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As used within this chapter, these terms denote the following:

- (A) "Alternative operator services (AOS)" means any intrastate operator-assisted services, other than inmate operator services (IOS), in which the customer and the end user are totally separate entities. The AOS provider contracts with the customer to provide the AOS; however, the AOS provider does not directly contract with the billed party to provide the services even though it is the billed party who actually pays for the processing of the operator-assisted calls. AOS does not include coin-sent calls.
- (B) "Alternative provider" includes a telephone company, including a wireless service provider, a telecommunications carrier, and a provider of internet-protocol enabled services, including voice over internet protocol.
- (C) "Basic local exchange service" (BLES) shall have the meaning set forth in division (A)(1) of section 4927.01 of the Revised Code.
- (D) "Bundle or package of services" shall have the meaning set forth in division (A)(2) of section 4927.01 of the Revised Code.
- (E) "Carrier access" shall have the meaning set forth in division (A)(3) of section 4927.01 of the Revised Code.
- (F) "Commission" means the public utilities commission of Ohio.
- (G) "Competitive eligible telecommunications carrier (CETC)" means a carrier, other than an incumbent local exchange carrier, designated by a state commission as an eligible telecommunications carrier.
- (H) "Competitive emergency services telecommunications carrier (CESTC)" means a telephone company that is a 9-1-1 system service provider that with respect to a service area, that was not an incumbent 9-1-1 system service provider on or after the date of enactment of the Telecommunications Act of 1996 (1996 act) or its successor or assignee of an incumbent local exchange.
- (I) "Competitive local exchange carrier (CLEC)" means, with respect to a service area, any facilities-based and nonfacilities-based local exchange carrier that was not an incumbent local exchange carrier on the date of enactment of the 1996 act or is not an entity that, on or after such date of enactment, became a successor or assignee of an incumbent local exchange carrier.
- (J) "Customer" means any person, firm, partnership, corporation, municipality, cooperative organization, government agency, etc., that agrees to purchase a telecommunications service and is responsible for paying charges and for complying with the rules and regulations of the telephone company. For purposes of this chapter, customer means a retail customer except where the term is specifically designated within a rule to mean a wholesale customer of the telephone company.
- (K) "Eligible telecommunications carrier (ETC)" means a carrier designated by a state commission as defined in subpart C of FCC 47 C.F.R. 54.201.
- (L) "Exchange area" means a geographical service area established by an incumbent local exchange carrier and approved by the commission, which embraces a city, town, or village and a designated surrounding or adjacent area. There are currently seven hundred thirty eight exchanges in the state.
- (M) "Facilities-based CLEC" means, with a respect to a service area, any local exchange carrier that uses facilities it owns, operates, manages or controls to provide basic local exchange services to consumers on a common carrier basis; and that was not an incumbent local exchange carrier on the date of the enactment of the 1996 act. Such carrier may partially or totally own, operate, manage or

control such facilities. Carriers not included in such classification are carriers providing service(s) solely by resale of the incumbent local exchange carrier's local exchange services.

- (N) "Federal poverty level" shall have the meaning set forth in division (A)(4) of section 4927.01 of the Revised Code.
- (O) "Flat rate" service means unlimited number of local calls at a fixed charge.
- (P) "Incumbent local exchange carrier (ILEC)" shall have the meaning set forth in division (A)(5) of section 4927.01 of the Revised Code.
- (Q) "Inmate operator services (IOS)" means any intrastate telecommunications service initiated from an inmate telephone, i.e., a telephone instrument set aside by authorities of a secured correctional facility for use by inmates or juvenile offenders.
- (R) "Internet protocol-enabled services" shall have the meaning set forth in division (A)(6) of section 4927.01 of the Revised Code.
- (S) "Large ILEC" means any ILEC serving fifty thousand or more access lines in Ohio.
- (T) "Local exchange carrier" shall have the meaning set forth in division (A)(7) of section 4927.01 of the Revised Code.
- (U) "Local service area" shall have the meaning set forth in division (A)(8) of section 4927.01 of the Revised Code.
- (V) "Nonresidential service" means a telecommunication service primarily used for business, professional, institutional or occupational use.
- (W) "Postmark" means a mark, including a date, stamped or imprinted on a bill or a piece of mail which serves to record the date of its mailing, which in no event shall be earlier than the date on which the item is actually deposited in the mail. The postmark of a bill that is sent electronically must appear on the electronic bill and shall in no event be earlier than the date which it is electronically sent.
- (X) "Preferred carrier freeze" (PCF) means a service that prevents a change in a customer's preferred carrier selection, unless the customer gives consent for such change to the carrier from whom the freeze was requested.
- (Y) "Provider of last resort" means an ILEC or successor telephone company that is required to provide basic local exchange service on a reasonable and non-discriminatory basis to all persons or entities in its service area requesting that service as set forth in section 4927.11 of the Revised Code.
- (Z) "Public safety answering point" (PSAP) means a facility to which 9-1-1 system calls for a specific territory are initially routed for response and where personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider, or transferring the call to the appropriate provider.
- (AA) "Regulated service" means service under the jurisdiction of the commission.
- (BB) "Residential service" means a telecommunications service provided primarily for household use.
- (CC) "Small business" shall have the meaning set forth in division (A)(9) of section 4927.01 of the Revised Code.

- (DD) "Tariff" means a schedule of rates, tolls, rentals, charges, classifications, and rules applicable to services and equipment provided by a telephone company that has been filed or posted in such places or in such manner as the commission orders.
- (EE) "Telecommunications" shall have the meaning set forth in division (A)(10) of section 4927.01 of the Revised Code.
- (FF) "Telecommunications carrier" shall have the meaning set forth in division (A)(11) of section 4927.01 of the Revised Code.
- (GG) "Telecommunications relay service (TRS)" means intrastate transmission services that provide the ability for an individual who has a hearing or speech impairment to engage in a communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual, who does not have a hearing or speech impairment, to communicate using voice communication services by wire or radio. TRS includes services that enable two-way communication between an individual who uses a telecommunications device for the deaf or other nonvoice terminal device and an individual who does not use such a device.
- (HH) "Telecommunications service" shall have the meaning set forth in division (A)(12) of section 4927.01 of the Revised Code.
- (II) "Telephone company" shall have the meaning set forth in division (A)(13) of section 4927.01 of the Revised Code.
- (JJ) "Telephone exchange service" shall have the meaning set forth in division (A)(14) of section 4927.01 of the Revised Code.
- (KK) "Telephone toll service" shall have the meaning set forth in division (A)(15) of section 4927.01 of the Revised Code.
- (LL) "Traditional service area" means the area in which an ILEC provided basic local exchange service on the date of enactment of the Telecommunications Act of 1996, 110 Stat. 60, 47 U.S.C. 153, and includes any commission-approved changes to an ILEC's traditional service area after that date.
- (MM) "Voice over internet protocol service" (VoIP) shall have the meaning set forth in division (A)(16) of section 4927.01 of the Revised Code.
- (NN) "Wireless service" shall have the meaning set forth in division (A)(17) of section 4927.01 of the Revised Code.
- (OO) "Wireless service provider" shall have the meaning set forth in division (A)(18) of section 4927.01 of the Revised Code.

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- (A) Each facilities-based local exchange carrier (LEC) shall design, operate, and maintain its facilities to continue to provide customers with the ability to originate and receive calls at all times. The commission will utilize existing FCC rules applicable to emergency and outage operations. Companies shall submit outage reports utilizing, at the company's discretion, either existing FCC reports or a format determined by the commission.
- (B) Each facilities-based LEC shall submit, within two hours of discovery, to the commission's outage coordinator and when appropriate, the news media in the affected area, a notification that it has experienced an outage, whenever that outage occurs on any facility that it owns, operates, leases or otherwise utilizes and is both:
 - (1) Expected to last for a period in excess of thirty minutes.
 - (2) Potentially affects at least nine hundred thousand user minutes in the incumbent local calling area.
- (C) Each facilities-based LEC shall report, by telephone or electronic means, a disruption of 9-1-1 services, which impairs 9-1-1 service within a given county 9-1-1 system, immediately to each county 9-1-1 public safety answering point, to the Ohio 9-1-1 coordinator, and to the news media in the affected area, when appropriate.
- (D) Each facilities-based LEC experiencing a loss of communications or selective routing to a public safety answering point, as a result of an outage described under paragraphs (B) and (C) of this rule, shall also notify, as soon as possible, by telephone or electronic means, any official who has been designated by the management of the affected 9-1-1 facility as the LEC's contact person for communication outages at that facility; and the LEC shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on efforts to communicate with that facility.
- (E) Each facilities-based LEC experiencing an outage described under paragraphs (B) and (C) of this rule, shall electronically submit to the commission's outage coordinator the same information as that provided to the FCC or the following information:
 - (1) A notification that it has experienced a outage, which shall include the name of the reporting entity, the date and time of the onset of the outage, a brief description of the problem, the particular service affected, the geographic area affected by the outage, the number of customers affected, an estimate of when the service, including 9-1-1, will be restored, and a contact name and telephone number by which the commission's outage coordinator may contact the reporting entity.
 - (2) Not later than seventy-two hours after discovering the outage, an initial communications outage report, which shall include all pertinent information then available on the outage and shall be submitted in good faith.
 - (3) Not later than thirty days after discovering the outage, the provider shall submit electronically a final communications outage report, which shall include all pertinent information on the outage, including any information that was not contained in, or that has changed from that provided in, the initial report.
- (F) Each facilities-based LEC shall develop, implement, and maintain an emergency plan and make it available for review by commission staff. The plan shall include, but not be limited to, all of the following:

- (1) Procedures for maintaining and annually updating a list of those customers who have subscribed to the federal telecommunications service priority program, as identified in 47 C.F.R. 64, appendix A.
- (2) Procedures for priority treatment in restoring out-of-service trouble of an emergency nature for customers with a documented medical or life-threatening condition.
- (3) In addition to the telecommunications service priority program, each LEC shall develop policies and procedures regarding those customers who require priority treatment for out-of-service clearance. Such procedures shall include a table of restoration priority, including, but not limited to, subscribers such as police and fire stations, hospitals, key medical personnel, and other utilities.
- (4) Procedures for restoring service to priority critical facilities customers.
- (5) Identification and annual updates of all of the facilities-based LEC's critical facilities and reasonable measures to protect its personnel and facilities.
- (6) Assessments and evaluations of telecommunications facilities available to provide back-up service capabilities.
- (7) Procedures for after-action assessments and reporting following activation of any part of the emergency plan. An after-action report will be written and will include lessons learned, deficiencies in the response to the emergency, and deficiencies in the emergency plan.
- (8) A current list of the names and telephone numbers of the facilities-based LECs' emergency service personnel to contact and coordinate with in the event of any real or anticipated local or national threats to its ability to provide telecommunications service.
- (9) A current list of the names and telephone numbers of the facilities-based LEC's emergency service personnel that is made available to the commission's emergency coordinator, upon request.
- (10) A continuity of operations plan to assure continuance of minimum essential functions during a large scale event in which staffing is reduced. Such plans shall provide for:
 - (a) Plan activation triggers such as the world health organization's pandemic phase alert levels, widespread transmission within the United States, or a case at one or more locations within Ohio.
 - (b) Identification of a pandemic coordinator and team with defined roles and responsibilities for preparedness and response planning.
 - (c) Identification of minimal essential functions, minimal staffing required to maintain such essential functions, and personnel resource pools required to ensure continuance of those functions in progressive stages associated with a declining workforce.
 - (d) Identification of essential employees and critical inputs (e.g., raw materials, equipment, suppliers, subcontractor services/products, and logistics) required to maintain business operations by location and function.
 - (e) Policies and procedures to address personal protection initiatives.
 - (f) Policies and procedures to maintain lines of communication with the public utilities commission of Ohio during a declared emergency.

(G) Each facilities-based LEC shall amend its emergency plan in accordance with the findings identified in the after-action assessment report required under paragraph (F)(7) of this rule.

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