

2188. Relinquishment and Cancellation of EP or ETC Designation.

- (a) Application to be filed with the Commission. When there are multiple EPs or ETCs in a service area, providers seeking to relinquish designation as an EP or ETC shall file an application with the Commission, at least 45 days before the effective date of the proposed relinquishment. In addition, if the applicant seeks to discontinue service, the requirements of rule 2108 must also be met.
- (b) Contents. The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:
 - (I) The information required by paragraph 2002(b); and
 - (II) A complete explanation of the proposed relinquishment.
- (c) The Commission shall establish a time, not to exceed one year after the approval of the relinquishment, within which such purchase or construction of adequate facilities by a remaining EP or ETC or other provider shall be completed.
- (d) Notice to customers. In addition to filing an application with the Commission, the EP or ETC shall prepare a written notice regarding the proposed relinquishment and shall mail or deliver the notice at least 30 days before the effective date to all currently served customers or subscribers, including all interconnecting telecommunications providers. The EP or ETC shall separately provide notice all potentially affected customers through publication once each week for four consecutive weeks in a publication or publications of general circulation in the affected designated area. A notice shall be mailed to the Board of County Commissioners of each affected county, and to the Mayor of each affected city, town, or municipality.
 - (I) The notice shall, in addition to the requirements of paragraph 2002(d):
 - (A) Explain that basic local telephone service will continue to be available regardless of the outcome of the Commission's determination on the application;
 - (B) Be signed by an authorized agent or officer of the provider; and
 - (C) Include said agent or officer's title and address.
 - (II) Proof of public notice. Within 15 days before the date of the proposed relinquishment, the EP or ETC shall file with the Commission a written affidavit stating its compliance with this paragraph. The affidavit shall state the date notice was completed and the method used to give notice. A copy of the notice shall accompany the affidavit.
- (e) No hearing needs to be held if no objection, protest, or intervention is filed. If a hearing is to be held on an application, the Commission shall endeavor, within its operating constraints, to hold the hearing, or a portion thereof, at a location within the local calling area of the affected community.

- (f) No proposed relinquishment shall be effective until the Commission issues an order approving it.
- (g) The Commission shall permit an EP or ETC to relinquish its designation as an EP or ETC in any area served by more than one EP or ETC when the Commission concludes that the requirements of paragraphs (a) through (d) have been met.
- (h) Within one year of the effective date of the Commission's decision approving an application for ETC/EP designation, the ETC/EP shall offer the supported services and request HCSM support. If the ETC/EP does not request HCSM support within one year, its ETC/EP designation shall be deemed null and void.