

THE  
PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF COLORADO  
RULES REGULATING TELECOMMUNICATIONS SERVICE PROVIDERS  
AND TELEPHONE UTILITIES  
4 CCR 723-2

**RULE 1. Application of Rules.**

1.1 Basis, Purpose and Statutory Authority of Rules. The statutory authority for these amendments is found in Sections 40-3-101(2), 40-3-102, 40-3-103, 40-3-106(1)(A) and 40-4-101, C.R.S. which empower the Commission to establish standards for the adequacy of public utility services, including the timely provisioning of adequate telephone service, basic telephone service and regulated telecommunications services, and requires the Commission to prescribe rules and regulations for the performance of any service or the furnishing of any commodity by a public utility and to enforce those rules and regulations. In addition, the Commission is authorized to promulgate rules generally by Section 40-2-108, C.R.S., and specifically for telecommunications services by §§ 40-15-201 and 40-15-301, C.R.S., in order to implement the provisions of Title 40, Article 15, Part 2 and 3, C.R.S.

The basis and purpose of these amendments is to update and revise certain rules within the Rules Regulating Telecommunications Service Providers and Telephone Utilities to require an adequate level and timely provisioning of basic telephone service and regulated telecommunications service to

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the public throughout the state. The update and revision of these rules is necessary to reflect the present and continuing evolution of a standard for adequate basic telephone service and regulated telecommunications service which is expected by the public and is available through the changing technology being deployed in the telecommunications industry. The rules establish standards for basic telephone service and regulated telecommunications services in light of current technology and public expectations. These amendments prescribe requirements for provision of certain capabilities and services by Local Exchange Carriers.

The amendments to the rules are clear and simple and can be understood by persons expected to comply with them. They do not conflict with any other provision of law and there are no duplicating or overlapping rules.

The principal amendment repeals the existing Rule 17 - Grades of Service within the existing Rules Regulating Telecommunications Service Providers and Telephone Utilities and replaces it with a new Rule 17 - Basic Telephone Service Standard. This and the other amendments to the rules are clear and simple and can be understood by any persons expected to comply with them. They do not conflict with any other provision of law and there are no duplicating or overlapping rules with the exception of the requirement under amended Rule 17.2.2 that E911 service provisioning by a LEC be mandatory upon request of a qualified customer rather than permissive as currently allowed under Rules Prescribing the Provision of Emergency Reporting Services for Emergency Telecommunications Service Providers and Telephone Utilities, 4 CCR 723-29. In this instance Rule 17.2.2 extends the service requirements of a LEC pursuant to

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4 CCR 723-29. However, 4 CCR 723-29 requires, under Rule 3(7), that basic emergency service is to be provided in accordance with the quality of service rules and regulations as may be later adopted by the Commission. Therefore, this extension of the requirements of 4 CCR 723-29 is consistent with intent and allowable within the context of those rules.

1.2 Applicability of Rules. These rules and regulations govern the furnishing of intrastate telecommunications services and facilities to the public and shall apply to providers of telecommunications services and telephone services subject to the jurisdiction of the Commission.

1.3 Exceptions to Rules. The adoption of these rules shall in no way preclude the Commission from altering or amending them in whole or in part, or from requiring any other or additional service equipment, facilities, or standards, either upon complaint or upon the Commission's own motion, or upon the application of any entity under its jurisdiction. In special cases for good cause shown, not contrary to law, the Commission may permit deviation from these rules insofar as it may find compliance to be impossible, impractical or unnecessary.

**Rule 2. Interpretational Definitions For Rules.** Definitions of terms used within these rules shall be consistent with the general understanding of the terms as used in the telecommunications industry unless specifically defined under this Rule 2. In the interpretation of these rules, the following definitions shall be used:

2.1 Base Rate Area - means the developed portion or portions within an exchange service area as stated in the LEC's

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tariffs. Service within this area is generally furnished at uniform rates without charges that vary with distance from the central office.

2.2 Basic Local Exchange Service - means the telecommunications service which provides a local dial tone, access line and local usage necessary to place or receive a call within an exchange area regulated pursuant to Part 2 of Article 40-15 C.R.S.

2.3 Basic telephone service - means those capabilities and services listed in Rule 17.1 (17.1.1 through 17.1.6).

2.4 Busy Hour - means the uninterrupted period of 60 minutes during the day when the traffic offered is at a maximum.

2.5 Busy Season - means a month or several months, which may be nonconsecutive, within a consecutive 12 month interval when the maximum busy hour requirements are experienced. The number of days within the busy season used for estimation of busy hour requirements should exclude days with abnormal traffic volume, such as Christmas or Mother's Day, and preferably should be limited to 30 but not exceed 60 days.

2.6 Calls - means customers' telecommunications messages.

2.7 Central Office - means the inside plant of the telecommunications service provider as an operating unit, including the switch or other facilities used to establish connections between customer lines or between customers' lines and trunk or toll lines to other central offices within the same or at other exchanges.

2.8 Channel - means a transmission path for telecommunications between two points. It may refer to a one-way path or, when paths in the two directions are always associated, a two-way path. Generally a channel is the smallest subdivision of a transmission system by means of which a single type of

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communication service is provided. A voice grade transmission channel has a nominal bandwidth of 4000 HZ.

2.9 Class of Service - means a description of telecommunications service furnished a customer, which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate, measured rate, or message rate). Classes of service are usually subdivided in grades, such as individual line, two-party or four-party.

2.10 Commission - means the Public Utilities Commission of the State of Colorado.

2.11 Community of Interest - means an area consisting of one or more exchanges in which the general population has similar governmental, health, public safety, business or educational interests.

2.12 Customer Trouble Report - means any oral or written report from a customer or user of telecommunications services relating to a physical defect or to difficulty or dissatisfaction with the operation of the service provider's facilities. Only one report per day shall be counted for each oral or written report received from a customer in the same day, when and only if it duplicates a previous report or merely involves an inquiry concerning progress on a previous report.

2.13 Customer - means any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other legal entity which has applied for, been accepted, and is currently receiving telecommunications service. A residential customer's use of telecommunications service is primarily of a social or domestic nature while a commercial customer's use is primarily of a business, professional, institutional or other occupational nature.

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2.14 Decibel - is the unit of measurement for the logarithmic ratio to the base 10 of two power signals. The abbreviation dB is commonly used for the term decibel.

2.15 Decibel above Reference Noise Level using C-Message Weighting - is the meaning of the abbreviation dBrnC. The reference noise level of one picowatt is defined as 0 dBrnC. C-message weighting is used to account for the frequency characteristics of a typical telephone set by specific weighting of the noise signal at various frequencies to determine the composite average noise signal value.

2.16 Dual tone multifrequency signaling - means a method of signaling used on a local access line which uses a simultaneous combination of one of a lower group of frequencies and one of a higher group of frequencies to represent each digit or character transmitted from the customer's station to the central office.

2.17 Enhanced 911 (E911) - means a telephone system which includes such features as automatic number identification, automatic location identification and call routing features to facilitate public safety response. This system and its requirements are further described within the Rules Prescribing the Provision of Emergency Reporting Services for Emergency Telecommunications Service Providers and Telephone Utilities, (4 CCR 723-29).

2.18 Exchange Area - means a geographical area established by the Commission, which consists of one or more central offices together with associated facilities which are used in providing basic local exchange service. Calls within an exchange area are considered local calls.

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2.19 Exchange - means the entire telecommunications plant and facilities used in providing telecommunication service to customers located in a geographic area defined by tariff. An exchange may contain more than one central office switch location or wire center.

2.20 Flat Rate Service - means telecommunications service furnished at a fixed monthly recurring charge without separate billing for the number, time of day, distance, or duration of calls.

2.21 Governing body - means a board of county commissioners, the governing body of a city or town, the board of directors of a special district, etc. responsible for reception of E911 calls as further described within the Rules Prescribing the Provision of Emergency Reporting Services for Emergency Telecommunications Service Providers and Telephone Utilities, (4 CCR 723-29).

2.22 Grade of Service - means the number of customers served on a telecommunications channel such as one-party, two-party, four-party, etc.

2.23 Held Service Order - means

2.23.1 for all LECs except Small LECs, an application for establishment of basic local exchange service, as defined in Rule 2.2, in the service territory of the LEC which the LEC is unable to fill by the customer's requested service date. The application shall be notice to the LEC that the customer desires service. Oral or written requests shall be considered application for this purpose.

2.23.2 for Small LECs, an application for establishment of basic local exchange service, as defined in Rule 2.2, in the service territory of the Small LEC which is not filled because of the inability of the LEC to supply service in

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30 days after the date of the customer's application, except when the customer requests a later service date. The application shall be notice to the LEC that the customer desires service. Oral or written requests shall be considered application for this purpose.

2.24 Hertz - is the unit measurement for frequency and is equal to one cycle per second. The abbreviation HZ is commonly used for the term Hertz.

2.25 Individual Line Service - means a grade of exchange service which provides that only one customer shall be served by the channel connecting the customer's service location with the serving central office.

2.26 Intercept Service - means a service arrangement provided by the service provider so that calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone number, etc.

2.27 Jurisdictional Service - means any telecommunications service subject to the authority of this Commission under the statutes of the State of Colorado.

2.28 Local Access Line - means a facility, totally within one exchange, providing a telecommunications channel between a customer's service location and the serving central office or remote switch.

2.29 Local Access and Transport Area (LATA) - means each local access and transport area which has been designated in this state. A LATA may encompass more than one contiguous local exchange service area in this state which serves common social, economic, or other purposes, even when that area transcends municipal or other local government boundaries.

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2.30 Local Calling Area - means the geographic area approved by the Commission as a community of interest in which customers may make calls without payment of a toll charge. The local calling area may include exchange areas in addition to the serving exchange area.

2.31 Local Exchange Carrier (LEC) - means any person, firm, partnership, cooperative organization, corporation, or other legal entity engaged in the business of furnishing telecommunications service to the public under the jurisdiction of this Commission, and when all or part of these services are defined by this Commission to fall within the provisions of Section 40-15-201(2) C.R.S. Pursuant to C.R.S. 40-15-201(1), a provider of basic local exchange service is a local exchange carrier.

2.32 Measured Rate Service - means a basic local exchange service that depends on measurement of actual usage (i.e. number, duration, time of day, or length of haul) to compute the local usage charges which apply for outgoing calls completed on a local basis.

2.33 Message Rate Service - means a basic exchange service that charges for each outgoing completed local call in excess of a specified allowance of those calls during the billing period.

2.34 Outside Plant means the telecommunications equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between central office and customers' locations or between central office.

2.35 Party Line Service - means a grade of Basic Local Exchange Service which provides for a number of customers to be served by the same central office channel.

2.36 Private Line Service - means any point-to-point or point-to-multi-point service dedicated to the exclusive use of an end-user for the transmission of any telecommunications service.

2.37 Public Telephone Service - means an individual line service equipped with a coin collecting telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

2.38 Small LEC -- means a Local Exchange Carrier serving fewer than 50,000 access lines in the State of Colorado.

2.39 Station - means a device and any other necessary equipment at the customer's premises which allows the customer to establish and continue communication.

2.40 Switched Access - means the services or facilities furnished by a local exchange company or carrier, to interexchange providers or carriers, which allows them to use the basic exchange network or the public switched network for origination or termination of interexchange telecommunications services.

2.41 Tariff - means the entire body of rates, tolls, rentals, charges, classifications, maps and rules adopted and filed with the Commission by a LEC or any other service provider as required by the Commission. Tariff Sheet means an individual page of the tariff.

2.42 Telecommunications Service Provider (Provider) - means any firm, partnership, cooperative organization, corporation, or other legal entity engaged in the business of furnishing telecommunications service to the public under the jurisdiction of this Commission. This term also includes telephone utilities and telephone corporations as described in § 40-1-103(1), C.R.S.

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2.42 Telecommunications Service - means the electronic or optical transmission of information between separate points by prearranged means.

2.43 Toll Service - means the furnishing of telecommunications service between stations of different customers in different exchange areas or local calling areas, as defined by the Commission. This jurisdictional service is provided by either intra- or interLATA carriers and is also referred to as message telecommunication service (MTS), message toll or interexchange telecommunications service.

2.44 Transmission Insertion Loss - means the ratio, expressed in decibels, of the power delivered to the load, station, in the case of an access line or channel, before and after activation of the channel. For the purpose of these rules, insertion loss will be considered equivalent to transducer loss which is the ratio of available power from a power source connected to one end of a channel or access line to the delivered power at the load, station or standard impedance, connected to the other end of the channel.

2.45 Wire Center -- means the building which houses the local equipment from which communications services are furnished and facilities are terminated which furnish service within a designated wire center serving area.

2.46 Wire Center Serving Area -- means the geographic area of an exchange area served by a single wire center.

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condition; or where any serious property damage resulted in the destruction or temporary loss of use of a facility or specific piece of equipment for more than 24 continuous hours in which the provider has an investment of at least 1 million dollars. The report to this Commission shall describe in detail:

- (a) Date, time, place, location of accident
- (b) Extent of injuries and other damage
- (c) Names of all parties involved
- (d) Type of accident

In addition, all providers shall immediately, upon the setting of any formal investigation of the accident, notify the Commission of the date, time and place of the investigation.

5.5.2 All accident reports submitted to the Commission by the provider shall be treated by the Commission, its staff and employees, as confidential.

5.6 For each service interruption under the criteria of 15.1.3 for which the LEC is unable to provide emergency service, the LEC shall, on a quarterly basis, file a record for the preceding three months showing the same information as required under 6.3 plus and explanation as to why, under the requirements of 15.1.3, emergency service was unavailable.

Rule 6 - RECORDS AND REPORTS TO BE MAINTAINED BY THE  
TELECOMMUNICATIONS SERVICE PROVIDER.

6.1 Complaints

Each provider shall maintain an accurate record of all oral and written complaints made by its customers regarding service, or rates and charges. This record shall include the name and address of the customer or complainant, the time, date and nature of the complaint, the action taken to clear trouble, and the date and time of trouble clearance.

The record of complaints shall be categorized to indicate to the provider and to the Commission whether any particular customer encounters the same difficulties frequently, in terms of complaints per month, including customer trouble reports, whether a large number or percentage of all complaints from different customers arise from the same irregularity in service, with 5 percent or more of all complaints over a three month period being considered significant, or whether some phase of the construction, equipment, maintenance or operation are causing the complaints.

6.2 Held Service Applications.

6.2.1 During periods of time when the LEC may not be able to supply service to customers in areas of an exchange currently served by the LEC within the time frames established in Rule 2.23, the LEC shall keep a record for each wire center serving area showing the name and address of each applicant for service, the date of application, the class type and grade of service applied for, (e.g., first line or additional line), together with the reason for the delay in providing the service to the applicant, and the expected date of service.

6.2.2 All customers that are not supplied service within the time-frames established in Rule 24 will be given a written notice by the LEC stating the cause for the delay, the expected date of service, and all remedies available to the customer pursuant to Rule 24. The customer will be renotified immediately if the expected date of service previously stated changes. Further, the customer will be renotified immediately in writing if the expected date of service previously stated is delayed by more than ten days.

6.2.3 When the number of held service orders exceeds 50 access lines at a wire center providing service to 2,000 or more access lines, or 20 held service orders at a wire center serving fewer than 2,000 access lines, the LEC shall maintain a summary of applications for each affected wire center showing the total number categorized by various causes for delay and by dates of application.

6.2.4 The LEC shall, within five (5) working days submit to the Commission a report showing the information required by Rule 6.2.1, and the number of days service has been delayed, when the lesser of 50 or 5 percent of the total number of service applications in a wire center in a consecutive three-month period are held service orders. The LEC shall further

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delayed, when the lesser of 50 or 5 percent of the total number of service applications in a wire center in a consecutive three-month period are held service orders. The LEC shall further submit, within 14 calendar days, a report of its proposed action to reduce the number of those held service orders to fewer than the lesser of 50 or five percent of the total number of service applications in that wire center.

6.3 Service Interruptions

Each LEC shall keep a record showing all interruptions affecting service in an entire exchange area or any major portion of it that affects the lesser of 25 percent or 1,000 of the exchange's local access lines for one or more hours during the day. This record shall show the date, time, duration, extent and cause of the interruption.

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- 10.1.3 Before the monthly bill issued by the LEC which includes charges for basic local exchange service can contain any charges for its nonjurisdictional services, the LEC shall be fully prepared to advise, upon the request of the customer, of the charges prior to use of the service by the customer in the same manner as outlined for jurisdictional services under paragraph 10.1.6 of this rule.
- 10.1.4 Any provider of toll services which directly bills its customers shall at least comply with the itemization of jurisdictional toll service charges and other information as outlined in 10.1.2(e) through 10.1.2(h).
- 10.1.5 If the LEC is able to provide an itemized billing for local message or measured charges, the customer using that rate may request call unit detail in advance for one billing period free of charge once every 12 months, or if a dispute exists as to the accuracy of the bill that has been brought to the Commission as a formal or informal complaint. This waiver of charges shall not apply to customers who contract with the LEC for monthly call detail.
- 10.1.6 The LEC or MTS provider shall provide an explanation of the rates, charges and provisions applicable to the service furnished or available under its local or general exchange tariffs when requested by customers, applicants or others desiring information. A LEC shall provide any information and assistance necessary to enable customers or applicants to choose from the lowest cost jurisdictional telecommunications service or other alternatives it provides which conform to the customer's or applicant's stated needs. This information may include printed explanations of alternate services and rates. Correspondingly, the LEC shall notify customers of any service connection charge to be applied to their bills prior to undertaking any action and shall provide an estimate of the initial billing for basic monthly service plus any other applicable charges separately stated for each additional service.
- 10.1.7 The customer shall be provided with an estimate of the charges where special charges not specifically stated in the LEC's tariff are levied on the basis of actual cost for such items as extraordinary construction, maintenance, or replacement costs or expenses, overtime work at the customer's request and special installations,

equipment and assemblies used in conjunction with any jurisdictional service. Any estimate provided by a LEC shall not bind either the LEC or the customer to pay that amount, but rather the amount ultimately paid shall be based upon the charges as stated in a final contract or other binding agreement between the customer and the LEC.

10.1.8 Identification of FCC per Access Line Charge on Customer Bill. Each LEC shall identify on its monthly customer bill the Federally mandated interstate charge per access line as a charge not within the jurisdiction of the Colorado Public Utilities Commission jurisdiction.

10.2 Billing Disputes and Errors, General Refunds, and Bill Credits

10.2.1 In the event of a dispute between the customer and the provider concerning any bill, the provider may require the customer to pay the undisputed portion of the bill to avoid discontinuance of service for non-payment. The provider shall make an investigation appropriate to the case, and report the results to the customer. In the event the dispute is not reconciled, the provider shall advise the customer that the customer may file a formal or informal complaint with the Commission for disposition of the matter.

10.2.2 Whenever the billing for jurisdictional service has not been determined accurately because of a LEC's omission or negligence, the LEC shall offer and enter into reasonable payment arrangements using the following criteria:

(a) Whenever a LEC overbills a customer for the service, the LEC shall offer the customer the choice of an immediate voucher refund when the amount exceeds the charges for two months of basic local exchange service, or a credit on future bills.

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(b) Whenever a LEC underbills a customer for the service, the customer shall be allowed to make installment payments when the amount exceeds the charges for two months of basic local exchange service. Any installment payments under the provisions of this subsection of this rule may, at the option of the customer, extend over a time period equal in length to the period over which the errors were accumulated. The amount due would include no interest.

10.2.3 In the event the customer's jurisdictional service from a LEC is interrupted and remains out of order for more than 8 hours during a continuous 24 hour period after being reported by the customer, or found to be out of order by the LEC, (whichever occurs first) appropriate adjustments shall be automatically made by the LEC to the customer's bill.

10.2.3.1 The adjustment will be, at a minimum, a credit on the monthly bill for jurisdictional LEC services proportional to the duration of the service interruption, with each occurrence of the loss of service for 8 hours during the 24 hours time period counting as one day. For the purpose of administering this rule, every month is considered to have 30 days.

10.2.3.2 The LEC will not be required to provide an adjustment for the loss of service during time periods due to the following conditions:

(a) the negligence or willful act of the customer; or

(b) a malfunction of facilities other than those under the control of the LEC; or

(c) natural disasters or other events affecting large numbers of customers such as described in Rule 16.1.4; or

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(d) the inability of the LEC to gain access to the customer's premises when required.

10.2.4 In the event the LEC misses a service call (i.e., an appointment for a premise visit associated with installation of new service or with a regrade of service) by more than four hours, the LEC shall make a credit to the monthly bill of the customer in the amount of one-third the tariffed rate that was to be charged. This credit shall also apply when the LEC misses scheduled installation work to be done in the central office.

10.2.5 Any provider proposing, or required by Commission order to make a refund to customers by class of service, shall file an application for Commission approval of the plan of refund in accordance with the Rules of Practice and Procedure. For a LEC, the application shall analyze the feasibility and costs of customer-specific refunds in lieu of a general refund.

10.2.6 The bill credit policies set forth in Rule 10.2 are minimum requirements. LECs that merely adopt Rule 10.2 as their bill credit policy are not required to file tariffs which incorporate these Rules. LECs that wish to have additional bill credit policies shall file a tariff that fully describes such additional policies. All bill credit policies shall be nondiscriminatory and nonpreferential. A copy of the minimum bill credit requirements set forth in these rules, together with any additional bill credit policies adopted by the LEC, shall be provided to employees responsible for the administration of the policy. The Commission may, upon review, reject a tariff which it deems to be inconsistent with this rule.

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Rule 11 - Public Information

11.1 Business Offices

Each LEC shall have one or more business offices or customer service centers staffed to provide access in person or by telephone to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and to generally act as representatives of the LEC. If one business office serves several exchanges, toll-free calling from those exchanges to that office shall be provided.

11.2 Information Available From the Business Office

Each LEC shall, at a minimum, provide the following information to the public, as applicable and upon request, at each business office open to the public:

- (a) Copies of all tariffs as filed with this Commission.
- (b) For each exchange served by the business office, maps showing the exchange, base rate area and zone (if applicable) boundaries in sufficient size and detail from which all customer locations can be determined and mileage and zone charges measured from these boundaries can be quoted.

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applicable) boundaries in sufficient size and detail from which all customer locations can be determined and mileage and zone charges measured from these boundaries can be quoted.

- (c) Publicly announced information about the present and intended future availability of specific classes of service at the location of a potential customer.
- (d) Publicly announced information concerning plans for major service changes in the area served by the business office.
- (e) Information pertaining to services and rates as proposed in pending tariff or rate change filings.

Rule 12 - Directories For Basic Local Exchange Service

12.1 General Distribution

12.1.1 A LEC shall cause a telephone directory to be published annually for each exchange served by that LEC, listing the name, address and telephone number of all basic local exchange service customers served by that exchange except those requesting omission of their listing from the directory. When extended area service is provided, the directory listings shall include all exchanges involved in the extended area service. The directory shall also include a listing by trade or type of service offered of all businesses within the exchange.

12.1.2 While all telephone directories shall be revised annually, reasonable extensions may be made where wholesale number changes will be necessary in the immediate future as, for example, in connection with central office area cutovers. The LEC may also petition to the Commission for an extension of the annual directory updating if it can show that the annual requirement is unnecessary due to a relatively small number of changes resulting from new listings or changed numbers.

12.1.3 Upon issuance, the LEC shall cause a copy of each directory to be distributed free of charge to all customers served by that directory with at least one copy provided for each access line of the customer. A copy of each directory published for each LEC shall be annually furnished to the Commission. A LEC shall furnish additional free directories in response to a reasonable request from any customer. Upon written request, public libraries within this state shall be furnished free copies of the directories for all exchanges served by the LEC within this state.

**RULE 24. AVAILABILITY OF SERVICE - ADEQUACY OF FACILITIES.**

Each LEC shall employ prudent management planning practices so that adequate equipment is in place to supply service to prospective customers in its service territory or areas certificated to the LEC in conformity with the LEC's tariffed line extension policy within a reasonable period of time.

24.1 Construction Charge Estimate. If the tariffs of the LEC require the payment of contributions in aid to construction, (i.e., line extension charges) the LEC shall provide to the customer, within thirty (30) calendar days from the date of a customer's request for such estimate, a good faith written cost estimate of the amount of the payment. The payment or partial payment of such charges shall be notice to the LEC that the customer desires service and the payment date shall be considered the application date for service. The good faith written cost estimate shall inform the customer that receipt of payment or partial payment is required before the customer's request will be considered an "application for service".

24.2 Provision of Service When Facilities are Available. Where facilities to provide basic local exchange service are in place, the LEC shall provide a customer with basic local exchange service no later than five (5) working days from the date of the customer's application, except when the customer requests a later date of service, the service shall be provided by the requested date. For purposes of Rules 24.2 and 24.3, facilities are "in place" when there are facilities available to the standard network interface on the customer's premise.

When facilities are available to provide service, but the LEC fails to provide basic local exchange service within five (5) working days from the date of the customer's application, or by the customer requested date of service, whichever is later, the LEC shall waive any and all installation charges and shall credit the customer's account in an amount equal to the pro rata

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monthly local exchange charge for each day thereafter that service is not provided.

24.3 Provision of Service When Facilities are Not Available. Where facilities to provide basic local exchange service are not available, the LEC shall provide basic local exchange service no later than ninety (90) calendar days from the date of the customer's application, except, when the customer requests a later date of service, then service shall be provided by the requested service date.

This ninety day construction period may be extended, automatically and without a waiver request by sixty days, due to circumstances beyond the LEC's control, such as, but not limited to, impossible weather conditions or the inability of the LEC to gain access due to the lack of proper right-of-way. When a LEC finds it necessary to extend the construction period under this Rule 24.3, The LEC shall notify the Commission by letter to its Director that it is invoking the sixty day extension and it shall further state the reasons for the extension, state why the reasons given for the extension are beyond the company's control, and an estimate of the time necessary to complete construction. An election by the LEC to obtain an additional sixty days under this Rule 24.3 shall require notification to the customer that shall include all information required pursuant to Rule 6.2.2.

24.4 Provision of Alternative Form of Service. When the LEC fails to provide basic local exchange service to its customers within the time-frames established in Rule 24.3, The LEC shall strive in good faith to provide the customer with an alternative form of service until basic local exchange service can be provided. The alternative form of service provided by the LEC shall be that alternative that most closely equates to the capabilities of basic local exchange service.

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Alternative forms of service might include, but are not limited to, the following:

- (a) Cellular;
- (b) Remote call forwarding;
- (c) Voice message service;
- (d) Satellite service;
- (e) BETRS radio service;
- (f) PCN service;
- (g) Microwave service; or
- (h) Party line service.

If an alternative form of service is provided, the LEC is authorized to charge the customer the tariff rates (if applicable) for the alternative service, if such tariff rates are less than the tariff rate for basic local exchange service. Otherwise, the customer will be charged the tariff rate for basic local exchange service. Where an alternative form of service is not provided, the LEC shall waive any and all usual installation charges and, once basic local exchange service is provided, shall credit the customer's account in an amount equal to the pro rata monthly basic local exchange charge for each day service was not provided.

24.4.1 The remedy set forth in Rule 24.4, above, is in addition to and not in lieu of, any other remedy available to the Commission or customer, including, but not limited to:

24.4.1.1 An order by the Commission that the utility provide individual line basic local exchange service on a date certain; or

24.4.1.2 Decertification in whole or in part of the LEC; or

24.4.1.3 Penalties under § 40-7-105, C.R.S. (1993).

24.5 Treatment of Expenses. The expense required or incurred in providing the service alternatives or the basic local service revenues discounted in Rule 24.4 are presumed to be and shall be treated "below-the-line," *i.e.*, not permissible ratemaking expenses. The presumption provided by this Rule shall be rebuttable, upon a showing by the preponderance of the evidence that the expenses required or incurred in providing service alternatives are just and reasonable in amount and upon proof, by competent evidence, of the affirmative defense provided for in Rule 24.6.

If such expenses are incurred, a report of such expenses shall be provided to the Commission on a quarterly basis within 60 days after the end of each quarter and in a form acceptable to the Director of the Commission.

24.6 Affirmative Defense - Burden of Proof. In any action taken pursuant to Rule 24.4.1, or in any proceeding, including any earnings sharing arrangement where expenses would otherwise be treated "below-the-line" under Rule 24.5, it shall be an affirmative defense that the LEC could not have complied despite its reasonable efforts to do so, within the time frames set forth in these Rules.

24.7 Procedure for Waiver of Rule 24. Under the provisions of Rule 1.3, LECs may seek permission to waive all or part of this Rule 24, subject to the following limitations:

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24.7.1 A request by a LEC for a blanket waiver shall not be granted. Only waivers for individual customers or individual developments or areas shall be considered.

24.7.2 A waiver may be granted only if the LEC can demonstrate a good faith effort to comply with the provisions of these Rules and the Commission finds that the public interest requires the granting of a waiver.

24.7.3 A Small LEC may request a waiver from the Commission via a letter/Application signed by an officer of the Small LEC which sets forth in detail the grounds upon which the waiver is sought.

24.8 Preexisting Waivers. This Rule 24 is subject to existing waivers already granted a LEC in other Commission proceedings, including docket Nos. 92R-282T and 92A-109T pertaining to the provision of multi-party service.

24.9 Potential Facility Unavailability. LECs shall inform prospective customers of the potential of future facility unavailability when the LEC is experiencing or is forecasting potential facility unavailability in specific areas. LECs shall allow customers to reserve basic local exchange service by the subscription to the appropriate tariff rate (i.e vacation service).

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