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CHAPTER 55. ~~TELEPHONE UTILITIES~~ TELECOMMUNICATIONS SERVICES

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SUBCHAPTER 1. GENERAL PROVISIONS

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165:55-1-1. Purpose; short title

(a) This Chapter establishes the Oklahoma Corporation Commission Rules and Regulations Governing and Regulating the ~~Operation of Telephone Companies~~ Operations of Telecommunications Service Providers and Telecommunications in Oklahoma which may be cited by the short title as the Oklahoma Telephone Telecommunications Rules, established in Cause No. 24775, by Order No. 107853 issued September 27, 1974, and amended in Cause No. 25417, by Order No. 112540 issued April 30, 1975, and amended in Cause No. 28547 by Order No. 326295 issued May 25, 1988, and amended in Cause No. RM 000045 by Order No. 346102, issued March 30, 1990.

(b) This Chapter is intended to define good business practices under normal conditions, to assure adequate service and prevent unfair charges to the customer end-users and to protect the ~~telephone company~~ telecommunications service provider from unreasonable demands.

(c) This Chapter is further intended to allow Oklahoma consumers to receive timely benefits from lawful ~~market-driven~~ market-driven price and service competition among ~~IXCs~~ interexchange carriers ("IXCs") and telecommunications service providers in the long distance and local exchange markets by applying only such regulatory requirements to these carriers as are necessary to assure public access to interexchange telecommunications long distance and local exchange services under tariff provisions which are not unjustly discriminatory and to preclude unjust and unreasonable rates or charges in such ~~market~~ markets. It is also intended that if an IXC provides local exchange service, the local exchange portion of its business shall be subject to the rules and regulations prescribed in this Chapter for competitive LECs.

(d) Notwithstanding the provisions of OAC 165:55-1-12, nothing in this Chapter is intended to supersede the Commission's extant orders regarding intraLATA toll competition or imputation. In the event ~~future~~ future Commission orders modify the scope of such competition or imputation, such orders shall be controlling.

165:55-1-2. Jurisdiction

The Oklahoma Corporation Commission, by virtue of Article IX § 18 et seq. of the Constitution of the State of Oklahoma and enactments of the Oklahoma ~~legislature~~ Legislature, has authority and responsibility to supervise, regulate, and control ~~the a telecommunications service provider's business in Oklahoma which is subject to regulation of the Commission of telephone companies in Oklahoma~~ and to enact rules and regulations in connection therewith. No person or

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corporation not otherwise a ~~telephone company~~ telecommunications service provider within the meaning of this Chapter shall be deemed such solely because of the manufacture, distribution, installation, or maintenance of ~~customer end-user~~ premises communication equipment and accessories.

165:55-1-3. Application of rules

This Chapter shall apply to every ~~telephone company~~ telecommunications service provider and IXC in Oklahoma, ~~which telephone company is by law~~ subject to the jurisdiction of the Commission. This Chapter shall apply to a ~~Rural Telephone Cooperative Association~~ Telephone Cooperative Corporation only to the extent specifically authorized by 18 O.S. § 438.1 et seq. This Chapter shall not apply to ~~IXCs~~ the interexchange portion of an IXC's business, ~~only to the extent~~ except as set forth in OAC 165:55-1-8.

165:55-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following ~~meaning~~ meanings, unless the context clearly indicates otherwise:

"**Access line**" means the ~~telephone company~~ facility provided and maintained ~~facility by the~~ a telecommunications service provider which ~~provides~~ permits access to and/or from the public switched network.

"**Applicant for telephone telecommunications service**" means any person, partnership, cooperative corporation, corporation, or lawful entity requesting ~~service~~ service(s) from the ~~telephone company~~ a telecommunications service provider.

"**Base rate area**" means the developed area within each exchange service area designated in the tariffs of the telephone company or if not so designated, an area within one-half (1/2) mile radius of the serving central office.

"**Basic local service**" means telecommunications voice and/or relay service which meets the standards set forth in 165:55-13-10.

"**Bona Fide Request**" means a written request delivered to a telecommunications service provider requesting services and interconnection provided for in this Chapter.

"**Campus**" means multiple buildings located on a single tract or area of land or on adjacent and abutting tracts of land where all the buildings and land are subject

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to majority ownership by the same person. A campus may be intersected or traversed by public thoroughfares provided that the segments created would be continuous in the absence of the thoroughfare. A tract or tracts of land used for farming and/or ranching shall not be considered a "campus."

"Carrier of Last Resort" means a telecommunications service provider as designated by the Commission pursuant to OAC 165:55-17-29 and 47 U.S.C. §254.

"Central office" means an operating unit of a telephone company telecommunications service provider by means of which connections are established between customers' end-users' lines and between customers' end-users' lines and trunks or toll lines.

"Circuit" or "Channel" means one communication path between two (2) or more points suitable for transmitting information.

"Class of service" or "Customer class" means a description of service furnished to a customer an end-user in terms of grade of service, type of rate, location, and use.

"Commission" means the Oklahoma Corporation Commission.

"Competitive Local Exchange Carrier" ("competitive LEC") means, with respect to an area or exchange(s), a telecommunications service provider that is certificated by the Commission to provide local exchange services in such area or exchange(s) within the State of Oklahoma after July 1, 1995.

"Customer" or "Subscriber" means any person, firm, partnership, cooperative corporation, corporation, or lawful entity provided with regulated that receives telecommunications services supplied by any telephone company telecommunications service provider.

"Customer trouble report" means any oral or written report given to the telephone company's a telecommunications service provider's repair service by a customer or user an end-user of telephone service services relating to a physical defect or difficulty or dissatisfaction with the provision of the telephone company telecommunications service provider's regulated services. Each trouble report shall count as a separate report regardless of whether subsequent reports relate to the same physical defect, difficulty, or dissatisfaction with the provision of the telephone company telecommunications service provider's regulated services.

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"Demarcation point" means the point of separation between customer and regulated telephone company facilities interconnection between a telecommunications service provider's regulated facilities and the terminal equipment, protective apparatus or wiring at an end-user's premises.

"Dialing parity" means that a person that is not an affiliate of a telecommunications service provider is able to provide telecommunications services in such a manner that end-users have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications service provider of the end-user's designation from among two (2) or more telecommunications service providers.

"Directory" means the published listing of all telephone numbers, other than those requested by the end-user not to be published, for all end-users in a service area regardless of the local exchange telecommunications service provider selected by the end-user.

"Eligible telecommunications carrier" means a telecommunications service provider as designated by the Commission pursuant to OAC 165:55-17-29 and 47 U.S.C. §254.

"End-user" means the customer to whom a telephone number is assigned.

"Exchange" means a geographic area established by a telephone company and an incumbent LEC as filed with and/or approved by the Commission for the administration of local telephone telecommunications service in a specified area which usually embraces a city, town, or village and its environs. It may consist of one or more central offices together with associated plant used in furnishing communication telecommunications service in that area.

"Facilities" means all the plant and equipment of a telephone company telecommunications service provider including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the regulated business of any telephone company telecommunications service provider.

"FCC" means the Federal Communication Commission.

"Grade of service" means the type of service furnished a customer with respect to the quantity of telephone numbers which may be connected to the same access

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~~lines (1-party, 2-party, 4-party, etc.)~~

~~"Held application" means a firm but unfilled written application for new service or a different class or grade of service.~~

"Incumbent Local Exchange Company" ("incumbent LEC") means, with respect to an area or exchange(s), any telecommunications service provider furnishing local exchange service in such area or exchange(s) within the State of Oklahoma on July 1, 1995, pursuant to a Certificate of Convenience and Necessity or grandfathered authority.

"Interconnection" means the physical connection of telecommunications service providers' networks.

"Interexchange telecommunications company carrier" ("IXC") means any person, firm, partnership, corporation, or other entity, except incumbent LECs, engaged in furnishing regulated interexchange telecommunications services under the jurisdiction of the Commission.

"Interexchange telecommunications service" means telecommunications service provided between locations within different certified telephone exchange area exchange service areas.

"InterLATA call" means any call which is originated in one LATA and terminated in another LATA.

"Interstate call" means any call which is originated in one state and terminated within the boundaries of another state.

"IntraLATA call" means any long-distance call which is originated and terminated within the boundaries of the same LATA, regardless of whether such call crosses LATA boundaries prior to reaching its termination point.

"Intrastate call" means any long-distance call which is originated and terminated within the boundaries of the State of Oklahoma, regardless of whether such call crosses state boundaries prior to reaching its termination point.

"LATA" means Local Access and Transport Area.

"Local Exchange Service" means a switched and/or dedicated telecommunications service which originates and terminates within an exchange or

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an exchange service territory. Local exchange service may be terminated by a telecommunications service provider other than the telecommunications service provider on whose network the call originated. The local exchange service territory defined in the originating provider's tariff shall determine whether the call is local exchange service.

"Long run incremental cost ("LRIC")" means the long run forward-looking additional cost caused by providing all volume-sensitive and volume-insensitive inputs required to provide a service or network element offered as a service, using economically efficient current technology efficiently deployed. LRIC also equals the cost avoided, in the long run, when a service or network element offered as a service is no longer produced. LRIC excludes costs directly and solely attributable to the production of other services or network elements offered as services, and unattributable costs which are incurred in common for all the services supplied by the firm. The long run means a period long enough so that the cost estimates are based on the assumption that all inputs are variable.

"Network element" means a facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions and capabilities that are provided by means of such facility or equipment, including end-user numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provision of a telecommunications service.

"Network interface" means the normal demarcation point separating the telephone company's telecommunications service provider's regulated facilities and equipment from the unregulated facilities, equipment, or systems provided by the customer end-user. The provision of the network interface is the responsibility of the telephone company telecommunications service provider.

"Number Portability" means the ability of end-users of telecommunications services to retain, within the same wire center, their existing telecommunications number without impairment of quality, reliability or convenience when switching from one telecommunications service provider to another.

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

"REA" means the Rural Electrification Administration.

"Rural telephone company" means a LEC to the extent that such entity;

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(A) Provides telecommunications service to any local exchange study area that does not include either:

(1) Any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the U.S. Bureau of Census; or,

(2) Any territory, incorporated or unincorporated, included in an urbanized area, as defined by the U.S. Bureau of Census as of August 10, 1993.

(B) Provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

(C) Provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or,

(D) Has less than fifteen percent (15%) of its access lines in communities of more than 50,000 on the date of enactment of the Federal Telecommunications Act of 1996.

"RUS" means the Rural Utility Services.

~~"Service" means service as used in this Chapter in its broadest and most inclusive sense, and includes any and all acts done, rendered, or performed and any and all things furnished or supplied by telephone companies in the provision of regulated offerings to their customers. As used in this Chapter, service should be interpreted in its broadest and most inclusive sense. the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Service shall not include the provision of nontelecommunications services, including but not limited to the printing, distribution, or sale of advertising in telephone directories, maintenance of inside wire, customer premises equipment; and billing and collection, nor does it include the provision of mobile telephone service, enhanced services and other unregulated services. (Enhanced services means services that are delivered over communications transmission facilities and that use computer processing applications to: (1) change the content, format, code or protocol of transmitted information; (2) provide the customer new or restructured information; or, (3) involve end-user interaction with information stored in a computer.)~~

"Service interruption" means service outage, total failure, or complete loss of service due to a trouble condition in the telephone company provided facilities of a telecommunications service provider.

"Service territory" means a geographic area served by a telecommunications service provider.

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"SWBT" means Southwestern Bell Telephone Company.

"Tariff" means all or any part of the body of rates, tolls, charges, classifications, and terms and conditions of service relating to regulated ~~service~~ services offered, the conditions under which offered and the charges therefore, which have been filed with and approved by the Commission.

"Telecommunications service provider" means all authorized providers of local exchange service, whether an incumbent LEC or a competitive LEC.

"Telephone company" or "Company" means any person, firm, partnership, corporation, or other entity engaged in furnishing regulated local exchange telephone services under the jurisdiction of the Commission on July 1, 1995 pursuant to a Certificate of Convenience and Necessity or grandfathered authority.

~~"Telephone" or "Telecommunications service" means service provided by a telephone company including voice, data, and all other types of regulated communications services offered under the telephone company's tariffs.~~

"Telecommunications" means the transmission, between or among points specified by the user of voice or data information of the user's choosing, without change in the form or content of the information as sent and received.

"Unbundling" means to provide to any telecommunications service provider nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable and nondiscriminatory.

"Unfilled application" means a firm application by an end-user for new service or a different class of service which has not yet been accomplished.

"Wire Center" means a geographic area normally served by a central office.

"Zone" means a service territory described as such by an incumbent LEC.

165:55-1-5. Interpretation of rules

The words contained in this Chapter shall be given their ordinary and customary meanings, with technical terms and words being construed as generally understood within the telecommunications industry, except where otherwise expressly provided.

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Where ~~by the context~~ the rules of this Chapter establish service standards or objectives, substantial compliance ~~therewith under normal operating conditions~~ will be deemed in compliance with this Chapter. Where ~~by the context~~ the rules of this Chapter impose an absolute obligation upon the ~~telephone company~~ telecommunications service provider or IXC, strict compliance is required.

165:55-1-6. Relief from rules

Whenever compliance with any requirement of this Chapter would result in unreasonable hardship upon or excessive expense to the ~~telephone company~~ telecommunications service provider, IXC or the ~~customer~~ end-user, or for other good cause shown, the Commission may, by order, waive or modify the requirements of this Chapter upon application of any interested person. The Commission may grant temporary relief pending hearing.

165:55-1-7. Exceptions or variances

If a ~~telephone company~~ telecommunications service provider seeks an exception or variance from this Chapter in its tariffs or terms and conditions of service, such exception or variance shall be clearly shown on such tariffs or terms and conditions of service, sufficient to plainly bring to the Commission's attention the exact nature of the said exception or variance. Any exception or variance not so marked or identified in such tariff or terms and conditions of service shall be superseded by this Chapter to the extent that said exception or variance is in conflict therewith. Upon approval by the Commission, the variance shall indicate the number of the pertinent Commission order.

165:55-1-8. Supremacy

Every tariff, rule, regulation, or agreement relating to the subject matter of this Chapter is superseded by this Chapter and is deemed amended to conform with this Chapter, except with respect to the presently effective tariffs of IXCs or competitive LECs which shall not be subject to traditional rate base/rate of return regulation and which shall be exempt from OAC 165:70, the Minimum Standard Filing Requirements, in connection with proposed rate changes. ~~IXCs~~ The interexchange portion of an IXC's business shall continue to operate under the regulatory requirements and procedures prescribed by their respective certification orders and OAC 165:55-1-1, 165:55-1-3, 165:55-1-4, 165:55-1-5, 165:55-1-6, 165:55-1-11, 165:55-1-15, 165:55-3-1, 165:55-3-22, 165:55-5-3, 165:55-5-10, 165:55-5-11, 165:55-5-13, 165:55-5-14, and 165:55-5-34.

165:55-1-9. Rules conform to law

This Chapter shall be construed to conform with the Constitution and laws of Oklahoma.

165:55-1-10. Controversy over rules

Whenever a controversy exists in connection with the interpretation of the rules of this Chapter or their applicability, or any right or ~~any~~ duty imposed thereby, the Commission, upon application of any interested person and after notice and hearing, will enter such order thereon as it may deem appropriate.

165:55-1-11. Severability

This Chapter will not relieve in any way a ~~telephone company~~ telecommunications service provider, IXC or customer end-user from any of its duties under the laws of this ~~state~~ State or the United States. If any provision of this Chapter is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable. This Chapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Commission or the substantive rights of any person. The Commission may make exceptions to this Chapter for good cause shown.

165:55-1-12. Conflict with Commission order

This Chapter shall not alter or amend any order of the Commission directed to a ~~telephone company~~ telecommunications service provider, except where the provisions thereof are in direct conflict with ~~any~~ of this Chapter, in which case this Chapter shall supersede the provisions of any such order to the extent of conflict only.

165:55-1-13. Conflict with filed tariffs

All tariffs and terms and conditions of service heretofore filed by a ~~telephone company~~ telecommunications service provider and approved by the Commission are not revoked, altered or amended by this Chapter, except to the extent they are in direct conflict with any provision of this Chapter, in which event such tariffs and terms and conditions of service are superseded by this Chapter to the extent of conflict only.

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165:55-1-14. Tariff conformance

Every ~~telephone company~~ telecommunications service provider shall, within one hundred-twenty (120) days after ~~the date of this order~~ June 1, 1996, file such tariffs and tariff revisions, terms and conditions of service, and revisions thereof as may be necessary to conform its existing tariffs to this Chapter unless otherwise ordered by the Commission. This Section shall not be deemed to amend any different time frames for filing specific tariffs set forth elsewhere in this Chapter.

165:55-1-15. Exclusions

The term "~~telephone company~~ telecommunications service provider" as used in this Chapter shall not include IXCs, which shall be regulated as provided for by OAC 165:55-1-8.

SUBCHAPTER 3. CERTIFICATES, REPORTS, AND RECORDS

PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY

Section

165:55-3-1. ~~Certificate of convenience and necessity~~ Convenience and Necessity

PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS

165:55-3-10. Who shall file

165:55-3-11. Accounting system

PART 5. RECORD REQUIREMENTS

165:55-3-20. Location of records

165:55-3-21. Retention of records

165:55-3-22. Records to be filed with the Commission

165:55-3-23. Complaints ledger

PART 7. REPORTING REQUIREMENTS

165:55-3-30. Report attestation

165:55-3-31. Due dates of reports

PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY

165:55-3-1. Certificate of convenience and necessity Convenience and Necessity

(a) ~~Necessity for certificate~~ **Requirement for Certificate of Convenience and Necessity.** No person telecommunications service provider or IXC shall furnish telephone telecommunications service to any customer or subscriber end-user in the State of Oklahoma without first having secured a certificate of convenience and necessity Certificate of Convenience and Necessity from the Commission.

(b) ~~Application for certificate~~ **Certificate of Convenience and Necessity.** ~~Application~~ An application for certificate shall be made pursuant to and in conformance with the requirements of 17 O.S. § 131 et seq. Oklahoma law shall conform to the requirements thereof and any additional requirements set forth in this Chapter. ~~Applications~~ An original and eight (8) copies of the application for certificates of convenience and necessity Certificates of Convenience and Necessity shall be filed at the Commission's Office of the Court Clerk accompanied by the established filing fee.

(c) **Application requirements for Certificate of Convenience and Necessity.** Every company telecommunications service provider or IXC making application to the Commission for a certificate of convenience and necessity Certificate of Convenience and Necessity to provide telecommunications services in the State of Oklahoma shall include, as an attachment thereto, its proposed initial tariffs supported by affidavit of an officer of the applicant certifying that the rates and charges are lawful, fair, just, and reasonable because of facts set forth in the affidavit be required to demonstrate its financial, managerial and technical ability to provide the requested telecommunications services in the State of Oklahoma. An application for a Certificate of Convenience and Necessity shall include information and attachments which are certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant.

(1) The application shall contain the following information:

(A) The complete name, including any trade name under which business is conducted pursuant to 18 O.S. (1991) § 1140, corporate or other headquarters street address and names/addresses of principal or corporate

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officers of the entity proposing to sell local exchange telecommunications service to the public in the State of Oklahoma.

(B) If different from those provided pursuant to subparagraph (1)(A) of this Section, the names and address(es) of all officers and corporate or primary offices of the applicant for a Certificate of Convenience and Necessity located in the State of Oklahoma and the name(s) and address(es) of senior management personnel responsible for Oklahoma operations.

(C) A written affirmation, signed by someone with authority to bind the corporation or entity, that the applicant is familiar with and will comply with all federal and state laws, and the rules and orders of this Commission. The applicant shall include a statement that, for each area or exchange(s) an applicant proposes to serve, the applicant agrees to offer the provisioning of service to all end-users within that area or exchange(s) on a nondiscriminatory basis.

(2) The attachments to the application shall include the following:

(A) Copies of the applicable Articles of Incorporation, and/or partnership agreement, and/or Joint Venture agreement and, where they exist, by-laws of the applicant for a Certificate of Convenience and Necessity and any entity owning a whole or controlling interest in the applicant for a Certificate of Convenience and Necessity.

(B) A copy of the applicant's license to do business in the State of Oklahoma.

(C) Proof that the third-party surety bond, surety bond or letter of credit required in subsection (f) of this Section has been obtained, if applicable.

(D) Documentation indicating the applicant's organizational structure and ownership such as:

(i) For corporations, partnerships and/or joint ventures, the applicant's stockholders annual reports and SEC 10Ks for the last three (3) years, if applicable, or, if the company is not publicly traded, its audited financial statements for the last three (3) years, if available, or other documentation as may be requested by the Commission.

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(ii) A sole proprietor shall provide audited financial statements for the last three (3) years, if available, or other documentation as may be requested by the Commission.

(E) A brief description of its history of providing the requested local exchange service, or other telecommunications services, in order to demonstrate its managerial experience. The history shall include a list of the geographic areas in which it previously provided service and/or is currently providing service and such other documentation as may be requested by the Commission. Applicants for a Certificate of Convenience and Necessity without prior experience shall list the experience of each principal officer, partner, or the sole proprietor in order to demonstrate its managerial ability, and/or provide other documentation as may be requested by the Commission.

(F) A description of the applicant's experience in providing telecommunications services in order to demonstrate its technical abilities. In the case of applicants for a Certificate of Convenience and Necessity without prior experience, the applicant shall provide documentation which supports its technical abilities or other documentation as may be requested by the Commission.

(G) The name, address and toll-free telephone number that an end-user may contact concerning repairs and maintenance, complaints, billing questions, refunds and any other customer service-related inquiries.

(H) The contact name, address and telephone number of the individual with overall responsibility for repairs and maintenance, complaints, billing questions, refunds, and any other customer service-related inquiries. This will be the principal contact for the Commission's Consumer Services Division regarding complaints involving the telecommunications service provider.

(I) The contact name, address and telephone number of the principal contact for the Commission's Public Utility Division regarding any questions which are not customer service-related.

(J) A list of all other states, if any, where:

(i) The applicant is authorized to operate;

(ii) Such authorization is pending;

(iii) A request for authorization has been denied, including the reason

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stated for denial, with a certified copy of the denial document attached; and/or.

(iv) Authorization has been revoked, with a certified copy of the revocation document attached.

(K) A complete set of proposed initial tariffs which include the terms and conditions of service and all rates and charges for each service classification in a format consistent with Subchapter 5 of this Chapter.

(L) A description of the applicant's proposed service territory.

(M) A description of the deposit and disconnection rules to be applied to end-users by the applicant, all of which shall conform to Subchapter 11 of this Chapter.

(N) A statement setting forth the accounting system to be utilized by the applicant (the FCC-approved Uniform System of Accounts or another accounting system) and a Chart of Accounts.

(O) A listing of the complete name(s), including any trade name(s), corporate or primary headquarters street address(es) and names/addresses of principal officers of any affiliates and/or subsidiaries providing telecommunications and/or other services to the entity making the application proposing to sell the requested telecommunications service to the public in the State of Oklahoma, unless otherwise ordered by the Commission.

(P) A copy of the applicant's proposed complaints ledger.

(Q) A copy of the applicant's proposed letter of authorization to be used by the telecommunications service provider to obtain written authorization from an end-user to switch telecommunications service providers, consistent with OAC 165:55-17-35.

(3) The Public Utility Division Staff may issue data requests for additional information as may be required after its initial review of an application.

(4) The final contract(s), if any, between telecommunications service providers shall be provided to the Public Utility Division as soon as such contract(s) become available. Protective relief may be sought pursuant to 51 O.S. § 24A.22.

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(d) Notice requirements. Applicants for a Certificate of Convenience and Necessity shall provide Notice of the Application to be given by mail or personal service to the Attorney General of the State of Oklahoma and to any telecommunications service provider possessing a Certificate of Convenience and Necessity applicable to the area sought to be served by the applicant.

(e) Approval requirement. The Commission shall approve or deny such application within one hundred twenty (120) days of the date the application is filed. No Certificate of Convenience and Necessity shall be granted except by order of the Commission, after notice and hearing.

(f) Surety requirements for an applicant for Certificate of Convenience and Necessity. To insure the protection of the applicant's end-users, the applicant for a Certificate of Convenience and Necessity shall maintain a third-party surety bond, surety bond or irrevocable letter of credit, as may be determined by the Commission during the certification process, as set forth in this subsection.

(1) An applicant that does not have at least one million dollars (\$1,000,000) net book value invested in telephone plant and/or telephone facilities located in Oklahoma shall be required to post and maintain a third-party surety bond, surety bond or irrevocable letter of credit in, at a minimum, an amount sufficient for the indemnification of one hundred ten percent (110%) of its projected customer deposits.

(2) The third-party surety bond, surety bond or irrevocable letter of credit shall be maintained as long as the telecommunications service provider is furnishing telecommunications services in the State of Oklahoma pursuant to this Chapter, unless modified or released pursuant to Commission order.

(3) The Commission may modify the requirements of this subsection for good cause shown, after such notice and hearing, if any, as the Commission may require.

165:55-3-5. Notice of hearing for Certificate of Convenience and Necessity

Notice of a hearing concerning the merits of an application for a Certificate of Convenience and Necessity shall be given by publication. At least thirty (30) days prior to the hearing, the applicant shall cause notice of the hearing to be published once a week for two (2) consecutive weeks in a newspaper of general circulation in each exchange where service will be offered. Publication shall be at the expense of the applicant and shall be made in a newspaper which has met the statutory

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requirements for publication of legal notices. A "Proof of Publication" document shall be filed in the cause with the Commission's Office of the Court Clerk within seven (7) days of the last publication date.

PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS

165:55-3-10. Who shall file

The record keeping, report, and filing requirements listed in this Chapter shall apply to all ~~telephone companies~~ telecommunications service providers operating in the State of Oklahoma as defined in OAC 165:55-1-4.

165:55-3-11. Accounting System

(a) The Uniform System of Accounts of the FCC prescribed for Class A and Class B telephone companies, or other ~~uniform system of accounts~~ acceptable to the Commission, may be adopted by a ~~telephone company~~ telecommunications service provider.

(b) ~~No change in, or departure from, the system used by the telephone company will be permitted except upon order of the Commission made after notice and hearing.~~ Regardless of the system of accounts adopted by a telecommunications service provider pursuant to subsection (a), in a general rate proceeding, the Commission Staff may request the production of data and reports in a format other than as kept pursuant to the designated system of accounts. Disputes related to this Section may be submitted to the Commission for resolution.

(c) No change in, or departure from, the system utilized by the telecommunications service provider will be permitted except upon order of the Commission made after notice and hearing.

PART 5. RECORD REQUIREMENTS

165:55-3-20. Location of records

All records required by this Chapter shall be kept at the general office of each ~~telephone company~~ telecommunications service provider and shall be made available to the Commission or its authorized representative at any reasonable time ~~on~~ upon request. Each ~~telephone company~~ telecommunications service provider

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governed by this Chapter shall keep all of its books and records in accordance with good business practices and as required by this Chapter and at such place as they are normally kept in the usual course of business. The ~~telephone company~~ telecommunications service provider shall keep the Commission advised as to the location of these records and shall make them available to the Commission at reasonable times for examination and inspection at a location designated by the Commission.

165:55-3-21. Retention of records

All records required by this Chapter shall be preserved for two (2) years.

165:55-3-22. Records to be filed with the Commission

(a) **Annual report of operations.** Each ~~telephone company~~ telecommunications service provider and IXC shall file with the Commission an annual report in a format developed by the Director of the Public Utility Division and approved by the Commission after notice and hearing, not later than May 1 of the year following the reporting year. In addition, ~~telephone companies~~ each telecommunications service provider shall file a copy of ~~an~~ the annual report required to be filed with the FCC or REA RUS provided that if the ~~telephone company's~~ telecommunications service provider's annual report ~~covers~~ includes operations outside Oklahoma, the information as to Oklahoma Corporation Commission-jurisdictional operations ~~will~~ shall be separately reported. Where the FCC or REA RUS annual report form is not used, the report ~~will~~ provided to the Public Utility Division shall be in the form approved by the Commission. Each IXC shall submit ~~their annual reports to stockholders~~ its annual Report to Stockholders to the Director of the Public Utility Division no later than May 1 of each year.

(b) Proof of third-party surety bond, surety bond or irrevocable letter of credit. Where applicable, not later than May 1 of each year, each telecommunications service provider which does not have at least one million dollars (\$1,000,000) net book value invested in telecommunications plant and/or telecommunications facilities located in the State of Oklahoma, shall file annually with the Commission proof of the continuing existence and sufficiency of the required third-party surety bond, surety bond or irrevocable letter of credit providing coverage at a level of at least 110% of customer deposits. Such proof shall be in a format developed by the Director of the Public Utility Division and approved by the Commission.

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~~(b)~~ (c) **Exchange maps.** Each ~~telephone company~~ incumbent LEC, including cooperatives, shall file up-to-date exchange maps showing the approved exchange service area for each telephone exchange. The maps and descriptions shall be in sufficient detail to permit the location of exchange boundaries on the ground.

(1) Each exchange map filed after the effective date of this Chapter shall conform to the following:

(A) One ~~exchange area~~ exchange service area per sheet.

(B) Each map shall be on eight and one-half by eleven inches (8½" x 11") (or larger sheet which folds down to eight and one-half by eleven inches (8½ x 11")), twenty pounds (20 lbs.) or heavier, white paper.

(C) Each township and range will be specified along the side of the map and as a minimum each corner section will be numbered.

(D) The outline of the ~~exchange area~~ exchange service area will be a heavy black line with an "E" every one inch (1") or two inches (2") along the boundary.

(E) The name of adjacent incumbent LEC exchanges will be indicated on the exchange map to identify their relative location.

(2) When said boundary map changes involve more than one telephone exchange and more than one ~~telephone company~~ incumbent LEC, the changes involved shall be coordinated between the ~~telephone companies~~ incumbent LECs concerned and a "Joint Application" submitted after an order is issued by the Commission. The ~~telephone company~~ incumbent LECs shall submit revised exchange maps containing the revised territory, the new certificate number, the cause number, the order number, and the date of the order approving the change. A copy of each current exchange map shall be made available for review to any interested person upon reasonable notice containing:

(A) Application.

(B) Maps showing the changes in contrasting colors.

(C) Metes and bounds of changes.

(D) Proposed orders (one for each exchange) with complete metes and bounds of the revised exchange.

~~(c) Base rate area boundaries. The boundaries of the base rate area in an exchange service area shall be established in accordance with the filed tariff of the~~

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~~telephone company or as otherwise defined in this Chapter.~~

~~(1) A telephone company shall make periodic studies as determined necessary by the telephone company to determine the advisability of revising base rate area boundaries. Consideration should be given such factors as demand outside the base rate area, prospects for new development in the area, and impact on revenue.~~

~~(2) Base rate area boundary maps shall be submitted together with a copy of the base rate area boundary study for review and filing.~~

(d) Competitive LEC service territories maps. Each competitive LEC shall file and maintain up-to-date maps showing its service territory. The maps and descriptions shall be in sufficient detail to establish the location of incumbent LEC exchange boundaries on the ground. Each map filed shall conform to the format set out in OAC 165:55-3-22(c)(1). Revisions to the competitive LEC service territories will be accomplished through tariff filings pursuant to OAC 165:55-5-10.

~~(d)~~ (e) Contracts and agreements. A copy of each contract between telephone companies telecommunications service providers, or between a telecommunications service provider and an IXC affecting regulated services or rates, (including, but not limited to, toll settlement agreements, interconnection agreements, agreements for extended area service, and similar contracts), shall be submitted to the Director of the Public Utility Division prior to its effective date. Such a contract will be deemed approved unless the Commission, within ten (10) days after submission, shall by order suspend effectiveness of the agreement, pending notice and hearing. The requirements of this subsection shall be applicable to all contracts and agreements except those entered into pursuant to the requirements of Subchapter 17 of this Chapter.

~~(e)~~ (f) Other information. Each telephone company telecommunications service provider and IXC shall promptly furnish such other information as the Commission Staff may reasonably request, unless otherwise ordered by the Commission.

165:55-3-23. Complaints ledger

(a) Each ~~telephone company~~ telecommunications service provider shall maintain a complaints ledger containing complaints by customer end-user name and, account number and date filed. Such records shall be maintained on a form to be ~~approved~~ developed by the Director of the Public Utility Division Consumer Services Division, subject to the approval of the Commission. If the account number only is utilized, a cross reference with the customer's end-user's name must also be readily available.

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(b) ~~The categories of complaints to be used shall be determined by the individual telephone companies but shall be as specific as possible while still providing for meaningful analysis by the management of the telephone company. Examples of categories to be utilized might include, but not be limited to, billing, rates and tariffs, deposits, service initiation, service transfer, and service termination negotiated between the telecommunications service provider and the Director of the Consumer Services Division, subject to the approval of the Commission.~~

PART 7. REPORTING REQUIREMENTS

165:55-3-30. Report attestation

All reports required by this Chapter to be submitted to the Commission shall be attested to by an officer or manager of the ~~telephone company~~ telecommunications service provider under whose direction the report is prepared, or if under trust or receivership, by the receiver or a duly authorized person, or if not incorporated, by the proprietor, manager, superintendent, or other official in charge of the telephone company's telecommunications service provider's operation.

165:55-3-31. Due dates of reports

All periodic reports required by this Commission must be received on or before the following due dates unless otherwise specified in this Chapter or unless ~~good cause is demonstrated by the telephone company~~ otherwise agreed to by the Director of the Public Utility Division:

- (1) Annual reports - One hundred-twenty (120) days after the end of the reported period.
- (2) Special and additional reports - As may be prescribed by the Commission; ~~unless good cause to the contrary is demonstrated.~~

SUBCHAPTER 5. RATES AND TARIFFS

PART 1. TARIFF FILING

Section

165:55-5-1. Tariffs required

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- 165:55-5-2. Contents of tariffs
- 165:55-5-3. Terms and conditions of service
- 165:55-5-4. Exchanges served by a competitive LEC [NEW]

PART 3. APPROVAL AND NOTICE REQUIREMENTS

- 165:55-5-10. Approval required
- 165:55-5-11. Type of notices
- 165:55-5-12. Reclassification of exchange
- 165:55-5-13. Suspension
- 165:55-5-14. Objections

PART 5. TARIFF STRUCTURE AND COMPOSITION

- 165:55-5-20. Requirements as to size, form, identification, and filing of tariffs
- 165:55-5-21. Composition of tariffs
- 165:55-5-22. Tariff filings in response to Commission orders
- 165:55-5-23. Symbols for changes

PART 7. MISCELLANEOUS TARIFF REQUIREMENTS

- 165:55-5-30. Accessibility of tariffs
- 165:55-5-31. Rejection
- 165:55-5-32. Change by other regulatory authorities
- 165:55-5-33. Custom or individual services
- 165:55-5-34. Cost support required
- 165:55-5-35. Confidential information [NEW]

PART 1. TARIFF FILING

165:55-5-1. Tariffs required

A ~~telephone company~~ telecommunications service provider shall charge for the provisioning of regulated telephone-service telecommunications services to its ~~customers~~ end-users only the rates and charges contained in its tariffs on file with and approved by the Commission. No deviation ~~of any kind~~ from the filed tariff is shall be permitted without order of the Commission. The provisions of ~~the each telecommunications service provider's~~ filed tariff are binding upon ~~the telephone company telecommunications service provider and the customer end-user~~ as to the rates and charges for service and the terms and conditions of service.

165:55-5-2. Contents of tariffs

Every ~~telephone company~~ telecommunications service provider shall file with

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the Commission its tariffs containing detailed schedules of ~~its~~ rates and charges for all intrastate regulated ~~telephone service~~ telecommunications services. The tariffs shall be in sufficient detail and shall be accompanied by such explanatory material, so as to permit determination of the applicability of the tariff. For standard services, the tariff should be structured to permit determination of the exact charges from the tariffs alone. Services, whose rates and charges are determined on an individual case basis, need not indicate the exact charges in the tariff. Related provisions, such as the circumstances under which service is available, classes ~~and grades~~ of service offered, and line extension policy, will be set out in the tariff or by reference to other filed tariffs. Unless provided otherwise in this Chapter, no tariff shall be effective except by order of the Commission or otherwise pursuant to the laws of the State of Oklahoma.

165:55-5-3. Terms and conditions of service

Tariffs establishing terms and conditions of service shall be filed as part of a tariff or as a separate tariff. Except with respect to the tariffs ~~or IXGs, which shall~~ ~~comply with~~ filed pursuant to OAC 165:55-5-10, where a tariff or amendment relates only to terms and conditions of service, the Commission may approve it by order upon such notice, or without notice, and with or without hearing as the Commission shall direct.

165:55-5-4. Exchanges served by a competitive LEC [NEW]

Each competitive LEC shall file and maintain an up-to-date listing of the service territory to which the competitive LEC provides services. Such competitive LEC listings shall be revised in accordance with the requirements of this Subchapter.

PART 3. APPROVAL AND NOTICE REQUIREMENTS

165:55-5-10. Approval required

(a) Unless provided otherwise in this Chapter, no tariff, or amendment thereto, which would change rates and charges for any regulated service, or establish new rates for regulated service not previously offered shall be effective except by order of the Commission after such notice and hearing, if any, as directed by the Commission or otherwise pursuant to the laws of the State of Oklahoma.

(b) Notwithstanding the provisions of subsection (a) of this Section; :

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- (1) revisions Revisions to the interexchange tariffs of IXCs shall become effective, without Commission order, thirty (30) days after the date of filing said revisions, unless the Commission orders suspension of said tariff revisions pursuant to OAC 165:55-5-13;
 - (2) Decreases to the tariff rates of a competitive LEC shall become effective, without Commission order, thirty (30) days after the date of filing said revisions, unless the Commission orders suspension of said tariff revisions pursuant to OAC 165:55-5-13;
 - (3) Revisions to the toll service tariffs of incumbent LECs shall become effective, without Commission order, forty-five (45) days after the date of filing said revisions, unless the Commission orders suspension of said tariff revisions pursuant to OAC 165:55-5-13;
 - (4) Revisions to the interexchange nonswitched special access or private line tariffs of incumbent LECs, in whose territory there is one certificated and operational alternative provider of such services, shall become effective, without Commission order, forty-five (45) days after the date of filing said revisions, unless the Commission orders suspension of said tariff revisions pursuant to OAC 165:55-5-13.
 - (5) The Commission may amend this subsection (b) to establish equal terms for tariff approval among all entities providing telecommunications services. Such amendment may be made in an appropriate proceeding, subject to notice and hearing, including a proceeding addressing alternative forms of regulation.
- (c) Promotional campaigns are intended to be a limited-duration program that is beneficial to end-users. Promotional campaigns are not intended to replace the telecommunications service provider's and IXC's obligations to seek approval of permanent rates and charges.
- (1) All telecommunications service providers and IXCs may, during promotional periods, offer end-users special rate incentives. The telecommunications service provider or IXC shall notify the Director of the Public Utility Division by letter specifying the service(s) offered, terms of the promotion, location and dates of each promotion period. Such notice shall be provided thirty (30) days prior to the initial offering of the campaign.
 - (2) Any promotional campaign found not to be in the best interest of the end-user(s) shall be rejected by the Director of the Public Utility Division and

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returned to the telecommunications service provider with a brief explanation of the reason for the rejection.

165:55-5-11. Type of notices

(a) **Notice.** Except with respect to tariffs filed pursuant to OAC 165:55-5-10(b) or where the Commission by order directs otherwise, any notice of hearing on an application for approval or amendment of rates or charges for service shall be as prescribed in OAC 165:5 for public utility rate matters.

(b) **Notice in special cases.** The Commission may approve, by order, a tariff for experimental or new service offering upon such notice, or without notice, and with or without hearing as the Commission may direct. However, no notice of hearing shall be required for tariff revisions that become effective without suspension pursuant to OAC 165:55-5-10(b).

(c) **Notice of tariff revisions and new service offerings by IXCs and incumbent LECs.** IXCs and incumbent LECs shall serve proposed tariff revisions on each IXC authorized to provide interexchange service in Oklahoma at the time of its filing with the Commission, as follows:

(1) IXCs, at the time of their filing with the Commission, shall serve their proposed tariff revisions on each IXC authorized to provide interexchange service in the State of Oklahoma and on each incumbent LEC toll provider which has previously requested in writing to receive such filings.

(2) Incumbent LECs, at the time of their filings with the Commission, shall serve proposed tariff revisions pursuant to OAC 165:55-5-10 on each IXC authorized to provide interexchange service in the State Oklahoma which has previously requested in writing to receive such filings.

(3) Any written request required by this Section shall be made directly to the IXC or telecommunications service provider making the filing.

(d) **Notice of tariff revision by competitive LECs.** Competitive LECs, at the time of their filings with the Commission, shall serve proposed tariff revisions on each telecommunications service provider authorized to provide local exchange service in the State Oklahoma which has previously requested in writing to receive such filings.

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(e) End-user notice prior to rate increase. Prior to implementing any increased rate to an end-user, the IXC, incumbent LEC and competitive LEC must provide notice to affected end-users of the increase. Said notice may be on the end-user's bill, but in no event shall an increase be made without direct prior notice to the end-user.

165:55-5-12. Reclassification of exchange

Reclassification of an exchange into higher or lower rate brackets shall be made in accordance with tariff provisions and subject to approval by the Director of the Public Utility Division of the Commission as being in compliance with approved tariffs. Such reclassification shall be made without further order of the Commission.

165:55-5-13. Suspension

Any tariff filed with the Commission pursuant to OAC 165:55-5-10(b) may be suspended by Commission order with or without notice or hearing on recommendation by Commission Staff. The Commission may also order suspension of proposed tariffs or tariff revisions of IXCs and telecommunications service providers on motion by an aggrieved party after notice and hearing. If a tariff is suspended, a hearing shall be held no later than thirty (30) days after the proposed effective date of the tariff revision, unless otherwise ordered by the Commission. If the hearing does not occur within said time period, the IXC or telecommunications service provider may implement the tariff, on an interim basis at its own risk and subject to refund, until further order of the Commission.

165:55-5-14. Objections

~~(a) Any entity wishing to object to the proposed tariff change or new service offering filed pursuant to OAC 165:55-5-10(b) may file objections with the Commission's Office of the Court Clerk within fifteen (15) days after the proposed tariff is filed. Any such objection shall comply with the requirements of OAC 165:5-9-2 and must contain a specific description of the basis for the objection and all information necessary to allow evaluation of the objection. The objecting entity shall promptly serve its objection on the IXC which filed the proposed tariff changes or new service offering, the Director of the Public Utility Division and the Attorney General. Any entity wishing to object to:~~

(1) An IXC's proposed tariff filed pursuant to OAC 165:55-5-10(b) may file objections with the Commission's Office of the Court Clerk within fifteen (15) days after the proposed tariff is filed.

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(2) A competitive LEC's proposed tariff filed pursuant to 165:55-5-10(b) may file objections with the Commission's Office of the Court Clerk within fifteen (15) days after the proposed tariff is filed.

(3) An incumbent LEC's proposed tariff filed pursuant to 165:55-5-10(b) may file objections with the Commission's Office of the Court Clerk within twenty (20) days after the proposed tariff is filed.

(b) Any such objection shall comply with the requirements of OAC 165:5-9-2 and must contain a specific description of the basis for the objection and all information necessary to allow evaluation of the objection. The objecting entity shall promptly serve its objections on the IXC or telecommunications service provider which filed the proposed tariff changes or new service offering, the Director of the Public Utility Division and the Attorney General.

PART 5. TARIFF STRUCTURE AND COMPOSITION

165:55-5-20. Requirements as to size, form, identification, and filing of tariffs

(a) ~~Every telephone company~~ Any person applying for a Certificate of Convenience and Necessity for authority to operate as a telecommunications service provider in the State of Oklahoma shall file with the Commission an original and five (5) eight (8) copies of its tariff containing schedules of all its rates, tolls, charges, rules, and regulations pertaining to all of its telephone service when it applies for a certificate of convenience and necessity to operate as a telephone company telecommunications services. It shall also file an original and five (5) eight (8) copies of each subsequent revision. Each revision shall be accompanied by a cover page which contains a list of the pages being revised, a statement describing each change, its effect, ~~if it is a change in an existing rate~~ any, and a statement as to the impact on rates of the change by customer class, if any. ~~The telephone company~~ telecommunications service provider shall also file a copy of the current tariff page with changes superimposed thereon. If a proposed tariff revision constitutes an increase in existing rates of a particular customer class or classes, the Commission shall require that notice be given to the affected customer class.

(b) All tariffs filed after July 1, 1996 shall be in loose-leaf form of a size eight and one-half by eleven inches (8½" x 11"), in 10 point or larger type and shall be plainly printed or reproduced on paper of good quality. The front page of the tariff shall

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contain the name of the ~~telephone company~~ telecommunications service provider and location of its principal office. ~~Local Incumbent LEC local~~ exchange tariff map sheets reflecting the physical bounds of the exchange ~~or the base rate area~~ may be on larger sheets, when required for the purposes of clarity and legibility.

(c) Each rate tariff must clearly state the territory, city, county, or exchange wherein said tariff is applicable.

(d) Tariff sheets are to be numbered consecutively per schedule. Each sheet shall show an effective date, a revision number, section number or title, sheet number, name of the ~~telephone company~~ telecommunications service provider, and the name of the tariff each in a consistent manner. Sheets issued under new numbers are to be designated as original sheets. Sheets being revised should show the number of the revision, and the sheet numbers shall be the same.

165:55-5-21. Composition of tariffs

The tariff shall contain sections setting forth:

- (1) A table of contents.
- (2) A preliminary statement containing a brief description of the tariff's application.
- (3) A list of the exchanges or ~~state~~ description of service territories in which service is provided.
- (4) The rate schedules.
- (5) The service rules and regulations.

165:55-5-22. Tariff filings in response to Commission orders

Tariff filings made in response to an order issued by the Commission shall include a transmittal letter stating that the tariffs attached are in compliance with the order, giving the cause number, date of the order, a list of tariff sheets filed, and any other necessary information. Said tariff sheets shall comply with all other ~~rules in~~ provisions of this Chapter and shall include only changes ordered. The effective date and/or wording of said tariffs shall comply with the provisions of the order. Each tariff sheet shall include the cause and order number(s) and the effective date(s).

165:55-5-23. Symbols for changes

(a) Each proposed tariff sheet shall contain notations indicating each change made on these sheets. Notations (referred to as tariff symbols) to be used are:

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- (1) (AT) means addition to text.
- (2) (C) means a correction.
- (3) (CP) means change in practice.
- (4) (CR) means change in rate.
- (5) (CT) means change in text.
- (6) (DR) means discontinued rate.
- (7) (FC) means a change in format lettering or numbering.
- (8) (MT) means moved text.
- (9) (NR) means new rate.
- (10) (RT) means removal of text.

(b) In addition to symbols for changes, each changed provision in the tariff shall contain a vertical line which clearly shows the exact number of lines being changed.

PART 7. MISCELLANEOUS TARIFF REQUIREMENTS

165:55-5-30. Accessibility of tariffs

Each ~~telephone company~~ telecommunications service provider shall make available to the public, at ~~company offices~~ the company's offices(s) within Oklahoma, all of its tariffs currently on file with the Commission, ~~and its~~. The telecommunications service provider's employees shall lend assistance to seekers of information therefrom and afford inquirers an opportunity to examine any of such tariffs upon request. ~~The telephone company~~ All telecommunications service providers ~~also~~ shall also provide copies of any portion of the tariffs at a reasonable cost to reproduce such tariff for a requesting party.

165:55-5-31. Rejection

Any tariff filed with the Commission and found not to be in compliance with this Chapter shall be so marked and returned to the ~~utility~~ telecommunications service provider with a brief explanation of the reasons for rejection.

165:55-5-32. Change by other regulatory authorities

Tariffs which are filed to reflect changes in rates or regulations set by other regulatory authorities shall include a copy of the order or ordinance authorizing the change.

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165:55-5-33. Custom or individual services

With respect to all custom ~~or individual case basis~~ work, a ~~telephone company~~ telecommunications service provider, upon rendering a written estimation of charges for such services to ~~a customer~~ an end-user or applicant for telephone service, will not deviate from that agreement for thirty (30) days. Verbal estimates shall be reduced to writing and furnished to the ~~customer~~ end-user or applicant for telephone service when requested.

165:55-5-34. ~~Cost support required~~ Data and information on proposed tariff revisions

(a) Concurrent with the filing of proposed tariff revisions and new services as provided in OAC 165:55-5-10(b), each IXC and telecommunications service provider shall deliver to the Public Utility Division Staff data and information as detailed within this Chapter as is necessary to fully support the filings. The required data and information should include, but not be limited to, information on the cost to service, impact on competition, concerning the impact on customers end-users and the rationale for the proposed tariffs.

(b) Concurrent with the filing of proposed revisions to toll service and interexchange nonswitched private line tariffs as provided in OAC 165:55-5-10(b), incumbent LECs shall deliver to the Public Utility Division Staff data and information concerning the impact on end-users and the rationale for the proposed tariffs; and, where rate or revenue changes are proposed, LRIC studies.

(c) Concurrent with the filing of proposed tariff revisions as provided in OAC 165:55-5-10(b), competitive LECs shall deliver to the Public Utility Division Staff data and information concerning the impact on end-users and the rationale for the proposed tariffs.

165:55-5-35. Confidential information [NEW]

(a) If a telecommunications service provider or IXC is required by this Chapter to submit information to the Commission that the telecommunications service provider or IXC considers to be confidential, the telecommunications service provider or IXC shall file a motion for protective order concerning said confidential information.

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(b) In the absence of a protective order, the Commission shall not be required to maintain confidentiality of information within its possession.

(c) Pending a determination regarding approval of any protective order by the Commission, the Staff may, at its option, review the information claimed to be confidential at a location supplied by the telecommunications service provider or IXC in Oklahoma City.

**SUBCHAPTER 7. DIRECTORIES, TELEPHONE NUMBERS,
AND CUSTOMER-PROVIDED CUSTOMER-PROVIDED EQUIPMENT**

Section

- 165:55-7-1. Telephone directories
- 165:55-7-2. Telephone numbers and changes
- 165:55-7-3. Trouble cause by ~~customer-provided~~ customer-provided equipment (CPE) or inside wiring
- 165:55-7-4. Availability of rules and tariffs

165:55-7-1. Telephone directories

(a) ~~Issuance~~ Provision of directory to end-users; frequency. ~~An All telecommunications service providers shall provide, or make arrangements to provide to its end-users an~~ alphabetical, white page, telephone directory for each service territory, exchange or group of exchanges. ~~Such directory shall be issued at intervals consistent with satisfactory service, which, in the absence of unusual circumstances, will be at least once each year. A directory for a zone an exchange or calling area may be issued. A copy of each directory published with~~ which contains exchanges located in the State of Oklahoma, shall be furnished to the Commission and the Director of the Public Utility Division (Oklahoma exchanges only).

(b) Listing in directory. ~~Each local exchange customer shall be entitled to one listing in the alphabetical white page directory without charge. Each telecommunications service provider shall provide its end-users, without charge, one listing in the white page directory issued pursuant to this Chapter and inclusion in a database used to provide directory assistance for the end-user's geographic area. A request by the customer an end-user that his their listing or address be omitted from the directory or directory assistance database shall be honored by the~~

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~~telephone company telecommunications service provider~~, in accordance with tariff provisions and there will be no charge for nonpublication if the residential end-user has at least one listing in the directory. Additional listings shall be offered in accordance with approved tariffs. End-user listings in a white page directory or directory assistance data base shall be treated in a nondiscriminatory manner, regardless of the end-user's telecommunications service provider.

(c) Form of listing in directory. ~~The telephone company shall determine the form in which the listing of a customer will appear in the directory, subject to review by the Commission as provided in 165:55-1-1 and (a) of this Section. The telephone company shall select the number assigned to each customer.~~ The form, location and appearance of directory listings of end-users, regardless of the end-user's telecommunications service provider, shall be provided in a nondiscriminatory manner, subject to review by the Commission as provided in OAC 165:55-1-1 and subsection (a) of this Section.

(d) Distribution Provision of directory. ~~The telephone directory will remain the property of the telephone company. Each customer shall be furnished at the customer's service address, one directory for each access line being furnished him under current tariffs.~~ unless the customer and the telecommunications service provider agree this requirement can be fulfilled in an alternative manner. Each telecommunications service provider shall make available its directory to telecommunications service providers for distribution to their end-users.

(e) Contents of directory. ~~The directory shall have the name of the exchange or area covered and the date of issue on its front cover. The directory shall contain information prominently displayed as to emergency numbers, directory assistance, repair service, telephone business offices, and instructions for placing long distance and local calls.~~ The directory provided to end-users pursuant to this Section shall contain the following information:

~~(1) — A notice prominently displayed on the table of contents page or in the absence of a table of contents on the inside of the front cover if the statement is published in the directory, shall state: "This directory contains important information about your rights as a telephone customer on page (Here the telephone company will insert the page number on which the notice shall appear)".~~

(1) Minimum requirements. Each telecommunications service provider shall assure that its end-users receive a directory which includes the following

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information:

- (A) The name of the exchange or area covered and the date of issue on the front cover:
- (B) Emergency numbers:
- (C) Instructions to access directory assistance:
- (D) Instructions to access repair service:
- (E) Instructions for placing long distance and local calls:
- (F) Instructions for obtaining an itemization of the end-user's current monthly statement:
- (G) Instructions to access Telecommunication Relay Service:
- (H) A notice prominently displayed on the table of contents page which shall state: "This directory contains important information about your rights as a telephone end-user on page (Here the telecommunications service provider will insert the page number on which the notice shall appear)". In the absence of a table of contents page, said notice shall be prominently displayed on the inside of the front cover.

(2) A statement shall be submitted to the Public Utility Division of the Commission for approval, at least thirty (30) days prior to being submitted for publication in a directory or distributed as a mailing or otherwise. Unless notified to the contrary by the Public Utility Division within fifteen (15) days after submission, the statement shall be considered approved. Once approved by the Public Utility Division, the statement need not be resubmitted to the Public Utility Division for further approval, unless and until this Chapter is changed by the Commission to require additional data. The statement shall at least describe or include:

- (A) Billing procedures.
- (B) Customer payment requirements and procedures.
- (C) Deposit and guarantee requirements.
- (D) Conditions of termination, discontinuance, and reconnection of service.
- (E) Procedures for handling inquiries.
- (F) A procedure whereby ~~a customer~~ an end-user may avoid discontinuance of service during a period of absence.
- (G) The telephone number and address of all offices of the Commission's ~~Complaints, Investigation, and Mediation Department~~ Consumer Services Division.
- (H) The statement that the ~~telephone company~~ telecommunications service provider is regulated by the Commission.
- (I) Notification that the ~~customer~~ end-user may request an adjustment if

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service is interrupted for periods in excess of twenty-four (24) hours.

(3) Additional information. The directory shall contain additional information concerning a telecommunications service provider, as requested by a telecommunications service provider, to the same extent that the directory provider includes similar information for itself or its affiliates offering local exchange service within the geographic area covered by the directory based on rates, terms and conditions that are just, reasonable and nondiscriminatory.

(f) Liability for errors. The liability of the ~~telephone company~~ telecommunications service provider for an error or omission in its telephone directory, or for an error or omission on intercept service, shall not exceed the amount of actual damage suffered, and in no event shall its liability exceed an amount equal to local exchange service charged to the ~~customer~~ end-user for the listed service for the period during which the directory containing the error or omission is the last published directory of the exchange.

(g) Access to publishing information. Upon request, a telecommunications service provider shall provide directory listings gathered in its capacity as a provider of local exchange service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories.

165:55-7-2. Telephone numbers and changes

(a) A telephone number ~~remains~~ shall be deemed a national resource and is not the property of the telephone company either the telecommunications service provider or the end-user. Initial telephone numbers for end-users establishing a local exchange service account shall be assigned by the telecommunications service provider then serving the end-user. Local exchange service end-users shall not be required to change telephone numbers solely due to a change in telecommunications service providers. The ~~telephone company~~ telecommunications service provider may change the number assigned to a customer upon reasonable notice but only in order to give better service and not as an accommodation to another customer. Changes in telephone numbering plans may be made upon reasonable notice, in order to meet the needs of expansion or better service. A Unless changed by the number portability requirements or the numbering administration guidelines established by the FCC, a customer who supersedes an account in order to obtain the telephone number of a previous customer will accept all liabilities for that account. The superseding customer will

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then retain the telephone number until the account is superseded or has no further use of it for service purposes. Any unresolved dispute arising between end-users or between an end-user and a telecommunications service provider over use of a telephone number may be mediated by the Commission's Consumer Services Division.

(b) ~~Whenever a customer's~~ an end-user's number is changed on the initiative of ~~the telephone company~~ telecommunications service provider after the directory has been issued, ~~the telephone company~~ telecommunications service provider shall at no charge to the end-user intercept all calls to the former number and give the calling party the new number. Such intercept service shall be provided until the next directory is published, if the central office equipment permits and the number is not in service or the ~~customer~~ end-user agrees otherwise. Such numbers have last priority for reassignment. ~~Whenever the customer's number is changed by reason of change of location or service to the customer, or at his request, intercept service will be provided for a reasonable time (of at least thirty (30) days) if central office equipment permits and the number is not in service. In the event of error in the listed number of any customer in the telephone company's directory, the telephone company shall intercept all calls to the listed number until the next directory is published if central office equipment permits and the number has not been assigned to another customer, or make other reasonable arrangements. In such case, and in the case of an error in or omission of the name listing of a customer, the correct listing and number shall be available through directory assistance. In the event the change in an end-user's telephone number is necessitated by action of the telecommunications service provider providing intercept service, the telecommunications service provider serving the end-user shall be exempt from any charges for intercept service~~

(c) Whenever the end-user's number is changed by reason of change of location or service to the end-user, or at their request, intercept service will be provided for a reasonable time (of at least thirty (30) days) if central office equipment permits and the number is not in service.

(d) In the event of error in the listed number of any end-user in the telecommunications service provider's directory, the telecommunications service provider shall, at no charge to the end-user, intercept all calls to the listed number until the next directory is published provided central office equipment permits and the number has not been assigned to another end-user, or make other reasonable arrangements. In such case, and in the case of an error in or omission of the name listing of an end-user, the correct listing and number shall be available through directory assistance. If the directory listing error is caused by the

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telecommunications service provider providing intercept service, the telecommunications service provider serving the end-user shall be exempt from any charges for intercept service.

165:55-7-3. Trouble caused by ~~customer~~ provided customer-provided equipment (CPE) or inside wiring

The customer will be liable for charges incurred as a result of a premises visit by the ~~telephone company~~ telecommunications service provider for a trouble report caused by ~~non-regulated customer-provided~~ nonregulated customer-provided equipment or inside ~~wiring~~ wiring. The customer shall be advised of the potential for charges prior to the premises visit if the customer reports the trouble. If the ~~telephone company~~ telecommunications service provider finds the trouble through routine checks of its system, the customer will be notified of the charges before any work is done by the ~~telephone company~~ telecommunications service provider. The customer shall not be charged for a premises visit if the customer reports the trouble before the visit and is not advised before the visit of the potential for charges relating to the proposed visit by the ~~telephone company~~ telecommunications service provider.

165:55-7-4. Availability of rules and tariffs

~~At its telephone company offices, a telephone company shall~~ A telecommunications service provider shall maintain and make available for public inspection a copy of this Chapter and ~~telephone company~~ a copy of its tariffs. At such office, conspicuous Conspicuous signs shall be posted at its office(s) in the State of Oklahoma which indicate indicating that this information is available for public inspection. Any telecommunications service provider that does not maintain an office in the State of Oklahoma shall, upon request by an end-user, provide a copy of this Chapter, or any relevant portion thereof, and the requested tariff(s) to such end-user, free of charge.

SUBCHAPTER 9. CUSTOMER BILLING AND DEPOSITS

PART 1. BILLING AND PAYMENT REQUIREMENTS

Section

- 165:55-9-1. Billing period
- 165:55-9-2. Content of bills
- 165:55-9-3. Due date and penalty
- 165:55-9-4. Request for payments other than normal billings

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- 165:55-9-5. Billing disputes
- 165:55-9-6. Refunds for service interruptions

PART 3. CREDIT REQUIREMENTS

- 165:55-9-10. Establishment of credit for residential applicants and customers
- 165:55-9-11. Establishment of credit for business service
- 165:55-9-12. New or additional collateral from existing customers [REVOKED]
- 165:55-9-13. Reestablishment of credit
- 165:55-9-14. Deposits and interest
- 165:55-9-15. Records of deposits [REVOKED]
- 165:55-9-16. Refunds of deposits [REVOKED]

PART 1. BILLING AND PAYMENT REQUIREMENTS

165:55-9-1. Billing period

Bills to customers shall be issued monthly, unless the ~~telephone company's~~ telecommunications service provider's approved terms and conditions of service prescribe a different interval. Bills may be issued on a billing cycle. Local service charges may be billed in advance.

165:55-9-2. Content of bills

Bills shall designate the period covered by the billing and shall itemize charges. Where presently available without incurring additional expense, the charge for basic local service shall be separately stated on the bill. Where the capability to state the basic local service charge separately does not currently exist, the telecommunications service provider shall deliver to all of its end-users, once annually, a detailed itemization of all monthly service charges. ~~Local service charges~~ Optional services may be billed as a total of all ~~items~~ optional services for which a flat monthly charge is made. Message toll charges shall be separately stated and, where applicable, itemized. Credit for service outages will also be reflected. Stated on the bill shall be all franchise, excise, sales, business and occupation taxes, and license, inspection, operation and permit fees imposed by governmental authority. At the option of the ~~telephone company~~ telecommunications service provider, individual items of such fees and taxes may be combined into convenient categories, or the aggregate thereof may be stated as a single item. Upon request, the ~~telephone company~~ telecommunications service provider shall furnish the ~~customer~~ end-user a breakdown of charges and the method of calculating fees and taxes.

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165:55-9-3. Due date and penalty

Unless otherwise authorized by the Commission, bills shall be payable immediately upon receipt and past due twelve (12) days after the date of the ~~telephone company~~ telecommunications service provider mailing or after any deferred payment date previously established either by oral or written agreement between a ~~customer~~ an end-user and the ~~telephone company~~ telecommunications service provider. The date after which the bill is past due shall be stated on the bill. If the bill is not paid when past due, the ~~telephone company~~ telecommunications service provider may apply late payment charges on any unpaid balance as provided in its filed, approved tariffs. Payment shall not be considered late if it is received by the due date at an authorized office.

165:55-9-4. Request for payments other than normal billings

The ~~telephone company~~ telecommunications service provider shall issue a bill for any additional charges other than those charges normally billed on the regular billing cycle. The ~~telephone company~~ telecommunications service provider shall not issue a notice of disconnection prior to five (5) days after the mailing of a bill for additional charges. Additional billings could include but not be limited to:

- (1) New or additional deposits.
- (2) High toll charges.
- (3) Other advance payments.

165:55-9-5. Billing disputes

In the event of a dispute between a ~~customer~~ an end-user and a ~~telephone company~~ telecommunications service provider, the ~~telephone company~~ telecommunications service provider shall make such investigation as is required by the particular case, and report the results thereof to the ~~customer~~ end-user; and in the event the dispute is not resolved, the ~~telephone company~~ telecommunications service provider shall inform the ~~customer~~ end-user that the ~~customer~~ end-user may utilize the complaint procedures of Commission's ~~Complaint, Investigation, and Mediation Department~~ Consumer Services Division. When a complaint has been made with the Commission's ~~Complaint, Investigation, and Mediation Department~~ Consumer Services Division, the ~~telephone company~~ telecommunications service provider shall be required to forego disconnect procedures on account of nonpayment of any portion of accumulated disputed charges pending investigation by the Commission's ~~Complaint, Investigation, and Mediation Department~~ Consumer Services Division. The ~~customer~~ end-user shall be required to pay the undisputed part of the bill, and if not paid, the ~~telephone company~~ telecommunications service provider may discontinue service.

165:55-9-6. Refunds for service interruptions

Whenever service to any customer is inoperative, ~~otherwise other~~ than by reason of negligence, or willful act of the customer, or causes beyond the control of the ~~telephone company~~ telecommunications service provider, and remains inoperative for more than twenty-four (24) consecutive hours after being reported by the customer or having been found to be interrupted by the ~~telephone company~~ telecommunications service provider, the ~~telephone company~~ telecommunications service provider shall refund, upon request of the customer, ~~prorate~~ the prorated part of that month's local exchange charges and any regulated equipment charges for the period of days during which the telephone service was not provided. Credit shall be identified on the bill. The maximum credit during a single billing period shall not exceed the amount of local service charges. There shall be no diminution of allowed message units where billing is on a message unit basis or for toll charges. The refund may be accomplished by a credit on the next bill for telephone service. The ~~telephone company~~ telecommunications service provider shall have no other liability for service interruptions.

PART 3. CREDIT REQUIREMENTS

165:55-9-10. Establishment of credit for residential applicants and customers

(a) Each ~~telephone company~~ telecommunications service provider may require a residential applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the ~~customer~~ end-user from complying with ~~rules for the telecommunications service provider's policy(ies) regarding the prompt payment of bills.~~

(b) For purposes of this Section, "applicant" is to be defined as a person who ~~applied~~ applies for service for the first time or reapplies at a new or existing location after a previous discontinuance of service; "customer" is defined as someone who is currently receiving service.

(c) Subject to this Chapter, a residential applicant shall not be required to pay a deposit:

(1) If it can be verified that the residential applicant has been ~~a customer~~ an end-user of any ~~telephone company~~ telecommunications service provider in the State of Oklahoma for the same ~~kind~~ type of service within the last two years

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and is not currently delinquent in payment of any such ~~telephone company service~~ telecommunications service provider account, ~~and, during the last twelve (12) consecutive months of service did not have more than one occasion in which a bill for such telephone company service was paid after becoming delinquent, did not present a dishonored check, and never had service disconnected for nonpayment~~ provided however, a telecommunications service provider may elect to require a deposit if, during the last twelve (12) consecutive months, the residential applicant: (1) was delinquent in the payment of a telecommunications service provider account on more than two (2) occasions; (2) presented a dishonored check for payment of a telecommunications service account; or (3) had service disconnected due to nonpayment of a telecommunications service account.

(2) If the residential applicant furnishes, in writing, a satisfactory guarantee to secure the payment of bills for the telecommunications service required requested.

(A) Unless otherwise agreed to by the guarantor, the guarantee shall be for the amount of deposit the ~~telephone company~~ telecommunications service provider would normally require on the applicant's account. The amount of guarantee shall be clearly indicated on any documents or letters ~~of~~ of guarantee signed by the guarantor.

(B) When the ~~customer~~ end-user has paid bills for telecommunications service for twelve (12) consecutive residential billings without having service disconnected for nonpayment of bills and without having more than two (2) occasions in which a bill was delinquent, did not present a dishonored check for payment of a telecommunications service account, and is not delinquent in the payment of current telecommunications service bills, the ~~telephone company telecommunications service provider~~ shall void and return, to the guarantor, any documents or letters of guarantee placed with the ~~telephone company telecommunications service provider~~ to the guarantor.

165:55-9-11. Establishment of credit for business service

In the case of business service, if the credit of an applicant for telecommunications service has not been established satisfactorily to the satisfaction of the telephone company telecommunications service provider, the applicant may be required to make a deposit.

165:55-9-12. New or additional collateral from existing customers [REVOKED]

165:55-9-13. Reestablishment of credit

~~Every~~ Any applicant who previously has been a ~~customer~~ an end-user of the ~~telephone company~~ telecommunications service provider and whose service has been discontinued for nonpayment of bills shall be required, before service is rendered, to pay all amounts due the ~~telephone company~~ telecommunications service provider or execute a deferred payment agreement, if offered, in accordance with OAC 165:55-11-3(d), and reestablish credit as provided in OAC 165:55-9-10 through OAC 165:55-9-14.

165:55-9-14. Deposits and interest

(a) Each ~~utility~~ telecommunications service provider shall prepare and submit a plan containing the criteria for deposits to the Commission for approval. The plan shall include criteria for residential and nonresidential consumers with residential being defined in each ~~telephone company's~~ telecommunications service provider's tariffs.

(1) The residential plan shall conform to all subsections of this Section.

(2) The nonresidential plan shall conform to all subsections of this Section except for (b), (c), (d), and (l).

(b) No ~~utility~~ telecommunications service provider shall require a deposit of a residential ~~customer~~ end-user who has received the same or similar type of classification of service for twelve (12) consecutive months and to whom service was not terminated for nonpayment nor was payment late more than twice nor was a check for payment of a telecommunications service account dishonored. The twelve (12) months service period shall have been within eighteen (18) months prior to the application of for new service. The ~~utility~~ telecommunications service provider's plan may establish other relevant criteria which will qualify the ~~customer~~ end-user for nonpayment of a deposit.

(c) The amount of the deposit shall not exceed an amount equal to two (2) months local exchange charges and/or two (2) months toll charges determined by actual or anticipated usage. Where local exchange charges are billed in advance, the deposit shall include only one (1) month's such charges. The ~~utility~~ telecommunications service provider's plan may allow customers to pay deposits

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in installments.

(d) A present ~~customer~~ end-user may be required to post a deposit as a condition of continued service if undisputed charges have become delinquent, with delinquent meaning a payment not received on or before the due date as posted on the bill, in two (2) out of the last twelve (12) billing periods or if the ~~customer~~ end-user has had service disconnected during the last twelve (12) months pursuant to OAC 165:55-11-2 or has presented a check to the telecommunications service provider that was subsequently dishonored.

(e) Interest on cash deposits shall be paid by each ~~telephone company~~ telecommunications service provider at no less than the rate calculated as follows:

(1) For all consumers deposits returned within one (1) year or less, the interest rate shall be established the 1st day of January of each year to equal the average of the weekly percent annual yields of one (1) year U.S. Treasury Securities for September, October, and November of the preceding year. The interest rate shall be rounded to the nearest basis point.

(2) For all consumer deposits held by the ~~utility~~ telecommunications service provider for more than one (1) year, the interest rate shall be established the 1st day of January of each year to equal the average of the weekly percent annual yields of 10 year U.S. Treasury Securities for September, October, and November of the preceding year. The interest rate shall be rounded to the nearest basis point. The ~~utility~~ telecommunications service provider may pay the average of the one (1) year Treasury Security, as referenced in paragraph (e)(1) of this section Section, for the first year the deposit is held.

(3) Provided, however, that after the interest rate is initially established pursuant to this subsection, the interest rate(s) shall not change unless the application of the formula in paragraphs (e)(1) and/or (e)(2) results in a change in interest rate(s) that is/are greater than two hundred (200) basis points.

(4) The Director of the Public Utility Division shall calculate the interest rate(s) ~~as~~ pursuant to paragraphs (e)(1) and (e)(2) of this Section, and shall mail notice to the ~~telephone companies~~ telecommunications service providers by December 15th of each year, only if a change in the rate(s) is/are necessary pursuant to subsection (e), otherwise the current interest rate(s) will remain in effect.

(f) If a refund of the deposit is made within thirty (30) days of receipt of the

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deposit, no interest payment is required. If the ~~telephone company~~ telecommunications service provider retains the deposit more than thirty (30) days, payment of interest shall be made retroactive to the date of deposit. No interest shall accrue on a deposit after discontinuance of service.

(g) The ~~utility~~ telecommunications service provider shall provide payment of accrued interest for all ~~customers~~ end-users annually by negotiable instrument or by credit against current billing.

(h) The deposit shall cease to draw interest on the date it is returned or credited to the ~~customer's~~ end-user's account.

(i) In determining the amount of any deposit permitted by this Chapter, no charges for estimated telephone directory advertising may be used.

(j) The amount of the deposit, with accrued interest, shall be applied to any unpaid charges at the time of a discontinuance of services. The balance, if any, shall be returned to the ~~customer~~ end-user within thirty (30) days after settlement of the consumer's account, either in person or by mailing it to the ~~customer's~~ end-user's last known address.

(k) If service is not connected, or after disconnection of service, the ~~telephone company~~ telecommunications service provider shall promptly and automatically refund the customer's deposit plus accrued interest on the balance, if any, in excess of the unpaid bills for service furnished. A transfer of service from one (1) premise to another within the area of the ~~telephone company~~ telecommunications service provider shall not be deemed a disconnection within the meaning of this Part, and no additional deposit may be required unless otherwise permitted by ~~the~~ this Subchapter.

(l) The ~~telephone company~~ telecommunications service provider shall automatically refund the deposit for residential service, with accrued interest, after twelve (12) months' satisfactory payment of undisputed charges and where payment was not late more than twice; provided, however, that service has not been disconnected within the twelve (12) month period. Payment of a charge shall be deemed satisfactory if received on or prior to the date the bill is due. Payment of a charge shall be deemed not satisfactory if made by a check that is subsequently dishonored. If the ~~customer~~ end-user does not meet these refund criteria, the deposit and interest may be retained in accordance with subsection (d) of this Section.

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(m) The ~~telephone company~~ telecommunications service provider may withhold refund or return of the deposit, pending the resolution of a dispute with respect to charges secured by the deposit.

(n) The ~~telephone company~~ telecommunications service provider shall keep records to show:

- (1) The name, account number, and address of each depositor.
- (2) The amount and date of the deposit.
- (3) Each transaction concerning the deposit.

(o) The ~~telephone company~~ telecommunications service provider shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is lost.

(p) Such records shall be retained for two (2) years after deposit and/or interest is refunded or applied.

(q) Upon the sale or transfer of any ~~telephone company~~ telecommunications service provider or operating units thereof, the seller shall file, with the application of transfer, a verified list of the information in subsection (n) of this Section, and the unpaid interest thereon. The information provided shall be treated as confidential and shall not be available for public inspection unless ordered by the Commission after notice and hearing.

(r) The deposit made by the ~~customer~~ end-user with the ~~telephone company~~ telecommunications service provider at the time of application for telephone service shall not constitute an advance payment to cover service bills, but for all purposes it is to be considered as security for the payment of monthly bills or other proper charges.

165:55-9-15. Records of deposits [REVOKED]

165:55-9-16. Refunds of deposits [REVOKED]

**SUBCHAPTER 11. SERVICE DENIAL, SUSPENSION
AND DISCONNECTION**

PART 1. NOTICE REQUIREMENTS

Section

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- 165:55-11-1. Denial or termination of service without notice
- 165:55-11-2. Denial or termination of service after notice
- 165:55-11-3. Responsibility for accounts
- 165:55-11-4. Insufficient reasons for denial or disconnection of service
- 165:55-11-5. Suspended accounts
- 165:55-11-6. Service disputes
- 165:55-11-7. Written correspondence

PART 3. DISCONNECTION PROCEDURES

- 165:55-11-10. ~~Disconnect~~ Disconnection for nonpayment or failure to make security deposit
- 165:55-11-11. Disconnection for reasons other than nonpayment
- 165:55-11-12. Notice of disconnection
- 165:55-11-12.5. Emergency service following disconnection [NEW]
- 165:55-11-13. Reconnection

PART 1. NOTICE REQUIREMENTS

165:55-11-1. Denial or termination of service without notice

A ~~telephone company~~ telecommunications service provider may refuse service or terminate existing service to ~~a customer~~ an end-user without notice for tampering with the ~~telephone company's~~ telecommunications service provider's equipment, or misuse or abuse thereof in order to avoid payment of lawful charges or use thereof in such manner as to create danger to life or property of the ~~telephone company~~ telecommunications service provider or other ~~customers~~ end-users.

165:55-11-2. Denial or termination of service after notice

(a) A ~~telephone company~~ telecommunications service provider may refuse service or terminate existing service to ~~a customer~~ an end-user pursuant to the disconnect procedure provided in Part 3 of this Subchapter for any of the following reasons:

- (1) Nonpayment of a bill within the period prescribed by this Chapter.
- (2) Failure to make a security deposit as set forth in this Chapter.
- (3) Violation of or noncompliance with any provision of law, or of this Chapter, or of the tariffs or terms and conditions of service of the ~~telephone company~~ telecommunications service provider filed with and approved by the Commission.

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(4) Refusal to permit the ~~telephone company~~ telecommunications service provider reasonable access to its ~~telephone~~ telecommunications facilities for recovery, maintenance, and inspection thereof.

(5) Interconnection of a device, line, or channel to ~~telephone company~~ telecommunications service provider facilities or equipment contrary to the telecommunications service provider's terms and conditions of service on file with and approved by the Commission.

(6) Excessive or improper use of telephone service, or use in such manner as to interfere with reasonable service to other ~~customers~~ end-users.

(b) The ~~telephone company~~ telecommunications service provider shall provide documentation to the ~~customer~~ end-user upon request, indicating the reason(s) that service is being withheld.

(c) Upon an end-user's request to terminate local exchange service, the end-user's local exchange telecommunications service provider shall inform such end-user of the end-user's responsibility to contact the end-user's IXC regarding continuance or termination of such service from the IXC.

165:55-11-3. Responsibility for accounts

(a) A ~~telephone company~~ telecommunications service provider shall not be required to provide service to an applicant or ~~customer~~ end-user who has not paid for prior telephone service rendered by a ~~telephone company~~ telecommunications service provider in the same or different location, and furnished to the same person or legal entity. ~~The telephone company shall be required to extend a payment arrangement to an applicant for a prior bill, unless the applicant has not fulfilled prior payment arrangements.~~

(b) A ~~telephone company~~ telecommunications service provider shall not be required to furnish or continue furnishing service when applied for in the name of another person or legal entity, or a fictitious name or other member of the same household, for the purpose of avoiding payment of an unpaid obligation for telephone service previously furnished.

(c) Customers shall not be held responsible for the nonpayment of another customer's bill unless the customer superseded the service or was a co-applicant or guarantor for the service or shared the service of the nonpaid account.

(d) The telecommunications service provider shall be required to extend a payment arrangement to an applicant for a prior bill, unless the applicant has not fulfilled prior payment arrangements within the past twelve (12) months.

165:55-11-4. Insufficient reasons for denial or disconnection of service

(a) A ~~telephone company~~ telecommunications service provider may not refuse service or disconnect existing service by reason of nonpayment for telephone service by a previous occupant at the premises for which service is sought, or by reason of nonpayment of any amount back-billed due to misapplication of rates provided the applicant enters into a deferred payment plan. The ~~telephone company~~ telecommunications service provider shall not disconnect or suspend service without mailing or delivering ~~the subscriber~~ a bill to the end-user for the amount due to the ~~telephone company telecommunications service provider~~ in accordance with OAC 165:55-9-4.

(b) ~~Residence~~ Residential service cannot be disconnected for failure to pay a bill for a business service.

(c) Business service cannot be disconnected for failure to pay a bill for a ~~residence~~ residential service.

(d) Service may not be withheld from ~~a customer~~ an end-user whose name was fraudulently used to obtain service at another location without the ~~customer's~~ end-user's permission or knowledge.

(e) The ~~telephone company~~ telecommunications service provider shall not deny service to ~~a customer~~ an end-user for nonpayment of an amount past due for more than three (3) years, if the company cannot substantiate the charges with a copy of the ~~customer's~~ end-user's bill.

(f) Service shall not be discontinued to a current ~~subscriber~~ end-user in good standing who accepts an additional household member owing a previous bill to the ~~telephone company telecommunications service provider~~, unless that additional household member is listed on the lease arrangements or another utility service as a responsible party, or unless the household member shared service with the ~~subscriber~~ end-user at a different or same location.

(g) No telecommunications service provider shall provide billing and collection for any provider of intrastate telecommunications services who does not have proper

authority to operate in the State of Oklahoma.

165:55-11-5. Suspended accounts

A ~~telephone company~~ telecommunications service provider may require each ~~customer~~ end-user whose service has been suspended for nonpayment of bills, to pay all amounts due the ~~telephone company~~ telecommunications service provider for regulated services or execute a deferred payment agreement, if offered, in accordance with OAC 165:55-11-3(d), before service is restored.

165:55-11-6. Service disputes

- (a) In case of controversy arising out of the refusal of a ~~telephone company~~ telecommunications service provider to extend service or out of its efforts to disconnect existing service, either party or the Commission staff may make application to the Commission for relief pursuant to OAC 165:55-1-7. If there is an unresolved dispute pending with the Commission concerning a bill and the ~~customer~~ end-user pays the undisputed portion of that bill, disconnection procedures shall be held in abeyance until the dispute is resolved.
- (b) If service is denied or terminated pursuant to this Subchapter, the ~~telephone company~~ telecommunications service provider shall advise the ~~customer~~ end-user of the ~~customer's~~ end-user's right to contact the Commission's Consumer Services Division and shall provide the ~~customer~~ end-user with the Consumer Service Division's address and the telephone number.
- (c) The ~~telephone company~~ telecommunications service provider or the ~~customer~~ end-user may seek assistance from the Commission to review records of the ~~telephone company~~ telecommunications service provider and the ~~customer~~ end-user concerning the ~~customer's~~ end-user's complaint.
- (d) After the Commission has notified the ~~telephone company~~ telecommunications service provider of a complaint or inquiry from the ~~customer~~ end-user regarding the ~~customer's~~ end-user's account, the ~~telephone company~~ telecommunications service provider shall coordinate communication with the Commission Staff regarding the complaint. The Commission Staff shall be the intermediary between the ~~telephone company~~ telecommunications service provider and the ~~customer~~ end-user until the resolution of the problem has been completed.

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165:55-11-7. Written correspondence

(a) Any written correspondence or notices to the ~~customer~~ end-user by the ~~telephone company~~ telecommunications service provider relating to billing disputes or complaints, which are not otherwise provided for in this Chapter, shall meet the following criteria:

- (1) The correspondence shall be sent to the ~~customer's~~ end-user's choice of billing address.
- (2) The correspondence shall clearly state that it is from the ~~telephone company~~ telecommunications service provider.
- (3) The correspondence shall clearly state any applicable deadlines within which the ~~customer~~ end-user must take the appropriate action.
- (4) The correspondence shall clearly state that if the ~~customer~~ end-user is unable to resolve any disputes with the ~~telephone company~~ telecommunications service provider regarding the subject of the correspondence, the ~~customer~~ end-user may contact the Commission's Consumer Services Division at the address and telephone numbers stated on the correspondence.

(b) Written correspondence shall be considered delivered three (3) business days after the correspondence has been mailed.

PART 3. DISCONNECTION PROCEDURES

165:55-11-10. ~~Disconnect~~ Disconnection for nonpayment or failure to make security deposit

(a) When service to a ~~customer~~ an end-user is to be disconnected for nonpayment of a bill for telephone service or failure to make a security deposit after a reasonable time, the ~~telephone company~~ telecommunications service provider shall give at least ten (10) days from the date of mailing written notice to the ~~customer~~ end-user. Said written notice shall be mailed by the ~~telephone company~~ telecommunications service provider or delivered to the ~~customer's~~ end-user's billing address as listed with the ~~telephone company~~ telecommunications service provider. If the mailed notice is returned from that address as undeliverable, the notice may be delivered to the premises at which the service was rendered. Notice will be deemed given to the ~~customer~~ end-user three (3) business days after mailing by the ~~telephone~~

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~~company~~ telecommunications service provider.

(b) Unless a dangerous condition exists or the ~~customer~~ end-user requests disconnection, service shall not be disconnected on a day when personnel of the ~~telephone company~~ telecommunications service provider are not available to the public to arbitrate disputes or for making collections and reconnecting service.

165:55-11-11. Disconnection for reasons other than nonpayment

Service to a ~~customer~~ an end-user may be disconnected for any reason which by Part 1 of this Subchapter requires notice, other than nonpayment for service or failure to make a security deposit, only upon order of the Commission, upon application and after notice and hearing. For good cause shown, the Commission may order disconnection of service pending hearing, with or without notice to the ~~customer~~ end-user.

165:55-11-12. Notice of Disconnection

- (a) A notice of disconnection shall contain the following information:
- (1) The words "NOTICE OF DISCONNECTION" or words with the same meaning, in print type larger than the print type of the notice text.
 - (2) The name and address and the telephone number of the ~~customer~~ end-user.
 - (3) A statement of the reason for the proposed disconnection of service.
 - (4) The date on or after which service will be disconnected unless appropriate action is taken.
 - (5) The telephone number in bold print of the ~~telephone company~~ telecommunications service provider where the ~~customer~~ end-user may make an inquiry.
 - (6) The approved charges for reconnection.
 - (7) A statement that the ~~customer~~ end-user must contact the ~~telephone company~~ telecommunications service provider regarding the disconnection, prior to contacting the Commission's Consumer Services Division.
 - (8) The address and telephone number of the Commission's Consumer Services Division, in print size which is smaller than the print size used for the ~~telephone company's~~ telecommunications service provider's telephone number.
 - (9) The services that are being disconnected, whether local and/or toll, and if the service to be disconnected is local service, a statement that the end-user must also contact their IXC if such end-user wishes to terminate such service in order to avoid incurring additional charges for such service.

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(b) The following additional information shall be in the notice unless said information can be obtained in the telephone directory and the notice refers the ~~customer~~ end-user to the location in the directory where the information can be obtained:

(1) A statement of how ~~a customer~~ an end-user may avoid the disconnection of service, including a statement that the ~~customer~~ end-user must notify the ~~telephone company~~ telecommunications service provider on the day of payment as to the place and method of such payment when the bill is paid at a place other than the office of the ~~telephone company~~ telecommunications service provider.

(2) A statement that informs the ~~customer~~ end-user where payments may be made or how to obtain a listing of authorized payment agencies.

165:55-11-12.5. Emergency service following disconnection [NEW]

Regardless of the reason for disconnection of service, if the telecommunications service provider permits access to its customer service number(s) for a period of time of at least 30 days, the telecommunications service provider shall, where available, also provide access to 911 or E911 service.

165:55-11-13. Reconnection

(a) Where service to any ~~customer~~ end-user has been refused or disconnected as authorized by 165:55-11-11, the ~~telephone company~~ telecommunications service provider shall not be required to connect or reconnect service except by order of the Commission and, if so ordered, only upon the terms and conditions specified in the order.

(b) When service to any ~~customer~~ end-user has been disconnected pursuant to this Subchapter, upon reconnection, the ~~telephone company~~ telecommunications service provider shall be authorized to make a reconnection charge prescribed in its approved tariffs.

(c) After the reason for disconnection has been remedied, the ~~telephone company~~ telecommunications service provider shall restore service as soon as possible.

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SUBCHAPTER 13. OPERATING AND MAINTENANCE REQUIREMENTS

PART 1. NEW AND HELD UNFILLED APPLICATIONS FOR SERVICE

Section

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PART 3. ~~GRADES OF SERVICE~~ STANDARDS

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- 165:55-13-10.5. Calling areas [NEW]
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- 165:55-13-12. Extension of ~~lines~~ facilities
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PART 5. SERVICE QUALITY STANDARDS

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- 165:55-13-30. Accepted transmission design factors
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- 165:55-13-40. Location of demarcation points and network interfaces

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- 165:55-13-50. Service standards; sufficient operating and maintenance force
- 165:55-13-51. Records of trouble reports
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PART 1. NEW AND HELD UNFILLED APPLICATIONS FOR SERVICE

- 165:55-13-1. Service objectives; service period

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(a) Where facilities are available, a ~~telephone company~~ telecommunications service provider shall have as a service objective the installation of service to all ~~customers~~ end-users making application in a least ninety-five percent (95%) of all cases, within four (4) working days for ~~base rate area exchange single line service;~~ ~~within seven (7) working days for rural service outside the base rate area;~~ or as otherwise agreed to by the ~~customer~~ end-user; and for ~~multiple line service or~~ service requiring special equipment, within the time negotiated with the ~~customer~~ end-user. Whenever the service objective cannot be met, the ~~telephone company~~ telecommunications service provider shall notify the ~~customer~~ end-user thereof, stating the estimated delay and any interim service available. Service orders should be filled as quickly as practicable, but within no longer than ~~one hundred twenty (120)~~ thirty (30) days unless unavoidable delays are experienced.

(b) Whenever due to lack of adequate facilities or for any other reason, the ~~telephone company~~ telecommunications service provider is unable to install service within the service period set forth in subsection (a) of this Section, it shall obtain and keep on file a written application of service from each ~~customer~~ end-user applying for service not yet furnished. A ~~telephone company~~ telecommunications service provider shall not, under any circumstances, refuse to accept an application for service or request the ~~customer~~ end-user to withhold application for service. As a service objective, each ~~telephone company~~ telecommunications service provider shall keep at least ninety-eight (98%) of its residence installation appointments, unless advance notice is given to the ~~customer~~ end-user. The ~~customer~~ end-user must provide the ~~telephone company~~ telecommunications service provider with a telephone number or other means of reaching said ~~customer~~ end-user in the event the ~~telephone company~~ telecommunications service provider may be unable to meet the scheduled appointment.

165:55-13-2. Held Unfilled applications

(a) **Record of held unfilled applications.** The ~~telephone company~~ telecommunications service provider shall keep a complete record of ~~held unfilled~~ held unfilled applications for each exchange, showing the name and address of the applicant, date of application, date service desired, estimated date service was promised, class ~~and grade~~ of service applied for, and reason for failure to give service on a timely basis.

(b) **Priorities of held unfilled applications.** Priority in filling ~~held unfilled~~ held unfilled applications will be given to furnishing service essential to public health and service, after which priority will be given to furnishing residential service to premises not

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otherwise served. The ~~telephone company~~ telecommunications service provider will prepare and submit plans for meeting ~~held~~ unfilled orders for service and reports of progress thereon as required by the Commission.

PART 3. GRADES OF SERVICE STANDARDS

165:55-13-10. Minimum ~~standard~~ service standards

(a) The purpose of this Part is to create a uniform standard governing the minimum component telephone services for all telephone ~~subscribers~~ end-users.

(1) Each ~~telephone company~~ telecommunications service provider providing local exchange service shall ~~construct and maintain its telecommunications network so that the facilities and equipment within the network are adequate to provide~~ make available to each local exchange customer end-user within its ~~certificated area with~~ service territory the following technologies and service features:

(A) Individual line service on a local access line at uniform rates for all ~~subscribers~~ end-users of a given class within the exchange, i.e., single party service without mileage or zone charges for ~~subscribers located outside the base rate area.~~ Any ~~telephone company~~ telecommunications service provider whose authorized tariffs on the ~~effective date of this Section~~ June 13, 1994 allow mileage and/or zone charges for ~~subscribers~~ end-users located outside the base rate area shall eliminate these charges in the ~~telephone company's~~ telecommunications service provider's next general rate review proceeding, ~~unless elimination is provided for under a previous Commission order.~~ If no general rate review proceeding occurs in the time period specified in 165:55-13-13(a) to achieve full compliance, the ~~effected telephone company~~ affected telecommunications service provider shall be allowed to implement revenue neutral tariffs as a result of the elimination of these distance sensitive charges;

(B) Dual tone multi-frequency signaling;

(C) ~~Interoffice capability to transmit at minimum speeds of fifty-six (56) kilobits per second; provided, however, that the telephone company shall install ninety percent (90%) of such circuits within ninety (90) days of the service order; The telecommunications service provider shall install ninety~~

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percent (90%) of the following circuits within ninety (90) days of the date of the service order:

(i) Circuits necessary to provide interoffice capability at minimum speeds of fifty-six (56) kilobits per second;

(ii) For RUS borrowers, for RUS loans executed after February 13, 1996, all new facilities will be required, as built or with additional equipment, to provide transmission and reception data at a rate no lower than one (1) megabit per second. The deployment of new facilities shall be scheduled in a way to where advanced services will be implemented in a uniform manner with both rural and nonrural areas receiving services at the same time. New facilities which do not use system powering shall be required to use an alternative powering source for voice telephone service during electrical utility power outages;

(D) Availability of custom calling features (e.g., call waiting, call forwarding, etc.); and

(E) Emergency telephone number services capable of automatic number identification, automatic location identification and call routing facilities to facilitate public safety response; e.g., Enhanced 911 Service, where the local government agency serving the customer end-user has in place a Public Safety Answering Point; :

(F) Link-up Program;

(G) Equal access to interexchange long-distance services;

(H) Access to telecommunications relay services;

(I) Access to directory assistance service; and.

(J) Access to operator services.

(2) Any telephone company incapable of providing the technologies and service features listed in ~~(a)(4)~~ (a)(1)(F) and (a)(1)(G) of this Section at the date of the effectiveness amendment of this Section shall begin immediate efforts to attain compliance with this Section and shall file network development schedules with the Commission pursuant to this Part.

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(3) Upon replacement of facilities incapable of providing the technologies and service feature listed in this Chapter at the date of the effectiveness of this Section, the ~~telephone company~~ telecommunications service provider shall replace such facilities with those technologies capable of providing Custom Local Area Signaling Services (CLASS).

(4) ~~Telephone companies~~ Incumbent LECs that incur additional investment as a result of this Part may seek recovery through a general review of the company's rates for regulated ~~telephone~~ telecommunications services.

(b) This Part is not intended to supersede the currently effective rates or prescribe prospective rates for ~~telephone~~ telecommunications services affected by this Part with the exception of mileage and/or zone charges which shall be treated as provided by this Part.

165:55-13-10.5. Calling areas [NEW]

(a) Wide Area Calling Plans ("WACPs") and Extended Area Service ("EAS") arrangements established as of the effective date of this Section, and any modifications thereafter approved by the Commission, shall be the standard level of service provided by all incumbent LECs providing service within said WACPs and EAS arrangements, unless the end-user elects otherwise pursuant to subsection (b) of this Section.

(b) An incumbent LEC may offer a calling scope which is different than an established WACP or EAS arrangement as an optional service, after notice and hearing, provided however, that end-users shall be deemed to have elected to receive the entire EAS or WACP area until such time as the end-user makes an affirmative election of a different calling scope.

(c) Any competitive LEC may elect to offer service to a calling area which includes all or a portion of a WACP or EAS arrangement, after notice and hearing.

(d) In the event the competitive LEC provides an optional toll service that is consistent with an EAS or WACP calling scope, the competitive LEC shall be required to pay any contribution associated with minutes of use as established by the Commission in Order No. 399040, issued in Cause Nos. PUD 950000117 and PUD 950000119.

~~465:55-13-11. Maximum number of parties on one line [REVOKED]~~

~~A telephone company shall not connect more customers on any line than specified in its filed tariff for the appropriate grade of service.~~

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165:55-13-12. Extension of lines facilities

(a) ~~Within the base rate area, the telephone company~~ A Carrier of Last Resort will extend its ~~distributing~~ distribution plant to furnish permanent service to any applicant located within one-quarter (1/4) mile of its existing facilities without requiring a construction charge, provided that the amount of plant to be constructed does not exceed that amount deemed necessary to serve the ~~customer's~~ end-user's location. When ~~a customer~~ an end-user requests services requiring an excessive quantity of facilities which will have extremely little potential for reuse, should that ~~customer~~ end-user move or otherwise discontinue service, a construction charge based on the cost of the facilities would apply.

(b) ~~Outside the base rate area, the telephone company will~~ A Carrier of Last Resort shall extend its ~~distributing~~ distribution plant to applicants in an area ~~where facilities are not available~~ located more than one-quarter (1/4) mile from its existing facilities under the following conditions:

(1) New extensions or reinforcement of existing line facilities required for furnishing access lines associated with the service offered by ~~the telephone company will~~ a Carrier of Last Resort shall be constructed under the following conditions, when application is by an individual ~~customer~~ end-user or a developer for service of a permanent nature:

(A) An allowance of a one-quarter (1/4) mile, route measurement, per applicant will be made for such extensions without the application of a construction charge.

(B) Where construction is required in excess of the allowance stated in ~~165:55-13-10~~ subparagraph (b)(1)(A) of this Section, applicants for service are may be required to pay a construction charge for all reasonable costs in excess of the free allowance. ~~Additional charges may be applicable where natural or other barriers are encountered which require undue circuitous routing or abnormal costs to be incurred by the telephone company.~~

(C) A Carrier of Last Resort may make, at its option, an extension of its facilities above the free limit upon receipt of a lesser payment, or no payment, when the gross anticipated revenue from the extension will provide a Carrier of Last Resort with adequate return upon its investment pursuant to a formula approved by the Commission or contained in its approved terms and conditions of service.

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(D) Additional charges may be applicable where natural or other barriers are encountered which require undue circuitous routing or abnormal costs to be incurred by a Carrier of Last Resort.

(E) When a Carrier of Last Resort requires a charge for the extension of facilities into an area more than one-quarter (1/4) mile from its existing facilities, the end-user(s) may apply to be provided telecommunications services by a Carrier of Last Resort providing service an adjacent certified area, if the Commission so orders. This subparagraph shall be limited to situations where a Carrier of Last Resort will not provide service to an area located within its service territory without the payment of construction charges.

(2) Nothing in this Chapter shall prohibit any REA RUS borrower from making extensions in compliance with REA RUS rules or terms and conditions contained in any loan documents.

(c) In lieu of extensions of telephone service pursuant to subsection (a) of this Section, a ~~telephone company~~ Carrier of Last Resort may require a developer desiring an extension to a prospective real estate subdivision to post a surety bond or make a cash deposit or bank letter of credit (at the option of the developer) equal to the estimated total costs of the extension before the construction of the extension is commenced. Total cost of construction shall not include drops to individual users off the telephone distribution facilities. In the event the developer chooses to post a surety bond or bank letter of credit, there shall be added to the principal amount of the surety bond or bank letter of credit, an amount equal to the most recent average embedded debt cost of the ~~telephone company~~ Carrier of Last Resort on file with the Commission. At least annually, for a period of five (5) years, the ~~telephone company~~ Carrier of Last Resort shall give the developer a credit equal to the percentage which the number of installations made in said twelve (12) months period bears to seventy-five percent (75%) of the total number of installations contemplated by the developer and the ~~telephone company~~ Carrier of Last Resort for the completed subdivision. The credit referred to in this Chapter, in the case of deposit, shall be returned to the developer annually; with respect to a surety bond posted by the developer, the credit shall be in the form of an annual reduction of the face amount of the surety bond posted. Upon the developer receiving the applicable credit for each installation as set forth in this Chapter, the ~~telephone company~~ Carrier of Last Resort shall release or cause to be released the obligation of the developer and the surety, if a surety bond was posted; provided, however, if within five (5) years from the date of the surety bond or cash deposit, the proposed development area has not been developed in a sufficient amount for

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the developer to receive credit for the total cost of extension to the development as agreed upon, then the developer shall be obligated to pay to ~~the telephone company~~ the Carrier of Last Resort the total construction costs reduced by all credits previously allowed. In the event that said amount is not paid within sixty (60) days of the date due and a surety bond has been posted, the ~~telephone company~~ Carrier of Last Resort may declare a default and shall have the right to call upon the surety for payment of the remaining unpaid amount due. In the event of dispute over the circumstances requiring the posting of a surety bond or cash deposit, and/or the reasonableness of the face amount of such bond or cash deposit, ~~the telephone company~~ a Carrier of Last Resort or the developer may apply to the Commission for an appropriate order resolving the dispute.

165:55-13-13. Network development schedules

(a) By June 8, 1994, each ~~telephone company~~ incumbent LEC shall submit a statement to the Director of the Public Utility Division stating the company's compliance with the minimum service standards or the company shall submit a network development schedule detailing the company's commitment to achieve full compliance with the minimum service requirements of OAC 165:55-13-10 by the end of two (2) years, following the effective date of OAC 165:55-13-10. The network development schedule shall include the following elements:

- (1) Annual targets for the elimination of multiparty service and mileage and zone charges.
- (2) Annual targets for the availability of dual tone multifrequency signaling.
- (3) Annual targets for the availability of custom calling features.
- (4) Annual targets for the ubiquitous availability of emergency telephone number services.

(b) Each ~~telephone company~~ incumbent LEC shall submit reports to the Director of the Public Utility Division on a semiannual basis demonstrating the company's progress toward full compliance with the requirements of OAC 165:55-13-10. ~~In addition, the Commission may require additional reports to be filed with the Director of the Public Utility Division as new technologies emerge in the industry.~~

(c) By August 15, 1996, each incumbent LEC shall submit a statement to the Director of the Public Utility Division stating the company's compliance with the minimum service standards set forth in OAC 165:55-13-10 (a)(1)(F) and OAC 165:55-13-10 (a)(1)(G) or the company shall submit a network development schedule detailing the company's commitment to achieve full compliance with the

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minimum service requirements of OAC 165:55-13-10 (a)(1)(F) and OAC 165:55-13-10 (a)(1)(G) by July 1, 1998. The network development schedule shall include the following elements:

(1) Annual targets for the availability of equal access to interexchange long-distance service.

(2) The date that the Link-up Program will be available to all end-users.

(d) Each incumbent LEC shall submit reports to the Director of the Public Utility Division on a semiannual basis demonstrating the company's progress toward full compliance with the requirements of OAC 165:55-13-10 (a)(1)(F) and OAC 165:55-13-10 (a)(1)(G).

(e) The Director of the Public Utility Division may require additional reports regarding network development and network capabilities to be submitted by each telecommunications service provider.

165:55-13-14. Lifeline service

~~By June 8, 1994, each telephone company~~ Each telecommunications service provider shall file tariffs with the Commission implementing offer end-users a program designed to achieve a full end-user end-user common line waiver for qualifying subscribers end-users. The program shall comply with the provisions of 47 C.F.R. § 69, 104(k)(1) and shall be limited to ~~subscribers~~ end-users who are eligible for or receive assistance or benefits under the Link-up America Program or pursuant to requirements established by the Department of Human Services or the appropriate state agency charged with administering public assistance programs.

PART 5. SERVICE QUALITY STANDARDS

165:55-13-20. Responsibility for adequate and safe service

(a) A telephone company telecommunications service provider is responsible for providing adequate and efficient telephone service to every customer end-user served by it.

(b) The telephone company A telecommunications service provider that uses its own local exchange facilities to provide service shall install and maintain its system so as to render safe, efficient, and continuous service and shall keep all of its lines, equipment, and facilities in a good state of repair.

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(c) The recommendations contained in the National Electrical Code (NEC) Manual 1993 Edition and the National Electrical Safety Code (NESC) 1993 Edition are hereby adopted as the minimum standards governing the installation, construction, and maintenance of communication lines. Local and municipal electrical codes shall not apply to the installation of telecommunications facilities.

~~465:55-13-21. Incorporated national standards [REVOKED]~~

~~The recommendations contained in the National Electrical Code (NEC) Manual 1993 Edition and the National Electrical Safety Code (NESC) 1993 Edition are hereby adopted as the minimum standards governing the installation, construction, and maintenance of communication lines. Local and municipal electrical codes shall not apply to the installation of telephone facilities.~~

165:55-13-22. Emergencies

~~(a) A telephone company~~ All telecommunications service providers shall make adequate provision for emergencies in order to prevent interruption of continuous telephone telecommunications service throughout the area it serves. ~~Each central office will have an emergency power source, either on the premises or available on short notice.~~

~~(b) Central office(s) shall have an emergency power source, either on the premises or available on short notice.~~

~~(1) Each telephone company central office~~ Central office(s) shall have available emergency standby AC generators to avoid interruption of normal service caused by failure of AC commercial power except when caused by acts of God.

~~(2) By September 1, 1989, each~~ Each central office equipped to serve more than three hundred (300) access lines shall be equipped with a one thousand-four (1,004) Hertz, one (1) milliwatt test signal generator and a nine hundred (900) ohm termination wired to telephone numbers. The numbers assigned for these test terminations shall be readily determinable.

165:55-13-23. Adequacy of service

~~The telephone company~~ telecommunications service provider shall ensure that there is a sufficient operating force and where appropriate, sufficient equipment to

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meet the following service objectives and minimum standards.

- (1) Toll calls: Objective -- ninety percent (90%) answered within ten (ten) seconds; minimum -- eighty percent (80%) answered within ten (10) seconds.
- (2) Directory assistance: Objective--eighty-five percent (85%) answered within ten (10) seconds; minimum--seventy-five percent (75%) answered within ten (10) seconds.
- (3) Repair and trouble calls: Objective--eighty-five percent (85%) answered within twenty (20) seconds; minimum--seventy-five percent (75%) answered within twenty (20) seconds.

165:55-13-24. Adequacy of equipment

A ~~telephone company~~ telecommunications service provider shall, where appropriate, install sufficient equipment and ensure that there are sufficient personnel to handle the average busy hour, busy season traffic, and to meet the following minimum standards at that period.

- (1) Dial tone: Ninety-five percent (95%) within three (3) seconds.
- (2) Completion of calls: Ninety percent (90%) without encountering an all trunks, busy condition within the central office.
- (3) Local interoffice trunks: Ninety-five percent (95%) of calls offered to the group will not encounter an all trunks busy condition.
- (4) ~~intra-LATA~~ Intrastate toll connecting trunks; Ninety-seven percent (97%) will not encounter an all trunks busy condition.

PART 7. TRANSMISSION OBJECTIVES

165:55-13-30. Accepted transmission design factors

All voice grade interoffice trunk facilities shall conform to accepted transmission design factors and shall be maintained to meet the following objectives when measured from the line terminals of the originating central office to the line terminals of the terminating central office:

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(1) **Interoffice local calls.** Excluding calls between central offices in the same building, ninety percent (90%) of the measurements should be from two (2) to ten (10) decibels loss at 1000+/-20 Hertz and no more than thirty (30) decibels above reference noise level ("C" message weighting).

(2) **Access facility.** Ninety percent (90%) of the transmission measurements should be from three (3) to twelve (12) decibels loss at 1000+/-20 Hertz and no more than thirty-three (33) decibels above reference noise level ("C" message weighting).

165:55-13-31. Access lines

All newly constructed and rebuilt access lines shall be designed for a transmission loss of no more than eight (8) decibels at 1004 Hertz from the central office to the network interface excluding central office loss. All access lines shall be maintained so that transmission loss does not exceed ten (10) decibels.

**PART 9. LOCATION OF DEMARCATION POINTS
AND NETWORK INTERFACES**

165:55-13-40. Location of demarcation points and network interfaces

(a) **Simple residence and business locations.** The normal demarcation point for simple residence and business locations will be the network interface. The network interface normally will be located on the exterior of a building, or inside of the building if the interface device can not be provided on the exterior of the building.

(b) **Other buildings.** The normal demarcation point for regulated services offered by ~~telephone companies~~ any telecommunications service provider in buildings commenced after June 30, 1992, will be at or near the point of minimum penetration. The point of minimum penetration is the location where the ~~telephone companies'~~ telecommunications service provider's regulated facilities enter the building subject to an agreement to the contrary. The actual demarcation point in new buildings shall be located as close to the point of minimum penetration as appropriate environmental protection and space requirements allow. The ~~telephone companies~~ telecommunications service provider will normally terminate ~~their~~ its regulated services by placing an FCC approved network interface at the demarcation point.

(c) **Campuses.** The normal demarcation point for regulated services offered by

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~~telephone companies~~ telecommunications service providers in campuses commenced after June 30, 1992, will be in one of the buildings on the campus at or near the point of minimum penetration. The point of minimum penetration is the location where the ~~telephone companies'~~ telecommunications service provider's regulated facilities enter the building. The actual demarcation point in the building shall be located as close to the point of minimum penetration as appropriate environmental protection and space requirements allow. ~~The telephone companies~~ Telecommunications service providers will normally terminate their regulated services by placing an ~~FGC-approved~~ FCC-approved network interface at the demarcation point.

(d) **Apartment building.** The demarcation point for residential service in residential apartment buildings or high-rise apartment buildings may be placed at each individual living unit or at a central location within each building if adequate security is available.

(e) ~~Time requirement.~~ ~~Between the effective date of this Chapter and June 30, 1992, the location of demarcation points and placement of network interfaces will be in compliance with orders issued in Cause No. PUD 000238.~~ Other demarcation points. The point(s) of demarcation may be at a location(s) different than set forth in this Section if mutually agreed between the end-user and the telecommunications service provider.

PART 11. INTERRUPTIONS OF SERVICE

165:55-13-50. Service standards; sufficient operating and maintenance force

A ~~telephone company~~ telecommunications service provider shall maintain an operating and maintenance force sufficient to meet service objectives and minimum standards for restoration of service after interruption as follows:

- (1) Provisions will be made to receive customer trouble reports at all times, twenty-four (24) hours per day.
- (2) Provision will be made to correct interruptions of service to persons and agencies required to respond to emergencies involving human life and safety at all times, consistent with the bona fide needs of the customer end-user and the availability and safety of ~~telephone company~~ telecommunications service provider personnel.
- (3) It will be a service objective to correct ninety percent (90%) of the

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interruptions of service, except emergency service, on the next working day after the interruption was reported or discovered.

(4) It will be a service objective that the total number of customer trouble reports in each exchange does not exceed twelve (12) per one hundred (100) working network access lines per month in an exchange of three hundred (300) or fewer network access lines and nine (9) reports per one hundred (100) network access lines per month in an exchange of three hundred-one (301) to two thousand (2,000) network access lines and seven (7) per one hundred (100) network access lines per month in an exchange with two thousand - one (2001) or more network access lines. The service objective will be met unless there is an excessive number of trouble reports in a particular exchange for three (3) consecutive months rolling average. Trouble caused by CPE or ~~customer-owned~~ customer-owned inside wiring shall not be included in these calculations.

165:55-13-51. Records of trouble reports

Each ~~telephone company~~ telecommunications service provider shall maintain a complete written record of all customer trouble reports of service-affecting defects in ~~telephone~~ telecommunications service provided by that telecommunications service provider. The records shall identify the ~~customer~~ end-user or service affected, the time and date of the report, the nature of the defect reported, the action taken to correct the trouble, the date and time of trouble clearance or other disposition. Each ~~telephone company~~ telecommunications service provider shall make a full and prompt investigation of every trouble report made to it by its ~~subscribers~~ end-users, either directly or through the Commission. It shall keep a record of each trouble report received. Each record shall show the name and address of the reporting ~~subscriber~~ end-user, the date and character of the trouble reported, and the adjustment or disposal made thereof, which record shall be retained for two (2) years. Records shall be kept of all trouble reports as defined by this Chapter.

165:55-13-52. Notice of service interruptions

~~(a) The Commission shall be notified by phone or in writing, of interruptions in service affecting the entire system or any major division thereof lasting more than four (4) hours. The notice shall also state the cause of such interruptions. The Commission shall be notified, through the Director of the Consumer Services Division, of interruptions in telecommunications services which affect the entire~~

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system; a major division thereof; or which, in the judgment of the telecommunications service provider, may cause a high degree of public interest or concern.

(b) The Commission notification process required in subsection (a) of this Section, may be accomplished by facsimile, twenty-four (24) hours a day, seven (7) days a week; or by phone, during the business hours of 8:00 a.m. through 4:30 p.m., Monday through Friday, and should consist of the following:

(A) An initial contact to advise of the outage; the cause of such outage; the area affected; and, the estimated time for repair;

(B) Intermediate contact to provide status reports, as deemed necessary by the telecommunications service provider, or as may be requested by the Commission Staff; and,

(C) A conclusory contact detailing the results and completion of the restoration of service.

**SUBCHAPTER 15. EXCHANGE OR ACQUISITION
OF TELEPHONE PROPERTIES**

Section

- 165:55-15-1. Approval of acquisition or exchange
- 165:55-15-2. Major stock acquisitions
- 165:55-15-3. Sale of equipment

165:55-15-1. Approval of acquisition or exchange

No individual, corporation, cooperative, trust, or other legal entity shall acquire by purchase or exchange a ~~telephone company~~ telecommunications service provider or all or a substantial part of the telephone properties, territory, operating plant, network, or ~~telephone~~ telecommunications business of another ~~telephone company~~ telecommunications service provider without approval of the Commission given by order upon application and after notice and hearing.

165:55-15-2. Major stock acquisitions

If, at anytime, any person, firm or corporation, either by inheritance, purchase, merger, or otherwise should acquire sufficient amount of capital stock of any

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~~telephone company~~ telecommunications service provider in Oklahoma so as to change the effective power to control said corporation, said person, firm, or corporation so acquiring the capital stock shall advise the Commission of such acquisition and furnish the names of the operating officers and managers of said corporation who will be responsible for the operation of said ~~telephone company~~ telecommunications service provider in compliance with the rules and regulations of this Commission.

165:55-15-3. Sale of equipment

This Section shall not prohibit sale or exchange of individual items of equipment not affecting the service or area of service of a ~~telephone company~~ telecommunications service provider.

SUBCHAPTER 17. FACILITATION OF LOCAL EXCHANGE COMPETITION
[NEW]

Section

- 165:55-17-1. Rules governing local exchange competition
- 165:55-17-3. Designation of service territory
- 165:55-17-5. Obligations of telecommunications service providers to facilitate competition
- 165:55-17-7. Procedures for negotiation, arbitration and approval of agreements
- 165:55-17-9. Resale of local telecommunications service
- 165:55-17-11. Unbundling of incumbent LEC networks
- 165:55-17-13. Interconnection of networks
- 165:55-17-15. Reciprocal compensation
- 165:55-17-17. Number portability and dialing parity
- 165:55-17-19. Universal Service
- 165:55-17-21. Universal Service Fund
- 165:55-17-23. [RESERVED]
- 165:55-17-25. Costing standards
- 165:55-17-27. Pricing and imputation standards
- 165:55-17-29. Carrier of Last Resort/Eligible telecommunications carrier
- 165:55-17-31. [RESERVED]
- 165:55-17-33. Verification of compliance
- 165:55-17-35. Unauthorized transfer of end-users

165:55-17-1. Rules governing local exchange competition

The provisioning of local exchange service by any telecommunications service provider subject to the jurisdiction of the Oklahoma Corporation Commission, shall be subject to all requirements of OAC 165:55.

165:55-17-3. Designation of service territory

The Commission shall determine whether a competitive LEC's service territory is in the public interest at the time the competitive LEC seeks certification or proposes changes to its service territory. In determining whether the proposed service territory meets the public interest, the Commission shall consider factors, including but not limited to, the existence and location of the competitive LEC's facilities, the number of potential customers to be served and the potential impact on universal service.

165:55-17-5. Obligations of telecommunications service providers to facilitate competition

(a) General duty of telecommunications service providers. Each telecommunications service provider has the duty:

(1) To interconnect directly with or indirectly with the facilities and equipment of other telecommunications service providers; and.

(2) Not to install network features, functions, or capabilities that do not comply with established guidelines and standards.

(b) Obligations of all telecommunications service providers. Each telecommunications service provider furnishing local exchange services has the following duties:

(1) Resale. The duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services.

(2) Number portability. The duty to provide, to the extent technically feasible, number portability in accordance with requirements established by the FCC.

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(3) Dialing parity. The duty to provide dialing parity to competing providers of local exchange and long distance telecommunications services, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance and directory listings, with no unreasonable dialing delays.

(4) Access to rights of way. The duty to afford access to the poles, ducts, conduits, and rights-of-way of such telecommunication service provider to competing providers of telecommunications services on rates, terms and conditions that are consistent with existing laws, regulations and contract rights.

(5) Reciprocal compensation. The duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications services.

(c) Additional obligations of incumbent LECs. In addition to the obligations described in OAC 165:55-17-5(b), each incumbent LEC and any competitive LEC that is treated as an incumbent LEC pursuant to 47 U.S.C. §251(h), has the following duties:

(1) Negotiations. The duty to negotiate in good faith the particular terms and conditions of agreements to fulfill the duties described in this Section. The requesting telecommunications service provider also has the duty to negotiate in good faith the terms and conditions of such agreements.

(2) Interconnection. The duty to provide, for the facilities and equipment of any requesting telecommunications service provider, interconnection with the incumbent LEC's network as follows:

(A) For the transmission and routing of telephone exchange service and access service;

(B) At any technically feasible point within the incumbent LEC's network;

(C) That is at least equal in quality to that provided by the incumbent LEC to itself or to any subsidiary, affiliate, or any other party to which the incumbent LEC provides interconnection; and,

(D) On rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms and conditions of the agreement and requirements of this Section.

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(3) Unbundled access. The duty to provide, to any requesting telecommunications service provider for the provision of telecommunications services, nondiscriminatory access to network elements required by OAC 165:55-17-11 on an unbundled basis and at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of the agreement and requirements of this Chapter. An incumbent LEC shall provide such unbundled network elements in a manner that allows requesting telecommunications service providers to combine such elements in order to provide such telecommunications services.

(4) Resale. The duty to provide resale as follows:

(A) To offer for resale at wholesale rates any telecommunications service that the incumbent LEC provides at retail to subscribers who are not telecommunications service providers; and.

(B) Not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of such telecommunications services, except that telecommunications service providers may resell local exchange service only to the same class of customers to which the incumbent LEC sells such services.

(5) Notice of changes. The duty to provide reasonable public notice of changes in the information necessary for the transmission and routing of services using the incumbent LEC's facilities or networks, as well as of any other changes that would affect the interoperability of such facilities and networks.

(6) Collocation. The duty to provide, on rates, terms and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the incumbent LEC, except that the incumbent LEC may provide for virtual collocation if the incumbent LEC demonstrates that physical collocation is not practical for technical reasons or because of actual space limitations.

(d) Exemptions for rural telephone companies.

OAC 165:55-17-5(c) shall not apply to a rural telephone company until:

(1) Such company has received a bona fide request for interconnection, services, or network elements, and

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(2) The Commission determines that such request is not unduly burdensome, is technically feasible, and is consistent with established universal service principles.

(A) Termination of exemption. In order to terminate the exemption of a rural telephone company, the following must occur:

(i) The telecommunications service provider making a bona fide request of a rural telephone company for interconnection, services, or network elements shall submit a notice of its request to the Commission.

(ii) The Commission shall conduct an inquiry for the purpose of determining whether to terminate the exemption under this subsection.

(B) Limitation on exemption. The exemption provided by this subsection shall not apply to a request under OAC 165:55-17-5(c) from a cable operator providing video programming, and seeking to provide any telecommunications service, in the area in which the rural telephone company begins providing video programming after February 8, 1996.

(e) Suspensions and modifications for rural telephone companies. An incumbent LEC with fewer than two percent (2%) of the end-user lines installed in the aggregate within the United States may apply to the Commission for suspension or modification of any requirement of OAC 165:55-17-5(b) or OAC 165:55-17-5(c) applicable to network facilities specified in such application. The Commission will grant such application to the extent that, and for such duration as, the Commission determines that such suspension or modification:

(1) Is necessary to:

(A) Avoid a significant adverse economic impact on users of telecommunications services generally;

(B) Avoid imposing a requirement that is unduly economically burdensome; or

(C) Avoid imposing a requirement that is technically infeasible; and

(2) Is consistent with the public interest, convenience and necessity.

(f) Time for Commission review. The Commission will issue an Order regarding

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any application:

(1) For termination of an exemption, pursuant to OAC 165:55-17-5(d), within one hundred twenty (120) days after the Commission receives notice of the request:

(A) The Commission shall terminate the exemption if the request is:

- (i) Not unduly economically burdensome;
- (ii) Is technically feasible; and
- (iii) Is consistent with established universal service principles.

(B) Upon termination of the exemption, the Commission will establish an implementation schedule for compliance with the request.

(2) For a suspension or modification of OAC 165:55-17-5(b) or OAC 165:55-17-5(c), within one hundred eighty (180) days after receiving such application.

(g) Failure to act on a bona fide request. Any telecommunications service provider that makes a bona fide request for services or network elements to another telecommunications service provider, but fails to begin the necessary steps to introduce competition in the requested exchange(s) or zone(s) within twelve (12) months after satisfactory unbundling and/or interconnection agreements have been approved by the Commission, shall be liable for the reasonable expenses incurred by the requested telecommunications service provider.

165:55-17-7. Procedures for negotiation, arbitration and approval of agreements.

(a) Agreements arrived at through voluntary negotiations. Upon receiving a request for interconnection, services, or network elements pursuant to OAC 165:55-17-5, an incumbent LEC may negotiate and enter into a binding agreement with the requesting telecommunications service provider or providers without regard to the standards set forth in OAC 165:55-17-5 (b) and (c). The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996 (February 8, 1996), shall be filed with the Commission under subsection (e) of this Section.

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(b) Mediation. Any party negotiating an agreement under this Section may, at any point in the negotiations, ask the Commission to participate in the negotiations and mediate any differences arising in the course of the negotiations. The Public Utility Division shall provide the mediator, unless otherwise directed by the Commission.

(c) Agreements arrived at through compulsory arbitration. During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent LEC receives a request for negotiation under this Section, the incumbent LEC or any other party to the negotiation may seek arbitration at the Commission of any open issues. Nothing in this subsection shall preclude negotiating parties from filing a joint application.

(1) Responsibilities of the applicant with regard to the Commission. A party that seeks arbitration from the Commission pursuant to this subsection shall, contemporaneously with the filing of its application, provide the Commission all relevant documentation concerning:

(A) The unresolved issues and the position of each of the parties with respect to those issues; and,

(B) Any other issue discussed and resolved by the parties.

(2) Responsibility of the applicant with regard to other parties. A party that seeks arbitration from the Commission pursuant to this subsection shall, provide a copy of the application and any documentation to the other party or parties not later than the day on which the application is filed.

(3) Opportunity to respond. A nonpetitioning party to a negotiation under this Section may respond to the other party's petition and provide such additional information as it wishes within twenty-five (25) days after the Commission receives the petition.

(4) Action by the Commission. When an application for arbitration is filed, the Commission will utilize the following procedures.

(A) The Commission will limit its consideration of any petition under this subsection, and any response thereto, to the issues set forth in the petition and in the response, if any, filed under paragraph (3) of this subsection.

(B) The Commission may require the petitioning party and the responding

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party to provide such information as may be necessary for the Commission to reach a decision on the unresolved issues. If any party refuses or unreasonably fails to respond on a timely basis to any request from the Commission, then the Commission may proceed on the basis of the best information available to it, from whatever source derived.

(C) The Commission will resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions as required to implement subsection (d) of this Section upon the parties to the agreement, and shall conclude the resolution of any unresolved issues not later than nine (9) months after the date on which the telecommunications service provider received the request under this Section.

(5) Refusal to negotiate. The refusal of any other party to the negotiation to participate further in the negotiations, to cooperate with the Commission in carrying out its function as an arbitrator, or to continue to negotiate in good faith in the presence, or with the assistance, of the Commission shall be considered a failure to negotiate in good faith.

(d) Standards for Arbitration. In resolving by arbitration, under subsection (c) of this Section, any open issues and imposing conditions upon the parties to the agreement, the Commission will:

(1) Ensure that such resolution and conditions meet the requirements of OAC 165:55-17-5 and applicable FCC requirements;

(2) Establish rates for interconnection, services, or network elements consistent with OAC 165:55-17-27; and,

(3) Provide a schedule for implementation of the terms and conditions by the parties to the agreement.

(e) Approval by the Commission and grounds for rejection. Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the Commission, which will approve or reject the agreement, with written findings as to any deficiencies. The Commission will only reject an agreement, or any portion thereof, if it finds that:

(1) The agreement, adopted by negotiation under subsection (a) of this Section, either:

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(A) Discriminates against a telecommunications service provider that is not a party to the agreement; or.

(B) The implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

(2) The agreement adopted by compulsory arbitration under this Section does not meet the requirements of OAC 165:55-17-5 or the agreement does not meet the standards in OAC 165:55-17-27.

(f) Reservation of authority. Notwithstanding subsection (e), the Commission, consistent with the requirements of 47 U.S.C. §253, shall enforce other requirements of State law in its review of an agreement, including requiring compliance with subchapter 13 of this Chapter.

(g) Statement of generally available terms. In conformance with 47 U.S.C. §252(f), SWBT may prepare and file with the Commission a statement of the terms and conditions that SWBT generally offers within Oklahoma to comply with the requirements of 47 U.S.C. §251, and the regulations thereunder and the standards applicable under this Section. In the event SWBT files such a statement, the Commission will:

(1) Approve the statement provided the statement complies with subchapter 13 of this Chapter, OAC 165:55-17-5 and OAC 165:55-17-27 and is consistent with 47 U.S.C. §253;

(2) Complete the Commission's review of SWBT's statement not later than 60 days after the date of such submission, (including any reconsideration thereof), unless SWBT agrees to an extension of the period for such review; or permit such statement to take effect.

(h) Continued review of SWBT's statement of generally available terms. In the event the Commission has permitted the statement of SWBT to take effect pursuant to paragraph (2) of subsection (g), the Commission may continue to review said statement after it is effective and the Commission may approve or disapprove said statement if it does not meet the requirements of paragraph (1) of subsection (g).

(i) Duty to negotiate not affected. The submission or approval of a statement under subsection (g) shall not relieve SWBT of its duty to negotiate the terms and conditions of an agreement pursuant to OAC 165:55-17-5.

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(i) Consolidation of proceedings. Where not inconsistent with the requirements of the Federal Telecommunications Act of 1996, the Commission may, to the extent practical, consolidate proceedings under OAC 165:55-17-5 and OAC 165:55-17-7, in order to reduce administrative burdens on telecommunications service providers, other parties to the proceedings, and the Commission in carrying out its responsibilities under the Telecommunications Act of 1996.

(k) Availability for public inspection. The Commission will make a copy of each agreement approved under subsection (e) and each statement approved under subsection (g) available for public inspection and copying within 10 days after the agreement or statement is approved. The Commission will charge the fees set forth in OAC 165:5-3-1 to cover the costs of processing an application and copying.

(l) Availability to other telecommunications service providers. A telecommunications service provider shall make available any interconnection, service, or network element provided under an agreement approved under this Section to which it is a party, to any other requesting telecommunications service provider, upon the same terms and conditions as those provided in the agreement.

165:55-17-9. Resale of local telecommunications service

(a) Elimination of resale restrictions. Except as provided in this Subchapter, each telecommunications service provider has the duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services. Telecommunications services may be resold, either on a stand-alone basis, or as part of a package of services.

(b) Allowable resale restriction. A telecommunications service provider that obtains, at wholesale rates, a telecommunications service that is available at retail only to a specified category of end-users may only resell such service to the same category of end-users.

(c) Incumbent LEC wholesale rates. Each incumbent LEC has the duty to offer for resale, at wholesale rates, any telecommunications service that the incumbent LEC provides at retail to end-users who are not telecommunications service providers. Wholesale rates of services shall exclude costs attributable to marketing, billing, collection and other costs that will be avoided by the incumbent LEC in providing the service on a wholesale basis.

(d) Automated Interfaces. To the extent an incumbent LEC provides itself, its

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affiliate, or its subsidiary automated interface for purpose of service ordering, maintenance, or repair, it shall make such interfaces available to the extent it protects customer privacy and system integrity, to other telecommunications service providers on rates, terms, and conditions that are just, reasonable and nondiscriminatory. The provision of such interfaces shall not permit access to or manipulation of the underlying systems themselves.

165:55-17-11. Unbundling of incumbent LEC networks

(a) Upon receipt of a bona fide request, each incumbent LEC shall enter into good faith negotiations to unbundle its network elements to the exchange(s) and/or zone(s) specifically requested in the bona fide requests. Said unbundling shall be available at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.

(b) Subsection (a) of this Section shall not be applicable to a rural telephone company until such time as the Commission has determined that the bona fide request is not unduly economically burdensome, is technically feasible and is consistent with universal service.

(c) Unbundling issues not addressed or resolved by these rules, shall be addressed and resolved through the negotiation and arbitration process provided for in OAC 165:55-17-5 and OAC 165:55-17-7, in a manner consistent with the Federal Telecommunications Act of 1996 and FCC regulations prescribed thereto.

165:55-17-13. Interconnection of networks

(a) Local exchange telecommunications networks shall be interconnected, where technically feasible, so that end-users of any telecommunications service provider can seamlessly send and/or receive calls without any diminution in service quality regardless of the telecommunications service provider selected by the end-user or the called party. Such interconnection shall be made available, when requested by a competing telecommunications service provider, on an unbundled basis equally and on a nondiscriminatory basis.

(b) A telecommunications service provider shall make available any interconnection, service, or network element, provided under an agreement to which it is a party and which has been approved by the Commission pursuant to OAC 165:55-17-7, to any other requesting telecommunications service provider upon the same terms and conditions as those provided in the agreement.

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(c) Interconnection issues not addressed or resolved by these rules, shall be addressed and resolved through the negotiation and arbitration process provided for in OAC 165:55-17-5 and OAC 165:55-17-7, in a manner consistent with the Federal Telecommunications Act of 1996 and FCC regulations prescribed thereto.

165:55-17-15. Reciprocal compensation

(a) Local telecommunications traffic shall be terminated on a nondiscriminatory basis for reciprocal compensation. The Commission will not consider the terms and conditions for reciprocal compensation to be just and reasonable unless:

(1) Such terms and conditions provide for the mutual and reciprocal recovery by each telecommunications service provider of the costs associated with the transport and termination on each telecommunications service provider's network facilities related to traffic that originates on the network facilities of the other telecommunications service provider; and,

(2) Such terms and conditions determine said costs on the basis of a reasonable approximation of the additional costs of terminating said traffic.

(b) This Section shall not be construed:

(1) To preclude arrangements that afford the mutual recovery of costs through the offsetting of reciprocal obligations, including arrangements that waive mutual recovery (such as bill-and-keep arrangements); or,

(2) To require telecommunications service providers to maintain records with respect to the additional costs of said traffic.

165:55-17-17. Number portability and dialing parity

(a) In General. All telecommunications service providers subject to OAC 165:55-17-5(b)(2) have the duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the FCC. Until the date the FCC issues its regulations to require number portability, number portability will be provided through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. In addition, all telecommunications service providers shall provide dialing parity to enable an end-user to have the

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ability to route automatically, without the use of any access code, their traffic to the telecommunications service provider of the end-user's designation, regardless of which telecommunications service provider originates or terminates the traffic.

(b) Additional State Requirements. To the extent a telecommunications service provider allows an end-user to retain the same telephone number when changing service locations within a wire center, said telecommunications service provider must allow an end-user to retain the same telephone number when changing service locations and telecommunications service providers within a wire center.

(c) Public Numbering Resources. Until the date by which telecommunications numbering administration guidelines are established by the FCC, the incumbent LECs shall provide nondiscriminatory access to telephone numbers for assignment to the other telecommunications service provider's end-users. After that date, compliance with such FCC guidelines, plan or rules is required.

(d) Cost recovery. The costs of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications service providers on a competitively neutral basis consistent with FCC rules and regulations.

165:55-17-19. Universal service

Universal service is a paramount goal of the Commission's telecommunications policy. The purpose of universal service is to ensure that all end-users have access to basic residential intrastate voice and/or relay service at a reasonable and affordable price.

165:55-17-21. Universal service fund

(a) The Commission hereby establishes a Universal Service Fund ("USF") to preserve and advance universal service in Oklahoma. Every entity which provides intrastate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, for the preservation and advancement of universal service in Oklahoma, in a manner established by the Commission.

(b) Within thirty (30) days after submission of the Commission's Agency Rule

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Report amending this Subchapter to the Oklahoma Legislature, the Commission shall initiate a docket for the purpose of investigating the definition of basic local service, the calculation of a subsidy of a Carrier of Last Resort, if any, required to support the goal of universal service and to determine any other telecommunications service provider's eligibility for receipt of any funding. Scheduling of the docket shall be designed to complete the Commission's evaluation of universal service within one hundred eighty (180) days of the effective date of this Subchapter, unless otherwise ordered by the Commission.

165:55-17-23. [RESERVED]

165:55-17-25. Costing standards

(a) To facilitate the Commission's ability to arbitrate agreements between telecommunications service providers when negotiations have resulted in a party requesting the Commission to arbitrate, the telecommunications service provider owning facilities that are the subject of arbitration shall provide to the Commission the following cost studies, for those services in dispute, no later than one hundred sixty (160) days after the receipt of a request for negotiation:

(1) Long-run incremental cost ("LRIC") studies and studies identifying a contribution to common costs for interconnection of facilities and network elements; or,

(2) Marketing, billing, collection and other costs that will be avoided by the telecommunications service provider for any resold services.

(b) To facilitate the Commission's ability to review and approve negotiated agreements between telecommunications service providers, both parties shall provide to the Commission Staff, within ten (10) days following the request, any information, including LRIC studies, necessary to demonstrate that the negotiated agreement does not discriminate against a telecommunications service provider which is not a party to the agreement.

(c) Nothing in this Section precludes a party from requesting production of cost studies during the negotiation process provided for in OAC 165:55-17-7, nor precludes a party from objecting to such request. Disputes related to such requests or objections may be submitted by either party to the Commission for mediation pursuant to OAC 165:55-17-7(b).

165:55-17-27. Pricing and imputation standards

(a) Interconnection and network element charges. The Commission will determine just and reasonable prices for network elements and interconnection of facilities and equipment as follows:

- (1) Prices shall be based on the cost, determined without reference to a rate-of-return or other rate-based proceeding, of providing the interconnection or network element, whichever is applicable:
- (2) Prices shall be nondiscriminatory; and
- (3) Prices may include a reasonable profit.

(b) Charges for transport and termination of traffic. The terms and conditions for reciprocal compensation shall be consistent with OAC 165:55-17-15 and 47 U.S.C. §252(d)(2).

(c) Wholesale prices for telecommunications services. Incumbent LECs shall provide wholesale rates for all retail telecommunications services sold to end-users on the basis of the retail rates, excluding the portion thereof attributable to any marketing, billing, collection and other costs that will be avoided by telecommunications service providers in providing the service on a wholesale basis.

(d) Southwestern Bell Telephone Company imputation. Southwestern Bell Telephone Company shall charge its affiliates, or impute to itself if using the access for provision of its own services, an amount for access to its telephone service and exchange access that is no less than the amount charged to any unaffiliated IXCs for such service.

(e) Prohibition of subsidization. A telecommunications service provider may not use services that are not competitive to subsidize services that are subject to competition. With respect to intrastate services, the Commission may establish any necessary cost allocations, rules, accounting safeguards, and guidelines to ensure that no such subsidization occurs.

165:55-17-29. Carrier of Last Resort/Eligible Telecommunications Carrier

Each incumbent LEC is designated as a Carrier of Last Resort for the territory for which it was certified on the date of the adoption of the Federal Telecommunications Act of 1996. For the purpose of eligibility to receive federal

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universal service support under 47 U.S.C. §214(e), each Carrier of Last Resort is designated as an eligible telecommunications service provider for its respective service territory. An eligible telecommunications service provider shall, throughout its service territory:

(1) Offer the telecommunications services that are supported by Federal universal service support mechanisms under 47 U.S.C. §254(c), either using its own facilities or a combination of its own facilities and resale of another telecommunications service provider's services, including the services offered by another eligible telecommunications service provider; and,

(2) Advertise the availability of such telecommunications services and the charges therefor using media of general distribution.

165:55-17-31. [RESERVED]

165:55-17-33. Verification of compliance prior to providing certain In-Region InterLATA services

After SWBT has made application to the FCC for authorization to provide interLATA services originating in any in-region State, the Commission shall verify compliance pursuant to 47 U.S.C. §271(d)(2)(B) with the requirements contained in 47 U.S.C. § 271(c), once SWBT has met the requirements set forth in this Section.

(1) Agreement or statement. SWBT meets the requirements for providing certain in-region interLATA services if it has complied with either subparagraph (A) or subparagraph (B) of this paragraph with regard to its telecommunications system in Oklahoma.

(A) Presence of a facilities-based competitor. SWBT complies with the requirements of this subparagraph if it has entered into one or more binding agreements that have been approved under 47 U.S.C. §252 specifying the terms and conditions under which SWBT is providing access and interconnection to its network facilities, for the network facilities of one or more unaffiliated telecommunications service providers providing service to residential and business end-users. For the purpose of this subparagraph, such service may be offered by a telecommunications service provider either exclusively over their own telecommunications facilities or predominantly

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over their own telecommunications facilities in combination with the resale of the telecommunications services of another telecommunications service provider.

(B) Failure to request access. SWBT meets the requirements of this subparagraph if, ten (10) months or more after the date of enactment of the Federal Telecommunications Act of 1996 and three (3) months before the date that SWBT makes its application to the FCC under 47 U.S.C. §271 (d)(1), no unaffiliated telecommunications service provider providing services to residential and business end-users has requested the access and interconnection described in OAC 165:55-17-11(b); provided a statement of the terms and conditions that SWBT generally offers to provide such access and interconnection has been approved or permitted to take effect by the Commission. For purposes of this subparagraph, SWBT shall be considered not to have received any request for access and interconnection if the Commission certifies that the only telecommunications service provider, or providers, making such a request have:

(i) failed to negotiate in good faith as required by 47 U.S.C. §252, or

(ii) violated the terms of an agreement approved under 47 U.S.C. §252 of said Act by the provider's failure to comply, within a reasonable period of time, with the implementation schedule contained in such agreement.

(2) Specific interconnection requirements. Within Oklahoma, SWBT meets the requirements concerning specific interconnection requirements pursuant to 47 U.S.C. §271 (c)(2), if:

(A) SWBT is providing access and interconnection pursuant to one or more agreements described in paragraph (1)(A) of this Section; or,

(B) SWBT is generally offering access and interconnection pursuant to a statement described in paragraph (1)(B) of this Section.

(3) Competitive checklist. The access and interconnection provided or generally offered by SWBT to other telecommunications service providers meets the requirements of 47 U.S.C. §271 (c)(2)(B), if such access and interconnection includes each of the following:

(A) Interconnection in accordance with the requirements of 47 U.S.C. §251(c)(2) and 47 U.S.C. §252(d)(1):

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(B) Nondiscriminatory access to network elements in accordance with the requirements of 47 U.S.C. §251(c)(3) and 47 U.S.C. §252(d)(1):

(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by SWBT at just and reasonable rates in accordance with the requirements of 47 U.S.C. §224:

(D) Local loop transmission from the central office to the end-user's premises, unbundled from local switching or other services:

(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services:

(F) Local switching unbundled from transport, local loop transmission, or other services:

(G) Nondiscriminatory access to:

(i) 911 and E911 services:

(ii) Directory assistance services to allow the other carrier's end-users to obtain telephone numbers; and

(iii) Operator call completion services.

(H) White pages directory listings for end-users of the other telecommunications service provider's telecommunications service:

(I) Until the date by which telecommunications numbering plan, administration guidelines, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other telecommunications service provider's end-users. After that date, compliance with such plan, guidelines or rules:

(J) Nondiscriminatory access to databases and associated signaling necessary for traffic routing and completion:

(K) Until the date by which the FCC issues regulations pursuant to 47 U.S.C. §251 to require number portability, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with such regulations:

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(L) Nondiscriminatory access to such services or information as are necessary to allow the requesting telecommunications service provider to implement local dialing parity in accordance with the requirements of 47 U.S.C. §251(b)(3):

1. (M) Reciprocal compensation arrangements in accordance with the requirements of 47 U.S.C. §252(d)(2); and.

(N) Telecommunications services are available for resale in accordance with the requirements of 47 U.S.C. §251(c)(4) and 47 U.S.C. §252(d)(3).

165:55-17-35. Unauthorized transfer of end-users

(a) The unauthorized change of an end-user's service to another telecommunications service provider ("slamming") is prohibited. To discourage the practice of slamming and protect end-users from unauthorized changes in their choice of telecommunications service providers, any election of a end-user to switch telecommunications service providers shall be in writing, in print type of at least 12 point.

(b) Prior to transferring an end-user to a different telecommunications service provider, the new telecommunications service provider shall obtain written authorization from the end-user, unless otherwise authorized by the Commission, after notice and hearing.

(c) Willful failure to obtain written authorization of an end-user prior to switching telecommunications service providers shall be punishable as for contempt, pursuant to 17 OS §1 et seq, in the amount of \$500 for each access line for each occurrence.

9-LS1644\A.

Cramer

4/9/96

CS FOR HOUSE BILL NO. 501()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES THERRIAULT, Martin, Mulder, Toohey, Vezey

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to Alaska Public Utilities Commission orders concerning
2 telecommunications utilities; and relating to expansion of service areas for local
3 telephone carriers, rates and rate flexibility for telecommunications utilities,
4 telecommunications carriers' depreciation, eligible telecommunications carriers, and
5 the promotion of long distance telecommunications services."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 * Section 1. AS 42.05.191 is amended to read:

8 Sec. 42.05.191. FORMAT OF ORDERS. Every formal order of the
9 commission shall be based upon the facts of record. Every order entered pursuant to
10 a hearing must state the commission's findings, the basis of its findings and
11 conclusions, and [TOGETHER WITH] its decision. In the case of a formal order
12 concerning a telecommunications carrier, the commission's order must also
13 include conclusions of law. These orders shall be entered of record and a copy of

1 them shall be served on all parties of record in the proceeding.

2 * Sec. 2. AS 42.05.221 is amended by adding a new subsection to read:

3 (g) The commission shall accept or reject an uncontested application from a
4 local telephone carrier to amend its certificate to extend its service area to provide
5 local telephone service to unserved areas within 90 days after the telephone carrier
6 files a completed application with the commission. If the commission fails to act
7 within the 90 days, the application is considered to be granted.

8 * Sec. 3. AS 42.05.441(a) is amended to read:

9 (a) The commission may, after providing reasonable notice and opportunity to
10 be heard, ascertain and set the fair value of the whole or any part of the property of
11 a public utility, insofar as it is material to the exercise of the jurisdiction of the
12 commission. The commission may make revaluations from time to time and ascertain
13 the fair value of all new construction, extensions, and additions to the property of a
14 public utility. If a public utility furnishes more than one classification of utility
15 service, the utility shall allocate the investment and expenses associated with the
16 property used and useful in furnishing service among the utility services and it may
17 not solely consider the utility's total investment and expenses in fixing rates for a
18 particular service. In the case of a telecommunications utility, the commission may
19 not use the principle of "used and useful" as the only basis for disallowing the
20 investment and expenses of prudent facility or plant modernization.

21 * Sec. 4. AS 42.05.471 is amended by adding a new subsection to read:

22 (c) The commission shall presume, subject to rebuttal, that the depreciation
23 rates and methodologies accepted by the Federal Communications Commission
24 establish a reasonable range of depreciation rates and methodologies for
25 telecommunications carriers.

26 * Sec. 5. AS 42.05 is amended by adding new sections to read:

27 ARTICLE 9A. LOCAL EXCHANGE COMPETITION.

28 Sec. 42.05.760. COMPETITION. To the extent it is feasible and consistent
29 with the federal Telecommunications Act of 1996, the commission shall provide for
30 competition in local exchange telephone service in a timely manner and shall adopt
31 regulations that eliminate inappropriate impediments to entry for local exchange

1 carriers fit, willing, and able to provide service.

2 Sec. 42.05.770. RATE FLEXIBILITY. If the commission determines that a
3 local exchange telephone company faces competition in the provision of
4 telecommunications service, it shall provide the company with appropriate flexibility,
5 when compared to the rate flexibility available to the company's competitor, to adjust
6 rates on a permanent basis. The commission shall act on a request for flexibility
7 within 90 days after it receives the request.

8 Sec. 42.05.780. ELIGIBLE CARRIERS. The commission shall designate a
9 telecommunications carrier that is certificated to provide local exchange service on the
10 effective date of this section and that meets the requirements of 47 U.S.C. 214(e), as
11 an eligible telecommunications carrier. The designation applies only to the area or
12 areas that the local exchange carrier has been certificated to serve on the effective date
13 of this section. This section does not affect the designation of additional eligible
14 carriers under 47 U.S.C. 214.

15 * Sec. 6. AS 42.05 is amended by adding a new section to read:

16 Sec. 42.05.805. PROMOTION OF LONG DISTANCE
17 TELECOMMUNICATIONS SERVICES. To the extent possible considering the
18 effects of regulated geographic averaging, the commission shall require interexchange
19 carriers to provide for interconnection, unbundled access, resale, and collocation to
20 competitors and other telecommunications providers. These requirements shall be the
21 same or comparable to the requirements for interconnection, unbundled access, resale,
22 and collocation that apply to local exchange carriers under 47 U.S.C. 251 and 252,
23 enacted by the federal Telecommunications Act of 1996. The commission may waive
24 a requirement imposed by this section when the waiver will further promote
25 competition in the provision of long distance telecommunications services.

26 * Sec. 7. AS 42.05.810 is amended by adding a new subsection to read:

27 (d) A local exchange carrier may apply to provide competitive long distance
28 service under conditions similar to those that apply to other applicants under this
29 section.

30 * Sec. 8. NONPREEMPTION. The amendments to AS 42.05 made by this Act are not
31 intended to preempt, abrogate, or otherwise affect any right, liability, or obligation arising