

7812.0700 GENERAL SERVICE QUALITY REQUIREMENTS.

Subpart 1. **Service to end-users.** The local services provided by a local service provider (LSP) must meet the standards in:

A. applicable commission orders and rules, including parts 7810.0100 to 7810.6100 or their successor parts; and

B. the local service provider's alternative regulation plan (AFOR), if the provider is operating under an AFOR.

Subp. 2. **Intercarrier agreements.** All local exchange carriers (LECs) and competitive local exchange carriers (CLECs) must include quality standards in their intercarrier agreements for resale, the purchase of network elements, or interconnection. These standards must, at a minimum:

A. enable each party to the agreement to meet the standards applicable under subpart 1; and

B. ensure that the CLEC receives service, network elements, and interconnection at least at parity with the services, network elements, and interconnection the LEC provides to itself or to any subsidiary, affiliate, or other party consistent with section 251, subsection (c), paragraphs (2) and (3), of the act and section 51.311, paragraphs (b) and (c), of the FCC interconnection rules.

Subp. 3. **Intercarrier standards exceeding parity.** The standards in an agreement under subpart 2 may require the LEC to provide the CLEC with services, network elements, or interconnection at a level of quality exceeding that which the LEC provides itself or its affiliates. The CLEC shall pay a reasonable portion of the additional cost of providing the higher quality of service if the higher quality level goes beyond the specific mandates in applicable commission orders or rules. The reasonable portion of additional costs the CLEC must pay must be determined as provided in items A and B.

A. The CLEC shall pay for the higher quality services, network elements, or interconnection based on the proportional benefit the CLEC receives from the higher standards relative to the benefit received by the LEC.

B. The LEC shall demonstrate through its own internal quality measures that the contract standards exceed both the local exchange carrier's internal standards and the standards set forth in applicable commission orders and rules. Disputes regarding payment for higher service levels must be resolved through arbitration under section 252, subsection (b), of the act or through the dispute resolution process set forth in the parties' agreement.

Subp. 4. **Determining carrier responsibility.** An LSP is directly responsible to its customers for the quality of service provided to those customers. Nothing in this subpart

may be interpreted or applied to impact the allocation of liability between two or more telecommunications service providers in connection with quality of service issues.

Statutory Authority: *MS s 216A.05; 237.10; 237.16*

History: *22 SR 46*

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