol
- Cable Rates, Customer Service and Call Centers
- Franchise Fee Audits/Access Line audits
- Broadband Service Providers (a.k.a Overbuilders)
- WiFi/Technology

Conference Registration will be sent out this summer so watch your mail.

Programming Track Expanded

Programmers have more to look forward to at this year's Annual Conference. In addition to the 3rd Annual Programming Awards Luncheon there are more sessions aimed specifically for programmers.

Sessions will include:

- Legal issues for PEG
- Innovative Programming
- Lighting Workshop
- Government Access Technology
- Programmer's Roundtable
- Available viewing and discussion of all



2004 Programming Award winning entries

- Tour of the Irving Community Television Network Mobile Production Truck

Additionally, this year's award luncheon will be videotaped and copies will be sent to all registrants for showing on their access channel.

For more information contact Keith Reeves, 940/349-7272 or keith.reeves@cityofdenton.com.