

credit of the applicant is unimpaired; or

(c) The applicant furnishes a satisfactory guarantor to secure payment of bills for the service requested in a specified amount not to exceed the amount of the cash deposit prescribed in Paragraph (4) of this Rule; or

(d) The applicant makes a cash deposit to secure payment of bills for service prescribed in Paragraph (4) of this Rule.

(3) An applicant for service who previously has been a customer of the utility and whose service has been discontinued by the utility during the last twelve billings of that prior service because of nonpayment of bills, may be required to reestablish credit in accordance with Paragraph (2) of this Rule; except, that an applicant for residential service shall not be denied service for failure to pay such bills for classes of nonresidential service.

(a) A customer who fails to pay a bill within a reasonable period after it becomes due and when further fails to pay such bill within the period prescribed by the reasonable regulations of the utility on file with the Commission after presentation of a discontinuance of service notice for nonpayment of bill (regardless of whether or not service was discontinued for such nonpayment), may be required to pay such bill together with a reasonable reconnection charge, if any, and reestablish his credit by depositing the amount prescribed in Paragraph (4) of this Rule.

(b) A customer may be required to reestablish his credit in accordance with Paragraph (2) of this Rule in case the conditions of service or basis on which credit was originally established have materially changed.

(4) Deposit; Amount; Receipt; Interest. No utility shall require a cash deposit to establish or reestablish credit in an amount in excess of two-and-one-half twelfths of the estimated charge for the service for the ensuing twelve months; and, in the case of seasonal service, in an amount in excess of one-half of the estimated charge for the service for the season involved. Each utility, upon request, shall furnish a copy of Paragraphs (2) through (7) of these Rules to the applicant for service or customer from whom a deposit is required and such copy shall contain the name, address and telephone number of the Commission.

(a) Upon receiving a cash deposit and if requested, the utility shall furnish to the applicant for service or customer, a receipt showing: the date thereof; the name of the applicant or customer and the current

billing address; the service to be furnished or presently furnished; and the amount of the deposit and the rate of interest to be paid thereon.

(b) Each utility shall pay interest on a deposit at the rate of 7% per annum (effective April 1, 1980). Interest on a deposit shall accrue annually and, if requested, shall be annually credited to the customer by deducting such interest from the amount of the next bill for service following the accrual date. A utility shall not be required to pay interest on a deposit for the period following ninety days after discontinuance of service, if during such period the utility has made a reasonable effort to refund the deposit. Each utility shall comply with the Georgia Unclaimed Property Act for all unclaimed deposits.

(5) Refund of Deposit.

(a) After discontinuance of service and following rendition of final bill, the utility shall promptly and automatically refund the customer's deposit plus accrued interest, or the balance, if any, in excess of the unpaid bills for service furnished by the utility. A transfer of service from one premises to another within the service area of the utility shall not be deemed a discontinuance within the meaning of these Rules.

(b) After the customer has paid bills for service for twelve consecutive bills without having had service discontinued for nonpayment of bill or had more than one occasion in which a bill was not paid within the period prescribed by the regulations of the utility on file with the Commission, and the customer is not then delinquent in the payment of his bills, the utility shall annually and automatically refund the deposit plus accrued interest. Deposits maturing under this section for refund and falling on other than the company's normal annual refund date will be promptly returned to the customer upon request. If the customer has had service discontinued for nonpayment of his bill or had more than one past-due bill for such period, the utility shall thereafter review the account every twelve billings and shall promptly and automatically refund the deposit plus accrued interest after the customer has not had service discontinued for nonpayment of bill or had more than one such past-due bill during the twelve billings prior to any review and is not then delinquent in the payment of his bills.

(c) The utility shall promptly return the deposit plus accrued interest at any time upon request, if the customer's credit has been otherwise established in accordance with Paragraph (2) of these Rules.

(d) At the option of the utility, a deposit plus accrued interest may be refunded, in whole or in part, at any time earlier than the times hereinabove prescribed.

(e) The customer who believes he has been refused a deposit refund for insufficient reason or the utility which believes the customer is attempting to violate the intent of these Rules, shall have the right to appeal the case to the Commission for analysis and disposition.

(6) **Record of Deposit.** Each utility holding a cash deposit shall keep a record thereof until the deposit is refunded. The record shall show: the name and current billing address of each depositor; the amount and date of the deposit; and each transaction concerning the deposit.

(7) **Appeal by Applicant or Customer.** Each utility shall direct its personnel engaged in initial contact with an applicant for service or customer, seeking to establish or reestablish credit under the provisions of these Rules, to inform him, if he expresses dissatisfaction with the decision of such personnel, of his right to have the problem considered and acted upon by supervisory personnel of the utility. Each utility shall further direct such supervisory personnel to inform such an applicant or customer who expresses dissatisfaction with the decision of such supervisory personnel and requests governmental review, of his right to have the problem reviewed by the Commission and shall furnish him the address and telephone number of the Commission.

Authority Ga. L. 1878-79, p. 125; 1970, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406; Ga. Code Ann. § 93-307; Administrative History. Original Rule entitled "Customer Deposits for Communication Services" was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411. Amended: Filed February 22, 1980, effective March 13, 1980.

515-12-1-.06 Reasons for Denying Service. Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be notified and allowed a reasonable time in which to comply with the rule before service is discontinued:

(a) Without notice in the event of customer use of equipment in such a manner as to adversely affect the utility's service to others.

(b) Without notice in the event of tampering with the equipment furnished and owned by the utility.

(c) For violation of or noncompliance with the Commission's regulations governing service supplied by telecommunication utilities, or for violation of or noncompliance with the utility's rules or tariffs on file with the Commission.

(d) For failure to comply with municipal ordinances or other laws pertaining to telephone service.

(e) For failure of the customer to permit the utility reasonable ac-

cess to its equipment.

(f) For nonpayment of bill.

(g) Failure to establish credit on request for initial or additional service.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. **Administrative History.** Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.07 Insufficient Reasons for Denying Service. Amended. The following shall not constitute sufficient cause for refusing, denying or discontinuing service to a present or prospective customer:

(a) Delinquency in payment for service by a previous occupant at the premises to be served, except one who is a close relative or member of the same family of the applicant.

(b) Failure to pay directory advertising charges.

(c) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(d) The customer who believes he has been refused service for insufficient reason, or the utility which believes the customer is attempting to violate the intent of these Rules, shall have the right to appeal the case to the Commission for analysis and disposition.

(e) Existing residential telephone service to a customer having a satisfactory payment history shall not be disconnected due solely to the indebtedness to the utility of another customer if such indebtedness occurred subsequent to the establishment of the existing service. Application for residential telephone service may be refused, however, to a person residing at the same address with a former customer whose service had been denied previously by the utility.

Authority Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1972, pp. 138, 439; 1973, pp. 677-681; 1975, p. 406. **Administrative History.** Original Rule entitled "Insufficient Reasons for Denying Service" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411. **Amended.** Emergency Rule 515-12-1-02-.07(e) was filed on November 27, 1979, having been adopted November 20, 1979, to become effective November 21, 1979, and to remain in effect until January 1, 1980. **Amended:** Permanent subparagraph 515-12-1-.07(e) adopted replacing Emergency Rule 515-12-1-02-.07(e) Filed November 27, 1979; effective January 1, 1980, as specified by the Agency.

515-12-1-.08 Complaints and Appeals.

(1) The utility shall make a full and prompt investigation of all com-

plaints made by its applicants or customers whether directly to it or, upon request, by the Commission.

(2) The utility shall direct its personnel engaged in initial contact with an applicant or customers in which dissatisfaction with the decision or explanation of such personnel is expressed, to inform him of his right to have the problem considered and acted upon by supervisory personnel of the telephone utility. The utility shall further direct such supervisory personnel that, upon request of the applicant or customer, the name, address and telephone number of the official of the Commission to be contacted for further review of the problem shall be furnished.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. **Administrative History.** Original Rule entitled "Complaints and Appeals" was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-09 Voluntary Suspension. Amended. Communications service shall, at the request of a customer, be temporarily suspended. The suspension period shall not be less than one (1) month, nor more than six (6) months in duration, and no more than one suspension shall be granted during any twelve (12) months' period. Each telephone company's tariff shall provide a suspension of service rate chargeable during the period of suspension.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. **Administrative History.** Original Rule entitled "Voluntary Suspension" was filed on December 20, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411. **Amended:** Filed December 29, 1981; effective January 18, 1982.

515-12-1-10 Directories.

(1) Telephone directories shall be published at regular intervals, listing the name, the address and telephone number of all customers, except public telephones and telephone service unlisted at customer's request. Where customer address and location differ, location should be given.

(2) The telephone utility shall list its customers with the directory assistance operators to provide the requested telephone numbers based on the customers' names and addresses when such requests are made by communication users. Where customer address and location differ, location should be given.

(3) Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and two copies of each directory shall be furnished to the Commission.

(4) The name of the telephone utility, an indication of the area included in the directory and the month and year of the issue shall ap-

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pear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

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(5) The directory shall contain instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and locations and telephone numbers of telephone company business offices as may be appropriate to the area served by the directory.

(6) Directory assistance operators shall have access to records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing directory assistance service.

(7) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance or intercept operators and the correct number furnished the calling party either upon request or interception.

(8) Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

(9) When additions or changes in plant or changes to any other utility operations necessitate changing telephone numbers to a group of customers, reasonable notice shall be given to all customers so affected even though the addition or changes may be coincident with a directory issue.

Authority Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. Administrative History. Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.11 Engineering.

(1) Construction.

(a) The telecommunications plant shall be designed, constructed, maintained and operated in accordance with the provisions as outlined in the current National Electrical Safety Code or such other appropriate regulation as may be prescribed.

(b) On rural lines, where multi-party service is provided, no more than eight customers shall be connected to any one circuit, unless such action is approved by the Commission. The telephone utility may re-group customers in such a way as may be necessary to carry out the

provisions of this rule. Upon completion or delay in the meeting of this requirement a report to that effect shall be filed with the Commission.

(2) **Interexchange Trunks.** Interexchange trunks or toll circuits shall be full metallic or equivalent (e.g., microwave or carrier).

(3) **Grounded Circuits.** Grounded circuits will not be permitted except for signalling purposes, powering circuits, and party line identification.

(4) **Selective Ringing.** Telephone utilities shall have as an objective the provision of full selective ringing for all telecommunication services.

(5) **Switching Service.** Telephone utilities shall not provide switching service to lines which do not meet standard technical criteria and shall eliminate nonconforming switching service.

(6) **Emergency Operation.**

(a) Telephone utilities shall make reasonable provisions to meet emergencies resulting from failures of lighting or power services, unusual and prolonged increases in traffic, illness of personnel, or from fire, storm, or other acts of God and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunication service.

(b) Each central office shall contain as a minimum three hours of battery reserve. It is also essential that all central offices have adequate provision for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected in less than the battery reserve time.

(c) In exchanges exceeding 5,000 lines, a dedicated auxiliary power unit shall be installed and shall be capable of being connected and operating in less than the battery reserve time.

Author: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. **Administrative History.** Original Rule was filed on December 29, 1975, effective January 1, 1976, as amended by Ga. L. 1975, p. 411.

515-12-1-12 Construction Work Near Utility Facilities. Upon receipt of written or verbal notification from the property owner, or from a contractor, of work which may affect its facilities used for serving the public the telephone utility shall investigate and decide what action, if any, must reasonably be taken to protect or alter telephone facilities in order to protect service to the public and to avoid

unnecessary damage, such as identifying in a suitable manner the location of any underground facilities which may be affected by the work.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. Administrative History: Original Rule was filed on December 29, 1975, effective January 1, 1976, as amended by Ga. L. 1975, p. 411.

515-12-1-13 Maintenance of Plant and Equipment.

(1) Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

(2) Maintenance shall include keeping all plants and equipment in good state of repair consistent with safety and the adequate service performance of the plant affected, such as:

(a) Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced.

(b) Adjustable apparatus and equipment shall be readjusted as necessary when found to be in an unsatisfactory operating condition.

(c) Electrical faults, such as leakage or poor insulation, noise induction, crosstalk or poor transmission characteristics shall be corrected to the extent practicable.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. Administrative History: Original Rule was filed on December 29, 1975, effective January 1, 1976, as amended by Ga. L. 1975, p. 411.

515-12-1-14 Customer Complaints and Trouble Reports.

(1) Each utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. The utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

(2) Provision shall be made to clear troubles of an emergency nature at all hours, consistent with the needs of customers and the personal safety of utility personnel.

(3) Provisions shall be made to normally clear all other out-of-service trouble not requiring unusual repair, such as cable failure, within 24 hours (Sundays excepted) of the report received by the utility unless the customer agrees to another arrangement.

(4) All commitments to customers shall be kept, unless customers are timely notified of unavoidable changes. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406 Administrative History. Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.15 Inspections and Tests.

(1) Each utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

(2) Each utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities, both for routine maintenance and for trouble location. The actual transmission performance of the network shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function consists of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of sample of customer loops in each exchange, and special transmission surveys of the network.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406 Administrative History. Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.16 Service Interruptions. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

Authority Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406 Administrative History. Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.17 Quality of Service—General.

(1) Each telephone utility shall provide telecommunication service to the public in its service area in accordance with its tariffs on file with the Commission.

(2) The telephone utility shall employ prudent management and engineering practices, including the employment of reliable procedures for forecasting future demand for service, conduct studies and maintain records to the end that reasonable margins of facilities and adequate personnel are available with objective that service will meet the quality described herein.

(3) Each utility shall make traffic studies and maintain records as required to determine that sufficient equipment and an adequate operating force are provided at all times including the average busy hour, busy season.

(4) In each exchange where police protection is present the utility shall provide at least one coin telephone available to the public at all hours, prominently located and properly maintained, equipped with dialing instructions, and lighted at night. A reasonable attempt shall be made to equip each coin telephone with a directory.

(5) The telephone company shall adhere to the standards as prescribed by the Commission, but the normal operating procedures and practices, as presented by the Commission and directed by the utility, are not intended to govern the implementation or execution of such procedures and practices in individual instances. The execution or non-execution of such procedures and practices in individual instances is not indicative of whether the utility has provided adequate service to a particular subscriber or group of subscribers.

Authority Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 336, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. Administrative History. Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1.18 Service Objectives and Surveillance Levels. These rules establish service objectives which should generally be provided by a utility. The rules also include surveillance levels which indicate a possible need for investigation or corrective action on the part of the utility:

(a) Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the Commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the Commission or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the Commission.

(b) **Installation of Service.** Eighty-five percent of the utility's regular service order installations shall normally be completed within:

1. Five working days within Base Rate Area and no construction

required.

2. Thirty days within Base Rate Area if construction is required.

3. Sixty days outside Base Rate Area. The intervals commence with the receipt of application unless a later date is requested by the applicant.

(c) **Surveillance Level**—In a service center area completion of less than 75% within:

1. Five working days within Base Rate Area and no construction is required.

2. Thirty days within Base Rate Area if construction is required.

3. Sixty days outside Base Rate Area, on a continuing basis indicates a need for investigative or corrective action.

(d) A regrade order shall normally be filled no later than thirty days, if construction is not required, and six months, if construction is required, after customer has made application for a different grade of service except where the customer requests a later date. In the event of the utility's inability to so fill such an order, the customer will be advised and furnished the date when it will be available.

(e) Ninety percent of the utility's commitments to customers as to the date of installation of regular service orders shall be met except customer caused delays and acts of God.

(f) **Surveillance Level.** A continued rate of less than 88% in a service center area indicates a need for investigation or corrective action.

Authority Ga. L. 1878 79, p. 125; 1907, p. 72; 1922, pp. 143-144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. Administrative History. Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1.19 Operator Handled Calls.

(1) All operator handled calls shall be carefully supervised. Calls requiring timing shall be carefully timed.

(2) Each utility shall maintain adequate personnel to provide an average operator answering performance as follows on a monthly basis:

(a) Ninety percent of toll and assistance operator calls answered

within ten seconds (equivalent measurements may be used).

(b) **Surveillance Level**—Answering time of less than 87% of calls within ten seconds (or equivalent measurement) on a continuing basis indicates a need for investigative or corrective action.

(c) Ninety percent of repair service calls, calls to the business office, directory assistance and calls which are intercepted shall be answered within 20 seconds (equivalent measurements may be used). Companies that use a PBX operator to forward service calls to a service representative may add an additional 20 seconds.

(d) **Surveillance Level**—Answering time of less than 85% of calls within 20 seconds (or 40 for PBX) (or equivalent measurement) on a continuing basis indicates a need for investigative or corrective action.

(e) An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgement that the customer is waiting on the line shall not constitute an "answer."

Authority Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. **Administrative History.** Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.20 Local Dial Service. Sufficient central office capacity and equipment shall be provided to meet the following requirements during the average busy season, busy hour (equivalent measurements may be used):

(a) Dial tone within three seconds on 98% of calls.

1. **Surveillance Level**—dial tone delays of more than 2.6% calls on a continuing basis indicates a need for investigative or corrective action.

2. Completion of 97% of local dialed calls without encountering an equipment busy condition (blockage).

3. **Surveillance Level**—when the completion rate falls below 92% on a continuing basis investigative or corrective action should be initiated.

Authority Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 383, 1973, pp. 677-681, 1975, Sec. 2, p. 406. **Administrative History.** Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.21 Interoffice Trunks.

(1) Local interoffice trunks shall be provided with the following surveillance level: when the completion rate falls below 95% on a continuing basis investigative or corrective action should be initiated.

(2) Toll connecting trunks shall be provided with the following surveillance level: when the completion rate falls below 95% on a continuing basis investigative or corrective action should be initiated.

Authority Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. **Administrative History.** Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.22 Direct Distance Dial Service.

(1) Engineering and maintenance of the trunk and related switching components in the intertoll network shall be such as to permit the following objective on properly dialed calls, during the average busy season, without encountering blockage or equipment irregularities:

- (a) DDD calls by customers (outgoing trunks) 97%.
- (b) DDD calls by customers (incoming trunks) 98%.

(2) **Surveillance Level**—Blockages or equipment irregularities of more than 6% (or one trunk, whichever is greater) on outgoing trunks or more than 4% (or one trunk, whichever is greater) on incoming trunks on a continuing basis indicates a need for investigative or corrective action.

Authority Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. **Administrative History.** Original Rule was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.23 Customer Trouble Reports.

(1) Service shall be maintained in such a manner that the average monthly rate of all customer trouble reports does not exceed the following:

If Exchange Has:	Trouble Reports
Less than 20% 2, 4, or 8 party	6 per 100 telephones per month
20 to 40% 2, 4, or 8 party	7 per 100 telephones per month
Greater than 40% 2, 4, or 8 party	8 per 100 telephones per month

(2) **Surveillance Level**—A need for investigative or corrective action is indicated if the customer trouble report rate exceeds the following:

If Exchange Has:	Trouble Reports
Less than 20% 2, 4, or 8 party	8 per 100 telephones per month
20 to 40% 2, 4, or 8 party	9 per 100 telephones per month
Greater than 40% 2, 4, or 8 party	10 per 100 telephones per month

(3) **Transmission Requirements.** All customer loops shall meet the resistance design, long loop design, long route design, or unigage design standards, as appropriate. Both customer loops and trunk facilities, except for local direct trunks, shall conform to the transmission design factors required for meeting the objectives of direct distance dialing.

Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. **Administrative History.** Original Rule entitled "Customer Trouble Reports" was filed on December 29, 1977, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.24 Safety. Amended. Each utility shall adopt and execute a safety program fitted to the size and type of its operations and shall:

(a) Require the employees to use suitable tools and equipment so that they perform their work in a safe manner.

(b) Instruct employees in safe work practices.

(c) Each utility shall exercise reasonable care to minimize the hazards to which its employees, customers and the general public may be subjected.

Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. **Administrative History.** Original Rule entitled "Safety" was filed on December 29, 1977, effective January 1, 1976, as specified by Ga. L. 1975, p. 411. **Amended.** Filed December 29, 1981, effective January 18, 1982.

515-12-1-.25 Application of Rules. These telephone service rules promulgated herein shall apply to any telephone utility operating within the State of Georgia, under the jurisdiction of the Georgia Public Service Commission.

Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677-681, 1975, Sec. 2, p. 406. **Administrative History.** Original Rule entitled "Application of Rules" was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.26 Rules Govern All Telephone Utilities Subject to Commission Jurisdiction. These rules govern the furnishing of communication service and facilities to the public telephone utilities subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. **Administrative History.** Original Rule entitled "Rules Govern All Telephone Utilities Subject to Commission Jurisdiction" was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.27 Variation of Rules Not Permitted Under Law. These rules shall in no way relieve any utility from any of its duties under the laws of this State or from any other rules or directives of this Commission.

Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. **Administrative History.** Original Rule entitled "Variation of Rules Not Permitted Under Law" was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

515-12-1-.28 Telephone Service Disconnection. In the event of a proposed disconnection of residential basic local service only, the following procedures shall apply:

(a) No basic residential service shall be disconnected for local service charge until at least 29 days from the date of the bill.

(b) No residential service can be disconnected for local service charges unless the utility has given the affected customer a written

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RESEARCH REFERENCES

Am. Jur. 2d. — 74 Am. Jur. 2d, Telecommunications, § 20.

C.J.S. — 86 C.J.S., Telegraphs, Telephones, Radio, and Television, § 81.

46-5-104. Applicability of Chapter 5 of Title 10.

Chapter 5 of Title 10 shall not apply to any note, bond, or other evidence of indebtedness issued to the United States government or any agency or instrumentality thereof by any cooperative or foreign corporation doing business in this state pursuant to this part; nor shall Chapter 5 of Title 10 apply to any mortgage, deed of trust, or other instrument executed to secure the same. Chapter 5 of Title 10 also shall not apply to the issuance of membership certificates, shares of stock, or any other evidence of member, shareholder, or patron interest by any cooperative or any such foreign corporation. (Ga. L. 1950, p. 192, § 45.)

46-5-105. Construction of part.

This part is complete in itself and shall be controlling. This part shall be construed liberally. The enumeration in this part of any object, purpose, power, manner, method, or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods, or things. (Ga. L. 1950, p. 192, § 46.)

PART 4**EMERGENCY TELEPHONE NUMBER "911" SYSTEM****RESEARCH REFERENCES**

C.J.S. — 86 C.J.S., Telegraphs, Telephones, Radio, and Television, § 74.

46-5-120. Short title.

This part shall be known and may be cited as the "Georgia Emergency Telephone Number '911' Service Act of 1977." (Ga. L. 1977, p. 1040, § 1.)

46-5-121. Legislative intent.

The General Assembly finds and declares that it is in the public interest to shorten the time required for a citizen to request and receive emergency aid. There currently exist numerous different emergency phone numbers throughout the state. Provision for a single, primary three-digit emergency number through which emergency services can be

quickly and efficiently obtained would provide a significant contribution to law enforcement and other public service efforts by making it easier to notify public safety personnel. Such a simplified means of procuring emergency services will result in the saving of lives, a reduction in the destruction of property, and quicker apprehension of criminals. It is the intent of the General Assembly to establish and implement a cohesive state-wide emergency telephone number "911" system which will provide citizens with rapid, direct access to public safety agencies by dialing telephone number "911" with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services. (Ga. L. 1977, p. 1040, § 2.)

Cross references. — Provision of emergency medical services, Ch. 11, T. 31

46-5-122. Definitions.

As used in this part, the terms:

(1) "Addressing" means the assigning of a numerical address and street name (the name may be numerical) to each location within a local government's geographical area necessary to provide public safety service as determined by the local government. This address replaces any route and box number currently in place in the "911" data base and facilitates quicker response by public safety agencies.

(2) "Division" means the Telecommunications Division of the Department of Administrative Services.

(3) "Emergency '911' system" means a local telephone exchange service which facilitates the placing of calls by persons in need of emergency services to a public safety answering point by dialing the telephone number "911" and under which calls to "911" are answered by public safety answering points established and operated by the local government subscribing to the "911" service. The term "emergency '911' system" also includes "enhanced '911' service," which means an emergency telephone system that provides the caller with emergency "911" system service and, in addition, directs "911" calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features.

(4) "Exchange access facility" means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by tariffs of the telephone companies as approved by the

Georgia Public Service Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, Wide Area Telecommunications Services (WATS), Foreign Exchange (FX), or incoming only lines.

(5) "Local government" means any city, county, or political subdivision of Georgia and its agencies.

(6) "'911' charge" means a contribution to the local government for the "911" service start-up equipment costs, subscriber notification costs, addressing costs, billing costs, nonrecurring and recurring installation, maintenance, service, and network charges of a service supplier providing "911" service pursuant to this part, and costs associated with the hiring, training, and compensating of dispatchers employed by the local government to operate said "911" system at the public safety answering points

(7) "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides or has authority to provide fire-fighting, law enforcement, ambulance, medical, or other emergency services.

(8) "Public safety agency" means a functional division of a public agency which provides fire-fighting, law enforcement, emergency medical, suicide prevention, civil defense, poison control, drug prevention, child abuse, spouse abuse, or other emergency services.

(8.1) "Public safety answering point" means the public safety agency which receives incoming "911" telephone calls and dispatches appropriate public safety agencies to respond to such calls.

(9) "Service supplier" means a person or entity who provides local exchange telephone service to a telephone subscriber.

(10) "Telephone subscriber" means a person or entity to whom local exchange telephone service, either residential or commercial, is provided and in return for which the person or entity is billed on a monthly basis. When the same person, business, or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription. (Ga. L. 1977, p. 1040, § 3; Ga. L. 1984, p. 22, § 46; Ga. L. 1985, p. 149, § 46; Ga. L. 1988, p. 1984, § 1; Ga. L. 1990, p. 179, § 1; Ga. L. 1991, p. 93, § 1.)

The 1990 amendment, effective March 20, 1990, deleted former paragraphs (3) and (5), which defined "enhanced emergency telephone number '911' system" and "maintenance fee", respectively, added present paragraphs (1), (4), (6), (9), and (10), and renumbered the remaining para-

graphs accordingly; substituted "services to a public safety answering point" for "systems" and "local government" for "county or municipality" in the first sentence of present paragraph (3); added the second sentence of present paragraph (9); and inserted "drug prevention, child

abuse, spouse abuse," near the end of present paragraph (8)

The 1991 amendment, effective March 13, 1991, added paragraph (8.1).

46-5-123. Creation of Emergency Telephone Number Committee; selection of members; filling of vacancies.

(a) For the purposes of the development and implementation of a plan for the state-wide emergency telephone number "911" system, there is created the Emergency Telephone Number Committee to be composed of the director of the Telecommunications Division of the Department of Administrative Services, who shall serve as chairman; the commissioner of community affairs or his designee; and ten other members appointed by the Governor, as follows:

(1) Three members appointed from nominees of the Georgia Municipal Association;

(2) Three members appointed from nominees of the Association County Commissioners of Georgia; and

(3) Four members who are experienced in emergency telephone systems.

(b) When appointments are made, the associations making nominations pursuant to this Code section shall submit at least three times as many nominees as positions to be filled at that time by nominees of the association.

(c) The appointed members of the committee shall serve at the pleasure of the Governor. Vacancies shall be filled in the same manner as the original appointment. (Ga. L. 1977, p. 1040, § 4.)

46-5-124. Plan for implementing state-wide emergency telephone number "911" system.

(a) The division shall develop a plan for implementing a state-wide emergency telephone number "911" system. The plan shall provide for:

(1) The review and analysis of progress maintained by public agencies in developing emergency telephone communication requirements as required for the "911" system;

(2) Steps of action necessary for public agencies to effect the necessary coordination, regulation, and development preliminary to a "911" system that will incorporate the requirements of each public service agency in each local government of Georgia;

(3) Identification of mutual aid agreements necessary to effect the "911" system, including coordination on behalf of the State of Georgia with any federal agency to secure financial assistance or other desir-

able activities in connection with the receipt of funding that may be provided to communities for the planning, development, or implementation of the "911" system;

(4) The coordination necessary between local governments planning or developing a "911" system and other state agencies, the Public Service Commission, all affected utility and telephone companies, and other agencies;

(5) A firm implementation schedule which will account for the progress achieved in each political subdivision and which can be reproduced in an annual report of progress; and

(6) The establishment of emergency telephone communications necessary to meet the requirements for each local government, including law enforcement, fire-fighting, medical, suicide prevention, rescue, or other emergency services.

(b) The division shall be responsible for encouraging and promoting the planning, development, and implementation of each local "911" system plan. The division shall promulgate any necessary rules, regulations, and schedules related to public agencies for implementing and coordinating such a plan and shall act as the deciding agency whenever disputes arise or agreements cannot be reached between the local political jurisdiction and other public agencies involving the "911" system. (Ga. L. 1977, p. 1040, § 1; Ga. L. 1984, p. 22, § 46.)

Code Commission notes. — The plan was submitted to the committee for its review on October 29, 1979. A meeting of the committee was held November 19,

1979, at which time the plan and the effective date were approved. The plan became effective on December 1, 1979.

46-5-125. Formation of multijurisdictional and regional "911" systems.

Nothing in this part shall be construed to prohibit or discourage the formation of multijurisdictional or regional "911" systems; and any system established pursuant to this part may include the jurisdiction, or any portion thereof, of more than one public agency. (Ga. L. 1977, p. 1040, § 6.)

46-5-126. Cooperation by commission and telephone industry.

The division shall coordinate its activities with those of the Public Service Commission, which shall encourage the Georgia telephone industry to activate facility modification plans for a timely "911" implementation. (Ga. L. 1977, p. 1040, § 7.)

46-5-127. Approval of "911" systems by division.

After January 1, 1978, no emergency telephone number "911" system shall be established, and no existing system shall be expanded, without prior approval by the division and designation in the plan provided for in Code Section 46-5-124. (Ga. L. 1977, p. 1040, § 8.)

46-5-128. Cooperation by public agencies.

All public agencies shall assist the division in its efforts to carry out the intent of this part; and such agencies shall comply with the plan developed pursuant to Code Section 46-5-124 by furnishing a resolution of intent regarding an emergency telephone number "911" system. (Ga. L. 1977, p. 1040, § 9.)

46-5-129. Use of "911" emblem.

The division shall develop a "911" emblem which shall be utilized by September 20, 1980, in a manner to be prescribed by the division, on all marked vehicles used for the enforcement of traffic laws by public safety agencies participating in the "911" system, except for law enforcement vehicles of the Department of Public Safety and those primarily used for investigative purposes. (Ga. L. 1980, p. 699, § 1.)

46-5-130. Federal assistance.

The division is authorized to apply for and accept federal funding assistance in the development and implementation of a state-wide emergency telephone number "911" system. (Ga. L. 1977, p. 1040, § 10.)

46-5-131. Exemptions from liability in operation of "911" system.

(a) Whether participating in a state-wide emergency "911" system or an emergency "911" system serving one or more local governments, neither the state nor any local government of the state nor any emergency "911" system provider, its employees, directors, officers, and agents, except in cases of wanton and willful misconduct or bad faith, shall be liable for death or injury to the person or for damage to property as a result of either developing, adopting, establishing, participating in, implementing, maintaining, or carrying out duties involved in operating the "911" emergency telephone system or in the identification of the telephone number, address, or name associated with any person accessing an emergency "911" system.

(b) No local government of the State of Georgia shall be required to release, indemnify, defend, or hold harmless any emergency "911" sys-

tem provider from any loss, claim, demand, suit, or other action or any liability whatsoever which arises out of subsection (a) of this Code section, unless the local government agrees or has agreed to assume such obligations. (Code 1981, § 46-5-131, enacted by Ga. L. 1984, p. 652, § 1; Ga. L. 1990, p. 179, § 2.)

The 1990 amendment, effective March 20, 1990 rewrote the existing provisions as subsection (a) and added subsection (b).

Cross references. — Limitation of liability of persons rendering emergency care generally, § 51-1-29.

46-5-132. Fees by cellular radio telecommunications services.

It shall be unlawful for any provider of any cellular radio telecommunications services to assess or charge any fee for an emergency telephone call placed on a "911" emergency telephone system. The prohibition provided for in this Code section shall only apply to actual emergency telephone calls made on such system and shall not apply to nor prohibit any fee assessed or charged for the implementation or enhancement of such system. (Code 1981, § 46-5-132, enacted by Ga. L. 1988, p. 465, § 1.)

46-5-133. Authority of local government to adopt resolution to impose monthly "911" charge.

(a) Subject to the provisions of subsection (b) of this Code section, the governing authority of any local government which operates or which contracts for the operation of an emergency "911" system is authorized to adopt a resolution to impose a monthly "911" charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the areas served or which would be served by the "911" service. Such resolution, or any amendment to such resolution, shall fix a date on which such resolution and the imposition and collection of the "911" charge as provided in the resolution shall become effective, but such effective date shall be at least 120 days following the date of the adoption of such resolution or any amendment to such resolution by the local government. The "911" charge must be uniform and may not vary according to the type of exchange access facility used.

(b) (1) Except as provided in paragraph (2) of this subsection, no local government shall be authorized to exercise the power conferred by this Code section unless either:

(A) A majority of the voters residing in that political subdivision who vote in an election called for such purpose shall vote to authorize the implementation of this Code section. Such election shall be called and conducted as other special elections are called and conducted in such local government when requested by such local gov-

ernment authority. The question on the ballot shall be as prescribed by the election superintendent; or

(B) After a public hearing held upon not less than ten days' public notice.

(2) The provisions of paragraph (1) of this subsection shall not apply with respect to a local government if the governing authority of such local government has on or before March 7, 1988, contracted with a service supplier for the purchase or operation, or both, of a "911" system. (Code 1981, § 46-5-133, enacted by Ga. L. 1988, p. 1984, § 2; Ga. L. 1990, p. 179, § 3.)

The 1990 amendment, effective March 20, 1990, rewrote the Code section. § 28-9-5, the Code section added by Ga. L. 1988, p. 1984, was redesignated as

Code Commission notes. — Two 1988 Acts added a § 46-5-132. Pursuant to § 46-5-133.

46-5-134. Billing of subscribers; liability of subscriber for service charge; taxes on service; establishment of Emergency Telephone System Fund; records; use of federal, state, municipal, or private funds.

(a) The subscriber of an exchange access facility may be billed for the monthly "911" charges, if any, imposed with respect to that facility by the service supplier. Such "911" charge may not exceed \$1.50 per month per exchange access facility provided to the telephone subscriber. All exchange access facilities billed to federal, state, or local governments shall be exempt from the "911" charge. Each service supplier shall, on behalf of the local government, collect the "911" charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency "911" system. As part of its normal monthly billing process, the service supplier shall collect the "911" charge for each month an exchange access facility is in service, and it shall list the "911" charge as a separate entry on each bill. If a service supplier receives a partial payment for a monthly bill from a telephone subscriber, the service supplier shall apply the payment against the amount the telephone subscriber owes the service supplier first.

(b) Every telephone subscriber in the area served by the emergency "911" system shall be liable for the "911" charge imposed under this Code section until it has been paid to the service supplier. A service supplier shall have no obligation to take any legal action to enforce the collection of the "911" charge. The service supplier shall provide the governing authority within 60 days with the name and address of each subscriber who has refused to pay the "911" charge after such "911" charge has become due. A collection action may be initiated by the local government that imposed the charges, and reasonable costs and attor-

neys' fees associated with that collection action may be awarded to the local government collecting the "911" charge.

(c) The local government contracting for the operation of an emergency "911" system shall remain ultimately responsible to the service supplier for all emergency "911" system installation, service, equipment, operation, and maintenance charges owed to the service supplier. Any taxes due on emergency "911" system service provided by the service supplier will be billed to the local government subscribing to the service. State and local taxes do not apply to the "911" charge billed to telephone subscribers under this Code section.

(d) (1) Each service supplier that collects "911" charges on behalf of the local government is entitled to retain as an administrative fee an amount equal to 3 percent of the gross "911" charge receipts to be remitted to the local government. The remaining amount shall be due quarterly to the local government and shall be remitted to it no later than 60 days after the close of a calendar quarter. The "911" charges collected by the service supplier shall be deposited and accounted for in a separate restricted revenue fund known as the Emergency Telephone System Fund maintained by the local government. The local government may invest the money in the fund in the same manner that other moneys of the local government may be invested and any income earned from such investment shall be deposited into the Emergency Telephone System Fund.

(2) The governing authority of a local government operating or contracting for the operation of an emergency "911" system shall, by resolution, reaffirm the necessity for the "911" charge beginning with the thirteenth month following the month in which emergency "911" system service is first provided in the political subdivision and during such month annually thereafter.

(3) Such monthly "911" charge may be reduced at any time by the governing authority by resolution; provided, however, that the said governing authority shall be required to reduce such monthly "911" charge at any time the projected revenues from "911" charges will cause the unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal year to exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year or at any time the unexpended revenues in such fund at the end of the fiscal year exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year. Such reduction in the "911" charge shall be in an amount which will avert the accumulation of revenues in such fund at the end of the fiscal year which will exceed by one and one-half times the amount of revenues in the fund at the end of the immediately preceding fiscal year.