definite period of time, such time frame shall be determined on a case-by-base basis and shall be set forth in the entry suspending the application. If the suspension is for an indefinite period of time, the Legal Director, Deputy Legal Director, or Attorney Examiner may remove the suspension imposed upon the application and reinstate a new automatic time frame for approval of the application. The appropriate new automatic time frame shall be determined on a case-by-case basis.

VIII. UNBUNDLING

A. Principle

Each ILEC and interconnecting facilities-based NEC shall unbundle its respective local network elements into any technically feasible points, upon bona fide request of a certified LEC.

B. Related Functionalities

Unbundling of networks shall include access to necessary customer databases, such as LEC-owned or controlled 9-1-1 databases, LERG, Billing Name and Address, Directory Assistance, Line Information Database, and 800 databases. It should also include operator services, directory assistance services, and SS7 functionalities.

C. Reciprocal Unbundling

The requirement to fulfill all bona fide requests for the purchase of unbundled network elements by other LECs applies equally to both ILECs and NECs.

D. General Unbundling Requirements

1. Unbundled network elements rates, terms, and conditions shall be established through negotiation between LECs upon receipt of a bona fide request for interconnection or through arbitration, pursuant to Section III.C. of these guidelines.

2. Unbundled network element rates, terms, and conditions may be established through arrangements or tariffs approved by the Commission. The Commission, at its discretion, may order the filing of tariffs establishing unbundled network elements rates,

terms, and conditions. (See Section III, Interconnection, for filing requirements associated with bona fide requests.)

3. Once an unbundled network element has been made available to an interconnecting carrier on a contractual basis, the providing carrier shall make that unbundled network element available for all similar requests for purchase pursuant to Section III of these guidelines.

4. The offering of unbundled network elements cannot replace the offering of currently bundled package offerings.

E. Rate Requirements

For purchase by certified facilities-based LECs, unbundled network elements shall be priced at cost-based rates pursuant to the pricing standards in Section V.B. of these guidelines.

IX. RESALE

A. Principle

1. Each LEC shall maintain an end user tariff and make all of its tariffed services available for resale

2. Each LEC which provides local service through its own facilities or in combination with its own facilities, shall maintain a carrier-to-carrier tariff including its resale service offerings and, with the exception of services not available for resale pursuant to Section IX.C. of these guidelines, shall make such service offerings available for resale to any other LEC

B. Conditions for Local Service Resale

1. All services that are tariffed in LEC end user tariffs shall be made available for purchase by any entity at a retail rate approved by the Commission.

2. All services that are tariffed in an ILEC's carrier-to-carrier tariff for the purpose of resale shall be made available for purchase by any LEC at a wholesale rate approved by the Commission pursuant to the pricing standards set forth in Section V.E. of these guidelines.

3. All services that are tariffed in a NEC's carrier-to-carrier tariff for the purpose of resale shall be made available for purchase by any LEC and shall not contain unreasonable, discriminatory, or anti-competitive conditions or limitations.

4. NEC services offered at a discount or in a promotion shall be made available for resale at rates approved by the Commission pursuant to the standards set forth in Section IX.B.3. of these guidelines.

5. ILEC services offered at a discount or in a promotion shall be made available for resale at a wholesale rate approved by the Commission pursuant to the pricing standards set forth in Section V.E. of these guidelines.

6. Each LEC which maintains a carrier-to-carrier tariff shall be required to provide nondiscriminatory, automated operational support systems which would enable other LECs reselling its retail telecommunications services to order service, installation, repair, and number assignment; monitor network status; and bill for local service. Such support systems shall include, but not be limited to:

   a. Pre-service ordering functionalities for processing customer service orders;

   b. Provisioning requirements to ensure electronic transmission of data to the LEC providing telecommunications services for resale, as well as order and service completion confirmation;

   c. Repair and maintenance requirements; and

   d. Customer Account Record Entry (CARE) requirements.

7. To assure proper and high quality provisioning of local service resale, each LEC which maintains a carrier-to-carrier tariff shall provide administrative functional requirements that include, but are not limited to:

   a. Provisioning reports comparing that LEC's service to LECs purchasing telecommunications services for resale with the service it provides to itself in its own operation; and

   b. Branding of services by the LEC purchasing such services for resale.

C. Restrictions on Resale

Each LEC shall make its services available for resale, but may, subject to Commission approval, place reasonable restrictions on the resale of residential services to business customers.

X. DIALING PARITY/1+ INTRALATA PRESUBSCRIPTION

A. Principle

PEC ILECs and NECs shall be required to provide dialing parity, on both an intra and interLATA basis, to all interconnecting toll carriers subject to the conditions set forth below. NECs are required to provide exchange access and dialing parity to all toll providers, but they are not required to provide toll services themselves. NECs shall not become secondary carriers under ORP/SCO.

B. Time Frame

1. PEC ILECs that are not legally constrained from offering interLATA services shall have implemented 1+ dialing parity on an intraLATA basis for all their subscribers within 12 months of the Commission's issuance of these guidelines.

2. Ameritech Ohio shall have implemented 1+ dialing parity on an intraLATA basis for all its subscribers at such time that it either seeks approval of the federal competitive checklist for Bell Operating Companies pursuant to Part III, Section 271(c)(2)(B) of the 1996 Act, or by February 9, 1999, whichever occurs sooner.

3. NECs shall implement 1+ dialing parity on an intraLATA basis upon their initial offering of certified local exchange service.

C. Presubscribed Interexchange Carrier (PIC) Methodology

1. Definitions

a. 1-PIC

Subscribers would select either their LEC or their interLATA carrier to carry all intraLATA and interLATA toll traffic.

b. **Full 2-PIC**

Subscribers would select an IXC for interLATA calls and have the ability to select either their interLATA carrier, LEC, or an alternative intraLATA toll provider to carry their intraLATA toll traffic.

c. **Modified 2-PIC**

Subscribers would select an IXC for interLATA calls and select either the same IXC or their existing LEC to carry their intraLATA toll traffic.

d. **Smart or Multi-PIC**

Subscribers would be able to select multiple carriers for various subdivisions of their interLATA and intraLATA toll calls.

2. Implementation

In the absence of readily available and economically feasible Smart or Multi-PIC technology, 1+ dialing parity on an intraLATA basis shall be implemented on a Full 2-PIC methodology.

D. **Balloting**

Balloting shall not be used. LECs shall inform their current customers of the options to select presubscribed intraLATA toll carriers within 60 days of implementation of intraLATA toll presubscription.

Such notices must be submitted by the LEC to the Commission's Consumer Services Department for approval at least 30 days prior to sending them to its customers. Toll carriers may provide such information to customers regarding the availability of 1+ dialing parity as they deem appropriate, except that nothing herein shall authorize any otherwise unauthorized or unlawful use of the LEC's name, marks, logo, trademarks, or tradenames by the toll carriers.

E. **Presubscription Procedures**

1. **Current subscribers**

Initial requests of current subscribers for an intraLATA carrier change will be provided free of charge for the first 90 days after

customer notice was initially sent. A LEC service order charge of $5.00 for the first line, and $1.50 for each additional line, shall be applied to any subsequent request to change intraLATA interexchange service providers

2. New subscribers

New subscribers will be asked to select an interLATA and intraLATA toll carrier at the time they place an order with the LEC. The LEC will process the customer's order for both intra and interLATA service. The selected carriers will confirm their respective customers' verbal selections by third-party verification or return written confirmation notices. All new subscribers' initial requests for either intra or interLATA interexchange service shall be provided free of charge.

3. Subscribers who do not choose a carrier

If a subscriber is unable to make a selection at the time he/she places an order establishing local exchange service, the LEC will read a random listing of all available intraLATA carriers to aid in the selection. If a selection is still not possible, the LEC will inform the subscriber that he/she will be given 90 days in which to inform the LEC of an intraLATA toll carrier selection. During the 90-day period and until the subscriber informs his/her LEC of a choice for intraLATA toll carrier, the LEC shall provide the intraLATA toll service. In the event that the LEC is a NEC which does not offer its own intraLATA toll service, the default provider for the 90-day period shall be the ILEC. Subscribers who inform their LEC of their intraLATA toll carrier selection within the 90-day period will not be assessed a service order charge for their initial request. A LEC service order charge of $5.00 for the first line, and $1.50 for each additional line, shall apply to all subsequent requests to change intraLATA interexchange service providers.

F. Recovery of Costs of Implementation of IntraLATA Dialing Parity

The incremental costs directly associated with the introduction of 1+ intraLATA dialing parity shall be borne by all telecommunications carriers. Costs shall be recovered through a Commission-approved switched access per minute of use charge applied to all originating intraLATA switched access minutes generated on lines that are presubscribed for intraLATA toll service.

XI. NONDISCRIMINATION BETWEEN COMPETITORS

A. Service Requests

LECs which have achieved interconnection shall report in writing to the Chiefs of the Commission's Consumer Services Department Compliance Division, and the Utilities Department Telecommunications Division, within five business days, any denial of subsequent bona fide carrier service request by the interconnecting LEC (e.g., expansion of facilities or maintenance. Denied requests, and requests for service not fulfilled within 30 days, must be documented and justified (in its report to the Commission) by the carrier from whom such services are requested. Such denials will be reviewed pursuant to a complaint process or other Commission-ordered dispute resolution process.

Interconnecting LECs shall report to the Chiefs of the Commission's Consumer Services Department Compliance Division, and the Utilities Department Telecommunications Division, any subsequent request for service (e.g., expansion of facilities or maintenance) that remains unfulfilled, or partially unfulfilled, in excess of 30 days.

B. Telecommunications Performance Measurement Database (TPM)

All LECs shall be required to file, with the Commission, annual TPM data submissions.

C. Access to Customer Proprietary Network Information (CPNI)

1. A telecommunications carrier that receives or obtains CPNI from another carrier for purposes of providing any telecommunications service shall use such information only for such purpose and shall not use such information for its own marketing efforts.

2. No LEC shall access or use the CPNI of an interconnecting LEC for the purpose of marketing its services to the interconnecting LEC's customers.

3. No LEC shall access the CPNI of a carrier reselling its services, without the permission of the reseller, for the purposes of marketing services to the reseller's customers.

4. No LEC shall solicit a competitive carrier's end user customer where the competitive interconnecting carrier is in the process of waiting

for the LEC to provide facilities necessary to serve that same end user customer.

5. Unless otherwise requested by the customer, if a LEC makes CPNI available to one carrier, including carriers which are affiliated with the LEC, such information must also be made available to all other carriers on the same terms and conditions.

D. Installation and Maintenance

A LEC must provide the same installation, maintenance, and repair intervals to other LECs that it provides itself for its own service provisioning.

XII. RIGHT-OF-WAY

A. Authorization

1. LECs are subject to all constitutional and statutory rights and responsibilities placed upon public utilities for use of public right-of-way.

2. Private right-of-way for all public utilities, including LECs, is subject to negotiated agreements with the private property owner, exclusive of eminent domain considerations.

3. The Commission finds that there is a rebuttable presumption that any arrangements whereby telecommunications carriers are provided exclusive use of private building riser space, conduit, and/or closet space is anti-competitive and unlawful. This being the case, the Commission reserves the right, should it be brought to our attention, to require any or all such future arrangements between public utilities and private landowners to be submitted to us for our review and approval, under Section 4905.31, Revised Code, prior to taking effect.

B. Terms and Conditions

1. Rates, terms, and conditions for nondiscriminatory access to poles, ducts, conduits, and right-of-way shall be established through interconnection arrangements or tariffs pursuant to Section III of these guidelines. Access to poles, ducts, conduits, and right-of-way shall be on a first-come, first-serve basis subject to space limitation

and taking into consideration a demonstration of the LEC's own future needs.

2. Prices for pole attachments shall be set based upon the prevailing FCC formula, unless either LEC can demonstrate the need to deviate from that formula.

3. Prices for ducts, conduit space, and access to right-of-way shall be set at a level that allows the providing LEC to recover its LRSIC of providing ducts, conduit space, and access to right-of-way and a reasonable contribution to joint and common costs incurred by the providing LEC. The allocation of joint costs shall be according to the allocation method described in Section V.B.3. of these guidelines.

C. Coordination

LECs shall coordinate their right-of-way construction activity with the affected municipalities and landowners. Nothing in this section is intended to abridge the legal rights and obligations of municipalities and landowners.

D. Disputes

1. To the extent applicable, public utilities shall comply with Section 4905.51, Revised Code.

2. Disputes concerning the compensation or conditions of use or joint use of equipment may be brought to the Commission for resolution pursuant to Section 4905.51, Revised Code.

XIII. UNIVERSAL SERVICE

A. Definitions

1. Universal service establishes a minimum level of essential basic telecommunication services to be made available at affordable rates to all who desire such services.

   Universal service includes the following services:

   a. Residential single party, voice-grade access line;

   b. Touch-tone dialing;

c. Access to telecommunications relay service;

d. Access to operators and directory assistance;

e. Access to emergency services (9-1-1/E-9-1-1) (where available);

f. Availability of flat-rate service;

g. Access to all available long distance carriers;

h. A white pages listing, plus a directory;

i. Blocking for Caller ID, Auto Callback, 900, 976, 976-like services, and toll restriction blocking; and,

j. The ability to transmit data at a minimum baud rate of 9600.

The list of services that comprise universal service will be periodically reviewed by the Commission and updated as telecommunications and information technologies and services advance and as societal needs dictate.

2. Universal Service Funding (USF) assistance has two separate and distinct components:

   a. **High Cost Support (HCS)** is intended to ensure the provision of universal service to residential customers at a reasonable price in geographic areas with high cost characteristics, (e.g., low population density, long loop lengths per household, or terrain features which cause plant installation to be expensive).

   b. **Low Income Assistance** is intended to provide income-eligible residential customers who participate in designated federal or state low-income programs, with discounts for certain basic local services to assist participants in obtaining and maintaining access to the network.

3. **High Cost Support Eligible Area** is defined as a geographic area (i.e. an existing ILEC wire center or an alternative area approved by the Commission) within which the established HCS benchmark cost for the number of households in that area exceeds the ILEC's total intrastate residential revenues within that same geographic area.

4. **Income Eligible Residential Customers** shall be determined by their participation in federal and state low-income programs (e.g., Home Energy Assistance Program, Ohio Energy Credits Program, Supplemental Security Income, Medicaid, Aid for Families with Dependent Children). The Commission will periodically review the status of the programs used to determine income eligibility.

B. Universal Service Fund (USF) Contributions

1. All telecommunications carriers (i.e., facilities-based LECs, nonfacilities-based LECs, and CTS providers) shall pay into the intrastate Universal Service Fund (USF) pool via a USF charge, including those entities providing telecommunications services who pay into the interstate USF, but are exempted from registering with the Commission.

2. The USF support level will be based on each carrier's total intrastate revenues, including revenues received from subsidiaries (e.g., yellow pages revenues).

3. The USF percentage assessed to each carrier will be based on a statewide aggregation of required subsidies for all USF eligible services in the state. This percentage will be calculated and revised at least annually, as determined by the Commission and the fund administrator.

4. In determining the percentage to be assessed to each carrier, the Commission may also consider the extent to which a carrier is providing service in a nondiscriminatory manner within its service territory. In making such a determination, the Commission will consider the carrier's percentage of business vs. residential customers and the extent to which the carrier serves low income customers.

5. The fund administrator will calculate at least annually, not to exceed quarterly, each carrier's obligation to the fund and will invoice each carrier accordingly. Payments on behalf of carriers to the fund shall be made at least annually, but not to exceed quarterly, as deemed appropriate by the Commission and the fund administrator.

C. High Cost Support Program

1. ILECs will retain the carrier of last resort obligation until such time as the Commission determines the carrier of last resort via a bidding

process or other mechanism. During that interim period, any certified, facilities-based, LEC serving residential customers within a HCS eligible area may withdraw from the fund an amount no greater than the maximum subsidy established according to the methodology in Section E.1. below.

2. No sooner than one year after the enactment of these guidelines, the Commission will evaluate whether to implement a bidding process or some other mechanism for the carrier of last resort obligation as a requirement for ongoing eligibility for high cost support funding.

3. Any carrier accepting HCS monies must offer the services supported by universal service support and must advertise the availability of such services.

D. **Low-Income Support Program**

1. Effective immediately, all certified LECs shall participate in the Telephone Service Assistance and Service Connection Assistance Programs. Notwithstanding legislation that would establish otherwise, all LECS shall continue to provide the benefits of the TSA and SCA programs with dollar for dollar recovery from the universal service fund according to the methodology in Section E, below.

2. As of January 1, 1998, and LEC offering the following package of low income assistance to income eligible residential customers as defined in Section A, paragraph 4, will be eligible for any incentives established in paragraph 3 below in addition to dollar for dollar recovery from the universal service fund according to the methodology in Section E, below.

   a. A waiver of deposits required to obtain new service;

   b. A waiver of the service connection charge for establishing local service, if it is more that $5.00;

   c. A monthly discount off of the basic local access line charge at an amount equal to the subscriber line charge;

   d. A monthly waiver of the federal subscriber line charge;

   e. A waiver of the charges for touch-tone service;

f. Discounted rates for call control features, i.e., toll restriction and blocking for 900 and 976 calls; and

g. A waiver of the charges for 9-1-1 and E-9-1-1.

The Commission may periodically re-evaluate and modify the package of services in this paragraph.

3. To encourage LECs to actively promote the package of low-income support programs described in Section XIII.A.4., such carriers will receive a partial offset against their contribution to the USF for each $1.00 of subsidy received from the USF for provision of these low-income programs. The Commission will determine the appropriate amount of offset by June 12, 1998.

4. The Commission may consider prior commitments made by LECs in alternative regulation proceedings in determining the extent of eligibility for USF funding under Section XIII.D.2. and D.3. of these guidelines.

E. Support Withdrawal Criteria

1. High Cost Support Withdrawal

Until such time as the Commission establishes a carrier of last resort via a bidding process or other mechanism, any facilities-based LEC is eligible for HCS funding according to the following methodology:

a. The calculation of the HCS subsidy will be done on the basis of existing ILEC wire center boundaries and will be designated a HCS study area.

Any ILEC or facilities-based NEC may petition the Commission to adopt an alternative HCS study area based on the specific characteristics of its service territory or its specific business operating practices. The petitioning LEC will have the burden of proof in demonstrating that its alternative proposed HCS study area boundaries will permit a more efficient comparison of benchmark costs and revenues.

b. The benchmark costs will be calculated using the Census Block Group (CBG) benchmark costs from the "Benchmark Cost Model" as filed with the FCC in CC Docket No. 80-286. The Commission may also adopt any subsequent revisions to this

model. The CBG costs will be aggregated to the HCS study area level by taking an average of CBG costs within that area weighted by the number of households in each of those CBGs. This weighted average cost will be the per household benchmark cost within the HCS study area. The benchmark costs will include an allowance for common costs.

c. Any ILEC or facilities-based NEC may petition the Commission to adopt alternative benchmark costs based on company-specific analysis. The petitioning LEC will have the burden of proof in demonstrating that its alternative proposed benchmark costs more accurately reflect its true LRSIC costs within a given HCS study area.

d. In each HCS study area, the ILEC will receive funding equal to the difference between total intrastate residential revenues and total benchmark costs in that study area. Total intrastate residential revenues include all revenues from intrastate retail residential services (including vertical services and any yellow pages revenues received from an affiliate), as well as wholesale payments by resellers for resale of residential services in that study area. Total benchmark costs are the calculated benchmark cost per household times the total number of households in the study area, less any avoided costs calculated according to Section V.E. of these guidelines.

e. A facilities-based NEC serving a HCS study area will receive HCS funding equal to the difference between total residential revenues and total benchmark costs in that study area. Total residential revenues include all revenues from regulated services, as well as wholesale payments by resellers in that study area. Total benchmark costs are the calculated benchmark cost per household times the total number of households being served in that study area.

f. Disbursements from the fund will be calculated based on 12 months of historical information on the number of households served, benchmark costs, and total residential revenues within each HCS fund eligible area. The amount of subsidy received may also be adjusted to account for any subsidies received from other federal or state programs, including any federal universal service fund that may be adopted by the FCC.

g. RLECS and rural carriers are eligible for HCS funding according to the above methodology only if such carriers return on equity does not exceed 12% and they are not exempt under Section II.A.2.b. and d. of these guidelines.

2. Low-Income Support Withdrawal

The calculation of the low-income subsidy will be the amount accrued by any LEC for discounting or waiving rates for services delineated under the low-income support program. The calculation of the amount of subsidy required for touch tone service, will be based on the actual incremental cost of providing that service. The calculation will be based only on program costs that are not recoverable through any other available subsidies or tax credits.

F. Universal Service Fund Administration

1. The USF shall be managed by a neutral, third-party administrator, which will be selected by the Commission through a request for proposal (RFP) process and will be subject to the Commission's oversight.

2. The ongoing necessity of an intrastate USF will be reviewed periodically by the Commission and the fund administrator.

XIV. NUMBER PORTABILITY

A. Principle

End users should have the ability to retain the same telephone number as they change from one service provider to another as long as they remain in the same location, or, if moving, retain the same NXX code.

B. Definitions

Number portability refers to the ability of end users to retain their telephone numbers when they change their service, service provider, and/or their location

1. **Service Number Portability**

   Service number portability is the ability of end users to retain the same telephone number as they change from one type of service to another (e.g., POTS to ISDN).

2. **Location Number Portability**

   Location number portability is the ability of end users to retain the same telephone number as they move from one NXX location to another.

3. **Service Provider Number Portability**

   Service provider number portability is the ability of end users to retain the same telephone number as they change from one LEC to another, without changing service locations.

4. **True Service Provider Number Portability**

   True service provider number portability is the ability of end users to retain the same telephone number when they change LECs, without reliance on calls to that telephone number being routed through the LEC's end office where the original NXX code is assigned.

5. **Location Routing Number**

   Location Routing Number (LRN) refers to an industry-developed call model to support true service provider number portability. LRN is a database system which does not rely on an absolute need to transport ported calls through the ILEC's network. Unlike RCF and DID, LRN should allow for enhanced calling services which rely on number identification (e.g., Caller ID, Call Trace, and blocking).

C. **Commission Requirements**

1. A facilities-based LEC not offering LRN true service provider number portability shall provide interim service provider number portability on an RCF or DID basis.

2. All facilities-based LECs shall provide LRN true service provider number portability in accordance with the guidelines established

below, and a time frame and manner to be established by the Commission in response to a open state-wide workshop.

3. The Commission shall schedule a state-wide LRN number portability workshop within 120 days of the issuance of these guidelines. The workshop will seek to establish the time frame and manner of the implementation of LRN number portability in the state of Ohio.

D. Ohio Number Portability Guidelines

1. Impact on End Users

a. Call redirection must be transparent to end users.

b. Portability must be available to all wireline customers within the LEC's serving area.

c. Dialing party must have an indication of a call's toll status.

d. There shall be no loss of functionality, quality of service, or access to services. Access to 9-1-1, E-9-1-1, information, and other services shall remain available.

2. Impact on Local Service Provider

a. The Ohio number portability solution must be compatible with Intelligent Network (IN) and Advanced Intelligent Network (AIN) software, must support essential services, and must allow for tandem interconnection.

b. Current transmission quality, call set-up/delay, reliability, and other applicable standards must continue to be met.

c. The Ohio number portability solution must not require transport over another LEC's network for call completion.

d. Non-number portability capable networks must be able to interconnect.

e. Any operator must be able to perform a busy line verification of a ported number line, and must be able to handle collect calls, third-party billing, and Call Trace.

3. **Miscellaneous Requirements**

   a. The Ohio number portability solution shall efficiently use telephone numbers and must not accelerate the depletion of numbering resources.

   b. The Ohio number portability solution shall support any nationwide number portability development and deployment. However, Ohio shall reserve the right to implement its solution even if no national effort succeeds.

   c. The Ohio number portability solution should be of an open network architecture, free of licensing fees.

   d. The Ohio number portability solution must be expandable to location portability capability.

XV. NUMBERING ASSIGNMENT AND ADMINISTRATION

There shall be no state-specific requirement at this time for Ameritech Ohio and Cincinnati Bell Telephone Company to transfer their respective number assignment and administration responsibilities to a third party.

XVI. DIRECTORY LISTINGS

A. Requirements of Minimum Telephone Service Standards

LECs shall be required to adhere to the Minimum Telephone Service Standards (MTSS) regarding the provisioning of directories and directory assistance.

1. A LEC shall provide each of its subscribers, free of charge, a single, comprehensive, printed directory for all telephone numbers within the LEC's local calling area (As detailed by the MTSS).

2. A LEC shall provide each of its subscribers, free of charge, with a directory assistance listing and intercept service for all telephone numbers within the LEC's local calling area (As detailed by the MTSS).

B. Provisioning

LECs may purchase the provisioning of published directories and directory assistance from other providers. Regardless of whether the ILEC provides published directories and directory assistance itself or purchases such provisioning from another entity, the LEC will be considered the provider of the directory and directory assistance as it pertains to adherence to the MTSS.

C. Competitive Listings

Upon bona fide request of one LEC to another, LECs shall provide a standard published directory and directory assistance listing of their competitors' customers within the geographic region served by the directory provider's current directory. Prices for such services shall be set at a level that allows the LEC to recover the LRSIC of providing such services and a reasonable contribution to the joint and common costs incurred by the LEC. The allocation of the joint costs shall be in accordance with the allocation method described in Section V.B.3. of these guidelines.

D. Updates to Listings

1. All requests for printed listings of competitor's customers will be implemented at the next regularly scheduled update of the directory provider's printed directory (as detailed by the MTSS).

2. All requests for directory assistance listings and updates of competitor's customers will be implemented as requests are received in a manner and time commensurate with the directory provider's treatment of its own new subscribers and as required under the MTSS.

XVII. INTERCONNECTION TECHNICAL STANDARDS

A. Disclosure Requirements

Where one LEC seeks interconnection to another's network, both parties shall be required to disclose to each other any and all technical requirements necessary to ensure compatibility between networks and integrity of service in their respective service areas.

B. Costs of Network Modifications

To the extent a LEC's technical requirements involve any addition to or modification of existing standard interconnection arrangements, the costs of such additions and/or modifications to be compatible with such a non-standard interface shall be negotiated between the interconnecting parties. In the event of a dispute between such parties, the Commission will establish whatever process it deems appropriate to resolve the dispute.

C. Facilities

Each LEC is individually responsible to provide those network functionalities within its service territory that are necessary for routing, transporting, and billing traffic to and from other certified LEC's networks.

D. Minimum Compliance

Upon interconnection with another's network, LECs must, at a minimum, comport with current Commission MTSS requirements, as well as any existing state and industry technical standards necessary to facilitate the seamless and transparent transmission of a call between companies.

E. Availability of Technical Standards

A LEC must make available to other LECs technical interfaces that are at least equal in quality to that which it provides itself, or any subsidiary or affiliate. Furthermore, any technical interfaces provided to an interconnecting LEC must also be made available under the same terms and conditions to other LECs making substantially similar requests.

F. Notice of Changes in Technical Requirements

If a LEC intends to alter its technical requirements in a manner that will affect its existing interconnection arrangements in any way, the LEC must provide notice of its intentions to all interconnecting parties, the Commission, and all other interested parties. Such notice must be served by the LEC no less than six months prior to implementation of the respective technical changes, and must include at a minimum: (1) the date the changes are to occur; (2) the location(s) at which the changes are to occur; and (3) a description of the changes, in sufficient detail to enable the affected interconnecting parties to adequately respond.

G. Service Quality Compatibility

Each LEC is individually responsible for the quality of service it provides. Where requested, however, and to the extent technically feasible, LECs may implement joint network management controls to further overall service integrity. Where such monitoring is not technically feasible on the part of the NEC, the ILEC, if technically feasible, will perform these functions on the NEC's behalf, subject to time and materials charges, as mutually agreed upon.

H. Federal Requirements

Each LEC is solely responsible for participation in and compliance with any federally mandated technical standard requirements.

I. Support Functions

LECs are not responsible for providing services to each other's end users; however, where one LEC's limitation or lack of facilities dictates, the competing parties must establish arrangements to ensure that support functions (e.g., 9-1-1, operator services, directory assistance, telecommunications relay service, etc.) are available to the customers of both LECs.

XVIII. CONSUMER SAFEGUARDS

A. Customer Education

LECs are responsible for providing their customers with informational, promotional, and educational materials explaining the carrier services, rates, and customers' options. Such materials must also be submitted to the Commission's Consumer Services Department and OCC. These materials include, but are not limited to, the notices required by Section VI. of these guidelines. In those situations where a notice requirement has been or will be placed on LECs by the Commission, such notice requirement takes precedence over this section. These materials shall be written in such a way that allow customers to make comparisons between comparable services. Such information should include basic information such as:

1. An explanation of the nature of the service, its application, and any restrictions or limitations

2. If services are bundled, an identification and explanation of individual service components and associated prices;

3. An identification and explanation of any one-time, non-recurring charge(s);

4. An identification and explanation of recurring charge(s) (i.e., usage, access, etc.); and

5. An identification of any special attributes of this service.

The Commission may require, review, or request modification of customer notices, billing information, or other customer education materials. Copies of all informational and educational materials for residential services shall be provided to OCC at the same time such materials are provided to the Commission.

B. Marketing Practices

1. No LEC shall commit an unfair, deceptive, or unconscionable act or practice in connection with a consumer transaction. Such an unfair, deceptive, or unconscionable act or practice by a LEC violates these guidelines whether it occurs before, during, or after the transaction.

2. Engaging in any of these unfair, deceptive, or unconscionable acts or practices constitutes unjust, unreasonable, and inadequate service under Section 4905.26, Revised Code.

3. No LEC shall make any offer for services in written or printed advertising or promotional literature without stating clearly and conspicuously in close proximity to the words stating the offer any material exclusions, reservations, limitations, modifications, or conditions. Disclosure shall be easily legible to anyone reading the advertising or promotional literature and shall be sufficiently specific so as to leave no reasonable probability that the terms of the offer might be misunderstood.

4. Offers made through radio or television advertising must be preceded or immediately followed by a conspicuously clear and oral statement of any specific exclusions, reservations, limitations, modifications, or conditions.

5. All LECs are prohibited from the practice of advertising or offering goods or services as "free" when in fact the cost of the "free" offer is passed on to the consumer by raising the tariffed price of the goods or services that must be purchased in connection with the "free" offer.

6. Subscriber enrollment shall only occur upon the customer affirmatively selecting (positive enrollment) the pertinent service(s). Negative enrollment by the LECs shall not be permitted unless otherwise ordered by the Commission.

7. It shall be the duty of the LEC to preserve the privacy of customer proprietary information and transactions to acquire local exchange service and protect such information and transactions from commercial abuse.

   In addition to the guidelines on CPNI set forth in Section XI.C. of these guidelines, a LEC or any LEC affiliate shall not, without the prior affirmative, written consent of the customer, provide to any telecommunications equipment manufacturer or telecommunications provider CPNI for use with or in connection with the manufacturing of telecommunications equipment or the provision of local exchange, interLATA, information, enhanced, or video services that are disseminated by means of such LEC's or any of its affiliates' facilities.

8. All LECs shall comply with all existing and future Commission orders relating to customer notice/education requirements (e.g., inside wire). Failure to comply with such requirements violates the MTSS, Rule 4901:1-5-23 (A), Ohio Administrative Code, which requires that "each local exchange company shall provide the information and assistance necessary to enable an applicant or subscriber to obtain the most economical local exchange company-provided services conforming to his or her stated needs." Further, the Commission may seek appropriate remedies under Sections 4905.54 and 4905.57, Revised Code.

9. If, upon complaint of a customer or upon its own motion, the Commission finds that the practices of any LEC with respect to the marketing of its services or products are unjust or unreasonable, the Commission may require the practices of such LEC to be discontinued and/or may prescribe the practices to be observed by such LEC in its marketing of regulated services.

10. The Commission's Consumer Services Department shall oversee LEC marketing practices by:

    a. Monitoring complaints received by the Public Interest Center regarding LEC marketing activities;

    b. Reviewing sales scripts and marketing manuals utilized by LEC sales and customer service personnel when deemed necessary to monitor marketing practices;

    c. Reviewing LEC advertising and promotional literature when deemed necessary to monitor marketing practices;

    d. Monitoring live telephone sales presentations by customer service representatives when deemed necessary to monitor marketing practices;

    e. Recommending needed procedure modifications; and

    f. Providing regular updates to the Commission regarding the Consumer Services Department's findings.

C. Local Service Carrier Subscription/Slamming

1. No subscriber's LEC may be changed unless and until the change has first been confirmed in accordance with one of the following procedures:

    a. A subscriber's LEC may be changed when the LEC has obtained the subscriber's written authorization on a letter of agency (LOA) that explains what occurs when a subscriber's LEC is changed.

        i. The LOA shall be a separate document and its sole purpose is to authorize a LEC to initiate a primary LEC change. If the subscriber will incur a charge as a result of changing LECs, the LOA must contain a notification to the subscriber that a charge will be assessed to him/her as a result of the charge. The LOA must be signed and dated by the subscriber to the telephone line(s) requesting the carrier change.

        ii. The LOA shall not be combined or utilized in conjunction with promotions (e.g., sweepstakes) of

any kind. The LOA may be combined with checks that contain only the required LOA language described below and the necessary information to make the check a negotiable instrument. The LOA check shall not contain any promotional language or material. The LOA check shall contain, in easily readable, bold face type on the front of the check, a notice that the consumer is authorizing a primary LEC change by signing the check. The LOA language shall also be placed near the signature line on the back of the check.

iii. At a minimum, the LOA must be printed with a type of sufficient readable size and type to be clearly legible and must contain clear and unambiguous language that confirms:

a. The subscriber's billing name and address and each telephone number to be covered by the LEC change order;

b. The decision to change the LEC from the current LEC to the prospective LEC;

c. That the subscriber designates the LEC to act as the subscriber's agent for the LEC change;

d. That the subscriber understands that only one carrier may be designated as the primary LEC for any one telephone number. Any carrier designated as the primary LEC must be the carrier directly setting the rates for the subscriber; and

e. That the subscriber understands that any change in LECs may involve a charge for such change.

iv. LOAs shall not suggest or require that a subscriber take some action in order to retain the subscriber's current LEC

b. A subscriber's LEC may be changed once the new LEC has obtained the subscriber's electronic authorization, placed from the telephone number(s) for which the service is to be changed, that confirms the information described in Section XVIII.C.1.a.