2) Where an existing installation meets, or is altered to meet, the requirements of this Part, such installation is considered to be in compliance with this Part and is not required to comply with any previously adopted rules of the Commission that have been superseded by this Part.

3) Where conductors or equipment are added, altered, or replaced on an existing structure, the structure or the facilities on the structure need not be modified or replaced if the resulting installation will be in compliance with:

A) The rules which were in effect at the time of the original installation;

B) The rules in effect at the time of a previous modification; or

C) The rules currently in effect.

c) Effective Date. This Part shall apply to new installations and extensions where design was started and approval given by the company after October 1, 1984.

(Source: Amended at 17 Ill. Reg. 22043, effective February 15, 1994)

Section 305.50 Certificates of Public Convenience and Necessity

An application for a Certificate of Public Convenience and Necessity to construct, operate and maintain a new electric supply line or communication line shall be accompanied by a plat of suitable scale to clearly show

a) The location of the proposed line along its entire length.

b) The location of railroad tracks, and electric supply and communication lines which will be crossed by the proposed new lines.

c) The location of all other electric supply and communication lines that are located within one-half mile of the route of the proposed new line.

d) The names of the utilities owning or operating railroads, electric supply and communication lines, shown on the plat in conformance with subsections (b) and (c) above

Section 305.60 Notification Procedure for Applications

Notice of the filing of an application for a Certificate of Public Convenience and Necessity to construct new line facilities or an application for authority to reconstruct, alter or remove existing line facilities shall be given by the applicant at the time of filing its application with the Commission to all other utilities whose lines will be crossed by the proposed new or reconstructed line facilities, or whose lines will be paralleled within 200 feet by such new or reconstructed line facilities. A list of all utilities to whom such notices were sent, including their addresses, shall accompany the application.

Section 305.70 Advance Notice and Cooperation

a) Railroad Crossings. An electric or communication utility planning to cross the tracks of a railroad, either overhead or underground, shall give notice of its intention to do so. Unless other mutual arrangements are made in conformity with Section 305.80, such notice shall be given by registered mail at least 20 calendar days in advance of the commencement of construction. Such notice shall include information regarding the location and general plan for the crossing, planned clearances, and such other pertinent information in sufficient detail to determine whether the proposed construction conforms with the requirements of this Part. In a case of emergency where the required notice would work a hardship on the company planning the crossing, the involved parties shall cooperate so as to avoid unnecessary delay in construction of the crossing.

b) Overhead Line Crossing. An electric or communication utility planning a crossing over or under an existing line, or general reconstruction of an existing crossing, shall give notice of its intention to do so. Unless other mutual arrangements are made in conformity with Section 305.80, such notice shall be given by registered mail at least 20 calendar days in advance of the commencement of construction. All parties involved in such planned crossing construction or reconstruction shall cooperate in coordinating plans for future construction.

c) Inductive Coordination.

Although the Commission has no specific rules covering inductive coordination, the Commission retains full jurisdiction of such matters as location, design, construction, operation and maintenance of power and communication circuits, where consideration of these or other conditions may be necessary in order to prevent or eliminate inductive interference.

Section 305.80 Interchange Data

To assist in promoting conformity with these rules, a procedure or plan should be instituted between all utilities whose facilities may occupy the same territory so that it will provide for the exchange of pertinent data and information, including data relative to proposed and existing construction, and changes in operating conditions which may affect or be likely to affect situations of proximity

Section 305.90 Coordinated Locations of Lines

a) General Location. Utilization of highways is essential to the economical and efficient extension, operation and maintenance of power and communication services. To avoid unduly increasing the number or difficulty of proximity situations incident to the use of the same highway by two or more different types or kinds of facilities, all lines should be located as follows:

Where communication circuits and electric circuits on the same highway are not to occupy joint structures or where either kind of a circuit is alone on a highway, all communication circuits should be placed on one side of the highway and all electric circuits should be placed on the other side, so that one side of any section of a highway will be available as the communication side and one side as the power side.

b) Other Rights-of-Way. Subsection (a) shall also apply to other rights-of-way. Situations should also be avoided whereby the reasonable use of parcels of property is restricted by the planned route traversing the property.

Section 305.100 Overbuilding or Underbuilding

Overbuilding or underbuilding of one pole line by another pole line should be avoided. Where it is necessary for the lines to occupy the same side of the highway, the use of a single pole line is preferable.

Section 305.110 Exceptions and Additions to NESC Provisions

a) Footnotes and notes which reference provisions of the NESC which have not been expressly adopted by the Illinois Commerce Commission shall not be construed to incorporate such provisions into this Part.

b) Table A of this Part provides minimum vertical separation between crossarms for the safety of electric and communication employees. Said table will be used in conjunction with Rule 238 in addition to Table 238-1 of the NESC.

Section 305.120 Intent

a) Statements in this Part which are to be regarded as mandatory are characterized by the use of the word "shall." Statements in this Part which are advisory in nature, to be followed insofar as practical, are indicated by the word "should." Statements in the NESC which are advisory in nature, to be followed insofar as practical, are indicated as "RECOMMENDATIONS."

b) Notes contained herein other than footnotes to tables, are for information purposes only and are not to be considered as mandatory or as part of the code requirements.

Section 305.130 Exemption

If exemption from any of the requirements herein is desired in any particular case, the Commission will consider the application of a public utility for such exemption when accompanied by a full statement setting forth the conditions existing and the reasons why such exemption is desired. Exemptions will be governed by the same standards applicable to waivers and modifications in Section 305.40(a). It is understood that any exemption so granted shall apply only to the particular case covered by the application,

and exemption shall not be extended to other cases unless specifically granted in the Commission's order.

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

# PART 790
# INTERCONNECTION

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## SUBPART E: REPORTING REQUIREMENTS

Section
790.400 Reporting Requirements

AUTHORITY: Implementing Sections 8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1, and 13-505.5 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-501, 8-502, 8-503, 8-504, 8-506, 13-505.1, 13-505.5, and 10-101].

SOURCE: Adopted at 18 Ill. Reg. 6147, effective May 1, 1994; amended at 19 Ill. Reg. 14779, effective November 1, 1995.

## SUBPART A: GENERAL PROVISIONS

### Section 790.5 Applicability

This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act ("Act") [220 ILCS 5/13-202] providing local exchange telecommunications services as defined in Section 13-204 of the Act. In addition, this Part shall apply to any entity certificated by the Illinois Commerce Commission ("Commission") under Section 13-401, 13-403, 13-404, or 13-405 of the Act.

(Source: Amended at 19 Ill. Reg. 14779, effective November 1, 1995)

### Section 790.10 Definitions

"Bona fide request" is a request by which an interconnector states, in writing, that it will purchase "loops" and/or "ports" within six months after the date of the request.

"Bona fide request for loop subelements" is a request by which an interconnector states, in writing, that it will purchase specific "loop subelements" within six months after the date of the request.

"Central office" or "CO" means a location within a local exchange area where subscriber lines or interoffice trunks are connected to a local exchange carrier's switch.

"Competitive access provider" or "CAP" means any entity other than the principal provider of telecommunications service that is certificated to provide telecommunications services within the local exchange.

"Contribution charge" means a charge that recovers specifically identified subsidies or non-cost based allocations that are embedded in rates for special access or private line services or switched transport services.

"Cross-connect charge" means the amount of money assessed the interconnecting parties on a monthly basis by the LEC for connection to LEC services or elements of services at a location described in Section 790.120(f).

"End-user" means any entity other than a telecommunications carrier that requires access to a LEC location described in Section 790.120(f) in order to connect its own communications equipment for the purposes of providing service to its own community of users.

"FCC Expanded Interconnection Rule" means the order entered by the Federal Communications Commission ("FCC") on September 17, 1992, in CC Docket 91-141, "In the Matter of Expanded Interconnection with Local Telephone Company Facilities," and amended by the FCC on December 18, 1992, and on September 2, 1993, in CC Dockets 91-141 and 90-286 in the "Second Report and Order and Third Notice of Proposed Rulemaking, nd as amended by the FCC in the "Second Memorandum Opinion and Order on Reconsideration in CC Docket 91-141, released on September 2, 1993. (47 CFR § 64.1401 - 64.1402; 47 CFR § 65.702; 47 CFR § 69.4, 69.121 - 69.123 as of October 1, 1993; this incorporation does not include any later amendments or editions.)

"Incumbent local exchange carrier" is a LEC which provided local exchange services in an exchange on or before December 31, 1993.

"Interconnection" means the point in a network where one telecommunications carrier or end-user interfaces with the local exchange carrier's network or the network provided by another telecommunications carrier under the provisions of this Part.

"Interconnector" is a telecommunications carrier or end-user that has interfaced with the local exchange carrier's network under the provisions of this Part.

"Interexchange carrier" or "IXC" means any telecommunications carrier that is certificated to provide interexchange services (see Section 13-403 of the Act) within Illinois as defined in Section 13-205 of the Act.

"Local exchange carrier" or "LEC" means a telecommunications carrier under the Act that is a principal provider of that provides local exchange telecommunications services as defined in Section 13-204 of the Act.

"Loop" or "unbundled transport path" is a transmission path capable of transporting analog or digital signals from the network interface at a customer's premises to a distribution frame, digital signal cross-connect panel, or similar demarcation which is accessible to the interconnector.

"Loop subelements" are components of the "loop" offered as individual and separately available services and/or separately available interconnector points.

"Physical collocation" means the type of interconnection provided by an LEC to an interconnector where the interconnector locates its equipment within space assigned by the LEC for the interconnector's exclusive use and where the interconnector has physical access and control over its equipment subject to the provisions of this Part and any applicable tariff.

"Port" or "unbundled switching facility" is a mechanism allowing access to the functions of the switch including, but not limited to, dial tone generation, an individual network address, and the ability to originate and/or terminate both local and interexchange calls. In addition, port services include access to network support functions such as 911 and directory assistance services, as well as a directory listing as described in 83 Ill. Adm. Code 735.180, whenever such services are offered to a comparable bundled switched service. Port services also include the ability to transport analog or digital signals from the switch to a demarcation point which is accessible to the interconnector.

"Serving wire center" means the location in the LEC network that serves a telecommunications carrier's (such as an interexchange carrier) point of presence.

"Special access or private line" means a transmission path that connects customer-designated premises directly through a local exchange carrier's hub or hubs where bridging or multiplexing functions are performed, or to connect a customer-designated premises and a serving office, and includes all exchange access not utilizing the local exchange carrier's end office switches.

"Switched access" means a two-point communications path between a customer-designated premises and an end-user's premises that provides for the use of common terminating, switching, and trunking facilities and

for the use of common subscriber plant of the local exchange carrier and provides for the ability to originate calls from an end-user's premises to a customer-designated premises, and to terminate calls from a customer-designated premises to an end-user's premises in the local access transport area where it is provided.

"Tier 1 LEC" means a local exchange carrier having annual gross revenues from regulated telecommunications operations of $100 million or more.

"Virtual collocation" refers to the type of interconnection provided by an LEC to an interconnector that is economically, technically, and administratively comparable to the manner in which the LEC's facilities interconnect with its own network. It may, at the interconnector's discretion, include an arrangement where the interconnector is provided equipment in a location described in Section 790.120(f) under an arrangement whereby the interconnector may not have ownership of the equipment and does not have physical access or control, other than through remote monitoring, subject to the provisions of this Part and any applicable tariff.

(Source: Amended at 19 Ill. Reg. 14779, effective November 1, 1995)

SUBPART B: SPECIAL ACCESS AND PRIVATE LINE INTERCONNECTION

Section 790.105 Exclusion

Subpart B shall not be applicable to any telecommunications carrier, as that term is defined in Section 13-202 of the Act, which is not a Tier-1 LEC.

(Source: Added at 19 Ill. Reg. 14779, effective November 1, 1995)

Section 790.110 Special Access and Private Line Interconnection--Availability of Expanded Interconnection

a) Tier 1 LECs shall file intrastate tariffs providing for interconnection under a physical collocation arrangement by June 15, 1994, for all locations for which the LEC has an interstate tariff in effect for expanded interconnection in compliance with the FCC Expanded Interconnection Rule.

b) Tier 1 LECs may petition for, and the Commission shall grant, a waiver of the requirement to provide physical collocation if the FCC has granted a waiver due to the lack of space or, after hearings, the Commission finds that the LEC has demonstrated that a particular location lacks the space necessary to provide physical collocation.

c) Tier 1 LECs may petition for, and the Commission shall grant, a waiver of the requirement to provide virtual collocation if the FCC has granted a waiver due to the lack of space or, after hearings, the Commission finds that the LEC has demonstrated that a particular location lacks the space necessary to provide virtual collocation.

d) Parties entitled to request interconnection at LEC locations in order to terminate their own special access or private line transmission facilities shall include:

1) Any entity to which the Commission has issued a certificate under Sections 13-401, 13-403, 13-404, or 13-405 of the Act for the telecommunications services in the geographical area of the interconnection request; and

2) End-users. An end-user may seek an interconnection arrangement without certification requirements.

Section 790.120 Special Access and Private Line Interconnection--Standards for Interconnection Arrangements

a) Space allocation and exhaustion. In LEC locations that are tariffed to provide physical collocation, LECs shall:

1) Offer space on a first-come, first-served basis to all interconnectors;

2) Offer a physical collocation arrangement until such space available for interconnection is filled to capacity;

3) Not reject subsequent interconnection requests due to lack of space, but shall provide a virtual collocation arrangement in lieu of the physical collocation arrangement unless the LEC has obtained a waiver under Section 790.110(c); and

4) Include the demand for interconnection when planning to remodel an existing location or building a new location in the same manner as any other demand for other services is taken into consideration.

b) Points of interconnection. When virtual collocation is provided, LECs shall specify an interconnection point or points as close as possible to the location in which interconnectors are requesting interconnection. These interconnection points must be physically accessible by both the tele-

communications carrier and interconnectors on a non-discriminatory basis. Under virtual collocation, the interconnection point shall constitute the demarcation between interconnector and the LEC ownership of facilities.

c) Points of entry. LECs shall provide at least two separate points of entry to a location for the interconnector's cable facilities whenever there are at least two entry points for LEC cable facilities.

d) Equipment placed by or for interconnectors. Expanded interconnection requirements shall apply only to CO equipment needed to terminate or aggregate basic transmission facilities. The LECs are not required to place or allow the placement of other types of equipment by interconnectors (such as switching equipment, enhanced services, or customer premise equipment) in the location under either a physical collocation arrangement or a virtual collocation arrangement.

e) Interconnection of microwave technologies. Tier 1 LECs shall provide interconnection for microwave technology. Tier 1 LECs may petition for, and the Commission shall grant, a waiver of this subsection if the FCC has granted a waiver of the requirement to interconnect microwave technology or, after hearings, the Commission finds that the LEC has demonstrated that the CO cannot physically accommodate the equipment or it is not technologically feasible to provide the expanded interconnection.

f) Locations at which interconnection is available. LECs shall provide expanded interconnection at serving wire centers, end offices (central offices), and any other points which the telecommunications carriers use as a rating point (a point used in calculating the length of interoffice special access links).

g) Shared use of switched and special access services. Interconnectors shall not be allowed to use intrastate special access expanded interconnection offerings to connect their transmission facilities with the local exchange carrier's intrastate switched services until the LEC has an effective tariff on file with the Commission implementing an interim local transport rate structure at the intrastate level in response to the order adopted by the FCC on September 17, 1992 in CC Docket 91-213, "In the Matter of Transport Rate Structure and Pricing."

(Source: Amended at 19 Ill. Reg. 14779, effective November 1, 1995)

Section 790.130 Special Access and Private Line Interconnection--Pricing and Rate Structure Issues

a) Cross-connect charge. Prices for the connection charge shall equal or exceed the long-run service incremental costs (LRSIC) of providing the service.

b) Contribution charge. The LECs are prohibited from recovering a contribution charge from interconnectors unless approved by the Commission as provided in this subsection. The LEC may petition for, and the Commission shall approve, a contribution charge if, after hearings, the Commission finds that the LEC has demonstrated a need for a contribution charge. Any contribution charge permitted under this Section shall only recover specifically identified subsidies or non-cost based allocations embedded in rates for special access or private line.

c) There is no requirement through this Part to provide price parity between physical and virtual collocation arrangements.

d) LEC special access or private line offerings.

1) Pricing and rate structure flexibility for LEC special access or private line offerings. LECs with operational expanded interconnection offerings may petition the Commission to receive approval to implement a system of traffic density-related and cost-based zones for special access or private line services classified as noncompetitive services as defined in the Act. Rates within each zone must be averaged within each zone, but rates may differ for special access services between zones. Rates shall be based on average LRSIC within each zone.

2) Volume and term discounts.

A) LEC customers with long-term access arrangements of three years or more as provided in the FCC Expanded Interconnection Rule may review these arrangements. These long-term arrangements must have been entered into on or before September 17 1992.

B) The right to end a long-term arrangement at a specific location will exist for a period of 180 days from the date the first cross-connect is operational in that location. Within five business days from the date on which the first expanded interconnection arrangement becomes operational in that

location, the LEC shall file with the Commission a tariff transmittal stating that the fresh look period will begin to run as of the date such notice is filed with the Commission. If a party chooses to terminate a long-term arrangement within this period, the termination charge will be limited. The LEC may not charge more than the difference between the amount the customer has already paid and any additional charges that the customer would have paid for service if the customer had taken a shorter term offering corresponding to the term actually used, plus interest at the prime rate. Interest rates are to be adjusted to reflect changes in the prime rate and will apply to the balances due under the recalculation as they would have accrued over time.

C) Reconfiguration charges must be applied in a neutral manner that does not discriminate based on whether the customer chooses to use an alternate provider's facility or LEC facility for special access or private line service, unless there are specific, identifiable cost differences. All non-recurring charges applicable to a customer's shifting to an alternate provider's services are to be set no higher than cost-based levels. In addition, the difference between the charges applicable when a customer shifts to an alternate provider's services and those applicable when a customer reconfigures its service with the LEC must be cost-based. The customer is entitled to the limitation on the termination charges even if it does not terminate service under the long-term arrangement with the LEC until after the 180 day period has expired.

D) Rates contained in tariffs which include volume and term discounts shall be cost-based.

3) Distance sensitivity. Rate elements contained in the tariffs that are based on distance sensitivity must be cost-based.

## SUBPART C: SWITCHED TRANSPORT INTERCONNECTION

### Section 790.200 Switched Transport Interconnection--Interconnection Architecture

Interconnection architecture for switched transport interconnection shall be provided under the same terms and conditions as special access interconnection (see Section 790.100).

Section 790.210 Switched Transport Interconnection--Availability of Expanded Interconnection

Availability of switched transport interconnection shall be provided under the same terms and conditions as special access interconnection (see Section 790.110), except a LEC shall not be required to provide switched transport interconnection at any location where it is technologically unfeasible (see Section 790.120(f)). LECs may petition for, and the Commission shall grant, a waiver of the requirement to provide physical collocation if the FCC has granted a waiver due to the lack of space, or if, after hearings, the Commission finds that the LEC has demonstrated that it is not technically feasible to provide physical collocation at a particular location.

Section 790.220 Switched Transport Interconnection--Standards for Expanded Interconnection Arrangements

Standards for switched transport interconnection shall be provided under the same terms and conditions as special access interconnection (see Section 790.120) with the addition of tandem offices as locations from which switched transport interconnection will be made available. LECs are not required to place or allow the placement of other types of equipment (such as enhanced services, customer premise, or switching equipment) in the location under either a physical collocation arrangement or virtual collocation arrangement.

Section 790.230 Switched Transport Interconnection--Pricing and Rate Structure Issues

Pricing and rate structure issues related to the provision of switched transport interconnection shall be under the same terms and conditions as special access interconnection (see Section 790.130, except for Section 790.130(d)). Any contribution charge permitted under this Section shall only recover specifically identified subsidies or non-cost based allocations embedded in rates for switched transport interconnection.

Section 790.240 Implementation of Switched Transport Interconnection

This Subpart shall apply to an individual LEC on the date the LEC has an effective tariff on file with the Commission implementing an interim local transport structure at the intrastate level in response to an order adopted by the FCC on September 17, 1992, in CC Docket 91-213, "In the Matter of Transport Rate Structure and Pricing."

## SUBPART D: REPORTING REQUIREMENTS

### Section 790.300 Reporting Requirements

LECs offering "loops", "ports", or "loop subelements" pursuant to Section 790.310 (a), (b), or (c), shall offer interconnection to such elements through arrangements as described in this Subpart. For purposes of line-side interconnection, LECs shall also allow virtual collocation arrangements in which the interconnector requires no central office equipment other than a digital or analog cross connection to the specified "loop" or "port" demarcation point. This requirement is subject to the waiver provision of Section 790.320(e).

(Source: Former Section 790.300 renumbered to Section 790.400, new Section added at 19 Ill. Reg. 14779, effective November 1, 1995)

### Section 790.305 Temporary Exclusion

Prior to January 1, 1998, Subpart D shall not be applicable to any incumbent LEC, which is not also a Tier-1 LEC as those terms are defined in Section 790.10.

(Source: Added at 19 Ill. Reg. 14779, effective November 1, 1995)

### Section 790.310 Line-side Interconnection--Standards for Interconnection Arrangements

a) All switch-associated grades-of-service and installation, repair and maintenance intervals which apply to a LEC's bundled local exchange end-user access services shall also apply to that LEC's corresponding unbundled port services, unless the grades-of-service or intervals are materially improved due to the unbundling, in which case the improved grades-of service intervals shall apply.

b) All transport-associated grades-of-service and installations, repair and maintenance intervals which apply to a LEC's bundled local exchange end-user access services also shall apply to that LEC's corresponding unbundled loop services, unless the grades-of-service or intervals are materially improved due to the unbundling in which case the improved grades-of-service or intervals shall apply.

c) All switch-associated optional features, functions, services and capabilities available with each bundled local exchange end-user access service shall be available under identical rates, terms, and conditions for the corresponding unbundled port services.

d) All transport-associated optional features, functions, services and capabilities available with each bundled local exchange end-user access service shall be available under identical rates, terms, and conditions for the corresponding unbundled loop services.

(Source: Added at 19 Ill. Reg. 14779, effective November 1, 1995)

Section 790.320 Line Side Interconnection--Implementation of Line Side Interconnection

a) A LEC shall file intrastate tariffs offering "loops" and/or "ports" within 180 days after receiving a bona fide request.

b) LECs shall file intrastate tariffs offering "loop subelements" within 180 days after receiving a "bona fide request for loop subelements."

c) After a LEC has offered "loops", "ports", or "loop subelements" in its tariff for a particular exchange, it must file intrastate tariffs offering those same elements in other exchanges within 60 days after a "bona fide request" for those services in another exchange

d) Nothing in this Section shall preclude a LEC from filing intrastate tariffs offering "loops", "ports", or "loop subelements" before receiving a bona fide request.

e) LECs may petition for a waiver of the requirement to provide "loops", "ports", or "loop subelements" within 60 days after receiving a bona fide request. The petitioner must demonstrate that offering line-side interconnection or offering line-side interconnection in the manner set forth in this Subpart is not technically or economically practicable, considering demand for the service, and/or offering line-side interconnection would be contrary to the public interest.

(Source: Added at 19 Ill. Reg. 14779, effective November 1, 1995)

SUBPART E: REPORTING REQUIREMENTS

Section 790.400 Reporting Requirements

a) Each LEC subject to this Part shall file with the Commission reports on interconnection. These reports shall be filed on May 1, 1996 and May 1, 1998.

b) The reports required by this Section shall identify:

1) Entities using expanded interconnection in the service areas of the LEC; and

2) The location at which each interconnection occurs.

(Source: Section 790.400 renumbered from Section 790.300 at 19_Ill. Reg. 14779, effective November 1, 1995)