

- c. A timetable and outline of information to be included in progress reports to be submitted to the Commission regarding preparations for competitive entry;
  - d. Any other information in support of its request, including but not limited to: economic burden; technical feasibility; and impact on universal service; and
  - e. All plans must be supported by adequate documentation of the items set forth in this Section.
- iii. Unless the Commission finds it otherwise appropriate, an RLEC that obtains a waiver from any of these guidelines will remain under the regulatory framework (i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144) it was subject to prior to the Commission's adoption of these guidelines. The automatic time frames included within these local competition guidelines shall not apply to its filings unless and until it no longer has a waiver from any of these guidelines, except as provided in Section VI.L. of these guidelines.

**c. RLEC's Receiving Bona Fide Requests**

- i. A person making a bona fide request of an RLEC for interconnection services or network elements shall submit a notice of its request to the Chief of the Telecommunications Division of the Commission.
- ii. Upon receipt by the Commission of a notice of a bona fide request to an RLEC for interconnection, services, or network elements, the Commission shall initiate a COI and conduct an inquiry within 120 days.
- iii. If the Commission finds that the termination of the RLEC's waiver is not unduly economically burdensome, is technically feasible, and is consistent with universal service principles, the termination of the waiver will be

## **II. CERTIFICATION ISSUES**

### **A. Jurisdiction**

#### **1. Scope**

Each facilities-based and nonfacilities-based entity engaged in the business of providing local exchange service to, from, through, or in Ohio as a common carrier shall be considered a LEC subject to Commission jurisdiction.

#### **2. Waivers**

a. Nothing contained within these guidelines and procedures shall preclude the Commission from waiving any provision in this document for good cause shown or upon its own motion.

#### **b. RLEC Exemptions**

i. Until it receives a bona fide request for interconnection, services, or network elements, an RLEC is exempt only from those portions of these guidelines which are part of Section 251(c) of the 1996 Act.

ii. Notwithstanding Section II.A.2.b.i., above, each RLEC which seeks an exemption under Section 251 of the 1996 Act or which seeks a waiver of these guidelines, must submit a plan to the Commission, for the Commission's review and approval as to how it is preparing for the introduction of local competition in its service area. The plan must be filed within one year from the date the Commission adopts these guidelines or within 60 days of the receipt of a bona fide request, whichever is earlier. This plan must include, at a minimum, the following:

a. How its plan will benefit the public interest;

b. What steps it intends to take to prepare for the competitive entry of other LECs in its serving area. This should be presented in the form of a plan which specifies milestones and a timeline;

<b>DID</b>	Direct Inward Dialing
<b>EAS</b>	Extended Area Service
<b>FCC</b>	Federal Communications Commission
<b>FGD</b>	Feature Group D
<b>HCS</b>	High Cost Support
<b>ILEC</b>	Incumbent Local Exchange Carrier
<b>IN</b>	Intelligent Network
<b>IXC</b>	Interexchange Carrier
<b>LEC</b>	Local Exchange Carrier Refers to both ILECs and NECs
<b>LERG</b>	Local Exchange Routing Guide
<b>LOA</b>	Letter of Agency
<b>LRN</b>	Location Routing Number
<b>LRSIC</b>	Long Run Service Incremental Costs
<b>MOU</b>	Minutes of Use
<b>MPB</b>	Meet Point Billing
<b>MTS</b>	Message Toll Service
<b>MTSS</b>	Minimum Telephone Service Standards as contained in Chapter 4901:1-5, Ohio Administrative Code, and applicable Commission decisions as may be amended or redefined.
<b>NEC</b>	New Entrant Carrier
<b>OCC</b>	The Office of the Consumers' Counsel
<b>ORP/SCO</b>	Originating Responsibility Plan/Secondary Carrier Option
<b>PEC</b>	Primary Exchange Carrier as defined in Case No. 83-464-TP-COI
<b>PIC</b>	Prescribed Interexchange Carrier
<b>RCF</b>	Remote Call Forwarding
<b>RFP</b>	Request For Proposal
<b>RIC</b>	Residual Interconnection Charge
<b>RLEC</b>	Rural Local Exchange Carrier
<b>ROE</b>	Return On Equity
<b>SEC</b>	Secondary Exchange Carrier as defined in Case No. 83-464-TP-COI
<b>SCA/TSA</b>	Service Connection Assistance/Telephone Service Assistance
<b>TAP</b>	Tariff Application Period
<b>TIC</b>	Total Incremental Cost
<b>TPM</b>	Telecommunications Performance Measurement Database
<b>USF</b>	Universal Service Fund
<b>USOA</b>	Uniform System of Accounts

- ii. Any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;
- b. Provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;
- c. Provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or
- d. Has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the 1996 Act.

**15. Telecommunications Carrier**

Shall have the same meaning as a telephone company as defined in Section 4905.03(A)(2), Revised Code.

**B. Acronyms**

As used within this document, the following acronyms denote:

<b>1996 ACT</b>	The Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 151, et seq.
<b>564</b>	Case No. 89-564-TP-COI
<b>944</b>	Case No. 86-944-TP-COI
<b>1144</b>	Case No. 89-1144-TP-COI
<b>ABN</b>	Application to Abandon Service
<b>ACE</b>	Application for a Certificate
<b>AEC</b>	Application to Establish, Revise, or Cancel a Contract
<b>AIN</b>	Advanced Intelligent Network
<b>ANI</b>	Automatic Number Identification
<b>ARB</b>	Application for Arbitration
<b>ATA</b>	Application for Tariff Amendment
<b>AOS</b>	Alternative Operator Services
<b>CABS</b>	Carrier Access Billing System
<b>CARE</b>	Customer Account Record Entry
<b>CCLC</b>	Carrier Common Line Charge
<b>CBG</b>	Census Block Group
<b>COMMISSION</b>	The Public Utilities Commission Of Ohio
<b>COI</b>	Commission Inquiry
<b>CPNI</b>	Customer Proprietary Network Information
<b>CTS</b>	Competitive Telecommunication Service Providers as defined in Case No. 89-563-TP-COI

or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

**11. New Entrant Carrier (NEC)**

Means a local exchange carrier that:

- a. (i) On the date of enactment of the 1996 Act, did not provide basic local exchange service and (ii) was not deemed to be a member of the exchange carrier association pursuant to Section 69.601(B) of the FCC's regulations (47 C.F.R. 69.601(B)); or
- b. Is not a person or entity that, on or after such date of enactment, became a successor or assign of such a local exchange carrier.

**12. Nonfacilities-Based Local Exchange Carrier**

Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation that does not own, operate, manage, or control plant or equipment but that is in the business of reselling basic local exchange service to consumers on a common carrier basis.

**13. Number Portability**

Means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

**14. Rural Local Exchange Carrier (RLEC)**

Means a local exchange carrier operating entity to the extent that such entity:

- a. Provides common carrier service to any local exchange carrier study area that does not include either:
  - i. Any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or

**5. Facilities-Based Local Exchange Carrier**

Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation that owns, operates, manages, or controls plant or equipment through which it provides basic local exchange service to consumers on a common carrier basis.

**6. Incumbent Local Exchange Carrier (ILEC)**

Means, with respect to an area, the local exchange carrier that: (a) on the date of enactment of the Telecommunications Act of 1996 (1996 Act), provided basic local exchange service in such area; and (b) (i) on such date of enactment, was deemed to be a member of the exchange carrier association pursuant to Section 69.601(b) of the Federal Communication Commission's (FCC's) regulations (47 C.F.R. 69.601(b)); or (ii) is a person or entity that, on or after such date of enactment, became a successor or assignee of a member described in clause (i). Incumbent local exchange carriers will be referred to as ILECs throughout this document.

**7. InterLATA Service**

Means telecommunications between a point located in a local access and transport area and a point located outside such area.

**8. Local Exchange Carrier (LEC)**

Means any facilities-based and nonfacilities-based, ILECs and NECs which provide basic local exchange services to consumers on a common carrier basis. Such term does not include an entity insofar as such entity is engaged in the provision of a commercial mobile service under Section 47 U.S.C. 332(C), except to the extent that the FCC finds that such service should be included in the definition of such term.

**9. Long Run Service Incremental Cost (LRSIC)**

For LRSIC definition, see Attachment A to Appendix A.

**10. Network Element**

Means the facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility

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**ALL SOURCES PROPOSED RULES**

**RM950000019/LOCAL TELEPHONE**

**COMPETITION DOCKET**

**AS ATTACHED TO THE AGENCY RULE**

**REPORT**



**\*(THESE RULES INCORPORATE ANY CHANGES MADE ON MARCH 7, 1996 AS  
SET FORTH IN THE HANDOUTS AND PURSUANT TO COMMISSION VOTE  
DURING THE HEARING)**

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**SUBCHAPTER 1. GENERAL PROVISIONS**

Section	
165:55-1-1.	Purpose; short title
165:55-1-2.	Jurisdiction
165:55-1-3.	Application of rules
165:55-1-4.	Definitions
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**165:55-1-1. Purpose; short title**

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

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

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

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

**165:55-1-2. Jurisdiction**

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

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

**165:55-1-3. Application of rules**

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

**165:55-1-4. Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

**"Commission" means the Oklahoma Corporation Commission.**

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

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

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

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

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

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

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

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

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

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

"FCC" means the Federal Communication Commission.

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

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

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

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

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

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

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

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

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

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

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

**"LATA" means Local Access and Transport Area.**

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

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

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

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

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

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

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

"REA" means the Rural Electrification Administration.

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

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

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

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

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

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

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

"RUS" means the Rural Utility Services.

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

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

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

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"SWBT" means Southwestern Bell Telephone Company.

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

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

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

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

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

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

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

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

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

**165:55-1-5. Interpretation of rules**

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

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

**165:55-1-6. Relief from rules**

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

**165:55-1-7. Exceptions or variances**

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

**165:55-1-8. Supremacy**

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

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

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

**165:55-1-10. Controversy over rules**

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

**165:55-1-11. Severability**

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

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

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

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

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

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**165:55-1-14. Tariff conformance**

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

**165:55-1-15. Exclusions**

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

**SUBCHAPTER 3. CERTIFICATES, REPORTS, AND RECORDS**

**PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY**

Section

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

**PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS**

165:55-3-10. Who shall file

165:55-3-11. Accounting system

**PART 5. RECORD REQUIREMENTS**

165:55-3-20. Location of records

165:55-3-21. Retention of records

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

165:55-3-23. Complaints ledger

**PART 7. REPORTING REQUIREMENTS**

165:55-3-30. Report attestation

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

**PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY**

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

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

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

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

(1) The application shall contain the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The applicant is authorized to operate;

(ii) Such authorization is pending;

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

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

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

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

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

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

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

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

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

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

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

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