

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

165:55-9-13. Reestablishment of credit

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

165:55-9-14. Deposits and interest

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

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

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

in installments.

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

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

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

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

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

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

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

RM 950000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

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

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

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

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

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

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

PART 1. NOTICE REQUIREMENTS

Section

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

PART 3. DISCONNECTION PROCEDURES

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

PART 1. NOTICE REQUIREMENTS

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

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

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

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

165:55-11-3. Responsibility for accounts

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

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

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

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

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

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

authority to operate in the State of Oklahoma.

165:55-11-5. Suspended accounts

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

165:55-11-6. Service disputes

(a) In case of controversy arising out of the refusal of a ~~telephone company~~ telecommunications service provider to extend service or out of its efforts to disconnect existing service, either party or the Commission staff may make application to the Commission for relief pursuant to OAC 165:55-1-7. If there is an unresolved dispute pending with the Commission concerning a bill and the customer end-user pays the undisputed portion of that bill, disconnection procedures shall be held in abeyance until the dispute is resolved.

(b) If service is denied or terminated pursuant to this Subchapter, the ~~telephone company~~ telecommunications service provider shall advise the customer end-user of the customer's end-user's right to contact the Commission's Consumer Services Division and shall provide the customer end-user with the Consumer Service Division's address and the telephone number.

(c) The ~~telephone company~~ telecommunications service provider or the customer end-user may seek assistance from the Commission to review records of the ~~telephone company~~ telecommunications service provider and the customer end-user concerning the customer's end-user's complaint.

(d) After the Commission has notified the ~~telephone company~~ telecommunications service provider of a complaint or inquiry from the customer end-user regarding the customer's end-user's account, the ~~telephone company~~ telecommunications service provider shall coordinate communication with the Commission Staff regarding the complaint. The Commission Staff shall be the intermediary between the ~~telephone company~~ telecommunications service provider and the customer end-user until the resolution of the problem has been completed.

165:55-11-7. Written correspondence

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

(1) The correspondence shall be sent to the ~~customer's~~ end-user's choice of billing address.

(2) The correspondence shall clearly state that it is from the ~~telephone company~~ telecommunications service provider.

(3) The correspondence shall clearly state any applicable deadlines within which the ~~customer~~ end-user must take the appropriate action.

(4) The correspondence shall clearly state that if the ~~customer~~ end-user is unable to resolve any disputes with the ~~telephone company~~ telecommunications service provider regarding the subject of the correspondence, the ~~customer~~ end-user may contact the Commission's Consumer Services Division at the address and telephone numbers stated on the correspondence.

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

PART 3. DISCONNECTION PROCEDURES

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

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

company telecommunications service provider.

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

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

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

165:55-11-12. Notice of Disconnection

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

165:55-11-13. Reconnection

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

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

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

SUBCHAPTER 13. OPERATING AND MAINTENANCE REQUIREMENTS

PART 1. NEW AND HELD UNFILLED APPLICATIONS FOR SERVICE

Section

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

165:55-13-2. Held Unfilled applications

PART 3. ~~GRADES OF SERVICE~~ STANDARDS

165:55-13-10. Minimum standard service; held unfilled regrade orders

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

165:55-13-11. Maximum number of parties on one line

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

165:55-13-13. Network development schedules [NEW]

165:55-13-14. Lifeline service [NEW]

PART 5. SERVICE QUALITY STANDARDS

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

165:55-13-21. Incorporated national standards

165:55-13-22. Emergencies

165:55-13-23. Adequacy of service

165:55-13-24. Adequacy of equipment

PART 7. TRANSMISSION OBJECTIVES

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

165:55-13-31. Access lines

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

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

PART 11. INTERRUPTIONS OF SERVICE

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

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

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

PART 1. NEW AND HELD UNFILLED APPLICATIONS FOR SERVICE

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

RM 950000019 - All Sources Rules as Approved March 7, 1996

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

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

165:55-13-2. Held Unfilled applications

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

PART 3. GRADES OF SERVICE STANDARDS

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

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

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

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

(B) Dual tone multi-frequency signaling;

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

RM 950000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

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

(F) Link-up Program:

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

(H) Access to telecommunications relay services:

(I) Access to directory assistance service; and.

(J) Access to operator services.

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

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

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

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

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

~~165:55-13-11. Maximum number of parties on one line [REVOKED]~~

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

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

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

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

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

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

165:55-13-13. Network development schedules

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

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

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

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

RM 950000019 - All Sources Rules as Approved March 7, 1996

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

- (1) Annual targets for the availability of equal access to interexchange long-distance service.
- (2) The date that the Link-up Program will be available to all end-users.

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

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

165:55-13-14. Lifeline service

~~By June 8, 1994, each telephone company~~ Each telecommunications service provider shall file tariffs with the Commission implementing offer end-users a program designed to achieve a full end-user end-user common line waiver for qualifying subscribers end-users. The program shall comply with the provisions of 47 C.F.R. § 69.104(k)(1) and shall be limited to ~~subscribers~~ end-users who are eligible for or receive assistance or benefits under the Link-up America Program or pursuant to requirements established by the Department of Human Services or the appropriate state agency charged with administering public assistance programs.

PART 5. SERVICE QUALITY STANDARDS

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

~~165:55-13-21. Incorporated national standards [REVOKED]~~

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

165:55-13-22. Emergencies

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

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

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

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

165:55-13-23. Adequacy of service

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

RM 950000019 - All Sources Rules as Approved March 7, 1996

meet the following service objectives and minimum standards.

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

165:55-13-24. Adequacy of equipment

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

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

PART 7. TRANSMISSION OBJECTIVES

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

165:55-13-31. Access lines

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

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

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

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

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

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

RM 95000019 - All Sources Rules as Approved March 7, 1996

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

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

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

PART 11. INTERRUPTIONS OF SERVICE

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

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

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

RM 950000019 - All Sources Rules as Approved March 7, 1996

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

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

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

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

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

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