

- 1) An addition to the local switching rates shall be applied to all switched intrastate minutes of use subject to presubscription and originated by the LEC's customers;
- 2) ISCECA shall submit the proposed addition to its local switching rates and full cost documentation through a tariff filing made to recover intrastate presubscription costs consistent with this Part;
- 3) The addition to the local switching rates shall apply for the amortization period only. At the end of the amortization period, ISCECA shall file the appropriate local switching tariff reflecting the removal of such addition to its local switching rates.

Section 773.170 Information Requirements

- a) Within 15 days after receiving a bona fide request, a LEC shall notify all IXCs currently purchasing Feature Group D access service ("FGD service") from the LEC in the affected exchange(s) of the bona fide request.
- b) Each LEC shall provide the following information to all IXCs purchasing FGD service or which place orders for FGD service from the LEC in each exchange where presubscription consistent with this Part is to be implemented:
  - 1) Presubscription conversion schedules, to be provided at least three months prior to the cutover date;
  - 2) Ordering procedures, terms, and conditions for the IXC to be eligible for customer presubscription to the IXC, to be provided at least three months prior to the cutover date;
  - 3) Customer lists, within 15 business days of receipt of a written request from an IXC that has made a bona fide request or has otherwise established eligibility for customer presubscription, to be used by the IXC only in connection with presubscription solicitation. Customer lists shall be provided upon request for a period of six months prior to and six months after the implementation of presubscription in an exchange.
- c) Each LEC shall serve all presubscription tariff filings, waiver petitions, and extension of time petitions on all

IXCs currently purchasing FGD service from the LEC in the affected exchange(s) and on all other entities that have requested such service.

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :  
On Its Own Motion :  
: :  
Adoption of rules relating to :  
intra-Market Service Area : 94-0048  
presubscription and changes in :  
dialing arrangements related to :  
the implementation of such :  
presubscription. :

ORDER

By the Commission:

On August 9, 1995, the Illinois Commerce Commission ("Commission") entered a Second Interim Order authorizing the submission to the Joint Committee on Administrative Rules ("Joint Committee") of the second notice of the proposed amendments to 83 Ill. Adm. Code 773, "Presubscription". The proposed amendments will establish procedures to implement 1+ intraMSA toll presubscription in the State of Illinois.

The proposed amendments, as reflected in the Second Interim Order of August 9, 1995, were submitted to the Joint Committee and were considered at its meeting of September 12, 1995. The Joint Committee issued its certification of no objection at that time, ending the second notice period. The Commission can now adopt these amendments.

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the parties hereto and the subject matter herein;
- (2) the recitals of fact set forth in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;
- (3) the proposed amendments to 83 Ill. Adm. Code 773, as reflected in the attached Appendix, should be adopted with an effective date of November 1, 1995;
- (4) the Notice of Adopted Amendments should be submitted to the Secretary of State, pursuant to Section 5-65 of the Illinois Administrative Procedure Act.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the proposed amendments to 83 Ill. Adm. Code 773, as reflected in the attached Appendix, are adopted with an effective date of November 1, 1995.

IT IS FURTHER ORDERED that the Notice of Adopted Amendments be submitted to the Secretary of State pursuant to Section 5-65 of the Illinois Administrative Procedure Act.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 3rd day of October, 1995.

(SIGNED) DAN MILLER

Chairman

(S E A L)

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 773  
PRESUBSCRIPTION

Section	
773.5	Applicability
773.10	Definitions
773.100	Obligation to Provide Presubscription
773.110	Implementation
773.120	IntraMSA Calls Not Subject to Presubscription
773.130	Waivers and Extensions
773.140	Customer Notification and Presubscription Changes
773.150	Interexchange Carrier Participation
773.160	Presubscription Charges and Cost Recovery
773.170	Information Requirements

**AUTHORITY:** Implementing Section 13-403 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-403 and 10-101].

**SOURCE:** Adopted at \_\_\_ Ill. Reg. \_\_\_\_\_, effective November 1, 1995.

**Section 773.5 Applicability**

- a) This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act ("Act") [220 ILCS 5/13-202] providing local exchange telecommunications service as defined in Section 13-204 of the Act or interexchange telecommunications service as defined in Section 13-205 of the Act. In addition, this Part shall apply to any entity certificated by the Illinois Commerce Commission ("Commission") under Section 13-403 or Section 13-405 of the Act.
- b) This Part shall not apply to any telecommunications carrier that is subject to 83 Ill. Adm. Code 760, "Cellular Radio Exclusion."

**Section 773.10 Definitions**

"1-PIC" is a presubscription method in which a customer's presubscribed calls are carried by the interexchange carrier (IXC) of the customer's choice, without the use of access codes.

"2-PIC" is a presubscription method in which a customer's inter-market service area (MSA) calls are carried by an IXC of the customer's choice and its intraMSA presubscribed calls are carried, at the customer's choice, by the local exchange carrier (LEC) (or a primary toll

carrier (PTC)), by the IXC chosen to carry interMSA calls, or by another IXC, without the use of access codes.

"Bona fide request" is a written request submitted to a LEC by an IXC, in which the IXC requests that the LEC provide presubscription consistent with this Part to customers within an exchange(s) and states that it intends to offer intraMSA usage services utilizing presubscription to customers in the exchange(s) within six months after the bona fide request, or by November 1, 1996, whichever is later.

"Customer" means a subscriber to a LEC switched network access service, either a bundled network access line or trunk or an unbundled port.

"Customer list" means an identification of the name, billing address and listed or published telephone number of each customer. It does not include an unpublished or unlisted telephone number.

"Equal access" has the meaning given it in Appendix B of the Modification of Final Judgment entered by the United States District Court on August 24, 1982 in United States v. Western Electric, Civil Action No. 82-0192 (D.D.C. 1982), as amended by the court in its orders issued prior to November 1, 1995.

"Equal access exchange" means an exchange in which the LEC has complied with and implemented federal equal access requirements.

"Incumbent local exchange carrier" or "incumbent LEC" means a LEC that provided facilities-based switched local exchange telecommunications services within an exchange as of December 31, 1993.

"Interexchange carrier" or "IXC" means a telecommunications carrier under the Act that provides interexchange telecommunications services as defined in Section 13-205 of the Act. A telecommunications carrier is both an IXC and a LEC if it provides both interexchange and facilities-based local exchange telecommunications services.

"Local exchange carrier" or "LEC" means a telecommunications carrier under the Act that provides facilities-based local exchange telecommunications services. A telecommunications carrier is both an IXC and a LEC if it

provides both interexchange and facilities-based local exchange telecommunications services.

"Modified 1-PIC" is a presubscription method in which a customer's interMSA calls are carried by an IXC of the customer's choice and its intraMSA presubscription calls are carried, at the customer's choice, by either the LEC (or a PTC) or by the IXC chosen to carry interMSA calls, without the use of access codes.

"New local exchange carrier" or "new LEC" means a LEC that did not provide facilities-based switched local exchange telecommunications services within a specified geographic area as of December 31, 1993.

"Presubscription" is a procedure by which a customer can predesignate one or more IXCs to access for its subscribed switched intraMSA and interMSA calls, without dialing an access code.

"Primary interexchange carrier" or "PIC" means a subscribed IXC that carries subscribed calls, without the use of access codes, for a customer following equal access or presubscription implementation.

"Primary toll carrier" or "PTC" means the carrier that was made responsible for intraMSA toll rates, intraMSA compensation, and coordination of the intraMSA toll network by the Sixteenth Interim Order, July 2, 1985, and the Twenty-Fifth Interim Order, July 23, 1986, in Commission Docket 83-0142.

#### Section 773.100 Obligation to Provide Presubscription

- a) Each LEC shall provide presubscription consistent with this Part upon the LEC's own initiative or upon a bona fide request, using the 2-PIC method.
- b) Each LEC providing presubscription within an exchange(s) using the 1-PIC method as of December 31, 1993 is exempted from the requirements of this Part as long as it continues to provide 1-PIC presubscription.
- c) Presubscription shall be provided consistent with this Part and in accordance with 47 CFR Section 64.1100 (October 1994 Edition) and the following Federal Communications Commission ("FCC") Orders: Investigation of Access and Divestiture Related Tariffs, CC Docket 83-1145, Phase I, Memorandum Opinion and Orders, 101 FCC 2d 911 (1985); 101 FCC 2d 935 (1985); and Mimeo No. 6714, released August 30, 1985; and Policies and Rules Concern-

ing Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Rcd 1038 (1992), Erratum, DA 92-101, released February 4, 1992. No other amendment or edition of the foregoing rules or Orders are incorporated in this Part.

#### Section 773.110 Implementation

- a) Each incumbent LEC shall, within 120 days after receiving a bona fide request, file intrastate tariffs to provide presubscription consistent with this Part in its equal access exchanges within six months after receiving the bona fide request or by November 1, 1996, whichever is later.
- b) For each incumbent LEC exchange that was not an equal access exchange as of November 1, 1995, the incumbent LEC shall file intrastate tariffs to provide presubscription consistent with this Part effective at the time that equal access is implemented within the exchange.
- c) Each new LEC shall, within 120 days after receiving a bona fide request, file intrastate tariffs to provide presubscription consistent with this Part effective within six months after receiving the bona fide request or by November 1, 1996, whichever is later.
- d) Each LEC may negotiate implementation schedules that differ from the requirements in this Section, with the agreement of all IXCs that make bona fide requests within 60 days after the first bona fide request.

#### Section 773.120 IntraMSA Calls Not Subject to Presubscription

- a) In its intrastate presubscription tariff, each LEC shall specify which intraMSA switched calls are not subject to presubscription for each of its exchanges.
- b) For each incumbent LEC exchange, intraMSA calls shall not be subject to presubscription if they originate and terminate within the geographic area within which the LEC provides calling through one or more of the following: flat rate service, residence untimed calling and usage measured service bands that do not exceed 15 miles from the exchange wire center, and/or flat rate or measured Extended Area Service, as defined in the LEC's tariffs.
- c) The following intraMSA calls shall not be subject to presubscription: local directory assistance (e.g., 411),

local repair (e.g., 611), emergency (911), 0- operator services, and local pay-per-call (e.g., 976) calls. Calls using the 500, 700, 800, or 900 service access codes shall not be subject to this Part.

- d) For incumbent LECs, 0+ calls shall not be subject to presubscription if they originate and terminate within the geographic area described in Section 773.120(b).
- e) All intramsa switched calls not subject to presubscription and dialed without the use of access codes shall be carried by the LEC. Those calls dialed using a 500, 700, 800, or 900 service access code shall not be subject to this Part.

#### Section 773.130 Waivers and Extensions

- a) A LEC may petition for a waiver of the requirement to provide presubscription consistent with Section 773.100 on the basis that the 2-PIC method is not technically feasible or that, under current conditions, the costs are expected to substantially exceed reasonably anticipated benefits. The Commission, after hearing, shall grant a waiver and shall allow the modified 1-PIC method to be used upon a showing that the 2-PIC method is not technically feasible or that its costs are expected to substantially exceed reasonably anticipated benefits.
- b) A LEC may petition for an extension of the timing requirements in Section 773.110 on the basis that presubscription cannot reasonably be provided within the given exchange(s) within the required time frame. The Commission, after hearing, shall grant an extension to a specified date upon a showing that presubscription cannot reasonably be provided within the given exchange(s) within the time frame required by Section 773.110 and that the date specified in the extension can reasonably be met.
- c) Any LEC or IXC may petition for a waiver of the requirements in Section 773.120 on the basis that the requirements regarding calls not subject to presubscription do not meet customers' calling needs and/or do not preserve or promote effective competition. The Commission, after hearing, shall grant a waiver upon a showing that the requirements regarding calls not subject to presubscription do not meet customers' calling needs and/or do not preserve or promote effective competition. In determining whether to grant the waiver, the Commission shall

consider the financial impact and the technical feasibility of alternatives.

Section 773.140 Customer Notification and Presubscription Changes

- a) For each incumbent LEC exchange that was an equal access exchange as of November 1, 1995, and for each new LEC, the LEC shall provide written notice to its customers of the availability of presubscription, as follows:
  - 1) The notice shall be provided to existing customers at least 30 days prior to the implementation of presubscription consistent with this Part;
  - 2) The notice shall be provided to new customers who request network access service between the time the notice is distributed and the date presubscription is implemented consistent with this Part, at the time they request service;
  - 3) The notice shall describe presubscription, the customers' choices, how to select among the presubscription choices, and any related charges in a manner that does not attempt to influence customers regarding their selections.
- b) For each incumbent LEC exchange that was not an equal access exchange as of November 1, 1995, balloting shall be required for both interMSA and intraMSA usage, as follows:
  - 1) Balloting shall be in accordance with the FCC's Memorandum Opinion and Orders in CC Docket No. 83-1145, Phase I, and balloting shall include both interMSA and intraMSA choices;
  - 2) Customers' intraMSA usage subject to presubscription shall not be allocated, and shall continue to be provided by the incumbent LEC (or PTC) until the customer selects a different intraMSA presubscription choice.
- c) For new customers requesting network access service after presubscription consistent with this Part is implemented in an exchange, the LEC or other carrier receiving the request shall inform the customer, when service is requested, of its presubscription choices and shall provide the following information before either asking

for the customer's presubscription selections and/or marketing its own interexchange services:

- 1) The customer service representative shall inform the new customer that the customer can select from a number of IXCs for presubscribed interexchange service, and shall describe the available presubscription choices in a manner that does not attempt to influence customers regarding their selections;
- 2) The representative shall offer to provide the names of IXCs serving that office in random order as well as the telephone numbers of the IXCs.

If the customer indicates its selections, the representative shall not solicit the customer further for the carrier's interexchange services.

- d) Customers shall retain their existing intraMSA dialing arrangements as of November 1, 1995 until they make presubscription selections, and may change their selections at any time, subject to charges specified in Section 773.160. Procedures for intraMSA and interMSA selection changes shall be in accordance with 47 CFR Section 64.1100 (October 1994 Edition) and the following Federal Communications Commission ("FCC") Orders: Investigation of Access and Divestiture Related Tariffs, CC Docket 83-1145, Phase I, Memorandum Opinion and Orders, 101 FCC 2d 911 (1985); 101 FCC 2d 935 (1985); and Mimeo No. 6714, released August 30, 1985; and Policies and Rules Concerning Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Rcd 1038 (1992), Erratum, DA 92-101, released February 4, 1992. No other amendment or edition of the foregoing rules or Orders are incorporated in this Part.

#### Section 773.150 Interexchange Carrier Participation

Carriers (including LECs and IXCs) may carry presubscribed intraMSA calls if they have effective intrastate tariffs to provide such services and if they have made the necessary arrangements with the LEC.

#### Section 773.160 Presubscription Charges and Cost Recovery

- a) Each LEC shall allow customers to change presubscription selections once at no charge within six months following implementation within an exchange of presubscription consistent with this Part, and shall allow each new

customer to select presubscription arrangements at no charge at the time network access service is initiated. At other times, each LEC may impose a reasonable, tariffed charge for changes in a customer's presubscription selections.

- b) Each LEC may seek to recover reasonable separated intrastate costs limited to initial incremental expenditures related directly to the provision of presubscription that would not be required absent the provision of presubscription consistent with this Part.
- c) In determining presubscription cost recovery, each LEC shall amortize all separated intrastate presubscription costs over at least a three year period.
- d) Each LEC that provides noncompetitive services and is not an average schedule company shall use the following procedures for recovery of intrastate presubscription costs:
  - 1) A tariffed presubscription cost recovery charge shall be applied to all switched originating intrastate minutes of use subject to presubscription and originated by the LEC's customers, whether carried by the LEC or another IXC. If the LEC is a PTC, such charges shall not apply to customers of other LECs with which the LEC has a PTC arrangement;
  - 2) The LEC shall submit the proposed presubscription cost recovery charge and full cost documentation as part of its tariff filing made to implement presubscription consistent with this Part;
  - 3) In non-equal access exchanges where both inter- and intrastate equal access are implemented concurrently, LECs should develop separate inter- and intrastate cost recovery charges, consistent with FCC requirements and this Part.
- e) Each LEC that is an average schedule company shall, through its concurrence in the Illinois Small Company Exchange Carrier Association (ISCECA) intrastate switching tariffs, use the following procedures for recovery of intrastate presubscription costs:
  - 1) An addition to the local switching rates shall be applied to all switched intrastate minutes of use

subject to presubscription and originated by the LEC's customers;

- 2) ISCECA shall submit the proposed addition to its local switching rates and full cost documentation through a tariff filing made to recover intrastate presubscription costs consistent with this Part;
- 3) The addition to the local switching rates shall apply for the amortization period only. At the end of the amortization period, ISCECA shall file the appropriate local switching tariff reflecting the removal of such addition to its local switching rates.

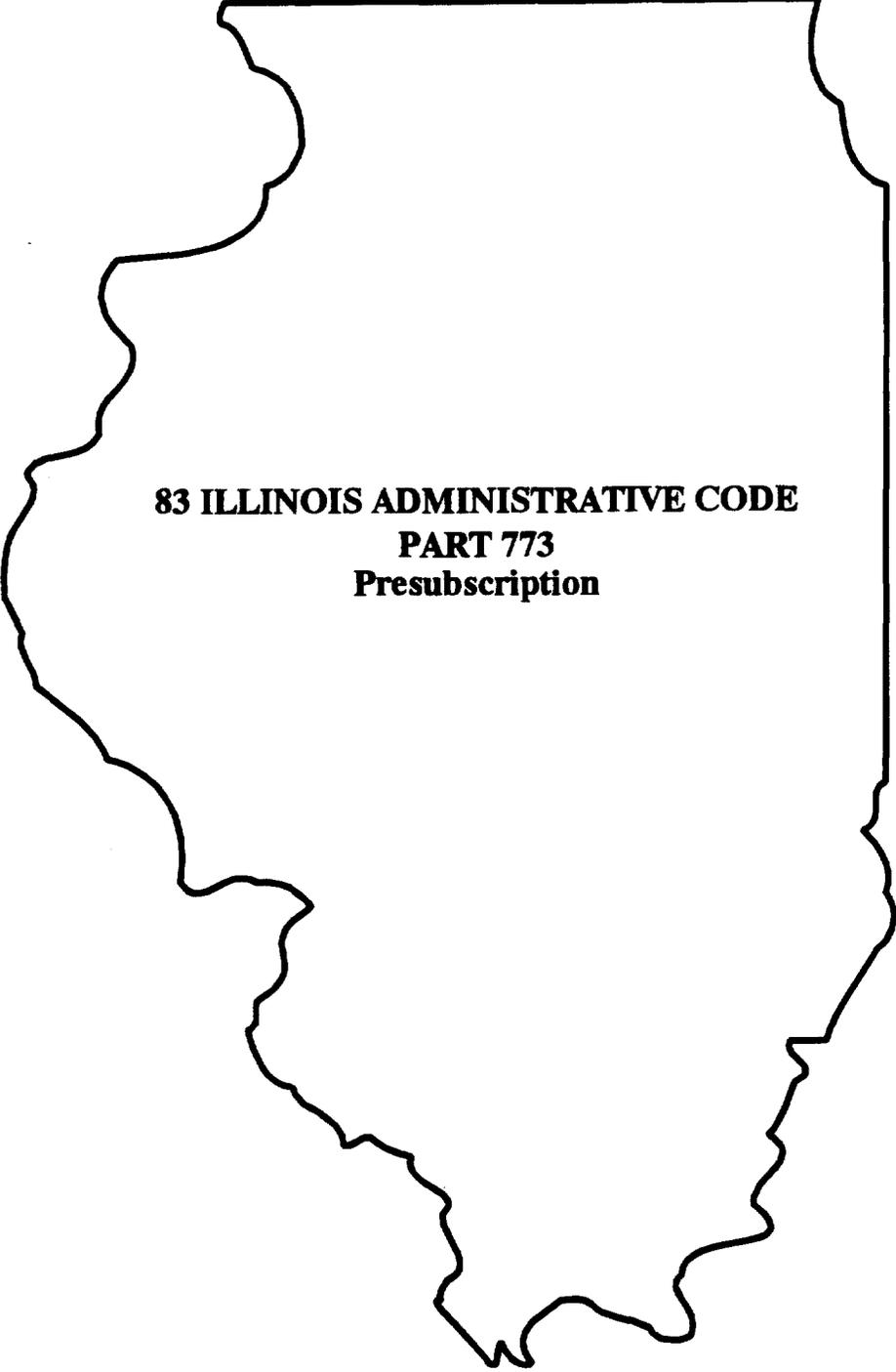
#### Section 773.170 Information Requirements

- a) Within 15 days after receiving a bona fide request, a LEC shall notify all IXCs currently purchasing Feature Group D access service ("FGD service") from the LEC in the affected exchange(s) of the bona fide request.
- b) Each LEC shall provide the following information to all IXCs purchasing FGD service or which place orders for FGD service from the LEC in each exchange where presubscription consistent with this Part is to be implemented:
  - 1) Presubscription conversion schedules, to be provided at least three months prior to the cutover date;
  - 2) Ordering procedures, terms, and conditions for the IXC to be eligible for customer presubscription to the IXC, to be provided at least three months prior to the cutover date;
  - 3) Customer lists, within 15 business days after receipt of a written request from an IXC that has made a bona fide request or has otherwise established eligibility for customer presubscription, to be used by the IXC only in connection with presubscription solicitation. Customer lists shall be provided upon request for a period of six months prior to and six months after the implementation of presubscription in an exchange.
- c) Each LEC shall serve all presubscription tariff filings, waiver petitions, and extension of time petitions on all IXCs currently purchasing FGD service from the LEC in the

94-0048

affected exchange(s) and on all other entities that have requested such service.

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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**83 ILLINOIS ADMINISTRATIVE CODE  
PART 773  
Presubscription**

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 773  
PRESUBSCRIPTION

- Section
- 773.5 Applicability
- 773.10 Definitions
- 773.100 Obligation to Provide Presubscription
- 773.110 Implementation
- 773.120 IntraMSA Calls Not Subject to Presubscription
- 773.130 Waivers and Extensions
- 773.140 Customer Notification and Presubscription Changes
- 773.150 Interexchange Carrier Participation
- 773.160 Presubscription Charges and Cost Recovery
- 773.170 Information Requirements

AUTHORITY: Implementing Section 13-403 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-403 and 10-101].

SOURCE: Adopted at \_\_\_ Ill. Reg. 14789, effective November 1, 1995.

FILED  
OCT 1 1995  
SOS - CODE DIV.

EFFECTIVE DATE  
NOV 01 1995  
SOS - CODE DIV.

## Section 773.5 Applicability

- a) This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act ("Act") [220 ILCS 5/13-202] providing local exchange telecommunications service as defined in Section 13-204 of the Act or interexchange telecommunications service as defined in Section 13-205 of the Act. In addition, this Part shall apply to any entity certificated by the Illinois Commerce Commission ("Commission") under Section 13-403 or Section 13-405 of the Act.
- b) This Part shall not apply to any telecommunications carrier that is subject to 83 Ill. Adm. Code 760, "Cellular Radio Exclusion."

Section 773.10 Definitions

"1-PIC" is a presubscription method in which a customer's presubscribed calls are carried by the interexchange carrier (IXC) of the customer's choice, without the use of access codes.

"2-PIC" is a presubscription method in which a customer's inter-market service area (MSA) calls are carried by an IXC of the customer's choice and its intraMSA presubscribed calls are carried, at the customer's choice, by the local exchange carrier (LEC) (or a primary toll carrier (PTC)), by the IXC chosen to carry interMSA calls, or by another IXC, without the use of access codes.

"Bona fide request" is a written request submitted to a LEC by an IXC, in which the IXC requests that the LEC provide presubscription consistent with this Part to customers within an exchange(s) and states that it intends to offer intraMSA usage services utilizing presubscription to customers in the exchange(s) within six months after the bona fide request, or by November 1, 1996, whichever is later.

"Customer" means a subscriber to a LEC switched network access service, either a bundled network access line or trunk or an unbundled port.

"Customer list" means an identification of the name, billing address and listed or published telephone number of each customer. It does not include an unpublished or unlisted telephone number.

"Equal access" has the meaning given it in Appendix B of the Modification of Final Judgment entered by the United States District Court on August 24, 1982 in United States v. Western Electric, Civil Action No. 82-0192 (D.D.C. 1982), as amended by the court in its orders issued prior to November 1, 1995.

"Equal access exchange" means an exchange in which the LEC has complied with and implemented federal equal access requirements.

"Incumbent local exchange carrier" or "incumbent LEC" means a LEC that provided facilities-based switched local exchange telecommunications services within an exchange as of December 31, 1993.

"Interexchange carrier" or "IXC" means a telecommunications carrier under the Act that provides interexchange telecommunications services as defined in Section 13-205 of the Act. A telecommunications carrier is both an IXC and a LEC if it provides both interexchange and facilities-based local exchange telecommunications services.

"Local exchange carrier" or "LEC" means a telecommunications carrier under the Act that provides facilities-based local exchange telecommunications services. A telecommunications carrier is both an IXC and a LEC if it provides both interexchange and facilities-based local exchange telecommunications services.

"Modified 1-PIC" is a presubscription method in which a customer's interMSA calls are carried by an IXC of the customer's choice and its intraMSA presubscription calls are carried, at the customer's choice, by either the LEC (or a PTC) or by the IXC chosen to carry interMSA calls, without the use of access codes.

"New local exchange carrier" or "new LEC" means a LEC that did not provide facilities-based switched local exchange telecommunications services within a specified geographic area as of December 31, 1993.

"Presubscription" is a procedure by which a customer can predesignate one or more IXCs to access for its subscribed switched intraMSA and interMSA calls, without dialing an access code.

"Primary interexchange carrier" or "PIC" means a subscribed IXC that carries subscribed calls, without the use of access codes, for a customer following equal access or presubscription implementation.

"Primary toll carrier" or "PTC" means the carrier that was made responsible for intraMSA toll rates, intraMSA compensation, and coordination of the intraMSA toll network by the Sixteenth Interim Order, July 2, 1985, and the Twenty-Fifth Interim Order, July 23, 1986, in Commission Docket 83-0142.

Section 773.100 Obligation to Provide Presubscription

- a) Each LEC shall provide presubscription consistent with this Part upon the LEC's own initiative or upon a bona fide request, using the 2-PIC method.
- b) Each LEC providing presubscription within an exchange(s) using the 1-PIC method as of December 31, 1993 is exempted from the requirements of this Part as long as it continues to provide 1-PIC presubscription.
- c) Presubscription shall be provided consistent with this Part and in accordance with 47 CFR Section 64.1100 (October 1994 Edition) and the following Federal Communications Commission ("FCC") Orders: Investigation of Access and Divestiture Related Tariffs, CC Docket 83-1145, Phase I, Memorandum Opinion and Orders, 101 FCC 2d 911 (1985); 101 FCC 2d 935 (1985); and Mimeo No. 6714, released August 30, 1985; and Policies and Rules Concerning Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Rcd 1038 (1992), Erratum, DA 92-101, released February 4, 1992. No other amendment or edition of the foregoing rules or Orders are incorporated in this Part.

Section 773.110 Implementation

- a) Each incumbent LEC shall, within 120 days after receiving a bona fide request, file intrastate tariffs to provide presubscription consistent with this Part in its equal access exchanges within six months after receiving the bona fide request or by November 1, 1996, whichever is later.
- b) For each incumbent LEC exchange that was not an equal access exchange as of November 1, 1995, the incumbent LEC shall file intrastate tariffs to provide presubscription consistent with this Part effective at the time that equal access is implemented within the exchange.
- c) Each new LEC shall, within 120 days after receiving a bona fide request, file intrastate tariffs to provide presubscription consistent with this Part effective within six months after receiving the bona fide request or by November 1, 1996, whichever is later.
- d) Each LEC may negotiate implementation schedules that differ from the requirements in this Section, with the agreement of all IXCs that make bona fide requests within 60 days after the first bona fide request.

Section 773.120 IntraMSA Calls Not Subject to Presubscription

- a) In its intrastate presubscription tariff, each LEC shall specify which intraMSA switched calls are not subject to presubscription for each of its exchanges.
- b) For each incumbent LEC exchange, intraMSA calls shall not be subject to presubscription if they originate and terminate within the geographic area within which the LEC provides calling through one or more of the following: flat rate service, residence untimed calling and usage measured service bands that do not exceed 15 miles from the exchange wire center, and/or flat rate or measured Extended Area Service, as defined in the LEC's tariffs.
- c) The following intraMSA calls shall not be subject to presubscription: local directory assistance (e.g., 411), local repair (e.g., 611), emergency (911), 0- operator services, and local pay-per-call (e.g., 976) calls. Calls using the 500, 700, 800, or 900 service access codes shall not be subject to this Part.
- d) For incumbent LECs, 0+ calls shall not be subject to presubscription if they originate and terminate within the geographic area described in Section 773.120(b).
- e) All intraMSA switched calls not subject to presubscription and dialed without the use of access codes shall be carried by the LEC. Those calls dialed using a 500, 700, 800, or 900 service access code shall not be subject to this Part.

Section 773.130 Waivers and Extensions

- a) A LEC may petition for a waiver of the requirement to provide presubscription consistent with Section 773.100 on the basis that the 2-PIC method is not technically feasible or that, under current conditions, the costs are expected to substantially exceed reasonably anticipated benefits. The Commission, after hearing, shall grant a waiver and shall allow the modified 1-PIC method to be used upon a showing that the 2-PIC method is not technically feasible or that its costs are expected to substantially exceed reasonably anticipated benefits.
- b) A LEC may petition for an extension of the timing requirements in Section 773.110 on the basis that presubscription cannot reasonably be provided within the given exchange(s) within the required time frame. The Commission, after hearing, shall grant an extension to a specified date upon a showing that presubscription cannot reasonably be provided within the given exchange(s) within the time frame required by Section 773.110 and that the date specified in the extension can reasonably be met.
- c) Any LEC or IXC may petition for a waiver of the requirements in Section 773.120 on the basis that the requirements regarding calls not subject to presubscription do not meet customers' calling needs and/or do not preserve or promote effective competition. The Commission, after hearing, shall grant a waiver upon a showing that the requirements regarding calls not subject to presubscription do not meet customers' calling needs and/or do not preserve or promote effective competition. In determining whether to grant the waiver, the Commission shall consider the financial impact and the technical feasibility of alternatives.

Section 773.140 Customer Notification and Presubscription  
Changes

- a) For each incumbent LEC exchange that was an equal access exchange as of November 1, 1995, and for each new LEC, the LEC shall provide written notice to its customers of the availability of presubscription, as follows:
  - 1) The notice shall be provided to existing customers at least 30 days prior to the implementation of presubscription consistent with this Part;
  - 2) The notice shall be provided to new customers who request network access service between the time the notice is distributed and the date presubscription is implemented consistent with this Part, at the time they request service;
  - 3) The notice shall describe presubscription, the customers' choices, how to select among the presubscription choices, and any related charges in a manner that does not attempt to influence customers regarding their selections.
- b) For each incumbent LEC exchange that was not an equal access exchange as of November 1, 1995, balloting shall be required for both interMSA and intraMSA usage, as follows:
  - 1) Balloting shall be in accordance with the FCC's Memorandum Opinion and Orders in CC Docket No. 83-1145, Phase I, and balloting shall include both interMSA and intraMSA choices;
  - 2) Customers' intraMSA usage subject to presubscription shall not be allocated, and shall continue to be provided by the incumbent LEC (or PTC) until the customer selects a different intraMSA presubscription choice.
- c) For new customers requesting network access service after presubscription consistent with this Part is implemented in an exchange, the LEC or other carrier receiving the request shall inform the customer, when service is requested, of its presubscription choices and shall provide the following information before either asking for the customer's presubscription selections and/or marketing its own interexchange services:

- 1) The customer service representative shall inform the new customer that the customer can select from a number of IXCs for presubscribed interexchange service, and shall describe the available prescription choices in a manner that does not attempt to influence customers regarding their selections;
- 2) The representative shall offer to provide the names of IXCs serving that office in random order as well as the telephone numbers of the IXCs.

If the customer indicates its selections, the representative shall not solicit the customer further for the carrier's interexchange services.

- d) Customers shall retain their existing intraMSA dialing arrangements as of November 1, 1995 until they make presubscription selections, and may change their selections at any time, subject to charges specified in Section 773.160. Procedures for intraMSA and interMSA selection changes shall be in accordance with 47 CFR Section 64.1100 (October 1994 Edition) and the following Federal Communications Commission ("FCC") Orders: Investigation of Access and Divestiture Related Tariffs, CC Docket 83-1145, Phase I, Memorandum Opinion and Orders, 101 FCC 2d 911 (1985); 101 FCC 2d 935 (1985); and Mimeo No. 6714, released August 30, 1985; and Policies and Rules Concerning Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Rcd 1038 (1992), Erratum, DA 92-101, released February 4, 1992. No other amendment or edition of the foregoing rules or Orders are incorporated in this Part.