



Your business is our business.

REDACTED - FOR PUBLIC INSPECTION

7852 Walker Drive, Suite 200
Greenbelt, Maryland 20770
phone: 301-459-7590, fax: 301-577-5575
internet: www.jsitel.com, e-mail: jsi@jsitel.com

June 9, 2015

Accepted / Filed

Via Hand Delivery

JUN - 9 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

Re: **WC Docket No. 14-58**
2015 ETC Annual Report of Chazy & Westport Telephone Corp.
Study Area Code 150079

Dear Ms. Dortch:

On behalf of Chazy & Westport Telephone Corp. ("Chazy & Westport"), JSI files the attached confidential and redacted versions of the FCC Form 481 ETC annual reporting information pursuant to sections 54.313 and 54.422 of the Commission's rules.¹ Chazy & Westport seeks confidential treatment under Protective Order for section 54.313(f)(2) financial information.² The redacted version is also being filed this date via the FCC's Electronic Comment Filing System. In addition, attached is a letter requesting confidential treatment under Sections 0.457 and 0.459 of its Progress Report on its Five-Year Service Quality Improvement Plan as required by Section 54.313(a)(1).³

Please direct any questions regarding the filing to the undersigned.

Sincerely,

John Kuykendall
JSI Vice President
301-459-7590
jkuykendall@jsitel.com

DOCKET FILE COPY ORIGINAL

cc: Charles Tyler, Telecommunications Access Policy Division (two copies, confidential)

¹ 47 C.F.R. §§ 54.313, 54.422.

² *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Protective Order, DA 12-1857 rel. Nov. 16, 2012 (Protective Order). 47 C.F.R. § 54.313(f)(2).

³ 47 C.F.R. §§ 0.457, 0.459, 54.313(a)(1).

No. of Copies rec'd 0 + 3
List ABCDE

Echelon Building II, Suite 200
9430 Research Blvd., Austin, TX 78759
phone: 512-338-0473, fax: 512-346-0822

Eagandale Corporate Center, Suite 310
1380 Corporate Center Curve, Eagan, MN 55121
phone: 651-452-2660, fax: 651-452-1909

6849 Peachtree Dunwoody Road
Bldg. B-3, Suite 200, Atlanta, GA 30328
phone: 770-569-2105, fax: 770-410-1608

547 South Oakview Lane
Bountiful, UT 84010
phone: 801-294-4576, fax: 801-294-5124



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Federal Communications Commission
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Marlene H. Dortch, Secretary
Federal Communications Commission
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445 12th Street, SW
Washington, DC 20554

**Re: WC Docket No. 14-58
2015 ETC Annual Report of Chazy & Westport Telephone Corp.
Study Area Code 150079
Request for Confidentiality**

Dear Ms. Dortch:

John Staurulakis, Inc. (“JSI”), on behalf of its client Chazy & Westport Telephone Corp. (the “Company”) hereby requests, pursuant to Sections 0.457 and 0.459 of the Commission’s rules,¹ withholding from public inspection certain information contained in an attachment to the above referenced reporting requirement. The Company provides the following in support of its request, numbered consistent with the subparagraphs of Section 0.459(b).²

1. The information for which the Company is seeking confidential treatment is an attachment to the Company’s annual reporting information pursuant to Sections 54.313 and 54.422 of the Commission’s rules (“Report”).³
2. Rate-of-Return Eligible Telecommunications Carriers (“ETCs”) must file with the Commission an initial section 54.202(a) Five-Year Service Quality Improvement Plan (“Five-Year Plan”) which is contained in the attachment to the 2014 Report.⁴
3. The information contained in attachment for which the Company seeks the withholding from public inspection is the entirety of data pertaining to the Company’s Five-Year Plan provided at FCC Form 481 Line 112 attachment. Information of this nature is confidential commercial information routinely withheld from public inspection.

¹ 47 C.F.R. §§ 0.457, 0.459.

² 47 C.F.R. § 0.459(b)(1) through (9).

³ 47 C.F.R. §§ 54.313, 54.422.

⁴ See *In the Matter of Connect America Fund*, WC Docket No. 10-90, Order DA 14-591 (rel. May 1, 2014).

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Bountiful, UT 84010
phone: 801-294-4576, fax: 801-294-5124

4. With respect to identifying the degree to which the subject attachment concerns a service that is subject to competition, the information is of a financial and competitive nature regarding the provision of telecommunications services. The Line 112 attachment contains competitively sensitive information related to proposed improvements or upgrades and maintenance the Company's network.

In its *March 5, 2013 Order*, the FCC. The FCC specified that for rate-of-return carriers, the five-year plans "should describe the carrier's network improvement plan, which should provide greater visibility into current plans to extend broadband service to unserved locations in rate-of-return service territories."⁵ Accordingly, because the Company is a rate-of-return carrier, it must file a five-year service improvement plan which contains proprietary, competitively sensitive information related to the Company's existing network including the specific locations of customers as well as describe proposed improvements or upgrades and maintenance of its network throughout its service area. Specifically, this information sets forth services provided by the Company over its existing network including specific locations of customers as well as planned network improvement and maintenance for the years 2015 through 2019 including project start and completion dates, population that will be impacted by the improvements and upgrades at the wire center level and projected capital costs associated with the improvements and upgrades and operating costs associated with maintaining the network including depreciation for investments that have already been made. As such, this information contains competitively sensitive information related to the Company's existing network as well as detailed plans at the wire center level for network upgrades and maintenance projected for the years 2015 through 2019.

5. With respect to identifying possible exposure to competitive harm, the information contained in the Line 112 attachment is information that is not customarily released to the public. This information is proprietary to the Company, is unique to the Company's serving territory and is only known to the Company and its authorized agents. If the Information is not protected, it would have economic value to potential competitors who would be able to target their marketing to specific customers. In a competitive telecommunications marketplace, this type of information is highly sensitive. If publicly disclosed, it would enable competitors to craft business plans that capitalize on their knowledge of the locations of the Company's customers which would place the Company at a competitive disadvantage.
6. With respect to steps the Company has taken to ensure against unauthorized disclosure of the information contained in the attachment, the Company is filing the attachment under seal. The Company uses the information contained in the Five-Year Plan to ensure that its customers continue to receive state-of-the-art high quality telecommunications and broadband services that the Company has

⁵ See *Connect America Fund et al.*, WC Docket 10-90 *et al.*, Order, DA 13-332 (rel. Mar. 5, 2013) ("*March 5, 2013 Order*") at para 9 citing Section 54.202(a) (1) (ii).

been providing to them for many years as well as to satisfy mandatory reporting requirements and does not share the information for which protection is sought. The Company protects the secrecy of this information with a security protocol that ensures the information is not inadvertently disclosed or disseminated. Only directors, managers and employees with a direct need to know are authorized to access the information.

7. Any previous versions of this information are not publicly available.
8. Because the information is not routinely available, a need exists for maintaining the confidentiality of this information permanently.
9. Not applicable.

Based on the preceding, JSI respectfully requests on behalf of the Company that the Commission grant confidential treatment under Section 0.459 to Company's Five-Year Plan provided at FCC Form 481 Line 112 attachment.

Please contact the undersigned with any questions regarding this request.

Sincerely,



John Kuykendall
JSI Vice President
301-459-7590
jkuykendall@jsitel.com

<010> Study Area Code 150079
 <015> Study Area Name CHAZY & WESTPORT
 <020> Program Year 2016
 <030> Contact Name: Person USAC should contact with questions about this data Lou Silvestre
 <035> Contact Telephone Number: Number of the person identified in data line <030> 5189624404 ext.
 <039> Contact Email Address: Email of the person identified in data line <030> lousilvestre@westelcom.net

Accepted / Filed

JUN - 9 2015

Federal Communications Commission
 Office of the Secretary



<100> Service Quality Improvement Reporting	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<200> Outage Reporting (voice)	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<210> <input checked="" type="checkbox"/> <-- check box if no outages to report		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<300> Unfulfilled Service Requests (voice)	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<310> Detail on Attempts (voice)	[Redacted]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	(attach descriptive document)		
<320> Unfulfilled Service Requests (broadband)	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<330> Detail on Attempts (broadband)	[Redacted]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	(attach descriptive document)		
<400> Number of Complaints per 1,000 customers (voice)			
<410> Fixed	0.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<420> Mobile	0.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<430> Number of Complaints per 1,000 customers (broadband)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<440> Fixed	0.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<450> Mobile	0.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<500> Service Quality Standards & Consumer Protection Rules Compliance	(check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<510> 150079nyServiceQualityLine510.pdf	(attached descriptive document)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<600> Functionality in Emergency Situations	(check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<610> 150079nyEmergencyFunctionLine610.pdf	(attached descriptive document)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<700> Company Price Offerings (voice)	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<710> Company Price Offerings (broadband)	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<800> Operating Companies and Affiliates	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<900> Tribal Land Offerings (Y/N)?	(if yes, complete attached worksheet)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<1000> Voice Services Rate Comparability Certification	Yes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1010> 150079nyvoiceComparability1010.pdf	(attach descriptive document)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1100> Certify whether terrestrial backhaul options exist (Yes or No)	(if not, check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1110>	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1200> Terms and Condition for Lifeline Customers	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Price Cap Carriers, Proceed to Price Cap Additional Documentation Worksheet

Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

<2000>	(check to indicate certification)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<2005>	(complete attached worksheet)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Rate of Return Carriers, Proceed to ROR Additional Documentation Worksheet

<3000>	(check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<3005>	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(1100) No Terrestrial Backhaul Reporting Data Collection Form

<010> Study Area Code	150079
<015> Study Area Name	CHAZY & WESTPORT
<020> Program Year	2016
<030> Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035> Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039> Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westelcom.net

<1120> Please confirm whether terrestrial backhaul options exist within the supported area pursuant to § 54.313(g) (Yes, No).

<1130> Please select the appropriate response (Yes, No, Not Applicable) to confirm the reporting carrier offers broadband service of at least 1 Mbps downstream and 256 kbps upstream within the supported area pursuant to § 54.313(g).

**(1200) Terms and Condition for Lifeline Customers
Lifeline
Data Collection Form**

5507-000-0001-0001 No. 3069-03-19

<010> Study Area Code	150079
<015> Study Area Name	CHAZY & WESTPORT
<020> Program Year	2016
<030> Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035> Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039> Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westelcom.net

<1210> Terms & Conditions of Voice Telephony Lifeline Plans

150079nyLifelineLine1210.pdf

Name of Attached Document

<1220> Link to Public Website

HTTP

"Please check these boxes below to confirm that the attached document(s), on line 1210, or the website listed, on line 1220, contains the required information pursuant to § 54.422(a)(2) annual reporting for ETCs receiving low-income support, carriers must annually report:

- <1221> Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers,
- <1222> Details on the number of minutes provided as part of the plan,
- <1223> Additional charges for toll calls, and rates for each such plan.

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(2006) Price Cap Carrier Additional Documentation
Data Collection Form
 including Rate-of-Return Carriers omitted with Price Cap Costs, including Support

<010>	Study Area Code	
<015>	Study Area Name	150079
<020>	Program Year	CHAZY & WESTPORT
<030>	Contact Name - Person USAC should contact regarding this data	2016
<035>	Contact Telephone Number - Number of person identified in data line <030>	LOU SILVESTRE
<039>	Contact Email Address - Email Address of person identified in data line <030>	5189624404 ext. lou.silvestre@westport.com.net

Select the appropriate responses below (Yes, No, Not Applicable) to note compliance as a recipient of Incremental Connect America Phase I support, frozen High Cost support, High Cost support to offset access charge reductions, and Connect America Phase II support as set forth in 47 CFR § 54.313(b),(c),(d),(e). The information reported on this form and in the documents attached below is accurate.

Incremental Connect America Phase I reporting

- <2010> 2nd Year Certification (47 CFR § 54.313(b)(1)i)
- <2011a> 3rd Year Certification (47 CFR § 54.313(b)(1)ii)
- <2011b> Attachment (47 CFR § 54.313(b)(1)ii)

Name of Attached Document(s) Listing Required Information

Price Cap Carrier Receiving Frozen Support Certification (47 CFR § 54.312(a))

- <2012> 2013 Frozen Support Calculation (47 CFR § 54.313(c)(1))
- <2013> 2014 Frozen Support Calculation (47 CFR § 54.313(c)(2))
- <2014> 2015 Frozen Support Calculation (47 CFR § 54.313(c)(3))
- <2015> 2016 and future Frozen Support Calculation (47 CFR § 54.313(c)(4))

Price Cap Carrier Connect America ICC Support (47 CFR § 54.313(d))

- <2016> Certification Support Used to Build Broadband

Connect America Phase II Reporting (47 CFR § 54.313(e))

- <2017> 3rd year Broadband Service Certification
- <2018> 5th year Broadband Service Certification
- <2019> Interim Progress Certification
- <2020> Please check the box to confirm that the attached document(s), on line 2021, contains the required information pursuant to § 54.313 (e)(3)(ii), as a recipient of CAF Phase II support shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.

- <2021> Interim Progress Community Anchor Institutions

Name of Attached Document(s) Listing Required Information

(3080) Rate Of Return Carrier Additional Documentation

Data Collection Form

<010> Study Area Code	150079
<015> Study Area Name	CHAZY & WESTPORT
<020> Program Year	2016
<030> Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035> Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039> Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westelcom.net

CHECK the boxes below to note compliance on its five year service quality plan (pursuant to 47 CFR § 54.202(a)) and, for privately held carriers, ensuring compliance with the financial reporting requirements set forth in 47 CFR § 54.313(f)(2). I further certify that the information reported on this form and in the documents attached below is accurate.

(3010) Progress Report on 5 Year Plan
Milestone Certification (47 CFR § 54.313(f)(1)(i))

150079nyMilestone Certification LetterLine3010.pdf

Name of Attached Document Listing Required Information

(3011) Please check this box to confirm that the attached document(s), on line 3012 contains the required information pursuant to § 54.313 (f)(1)(ii), the carrier shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.

(3012) Community Anchor Institutions (47 CFR § 54.313(f)(1)(ii))

Name of Attached Document Listing Required Information

(3013) Is your company a Privately Held ROR Carrier (47 CFR § 54.313(f)(2)) (Yes/No)

(3014) If yes, does your company file the RUS annual report (Yes/No)

Please check these boxes to confirm that the attached document(s), on line 3017, contains the required information pursuant to § 54.313(f)(2) compliance requires:

(3015) Electronic copy of their annual RUS reports (Operating Report for Telecommunications Borrowers)

(3016) Document(s) for Balance Sheet, Income Statement and Statement of Cash Flows

(3017) If the response is yes on line 3014, attach your company's RUS annual report and all required documentation

150079nyRUSReportLine3017.pdf

Name of Attached Document Listing Required Information

(3018) If the response is no on line 3014, is your company audited? (Yes/No)

If the response is yes on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains

(3019) Either a copy of their audited financial statement; or (2) a financial report in a format comparable to RUS Operating Report for Telecommunications

(3020) Document(s) for Balance Sheet, Income Statement and Statement of Cash Flows

(3021) Management letter and audit opinion issued by the independent certified public accountant that performed the company's financial audit

If the response is no on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains:

(3022) Copy of their financial statement which has been subject to review by an independent certified public accountant; or 2) a financial report in a format comparable to RUS Operating Report for Telecommunications Borrowers,

(3023) Underlying information subjected to a review by an independent certified public accountant

(3024) Underlying information subjected to an officer certification.

(3025) Document(s) for Balance Sheet, Income Statement and Statement of Cash Flows

(3026) Attach the worksheet listing required information

Name of Attached Document Listing Required Information

(3008) Rate Of Return Carrier Additional Documentation Worksheet

Data Collection Form

<010> Study Area Code	150079
<015> Study Area Name	CHAZY & WESTPORT
<020> Program Year	2016
<030> Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035> Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039> Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westel.com.net

Financial Data Summary

(3027) Revenue

[REDACTED]	
------------	--

(3028) Operating Expenses

[REDACTED]	
------------	--

(3029) Net Income

[REDACTED]	
------------	--

(3030) Telephone Plant In Service(TPIS)

[REDACTED]	
------------	--

(3031) Total Assets

[REDACTED]	
------------	--

(3032) Total Debt

[REDACTED]	
------------	--

(3033) Total Equity

[REDACTED]	
------------	--

(3034) Dividends

[REDACTED]	
------------	--



<010>	Study Area Code	150079
<015>	Study Area Name	CHAZY & WESTPORT
<020>	Program Year	2016
<030>	Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035>	Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westelcom.net

TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING ANNUAL REPORTING ON ITS OWN BEHALF:

Certification of Officer as to the Accuracy of the Data Reported for the Annual Reporting for CAF or LI Recipients	
I certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual reporting requirements for universal service support recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate.	
Name of Reporting Carrier:	CHAZY & WESTPORT
Signature of Authorized Officer:	CERTIFIED ONLINE Date 05/28/2015
Printed name of Authorized Officer:	Lou Silvestre
Title or position of Authorized Officer:	CFO
Telephone number of Authorized Officer:	5189624404 ext.
Study Area Code of Reporting Carrier:	150079 Filing Due Date for this form: 07/01/2015
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	



<010> Study Area Code	150079
<015> Study Area Name	CHAZY & WESTPORT
<020> Program Year	2016
<030> Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035> Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039> Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westelcom.net

TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING ANNUAL REPORTS ON THE CARRIER'S BEHALF:

Certification of Officer to Authorize an Agent to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I certify that (Name of Agent) _____ is authorized to submit the information reported on behalf of the reporting carrier. I also certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual data reporting requirements provided to the authorized agent; and, to the best of my knowledge, the reports and data provided to the authorized agent is accurate.	
Name of Authorized Agent: _____	
Name of Reporting Carrier: _____	
Signature of Authorized Officer: _____	Date: _____
Printed name of Authorized Officer: _____	
Title or position of Authorized Officer: _____	
Telephone number of Authorized Officer: _____	
Study Area Code of Reporting Carrier: _____	Filing Due Date for this form: _____
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

TO BE COMPLETED BY THE AUTHORIZED AGENT:

Certification of Agent Authorized to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I, as agent for the reporting carrier, certify that I am authorized to submit the annual reports for universal service support recipients on behalf of the reporting carrier; I have provided the data reported herein based on data provided by the reporting carrier; and, to the best of my knowledge, the information reported herein is accurate.	
Name of Reporting Carrier: _____	
Name of Authorized Agent or Employee of Agent: _____	
Signature of Authorized Agent or Employee of Agent: _____	Date: _____
Printed name of Authorized Agent or Employee of Agent: _____	
Title or position of Authorized Agent or Employee of Agent: _____	
Telephone number of Authorized Agent or Employee of Agent: _____	
Study Area Code of Reporting Carrier: _____	Filing Due Date for this form: _____
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

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Attachments

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ATTACHMENT - LINE 112

**Five-Year Network Improvement Plan and
Progress Report For**

ATTACHMENT REDACTED IN ENTIRETY

Chazy & Westport Telephone adheres to the following processes and procedures as set forth by the New York State Public Service Commission to ensure Customer Service Standards, Service Quality Standards and Consumer Protection Rules within our organization. Chazy & Westport Telephone furthermore will comply with all requirements set forth in the 2015 Open Internet Order when it becomes effective.

§ 609.1 Purpose

This Part sets forth the commission's rules and regulations which apply to the provision of basic local exchange service by telephone corporations when service is provided to residential customers or applicants for residential service as defined in section 609.2 of this Part.

§ 609.2 Applicability of rules

Notwithstanding any other commission rule or order to the contrary, this Part governs the provision of residential service as defined herein and the rights, duties and obligations of every telephone corporation subject to the jurisdiction of the commission by virtue of Article 5 of the Public Service Law with respect to such service, their residential customers and applicants for residential service.

(a) Residential service is basic local exchange service furnished in private homes or apartments, including all parts of

the subscriber's domestic establishment, for domestic use and not for substantial occupational use; in the study of a clergyman located in a church, in college fraternity or sorority houses, college dormitories, convents and monasteries for domestic rather than occupational use in residential quarters.

(b) The term existing residential customer, when used in this Part, shall include any person who is supplied directly by a telephone corporation with residential service at a dwelling for his or her residential use pursuant to an application for service made by such person or a third party on his or her behalf. The term includes a person requesting such service who

was a customer of the same telephone corporation within 12 months of making the request, who was not terminated for nonpayment more than 10 days before making the request, and who may move to a different dwelling within the telephone corporation's service territory.

(c) The term applicant, when used in this Part, shall include any person who does not qualify as an existing residential customer and who requests basic local exchange service at a dwelling for his or her residential use or the residential use by another person.

(d) The term reportable charges shall mean any charges for local service which are unpaid 45 days from the date of the bill for the charges, provided that the bill was mailed within six business days of the date of the bill. Charges which are the subject of a deferred payment agreement under which the customer is making the agreed upon payments are not reportable charges; failure to make an agreed upon payment shall make the entire unpaid balance of the deferred payment agreement a reportable charge. Charges which are the subject of a pending billing dispute pursuant to section 609.16 of

this Part are not reportable charges during the pendency of the dispute or for 15 days after its resolution.

(e) The term basic local exchange service shall include the following charges for residential service:

- (1) customer access line, including any usage bundled in this charge;
- (2) local measured service;
- (3) local measured units;
- (4) locality rates;
- (5) mileage;

- (6) late payment charges on local exchange service;
 - (7) subscriber line charge;
 - (8) taxes and surcharges prorated to reflect only the taxes and surcharges associated with local exchange service;
 - (9) nonpublished service;
 - (10) touchtone;
 - (11) local exchange service restoral charge;
 - (12) NSF check charge for local exchange service or any part of local exchange service;
 - (13) service order charge for local exchange service;
 - (14) construction charges for local exchange service; and
 - (15) intra LATA toll service and interregional calls unless intraLATA prescription is offered and selective intra-LATA access is available.
- (f) The term suspension shall mean the interruption of outgoing service only.
- (g) The term termination shall mean the interruption of both incoming and outgoing service.
- (h) The term seasonal customer shall mean a customer who applies for and receives service periodically each year, intermittently during the year, or at other irregular intervals.
- (i) The term short-term customer shall mean a customer who requires service for a specified period of time that does not exceed one year.
- (j) The terms deny or denied shall mean any determination, by a representative of a telephone corporation in response to an application for service, that service will not be initiated as requested.
- (k) The term delinquent in payment shall mean a residential customer has not paid in full a duly rendered bill, or an agreed-upon partial payment, for basic local exchange service 25 days after the first day of the period for which the local service charge is being billed, or within a longer period agreed to by the utility. A residential customer who has not paid in full a bill, or an agreed-upon partial payment, for basic local exchange service in circumstances where disconnection for nonpayment is precluded under utility complaint procedures established under section 609.16 of this Part or commission complaint procedures under Part 11 of this Title, shall not be considered delinquent in payment. Nothing in this Part shall modify the commission's rules or orders applicable to the provision of telephone service to nonresidential customers.
- § 609.3 Applications for residential basic local exchange service
- (a) Extension of service. (1) Consistent with the provisions of this section, every telephone corporation shall provide basic local exchange service to an applicant upon his or her oral or written request.
- (2) A telephone corporation shall not be obligated to provide service to an applicant who owes the telephone corporation money for basic local exchange service provided to a prior account in his or her name unless:
- (i) the applicant makes full payment for such service provided to any such prior account in his or her name;
 - (ii) the applicant agrees to make payments under a deferred payment plan, not to exceed three months, of any amount due for basic local exchange service to a prior account in his or her name if the applicant qualifies for such a plan by having been a customer for three months and service was not terminated for nonpayment during that period and if the amount due has not been the subject of a previous deferred payment plan under this subdivision;
 - (iii) the applicant has pending a billing dispute pursuant to section 609.16 of this Part with respect to any amounts due for service to a prior account in his or her name and has paid any amounts required to be paid pursuant to those provisions;
- or
- (iv) the commission or its authorized designee directs the provision of service, who may require such extension of service to be made within 24 hours or less.
- (3) A telephone corporation shall not be obligated to provide service to an applicant who has reportable charges, or has been terminated for nonpayment within the past 6 months, with any other telephone corporation unless the applicant agrees to:

(i) pay a deposit in accordance with the provisions of section 609.9 of this Part; or
(ii) make advance payment of an amount not to exceed two times the average monthly bill for basic local exchange service. Such payment shall be applied to charges for local service on the first and subsequent bills, until it has been liquidated. The telephone corporation may not condition service upon payment in advance for any person it knows to be a recipient of public assistance, supplemental security income, or additional State payments.

(4) The telephone corporation may request either a deposit or payment in advance, but not both, as a condition of service.

(5) A telephone corporation shall be obligated to provide service to any applicant who meets the requirements of this section within five business days of receipt of a completed oral or written application for service or such later time as may

be specified by the applicant, except:

(i) where prevented by labor strikes or precluded by law;

(ii) where precluded by consideration of public safety;

(iii) where the applicant fails to pay, or agree in writing to pay, reasonable chargeable material and installation costs relating to temporary or permanent line extensions, or otherwise fails to comply with any applicable requirements of the

commission's rules;

(iv) where precluded by physical impediments including:

(a) adverse weather conditions;

(b) inability to gain access to premises in the possession of the applicant or others when necessary;

(c) incomplete construction of necessary facilities by the applicant or inspection thereof by the appropriate authorities;

or

(d) incomplete construction of necessary facilities by the telephone corporation. the telephone corporation shall make

reasonable efforts to eliminate conditions preventing extension of service and shall pursue completion of any facilities it

must construct with due diligence; or

(v) where directed by the commission or its authorized designee, who may require such extension of service to be made within 24 hours or less.

(6) An oral application for service shall be deemed completed when an applicant who meets the requirements of this section provides his or her name, address, and address of prior account, if any or prior telephone number, if any. A telephone

corporation may establish nondiscriminatory procedures to require an applicant to provide reasonable proof of the applicant's identity.

(7) A telephone corporation may require an applicant to complete a written application if:

(i) there are reportable charges from a previous account with any telephone corporation at the premises to be served;

or

(ii) the application is made by a third party on behalf of the person(s) who would receive service. A written application

may require the submission of information required in an oral application, and reasonable proof of the applicant's responsibility for service at the premises to be supplied. A telephone corporation requiring a written application shall

so

notify an applicant as soon as practicable after the request for service is made, and in no event more than three business

days after such request, and shall state the basis for requiring a written application. A written application containing the

required information shall be deemed completed when received by the utility.

Comment: When a written application is permitted, a telephone corporation may require the applicant to provide a copy of a lease (if one exists), deed, bill of sale or other documentation to show the date the applicant became responsible

for service. A telephone corporation may also require an applicant to validate the applicant's prior address.

(8) Subject to the requirements of paragraph (5) of this subdivision, whenever a residential customer moves to a different dwelling within the service territory of the same telephone corporation and requests residential service within 12

months, he or she shall be eligible to receive service at the different dwelling, and such service shall be considered a continuation of service in all respects, with any deferred payment agreement, and with all rights honored; provided, however, that such customer's prior service was not terminated for nonpayment more than 10 days before the request for service.

(9) A telephone corporation shall extend service to an applicant for residential basic local exchange service, whose application for service has previously been denied, within five business days unless a later time is requested by the applicant, after the following events:

(i) elimination of all the conditions specified in paragraphs (2)-(5) of this subdivision which resulted in the denial of service; or

(ii) by direction of the commission or its authorized designee, who may require such extension of service to be made within 24 hours or less.

(b) Denial of application for service--notice. (1) An application for service not denied within three business days shall be deemed approved.

(2) No telephone corporation shall deny an application for service or condition service upon an advance payment or deposit without advising the applicant within three business days of receipt of the application for service of:

(i) the reason or reasons for the denial, or the requirement for an advance payment or deposit;

(ii) precisely what the applicant must do to qualify for service or eliminate the requirement; and

(iii) his or her right to an investigation and review by the commission or its authorized designees of the denial or request for an advance payment or deposit. The telephone corporation shall advise the applicant of the appropriate methods

available to challenge the action of the telephone corporation and the address and telephone number of the commission.

(3) When the notice required by paragraph (2) of this subdivision is made orally, the telephone corporation shall provide the applicant, upon request, the notice in writing at his or her current address unless a different address is specified.

When oral notification cannot be accomplished within three business days due to the unavailability of the applicant, the telephone corporation shall provide immediate written notification.

§ 609.4 Suspension or termination of basic local exchange service

(a) Conditions for suspension or termination. A telephone corporation may suspend or terminate basic local exchange

service as provided for in these rules if the customer:

(1) fails to pay the telephone corporation charges due at any time during the preceding six months; provided, however,

that suspension or termination of service for bills due for service rendered during periods in excess of the six-month period is permitted in cases involving billing disputes during the six-month period or the culpable conduct of the customer;

and provided further, that the telephone corporation shall commence any such billing not more than two months after the resolution of the billing dispute, the cessation of the event which caused the telephone corporation to delay or

delays caused by the customer's culpable conduct;

(2) fails to pay amounts due under a deferred payment agreement;

(3) fails to pay or agree in writing to pay equipment and installation charges relating to the initiation of service; or

(4) fails to pay a lawfully required deposit.

(b) Notice of suspension or termination--contents. A notice of suspension or termination shall clearly state or include:

(1) the earliest date on which suspension or termination may occur;

(2) the reasons for suspension or termination and the manner in which suspension or termination may be avoided, including the total amount required to be paid to avoid suspension or termination;

(3) the address and telephone number of the office of the telephone corporation that the customer may contact in reference to his or her account;

(4) the availability of procedures for handling complaints;

(5) the availability and a general description of a deferred payment agreement, which shall be highlighted;

(6) a summary of the protections available under this Part, together with a notice that any customer eligible for such

protections should contact the telephone corporation; and

(7) the notice may include any additional information not inconsistent with this Part. In addition, the notice shall have

printed on its face, in a size type capable of attracting immediate attention, language conveying the following:

"THIS IS A FINAL DISCONNECTION NOTICE. PLEASE BRING THIS NOTICE TO THE ATTENTION OF THE TELEPHONE CORPORATION WHEN PAYING THIS BILL."

(c) Notice of suspension or termination--time. (1) No telephone corporation shall suspend service until at least eight days nor terminate service until at least 20 days after a notice:

(i) has been served upon the residential customer; or

(ii) has been mailed to the residential customer at the premises where service is rendered; provided, however, if a residential customer has specified to the telephone corporation in writing an alternative address for billing purposes, the

notice under this paragraph shall be sent to such alternative address rather than to the premises where service is rendered.

(2) A telephone corporation may not issue or send a notice of suspension or termination unless at least 25 days have elapsed from the date of the bill, except when exceptional circumstances exist, a notice may be issued in less than 25 days,

but only in accordance with procedures approved by the commission or its designee. A telephone corporation shall mail

the bill within six business days of the date of the bill. A telephone corporation shall extend the 25-day period one day for

each day beyond the sixth business day when bills are mailed late. Individual customers also shall be given the same extension when documentation, such as the postmarked date, exists.

(3) After issuing the notice, the telephone corporation shall attempt to notify the customer by telephone of the intended

suspension or termination and how such suspension or termination may be avoided. The attempt to notify the customer by telephone shall include at least one telephone call during nonworking hours before the scheduled date for

suspension or termination.

(d) Suspension or termination of service--time. A telephone corporation complying with the conditions set forth in this section may suspend or terminate service to a residential customer for nonpayment of bills only between the hours of

8 a.m. and 7:30 p.m., Monday through Thursday, and between 8:00 a.m. and 3:00 p.m. on Friday, provided such day or the

following day is not:

(1) a public holiday, as defined in the General Construction Law;

(2) a day on which the main business office of the telephone corporation is closed for business; or

(3) during the periods of December 23rd through December 26th and December 30th through January 2nd.

(e) Suspension or termination for abandonment of facilities. (1) No telephone corporation shall suspend or terminate service on the grounds that a customer's facilities have been abandoned or are being used by unauthorized persons unless

such corporation shall first determine, by such means as are reasonably calculated to determine occupancy, that such facilities have in fact been abandoned or are being used without the authority of the customer of record. The telephone

corporation shall send a notice to the customer stating the reasons for the suspension or termination no later than five days

prior to the date of any such suspension or termination, except that the five-day notification period shall be waived when

mailings are returned by the post office or a new customer advises that he or she has moved into the location.

(f) No suspension or termination without verification of delinquent account. No telephone corporation shall suspend or terminate service for nonpayment of bills rendered unless:

(1) it shall have verified that payment has not been received at any office of the telephone corporation or at any office

of an authorized collection agent through the end of the notice period required by this Part; and