

(Decision No. C89-1204)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO, RULES REGULATING)
TELECOMMUNICATIONS SERVICE)
PROVIDERS.)

CASE NO. 6728

COMMISSION DECISION
ADOPTING RULES REGULATING
TELECOMMUNICATIONS SERVICE
PROVIDERS

September 6, 1989

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 29, 1988, the Commission entered Decision No. C88-1740 which decision gave notice to all interested persons, firms, or corporations that the Commission proposed to adopt Rules Regulating Telecommunications Service Providers. The proposed Commission Rules Regulating Telecommunications Service Providers were attached to Decision No. C88-1740 as Appendix A. Notice of proposed rulemaking had been sent to the Office of Regulatory Reform on December 14, 1988. No comments were forthcoming from that office.

Decision No. C88-1740 afforded the opportunity for interested persons to intervene or participate as a party in the rulemaking proceeding, also afforded the opportunity to file comments, suggestions, or modifications to the proposed rules, and finally set the proposed rules for hearing on April 17 and 18, 1989, and reserving April 19, 1989, if necessary.

Notices of Intervention were filed by the Colorado Office of Consumer Counsel (OCC), Haxtun Telephone Company (Haxtun), El Paso Telephone Company (El Paso), U S WEST Communications, Inc. (U S WEST), and Western Union Telegraph Company (Western Union). Petitions to Intervene were filed by U S Sprint Communications Company (U S Sprint), MCI Telecommunications Corporation (MCI), the City of Aurora (Aurora), Eagle Telecommunications, Inc. (Eagle), several independent telephone companies, specifically Agate Mutual Telephone Exchange (Agate), Big Sandy Telecommunications, Inc. (Big Sandy), Bijou Telephone Cooperative Association, Inc. (Bijou), Columbine Telephone Company (Columbine), Delta County Telecommunications, Inc. (Delta), Eastern Slope Rural Telephone Association (Eastern Slope), Farmers Telephone Company (Farmers), Nucla-Naturita Telephone Company (Nucla-Naturita), Sunflower Telephone Company, Inc. (Sunflower), Wiggins Telephone Association (Wiggins), The

Colorado Municipal League (CML), and Stroh Ranch Communications (Stroh Ranch).

All Petitions to Intervene were granted by Decision No. C89-342 entered on March 8, 1989.

On March 1, 1989, the Commission entered Decision No. C89-289 seeking additional comments with respect to Rules A2.120 and B4.2 and Rule C4.2.4, dealing with how telecommunications providers can provide its customers on a consistent basis, notice of service availability, both in the instance where the customer has placed a firm order for service and in the instance where the customer has not placed a firm order but is simply seeking information prior to placing an order, and how much it would cost to have customer-specific refunds, respectively.

On March 9, 1989, the Commission Regulatory Analysis of the Proposed Rules was filed in accordance with § 24-4-103(4.5), C.R.S.

On March 17, 1989, comments with respect to the proposed rules were filed by U S Sprint, CML, U S WEST, AT&T Communications of the Mountain States, Inc. (AT&T), Agate and the other independent telephone companies, Eagle, MCI.

On March 17, 1989, the OCC and El Paso filed motions requesting extensions of time within which to file comments on the proposed rules. On March 22, 1989, the Commission by Decision No. C89-411, granted all parties an extension of time through March 24, 1989, within which to file comments.

On March 20, 1989, comments were filed by the OCC; on March 24, 1989, comments were filed by El Paso.

On March 31, 1989, U S WEST filed a request for regulatory analysis. On April 6, 1989, Administrative Law Judge Thomas F. Dixon issued Decision No. R89-468-I which indicated that the regulatory analysis was already on file at the Commission, and available for inspection.

On April 10, 1989, a Motion In Limine was filed by the CML and a response to the Motion In Limine was filed by U S WEST on April 14, 1989. In the Order below, the Motion In Limine will be denied.

Hearings with respect to the proposed rules were held on April 17, 18, and 24, 1989. The following persons testified at the hearings: Bruce Mitchell of the Staff of the Commission; Gregg Beckmeyer for AT&T; Yog Varma for the OCC; and Scott Belka, Morgan Edwards, Michael Cebellos, and Grant Mitchell for U S WEST. Public witness testimony was received from Robert Pietlock, Sandra Eid, Lael Porter, and Fern Taylor.

Oral Statements were presented by Dudley Spiller on behalf of CML, and Evelyn Fox on behalf of MCI.

Administrative notice was taken of U S WEST's Tariffs A 2.3.2.10 and 11. Exhibit 1 (a March 9, 1989, letter from an AT&T employee to Joe Reed of the PUC), Exhibit 2 (Request No. 003 from Commissioner Lehr) and Exhibit 3 (a lead-lag statement by AT&T) were admitted into evidence.

On May 18, 1989, the OCC sent to the Executive Secretary of the Commission copies of two letters that were sent to Commissioner Andra Schmidt regarding questions she had concerning Case No. 6728 and asked that these letters be made a part of the official record in Case No. 6728. This request will be granted.

On July 27, 1989, U S WEST filed a "Motion to Reopen the Record for a Limited Purpose." U S WEST states that it might be useful to the Commission, the Staff of the Commission, and other parties to this matter if the functionality and methodology used by U S WEST select accounts for treatment activity were explained in the context of an actual demonstration on the premises of U S WEST, utilizing the actual billing and collection hardware and software of U S WEST. The Commission will deny the motion because, among other things, it is not clear what U S WEST specifically desires in way of a proposed rule or rule change with respect to the proposed on-site visit to its premises. In any event, if U S WEST has specific proposals which it wishes to make, it may petition the Commission for a specific rule change after the rules which are adopted by today's decision go into effect.

The record in this proceeding demonstrates the need for these rules because of changes in the telecommunications industry over the last 20 years which have made certain of the existing rules inadequate to regulate the telecommunications industry in a satisfactory manner. The changes in the telecommunications industry have created the need for new rules which were not needed when the existing rules were promulgated in the late 1960's. These rules will more clearly define the level of conduct between the customer and the provider of regulated services, will more specifically define the expected standards of safe and reliable service in terms of current practices in the industry, and will more clearly define the expected quality of basic voice message services provided in this state. These rules are clear and can be understood by persons expected to comply with them. They do not conflict with any provision of law and are enacted in compliance with the statutory authority cited in the rules. There is no duplication or overlapping of the rules. The Commission has complied with the procedures established in Title 40 and Title 24 for the enactment of these rules and the rules as adopted are consistent with the subject matter stated in the published notice. As indicated above, a regulatory analysis was requested, and was provided by the Commission.

THEREFORE THE COMMISSION ORDERS THAT:

1. The rules attached to this Decision in Appendix A are adopted as the Rules Regulating Telecommunications Service Providers.

2. The rules in Appendix A shall be effective 20 days after publication by the Secretary of State.

3. An opinion of the Attorney General of the State of Colorado will be promptly sought regarding the constitutionality and legality of the rules in Appendix A.

4. The Commission Executive Secretary shall file with the Office of the Secretary of the State of Colorado, for publication in The Colorado Register, a copy of the rules in Appendix A, adopted by this Decision, and when obtained, a copy of the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of these rules.

5. The rules in Appendix A shall be submitted by the Commission Executive Secretary to the appropriate committee of reference of the Colorado General Assembly, if the General Assembly is in session at the time this Order becomes effective, or to the Committee on Legal Services, if the General Assembly is not in session, for its opinion as to whether the adopted rules conform with § 24-4-103, C.R.S.

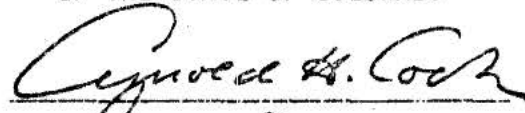

6. The "Motion to Reopen the Record for a Limited Purpose", filed on July 27, 1989, by U S WEST Communications, Inc., is denied.

7. The 20-day period to file applications for reconsideration, rehearing, and reargument begin on the date this decision is served or mailed, whichever occurs first.

This Decision is effective October 5, 1989.

DONE IN OPEN MEETING September 6, 1989.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER RONALD L. LEHR ABSENT
BUT CONCURRING IN THE RESULT.

JEA:emn:1163N:srs

(Decision No. C89-1204-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *


RULES OF THE PUBLIC UTILITIES)	
COMMISSION OF THE STATE OF COLORADO)	ERRATA NOTICE
REGULATING THE QUALITY OF SERVICE)	CASE NO. 6728
FOR TELECOMMUNICATIONS PROVIDERS)	

Decision No. C89-1204
(Issued September 6, 1989)

Appendix A to Decision No. C89-1204 should be modified as follows:

- Page 14: Rule 8.1.1 - the word "indiscriminate" found on the seventh line of the rule should be changed to "nondiscriminatory".
- Page 19: Rule 8.4(d) - The reference to "Rule C3" found on the fifth line of the rule should be changed to "Rule 9".
- Page 22: Rule 9.2(f) - the word "it's" found on the second line of the rule should be changed to "its".

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


JAMES P. SPIERS
Executive Secretary

Dated at Denver, Colorado this
12th day of October 1989.

1203n/td

Appendix A
Case No. 6728
Decision No. C89-1204
September 6, 1989
Page 1 of 41

THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES REGULATING
TELECOMMUNICATIONS SERVICE PROVIDERS
AND TELEPHONE UTILITIES

Case No. 6728

RULES REGULATING TELECOMMUNICATIONS SERVICE PROVIDERS
AND TELEPHONE UTILITIES

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RULES REGULATING TELECOMMUNICATIONS SERVICE PROVIDERS
AND TELEPHONE UTILITIES

Rule 1 - Application of Rules

1.1 Basis, Purpose and Statutory Authority of Rules

The basis for these rules is found in § 40-4-101, C.R.S., which requires the Commission to prescribe rules and regulations for the performance of any service or the furnishing of any commodity by a public utility. In addition the Commission is authorized to promulgate rules by § 40-15-201, C.R.S. to implement the provisions of Title 40, Article 15, Part 2, C.R.S. concerning the provision of basic local exchange service.

The purpose of these rules is to update the Rules Regulating the Service of Telephone Utilities and to state minimum standards for the quality of telecommunications services to ensure an adequate level of service is available to the public throughout the state. This update of the rules has been made necessary by changes in the telecommunications industry which have made certain of the existing rules inadequate to regulate the industry satisfactorily today, and which have created the need for new rules which were not needed when the existing rules were promulgated in the late 1960's.

For example, these rules eliminate references to out-of-date technology or practices such as manual switchboard operation as well as to NBS Handbook H30 which contains safety standards promulgated for electrical equipment in the 1940's. In place of these antiquated references, these rules adopt the latest edition of the National Electric Safety Code for a safety standard and provide clearly defined present-day minimum standards for the most basic measurements of adequate service quality. In addition, these rules establish current requirements for the providers of telecommunications services and telephone services regarding the preparation and retention of records and reports, the relations between customers and service providers, and the construction and maintenance of plant and equipment.

The statutory authority for these rules is found at §§ 40-2-108, 40-4-101, and 40-15-201, C.R.S.

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

- 2.5 Calls means customers' telecommunications messages.
- 2.6 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.
- 2.7 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 communication service is provided. A voice grade transmission channel has a nominal bandwidth of 4000 HZ.
- 2.8 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.
- 2.9 Commission means the Public Utilities Commission of the State of Colorado.
- 2.10 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. A preliminary indication of a community of interest between exchanges exists, sufficient to allow further consideration by the Commission, when the combined calling rate between the exchanges under consideration of extended area service equals or exceeds two calls per local access line per month. However, when one exchange has less than one-half the number of local access lines than the other exchange then a calling rate of three calls per local access line per month from the smaller exchange would provide a preliminary showing of interest sufficient to allow investigation of the appropriateness of extended area service for the involved exchanges.
- 2.11 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.

- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 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.
- 2.16 Exchange means the entire telecommunications plant and facilities used in providing telecommunication service to customers located in a defined area such as an exchange area.
- 2.17 Extended Area Service (EAS) is an exchange service in which the local calling area, i.e., the area in which customers may call without the payment of a toll charge, includes one or more other exchange areas in addition to the normal serving exchange, as specified in the local exchange tariff. EAS generally recognizes community of interest.
- 2.18 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.
- 2.19 Grade of Service means the number of customers served on a telecommunications channel such as one-party, two-party, four-party, etc.

- 2.20 Held Service Order means an application under the rules and regulations of the LEC for establishment or regrade of service in the franchised service territory of the LEC which is not filled because of the inability of the LEC to supply service within 30 days after the customer has made application, except where the customer requests a later 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.
- 2.21 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.
- 2.22 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.
- 2.23 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.
- 2.24 Jurisdictional Service means any telecommunications service subject to the authority of this Commission under the statutes of the State of Colorado.
- 2.25 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.
- 2.26 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.
- 2.27 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.

- 2.28 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.
- 2.29 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.
- 2.30 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 offices.
- 2.31 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.
- 2.32 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.
- 2.33 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.
- 2.34 Station means a device and any other necessary equipment at the customer's premises which allows the customer to establish and continue communication.
- 2.35 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.
- 2.36 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.
- 2.37 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.

- 2.38 Telecommunications Service means the electronic or optical transmission of information between separate points by prearranged means.
- 2.39 Toll Service means the furnishing of telecommunications service between stations of different customers in different exchange areas, as defined by the Commission, or, where available, different extended service areas. 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.
- 2.40 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.

RECORDS AND REPORTS

Rule 3 - Location of Records

Unless otherwise authorized by the Commission, all records required by these rules shall be kept within the state and shall be made available to the Commission or its authorized representatives at any time upon request.

Rule 4 - Retention of Records

Unless otherwise authorized by the Commission, all records required by these rules shall be preserved for the period of time specified by Rule 25 of the Rules of Practice and Procedure of this Commission, but in no event less than a minimum of 24 months after the date of entry of the record if the retention length is not specifically noted under the preceding reference.

Rule 5 - Required Records and Reports to be Filed With the Commission

5.1 Annual Report

Each LEC and each MTS provider within this state shall file an Annual Report in accordance with the Rules of Practice and Procedure unless specifically exempted by this Commission. All other providers shall produce an Annual Report only as ordered by the Commission.

5.2 Rate Schedule and Regulations

Each LEC shall have its tariff for all jurisdictional services and the rules and regulations for the LEC services, as well as the general relationship between the LEC and its customers on file with the Commission in accordance with the Rules of Practice and Procedure or other rules contained within the Rules Regulating Telecommunication Service Providers as prescribed by this Commission or any other information required by statute to be filed with the Commission. Other providers within this state shall file tariffs unless specifically exempted by the Commission.

5.3 Exchange Maps

Each LEC shall have on file with the Commission an exchange area boundary map for each of its exchanges within the State. Each map shall show clearly the boundary lines of the area which the LEC holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps generally shall contain detail as shown on county highway maps. The map scale and other sufficient detail shall be shown to permit the location of exchange service area boundaries in the field.

5.4 Line Extension Policy

Each LEC shall maintain rules and regulations on file with the Commission as part of its tariffs which state the conditions and circumstances under which line extensions or extensions of service by the LEC or by other entities under contract to the LEC will be made in order to render service to applicants within the exchange area. The tariffs shall include schedules of charges for service connections, extensions and line mileage, and copies of the rules and regulations shall also be on file in the business offices of the LEC and shall be available for the inspection of the public during regular business hours.

5.5 Accidents

5.5.1 Within 24 hours of receiving knowledge of an incident, each provider shall report to the Secretary of this Commission each accident happening in connection with the operation of its property, facilities; or, as otherwise related to jurisdictional service in this state, resulting in death or hospitalization under the medical definition of serious

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 an explanation as to why, under the requirements of 15.1.3, emergency service was unavailable.

Rule 6 - Records and Reports Required 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

During periods of time when the LEC may not be able to supply service to prospective customers in areas of an exchange currently served by the LEC within 10 working days after the date of application for service, the LEC shall keep a record for each exchange showing the name and address of each applicant for service, the date of application, the class type and grade of service applied for, together with the reason for the inability to provide the service to the applicant. All prospective customers that are not supplied service within 10 working days will be given a written notice stating the cause for the delay and the expected date of service. When the number of held service orders exceeds the lesser of 100 or 5 percent of the total number of access lines served at a central office providing service to 2000 or more access lines, or 20 held service orders at a central office serving fewer than 2000 access lines, the LEC shall maintain a summary of applications for each affected central office showing the total number categorized by various causes for delay and by dates of application. When ten percent of the total number of service applications in a consecutive three-month period are held service orders, the LEC shall notify the Commission of the situation and its proposed action to reduce the number of those held service orders to fewer than five percent of the total number of service applications.

In lieu of the preceding reporting requirements, the LEC may submit data to the Commission on a quarterly basis, in a form acceptable to the Executive Secretary, such that the Commission Staff could perform the analysis of held service orders described in the preceding paragraph of 6.2. However, the LEC is still required to maintain a list of and properly notify applicants who have not been provided service within 10 days as described in the preceding paragraph.

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 lessor 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.

6.4 Maintenance and Operations Records

Records of various tests and inspections, to include non-routine corrective maintenance actions or monthly traffic analysis summaries for network administration, necessary for the purposes of the provider or to fulfill the requirements of these rules shall be kept on file in the office of the provider as required under Rule 4. Corrective maintenance records shall show the line or facility, such as metering and recording equipment, that was tested or inspected. The records shall also include the reason for the test, the general conditions under which the test was made, the results of the test, and the corrections made.

6.5 Plant Facilities

Each provider shall keep complete maps and records showing the location and description of its plant and facilities, including the number of toll circuits and interexchange circuits, the nature and amount of plant and equipment used in providing telecommunications service and when applicable the extent of the area served by the LEC.

6.6 Operator Services Instructions

Each provider shall have written rules and instructions for service operators or entities operating a jurisdictional service on behalf of the provider available for inspection, if it provides an operator assistance service to the general public.

RULES FOR RELATIONS BETWEEN CUSTOMERS AND THE
TELECOMMUNICATIONS SERVICE PROVIDER

Rule 7 - Rules Relating to Complaints and Appeals

7.1 Prompt Investigation

The provider shall fully and promptly investigate and respond to all oral and written complaints made directly to the provider by its applicants or customers. The provider shall notify the customer promptly of the results of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint. Upon request by the customer, the provider shall inform the customer in writing of its proposed disposition of the complaint.

7.2 Provision of Information

The provider shall direct its personnel engaged in initial contact with an applicant or customer in which dissatisfaction with the decision or explanation by the personnel is expressed, to inform the customer of the right to have the problem considered and acted upon by another consumer representative or supervisory personnel of the provider. If the applicant or customer continues to express dissatisfaction after the supervisory personnel have addressed the problem, the provider shall further direct the supervisory personnel to provide the complainant with the name, address and the current local, or where applicable, the current toll free telephone number of the External Affairs Section of the Commission Staff to be contacted for further review of an unresolved problem.

7.3 Response to Commission

Upon receipt of a complaint, either orally or in writing, from the Commission or its staff on behalf of a customer or applicant, the provider shall make a suitable investigation and advise the Commission or its staff of the results. An initial oral or written response to the Commission or its staff shall be provided within 10 working days after receipt of the complaint by the provider. If requested by the Commission or its Staff, a written final response detailing the disposition of the complaint by the provider shall be provided to the External Affairs Section or to the Executive Secretary of the Commission as requested by the Commission or its Staff.

Rule 8 - Rules Relating to Customer Deposits

8.1 General Intent and Guidelines

8.1.1 It is in the public interest for each provider to administer fairly and in a nondiscriminatory manner, a written policy to allow an applicant for service to establish credit for service with the provider or for an existing customer to reestablish credit. The essential ingredient in each provider's administration of a deposit policy shall provide for equitable and indiscriminate application of this Rule 8. For the purpose of this Rule 8, a MTS provider which is the designated jurisdictional provider for a minimum of 10,000 customers or 50,000 access line shall meet the same requirements as a LEC, unless specifically exempted by the Commission. Other providers may establish a deposit policy if it is consistent with the previously stated general intent for those policies and is in accordance with the references to all providers in this Rule 8.

8.1.2 A LEC may require at any time from a customer or a prospective customer, a cash deposit intended to guarantee service provided by the LEC, but only in accordance with the provisions of this Rule 8.

8.1.3 Each LEC shall direct its personnel normally engaged in contact with applicants for service, or customers seeking to establish or reestablish credit under the provisions of these rules, to inform customers expressing nonacceptance of the decision of LEC personnel, of their right to have the problem considered and acted upon by another consumer representative or supervisory personnel of the LEC. If the applicant or customer continues to express dissatisfaction after the supervisory personnel have addressed the problem, each LEC shall further direct the supervisory personnel to provide the applicant or the complainant with the name, address and the current local, or where applicable, the current toll free telephone number of the External Affairs Section of the Commission for further review of an unresolved problem.

8.1.4 The LEC shall establish a written procedure for determining an applicant's credit status. The LEC shall give this written procedure to all its employees who process applications for service to determine credit status. The LEC shall make this procedure available for inspection by the public upon request at each of its business offices. A copy of these procedures shall also be provided to the Executive Secretary of the Commission.

8.1.5 The LEC shall post a notice in each of its business or payment offices in this state advising the public that the Commission's deposit rules are available for inspection upon request.

8.2 Criteria for Establishment and the Amount of a Deposit

8.2.1 Each LEC shall determine credit worthiness in an equitable and nondiscriminatory manner. The decision to require a deposit shall be based solely on the customer's or applicant's credit history and shall not be based upon location, income level, source of income, occupation, race, creed, sex, national origin, marital status, or number of dependents. The LEC shall use the following criteria to determine whether to require a deposit, a guarantee, or other payment as a condition of new or continued service:

- (a) The LEC may require existing customers to make deposits if their payment records show substantial nonpayment for jurisdictional services provided by the LEC in any two of the last six months, or three of the last twelve months. A deposit may be required even if such customers have paid a part of the amount owed before the date of service disconnect for nonpayment. The LEC must give the customer written notice of the amount of the deposit that is required. The written notice shall inform the customer that the deposit payment must be received in 15 calendar days.
- (b) The LEC may require an existing commercial customer to make a deposit if the LEC has reason to believe the customer's credit worthiness is in jeopardy. The LEC shall keep on file the information or reason for this credit judgment and make the information available to the customer upon request. Unless the LEC can reasonably demonstrate that the commercial enterprise is likely to cease operation, information which would lead the LEC to change its judgment of the customer's credit worthiness shall be limited to bad debt records or tax liens.
- (c) Existing customers may be required by a LEC to pay a deposit in full without the notice requirements of 8.2.1(a) before service is restored whenever the denied service has been disconnected for non-payment of outstanding charges.
- (d) A deposit is not required if the applicant or customer furnishes, to the LEC'S satisfaction, a third-party guarantor to secure payment of the customer's bills for jurisdictional services provided by the LEC. The guarantee must be in writing. The amount of the guarantee cannot exceed the maximum amount of the deposit which would otherwise have been required. The guarantee shall remain in effect until terminated in writing by the guarantor, or until the customer has achieved a satisfactory payment record for jurisdictional services for 12 consecutive months. The LEC shall terminate the guarantee five working days after receiving the written notice from the guarantor or five working days after the 12 months satisfactory payment record ends.
- (e) A deposit is not required if the applicant has been a customer of the LEC for a similar type of service within a preceding 12 consecutive month period, and applicant's credit was satisfactory and is not otherwise impaired.
- (f) Under special circumstances, the Commission may

authorize the LEC to waive deposit requirements for certain groups of customers eligible for tariffed discount programs.

8.2.2 The amount of the deposit which may be required of a customer or applicant for the purpose of establishing credit shall not exceed three times the average monthly bill, or twice the average monthly bill for residential customers whose bills are payable in advance, for jurisdictional services provided by the LEC for the same class of customer served by the LEC. However, an estimate of the monthly bill for toll services furnished by another provider can be included in the estimated total monthly bill for jurisdictional services furnished by the LEC when there is a binding contractual relationship between the LEC and the toll service provider under the conditions described in paragraph 9.3.3 of Rule 3 of Section C. An estimate of monthly billing may be used for the purpose of determining a deposit if the LEC can reasonably demonstrate that the customer's usage may be substantially different than the average usage for the same class of service.

8.2.3 The amount of deposit may be adjusted on the basis as stated in paragraphs 8.2.1 and 8.2.2, at the request of the customer or by the LEC at any time when the character, purpose, or degree of the customer's use of the service has materially changed, or when it is indicated that it will change.

8.2.4 A deposit required under this rule may be in addition to any advance, contribution or guarantee in connection with construction of lines or facilities, as provided in the extension policy of the LEC's tariffs on file with the Commission.

8.2.5 In the event a customer requests a hearing on the proposed termination of service, the Commission may set the matter for hearing in accordance with the Rules of Practice and Procedure of the Commission. Upon motion by the LEC, The Commission may order the customer to post an additional deposit or bond with the LEC in such amount as the Commission deems reasonable.

8.3 Limitation on the Use of Deposits

8.3.1 The making of a deposit shall not relieve any customer of the obligation to pay current bills when due. A deposit shall only be applied to the indebtedness of the customer

for jurisdictional telecommunications services of the provider. However, consistent with Paragraphs 8.2.2 and 9.3.3 of these rules, the deposit may be applied to the indebtedness of the customer to a toll service provider which has a contractual billing relationship with the LEC.

8.3.2 No provider shall require any security other than a cash deposit or a third-party guarantee to secure payment for jurisdictional telecommunications services. In no event shall the furnishing of jurisdictional services or extension of facilities or any connected indebtedness result in a lien, mortgage or other security interest in any real or personal property of the customer, unless the indebtedness has been reduced to a judgment in a court of law.

8.3.3 If requested by the customer or applicant that has made the deposit, a receipt for deposits held by a LEC may be transferred between applicants or customers at the discretion of the LEC.

8.4 Payment Arrangements on Deposits

Any applicant or existing customer who is required by a LEC or an MTS provider acting under the requirements of this rule to pay a deposit for jurisdictional services may elect to pay the deposit in full, prior to receiving service, or enter into a written installment agreement for payment of the deposit. The terms of the installment agreement shall be within the following conditions:

- (a) When the combined deposit for all jurisdictional services of providers subject to this rule exceeds \$75.00 per access line, the applicant or customer shall not be required to pay more than one-half of the deposit prior to the provision of service. The remainder of the deposit shall be due not less than 30 days after the date the agreement is executed or the provision of service whichever is later.
- (b) When an applicant or customer enters into an installment agreement to pay a deposit, the LEC shall provide written notice explaining its deposit requirements. The notice shall specify the date each installment payment shall be due and shall include a statement printed in bold-face type that the service will be discontinued if payment is not received when due.
- (c) Should discontinuance for non-payment of a deposit occur, the customer shall be required to pay the full amount of that deposit, as well as any additional amounts owed the LEC, before service is restored.

- (d) The foregoing, notwithstanding, a LEC shall not be required to afford a customer the option to enter into an installment agreement for payment of a deposit when a deposit is required because service has been denied or discontinued in accordance with the provisions of Rule C3.

8.5 Interest and Deposits

8.5.1 Simple interest shall be paid by the LEC upon a deposit at the percentage rate per annum as calculated by the Staff of the Commission and in the manner provided in this rule, payable upon the return of the deposit, or on an annual basis by December 31 of each year. Interest on a deposit shall be earned for the time the deposit is held by the LEC, and shall be calculated from the date the deposit is received by the LEC to the date of payment to the customer or to the date the deposit is credited to the customer's account. If the account is still active or has an unpaid balance, interest payments will be paid by a credit to the customer's account or, if the account has been closed or terminated, the net amount will be paid by check.

8.5.2 Simple interest to be paid on a deposit by the LEC during any calendar year shall be at a rate equal to the average for the period September 1 through August 31 (of the immediately preceding year) of the 12 monthly average rates of interest expressed in percent per annum, payable on one-year United States Treasury Notes and Bonds of Constant Maturity, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, the Staff of the Commission shall send a letter to each LEC within the state stating the rate of interest to be paid on deposits during the calendar year. The LEC is required to display prominently the letter in its business office so it can be read by all customers. The LEC shall state in its tariff the interest rate paid on deposits will be "as determined annually by the PUC Staff."

8.6 Deposit Records

8.6.1 The LEC shall keep a record of each cash deposit until the deposit is returned. The record shall show the following:

- (a) The name of each customer making a deposit;
- (b) The premises occupied by the customer when making the deposit and each successive premises occupied while the deposit is retained by the LEC;

- (c) The amount and date of making the deposit; and
- (d) A record of each transaction, such as the payment of interest, interest credited, etc., concerning the deposit.

8.6.2 Concurrently with receiving a deposit, the provider shall provide the applicant for service or customer a receipt showing the deposit date, the name and billing address of the applicant or customer, and the amount of the deposit.

8.6.3 No provider shall refuse to return a deposit or any balance to which a customer may be entitled solely upon the basis that the customer is unable to surrender his receipt. In case of loss of the receipt, the service provider may require an affidavit from the customer stating proof of his eligibility to receive refund on the deposit. If the provider still maintains a deposit refund is unwarranted, the problem shall be treated as a customer complaint and referred to the External Affairs Section of the Commission Staff under Rule 7.2.

8.7 Refund of Deposits

8.7.1 Upon discontinuance of service, or when a customer establishes credit by other means, the LEC shall promptly refund any deposit, plus accrued simple interest, or the balance, if any, in excess of the unpaid bills for the jurisdictional services furnished by the LEC. A transfer of service from one location to another within the area served by a LEC shall not be deemed a discontinuance of service with the LEC if the character of the service remains unchanged.

8.7.2 When a deposit, with any associated interest, is applied to the liquidation of unpaid bills, the provider shall mail, or otherwise deliver to the customer, a statement showing the amount of the original deposit, plus any accrued interest, the amount of unpaid bills liquidated by the deposit, plus any interest and the balance remaining due either to the customer or the service provider.

8.7.3 Unless the LEC has obtained sufficient factual information to determine that a customer is an unsatisfactory credit risk based upon the criteria described in this Rule 8, the LEC shall promptly refund a customer's deposit, plus interest, upon satisfactory payment of all proper charges for 12 consecutive months.

8.7.4 The LEC shall annually review accounts of customers with deposits and shall refund deposits in accordance with paragraph 8.7.3.

8.7.5 At the option of the LEC, a deposit plus accrued interest may be refunded in whole or in part at any time earlier than the times prescribed in paragraph 8.7.4.

8.7.6 In any event, if there is a balance due the customer after service is discontinued and a final bill is rendered by the provider, that balance shall then be due and payable within 10 working days to the customer without demand or notice from the customer.

8.7.7 When a refund of the deposit cannot be made on the first attempt, the provider will make a reasonable effort to make the refund.

8.7.8 Upon customer request when a deposit is refunded, the provider shall render to the depositor a statement showing the amount of the deposit, the period the deposit was held, and the amount of interest refunded.

8.8 Tariffing of Deposit Policy

Each LEC shall file as part of its tariffs a brief statement stating its deposit requirement policy, explaining under what circumstances a deposit shall be required and when the deposit shall be returned.

Rule 9 - Denial or Discontinuance of Service

9.1 Disconnection Without Notice

No LEC or MTS provider may deny or discontinue service to a customer without prior written notice except for the following reasons:

- (a) If a condition immediately dangerous or hazardous to life, physical safety, or property exists; or
- (b) Upon order by any court, the Commission, or any other duly authorized public authority; or
- (c) If service was obtained fraudulently or without the authorization of the provider or is being used for, or suspected of being used for, fraudulent purposes.

9.2 Disconnection With Notice

A LEC or the sole provider of a jurisdictional toll service with 1+ dialing capability within the exchange may suspend or discontinue service without suspension or, following suspension of service, sever the connection and remove any of its equipment from the customer's premises in the exchange after prior written notice only for one of the following reasons:

- (a) Non-payment of any past due bill for jurisdictional services. The due date shown on the bill must be at least 10 days after the date of the bill issuance or five days after the date of mailing whichever is later. Solely for the purposes of 9.2, a bill is past due if not paid within 30 days of the due date.
- (b) Violation or non-compliance with the Commission's Rules and Regulations governing application for and supply of services by providers.
- (c) Obtaining service by subterfuge which includes, but is not restricted to, an application for service at a location in the name of another party by a customer whose account is delinquent and who continues to reside at the premises.
- (d) Violation of any rule of the LEC or toll service provider on file with and approved by the Commission which may adversely affect the safety of the customer or other persons or the integrity of the provider's service.
- (e) Failure to comply with municipal ordinances or other laws pertaining to telecommunications service which may adversely affect the safety of the customer or other persons or the integrity of the provider's service.
- (f) Failure of the customer to permit the LEC or toll service provider reasonable access to its facilities or equipment.

9.3 Restrictions on Denial or Discontinuation of Service

9.3.1 Jurisdictional service cannot be denied or discontinued for delinquency or nonpayment of charges for service unless the customer has been issued a bill for the charges consistent with the billing requirements under Rule 10.

9.3.2 Delinquency in payment for service rendered to a previous occupant of the premises to be served, unpaid charges for services or facilities not ordered by the present or prospective customer, or failure to pay directory advertising charges or any other indebtedness except as incurred for jurisdictional telecommunication service rendered by the LEC or the toll service provider in the State of Colorado shall not constitute a sufficient cause for refusal or termination of jurisdictional service to a

present or prospective customer. However, consistent with the intent of 9.1(c), jurisdictional services may be denied or discontinued when the provider can reasonably demonstrate it is being used to obtain unauthorized access to a toll service of the provider available to the general public under the interstate jurisdiction.

9.3.3 Notwithstanding other provisions of Rule 9, a LEC may decline to furnish jurisdictional service to any customer for failure to pay any indebtedness incurred for toll service provided by another provider when the service of the MTS provider is under either the intra- or interstate jurisdictions as a provider of that service to the general public if:

- (a) the MTS provider has a binding contractual relationship with the LEC, or the MTS provider is subscribing to tariffs of the LEC providing basic local exchange service and the LEC is the billing agent for the MTS provider; and
- (b) it is currently not technically feasible for either entity serving the customer to block the delinquent customer's access to toll service without simultaneously denying basic local exchange service.

9.3.4 If the customer continues to pay all current bills, which is defined for the purpose of 9.3.4, as that portion of the amount owed by the customer for jurisdictional services that is not more than 30 days overdue, a LEC or jurisdictional MTS provider serving as the designated carrier for a minimum of 10,000 customers or 50,000 access lines shall not discontinue service for non-payment of a past due amount for jurisdictional services when the customer has entered into an amortization agreement with the LEC or MTS provider. Payments for current bills shall first be credited by a LEC to basic local exchange service. Past due amounts collected under the amortization schedule shall first be applied by a LEC to eliminating any over-due payments for basic local exchange service. A reasonable period for amortization of past due amounts shall be six months for residential and three months for commercial customers. Amortization is not appropriate unless the past due amount of the customer is greater than twice the average monthly bill for the class of service to which the customer belongs over the last six months for the use of jurisdictional services provided by the LEC or MTS provider. Partial payments for current bills or for past due amounts shall first be credited to basic local exchange service, unless otherwise instructed by the customer.

9.3.5 In addition to the authority to disconnect without notice for fraudulent purposes under 9.1.(c) and notwithstanding the foregoing provisions of 9.2 or 9.3.4, a LEC or MTS provider may disconnect toll service to a customer upon not less than seven days written notice, consistent with the remaining provisions of Rule 9, if the LEC or MTS provider has substantial reasonable grounds to believe and it is prepared to reasonably demonstrate that payment from the customer is in jeopardy for jurisdictional toll services.

9.3.6 Unless requested by the customer, a LEC shall disconnect dial tone only during the normal business hours of the LEC business or customer service offices. There shall be no disconnection of dial tone from 12 noon on any day when the business or customer service offices of the LEC will not be open the following day until 8:00 a.m. the next day the business or customer service offices are open for a full business day.

9.3.7 A LEC shall postpone discontinuance of basic local exchange service to a residential customer for 30 days from the date of a certificate by a licensed physician which states that discontinuance of service will aggravate an existing medical emergency or create a medical emergency for the customer, a member of his or her family, or other permanent resident on the premises where service is rendered. This postponement may be limited to 60 days within a continuous 12 month period or a lesser period agreed upon by the LEC and the customer or physician.

This notice or certificate of medical emergency must be in writing and show clearly the name of the person whose illness would be exacerbated by discontinuance of service, and the name, title, and signature of the person giving notice of or certifying the medical emergency.

9.4 Notice Requirements

9.4.1 The customer shall be notified in writing of the intention of a LEC or MTS provider to discontinue jurisdictional services and shall be allowed no less than 10 days in which to respond. The notice shall clearly state any amount due and the date by which it must be paid. In the event the customer does not pay or make arrangement for resolution of the dispute by that date, the LEC or MTS provider may discontinue service.

9.4.2 Except as provided by paragraph 9.1, notice of discontinuance of service in accordance with paragraph 9.4.1 of this Rule shall advise the customer how to contact the LEC or toll service provider to resolve any dispute, the amount and date due of any non-payment, information concerning the violation of any rule, and, in addition, the notice shall advise the customer of his rights under this rule as follows:

- (a) The right to make an informal complaint to the Commission Staff by letter, telephone or in person;
- (b) The right to request, in writing, a hearing before the Commission.

9.4.3 A notice for discontinuance of basic local exchange service must also include the following information.

- (a) That the hearing will be conducted in accordance with the Rules of Practice and Procedure of the Commission;
- (b) That the LEC may request the Commission to order the applicant for a hearing to post an additional deposit or bond with the LEC in an amount the Commission deems reasonable under the circumstances.
- (c) That the Commission may order the LEC not to terminate service pending a hearing at the discretion of the Commission. Ordinarily, an order not to terminate service will be issued only if:
 - (1) The customer has posted a deposit or bond with the LEC equal to the amount in dispute or as otherwise prescribed by the Commission; or
 - (2) The customer has previously made an informal complaint to the Commission Staff and Staff investigation of the complaint indicates probable success of the customer.

Rule 10 - Customer Billing Requirements

10.1 Billing Information

10.1.1 Unless service is furnished under a contractual arrangement pursuant to a Commission order, all LEC bills to customers for jurisdictional telecommunications services shall be issued on at least a monthly basis and shall be typed or machine printed. A provider shall not require payment for jurisdictional charges which have not appeared on the customer's printed bill unless otherwise provided by these Rules.

10.1.2 All monthly bills issued by a LEC which include charges for jurisdictional services shall contain an itemization of charges for the following services and shall include, when applicable, but not be limited to:

- (a) basic local exchange service as requested by the customer;
- (b) when the customer is being billed under an optional message or measured service rate the bill shall also include a calculation of the cost of basic local exchange service under the flat rate applicable to the customer, as if the customer were a flat rate subscriber;
- (c) extended area service, when segregated as a separate tariff element;
- (d) other jurisdictional services separately stated, which shall include a listing of any deposit and the interest returned to a customer under the provisions of Rule 8;
- (e) if the LEC has assumed responsibility of collection of toll charges for another provider or provides the toll service for the customer, it shall include an itemization of all toll calls charged to the account including, but not limited to, the date and time of the call, the length of the call in minutes, the destination of the call, or point of origin for collect and third party calls and the rate period applicable (*i.e.* day or peak rate discount/evening and night/economy or supersaver rate);
- (f) the telephone number of the appropriate LEC business office;
- (g) notification of when the bill is due;
- (h) local, state and federal taxes, and;
- (i) segregation of any nonjurisdictional charges for service or equipment from those for jurisdictional services with these charges being labeled as unregulated by this Commission.
- (j) concurrent with the preceeding itemization requirements, all optional services shall be identified as optional. Solely for the purpose of 10.1.2(j), an optional service is one that is not necessary to obtain basic local exchange service. Also charges levied by other governmental bodies, such as the Federal Communications Commission, on basic local exchange service are not to be classified as optional charges within the intent of 10.1.2(j).

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.

10.2 Billing Disputes and Errors and General Refunds

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.
- (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, (whichever occurs first) appropriate adjustments shall be automatically made by the LEC to the customer. The adjustment will, at a minimum, be 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. 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
- (d) the inability of the LEC to gain access to the customer's premises when required.

10.2.4 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.

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.

- (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.

12.2 Directory Information and Instructions

- 12.2.1 The name of the serving LEC, an indication of the area included in the directory and the month and year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory.
- 12.2.2 The directory shall contain instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and locations and telephone numbers of the LEC's business offices appropriate to the area served by the directory.
- 12.2.3 Each directory shall contain, in a prominent manner in the instructional section, notice of the Commission's address and the current local, or where applicable, the current toll free telephone number and the customer's right to bring complaints and inquiries regarding jurisdictional telecommunications service to the Commission.

12.3 Directory Assistance and Intercept

- 12.3.1 The LEC shall list its basic local exchange customers (except those customers requesting otherwise) with the directory assistance operators within 72 hours of service connection in order that they may provide the requested telephone numbers based on the customers' names and addresses when those requests are made.
- 12.3.2 In the event of an error in the listed number or name of any customer by the LEC and until a new directory is published, the LEC shall make whatever special arrangements are necessary and reasonable at no charge to ensure that calling parties are able to reach the customer whose listed number or name is in error.
- 12.3.3 In the event of an error in the number, name or address listing of any customer, the customer's correct name, address and telephone number shall be in the files of the directory assistance and intercept operators within 72 hours of confirmation of the error by the LEC and furnished any caller upon request.

12.3.4 Whenever any customer's telephone number is changed at the request of the customer after a directory is published and until a new directory is issued, the LEC shall intercept all calls to the former number for a reasonable period but not fewer than 60 days. If the change is due to the initiative of the LEC, intercept service for the former number shall be provided for the greater of 60 days or the remaining life of the current directory at no charge. The correct number shall be in the files of the information operator within 72 hours of the number change or sent to the provider of this service within 24 hours if the LEC does not provide its own service. The LEC shall provide the caller with information on how to obtain the new number with the intercept recording.

RULES FOR CONSTRUCTION AND MAINTENANCE
OF PLANT AND EQUIPMENT

Rule 13 - General

The telecommunications plant of the telecommunications service provider shall be constructed, installed, maintained and operated in accordance with good engineering practice in the telecommunications industry to assure, as far as reasonably possible, uniformity in the quality of service furnished and the safety of persons and property.

Rule 14 - Rules Relating to Construction and Maintenance Practices

14.1 Minimum Construction Standard

14.1.1 The provider shall use as a minimum standard of accepted good engineering practice the National Electric Safety Code, dated August 1, 1986, published by the Institute of Electrical and Electronics Engineers, Inc. (IEEE), and endorsed by the American National Standards Institute (ANSI), which is incorporated by reference for all new construction or major rebuild of telecommunication plant begun on or after August 1, 1986. This rule does not include later amendments to or editions of the National Electric Safety Code.

14.1.2 For telecommunication plant constructed or installed prior to August 1, 1986, the minimum standard of accepted good engineering practice shall be the edition of the National Electric Safety Code in effect at the time of beginning construction or installation of the telecommunications plant.

- 14.1.3 Any telecommunications plant of the provider that is constructed, installed, maintained or operated in accordance with the National Electric Safety Code in effect at the time of its construction or installation shall be presumed to comply with accepted good engineering practice in the telecommunications industry and the provisions of this rule. However, all direct buried cables connecting the network interface at the customer's premises to the network facilities of the provider shall be permanently buried, as practical, at least 12 inches below the final surface grade as known at time of installation. All other direct buried communication cable shall at least be buried at depths required for supply cable of similar voltage as specified in the National Electric Safety Code.
- 14.1.4 Certified copies of the complete text of the National Electric Safety Code shall be maintained by the Public Utilities Commission and copies shall be available for public inspection during regular business hours. Certified copies of this code shall be provided at cost upon request. The Executive Secretary of the Public Utilities Commission, 1580 Logan, Office Level Two, Denver, Colorado 80203 will provide information regarding how the National Electric Safety Code may be obtained or examined.
- 14.1.5 The provider shall use as a minimum standard of safe practice the current edition of Part 68 of Title 47 of the Federal Code of Regulations dated October 1, 1987, for the interconnection of new or existing telecommunications plant of the service provider with terminal equipment of a customer. Part 68 of Title 47 of the Federal Code on Regulations dated October 1987, is incorporated by reference. This rule does not include later amendments to or editions of this code. Copies of those regulations shall be maintained by the Executive Secretary of the Public Utilities Commission and will be available for inspection during regular business hours. Certified copies of this code shall be provided at cost upon request. The Executive Secretary, 1580 Logan, Office Level Two, Denver, Colorado 80203, will provide information regarding how part 68 of Title 47 Federal Code of Regulations dated October 1, 1987, may be obtained or examined.

- 14.1.6 The telecommunications service provider will coordinate with other entities concerning construction work initiated by itself, or other entities, that may affect its facilities used for serving the public. For example, the provider shall:
- (a) Economically minimize construction expenditure by coordination with other entities such as the joint use of trenches for cable where joint construction is both safe, cost effective and in the best interests of the provider.
 - (b) Take reasonable action such as identifying for other entities the location of underground facilities which may be affected by construction work, to protect service to the public. To accomplish this result, the provider shall maintain a data base or some other form of quickly accessible information at its facilities sufficient to allow facility location coordination and participation in a program on a statewide basis to minimize service interruptions caused by accidental cutting of cables.
 - (c) Engage in coordination with electric power utilities in the area prior to constructing new plant or a major rebuild of existing plant which may be impacted by inductive interference from the electric power system.
- 14.1.7 Each provider shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system to permit at all times the rendering of safe, adequate and continuous service as recognized by general practices within the telecommunication industry. The presence of inductive interference, cut-offs, intelligible cross-talk and excessive noise generation by communication system facilities during the provision of telecommunications services by the provider are symptomatic of inadequate service, and a maintenance program should be designed to minimize or prevent those occurrences. The provider shall maintain its system to meet the applicable service adequacy standards defined in these rules (Rules 16 - 23).
- 14.1.8 Records of various tests and inspections necessary to meet service standards of the industry in general or those contained in these rules (Rules 16 - 23) shall be kept on file in the office of the provider for review by this Commission. These records shall show the nature of the equipment tested, the reason for the test, the

general conditions under which the test was made, the general result of the test and the corrections made.

Rule 15 - Rules Relating to Provision of Service
During Maintenance or Emergencies

15.1 Minimum Standards for Maintaining Service

- 15.1.1 Each LEC shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators, or from fire, storm, or acts of God, and shall issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruptions or impairment of telecommunications service.
- 15.1.2 Each local central office, toll switching or tandem switching office of a LEC shall contain a minimum of four hours of battery reserve rated for peak traffic load requirements. In central offices with capacity for more than 10,000 access lines, or in toll or tandem switching offices, a permanent auxiliary power unit shall be installed. For central offices serving fewer than 10,000 lines, a mobile power source shall be available which normally can be delivered and connected within four hours.
- 15.1.3 Service interruptions for an extended time due to maintenance requirements shall be done at a time which causes minimal inconvenience to customers. To the extent possible, customers shall be notified in advance by the LEC of extended maintenance requirements. Emergency service should be made available in an area that experiences a service interruption affecting 1000 or more access lines which may last for more than four hours during the hours of 8:00 a.m. to 10:00 p.m. based upon the prior experience of the LEC. If the LEC cannot provide emergency service it shall file a report of the occurrence as required under 5.6.
- 15.1.4 Each LEC shall develop a general contingency plan to prevent or minimize any service interruptions due to the catastrophic loss of a central office switch that serves more than 10,000 access lines or is the toll or tandem switching office for 10,000 access lines. The plan shall describe the actions and systems installed to prevent or minimize the probability of such an occurrence as well as

describe the actions and systems available to minimize the extent of any incurred service interruption.

RULES REGARDING QUALITY OF TELECOMMUNICATIONS SERVICE

Rule 16 - Adequacy of Service

16.1 General Requirements

- 16.1.1 Each LEC and toll service provider shall employ prudent management and engineering practices so that sufficient equipment and adequate personnel are available at all times, including the average busy hour of the busy season. To meet this objective, each LEC and toll service provider shall conduct traffic studies, employ reasonable procedures for forecasting future service demand and maintain the records necessary to demonstrate to this Commission that sufficient equipment is in use and that an adequate operating force is provided.
- 16.1.2 The criteria for quality of service established within these rules defines a minimal acceptable standard for the most basic elements of telecommunications service. The rules do not attempt to define all criteria for all service applications nor the most desirable service level for any basic element except for the minimal acceptable standard. In the event a specific service element is not covered by these rules, the provider will be expected to meet generally accepted industry standards for that element and the total service. Organizations which are recognized for establishing standards that may be appropriate for telecommunications services provided in this state include the IEEE, ANSI, The Rural Electrification Authority (REA) and the Federal Communications Commission (FCC).
- 16.1.3 Each LEC and toll service provider shall make regular, periodic measurements to determine the level of service for each item included in these rules. These records shall be available for review by this Commission upon request.
- 16.1.4 The standards within these rules establish the minimum acceptable quality of service under normal operating conditions. They do not establish a level of performance to be achieved during the periods of emergency, catastrophe, natural disaster, severe storm or other

events affecting large numbers of customers nor shall they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, or other events for which a provider may not have been expected to accommodate.

Rule 17 - Grades of Service

The principal grades of basic local exchange service are individual and two-party service. Each LEC shall attempt to maximize the prevalence of these two grades of service and the number of customers provided party line service on an access line. No LEC shall connect more customers on any line than are contemplated under the grade of service charged the customer on that line. Any LEC with more than two customers being provided party line service from an access line shall use its best efforts to ensure that all lines shall be changed to at least two party service within five years of the enactment of this rule.

The LEC may rearrange customer connections on existing access lines or regrade customers as necessary to carry out the provisions of this rule.

Rule 18 - Customer Access Lines

LECs shall construct and maintain all local access lines used for individual line service so that the transmission insertion loss, as measured at the interface with the LEC network at the customer's location and including any losses in central office equipment, does not exceed 8.5 dB at 1000 ± 20 HERTZ (HZ). All local access lines used for party line service shall be maintained so that the measured insertion loss under the previously described condition does not exceed 10 dB.

In addition, local access lines used for individual line service of less than 30,000 feet in length shall be constructed and maintained so that a measure of the message circuit noise from the network interface at the customer's premises to and including the central office termination shall not exceed 25 dBrnC. All other access lines shall be maintained so that the measured message circuit noise does not exceed 30 dBrnC.

Rule 19 - Interexchange Trunking Connections

LECs and other MTS providers shall construct and maintain sufficient trunking facilities so that 95 percent of the sampled toll calls have from a minimum of 3 to a maximum of 12 dB of transmission loss at 1000 ± 20 HZ. Excluding calls between central offices in the same building, trunking facilities used solely for providing extended area service shall be constructed and maintained so that 95 percent of the sampled calls have from a minimum of 2dB to a maximum of 9dB of

transmission loss at $1000 \pm 20\text{Hz}$ with the measured loss for any trunk directly connecting two central offices not exceeding 6.0 dB. These measurements are for trunk side access connections and include losses associated with the originating and terminating central offices.

The allowable message circuit noise measure for the sampled calls shall be no more than 31 dBrnC for connections as measured between the line side of the originating central office and the line side of the terminating central office which are located less than 50 miles apart. For central offices located 50 to 100 miles apart the allowable measure is 35 dBrnC and for distances greater than 100 miles the maximum allowable value is 38 dBrnC.

Rule 20 - PBX And Multiline Channels

The provisions of Rule 18 concerning individual service local access line shall apply to facilities connecting the network interface for switching and intercommunication among stations at the customer's premises to the line side of the serving central office. However, if transmission insertion loss exceeds 8.5 dB at the station set of the customer, the responsibility of the LEC shall be limited to providing a channel with no more than 6.5 dB of loss as measured from the customer's interface with the LEC network to and including the central office for access line lengths of less than 18,000 feet.

Rule 21 - Network Call Completion Requirements

21.1 Direct Dialed Calls

21.1.1 The LEC shall maintain sufficient central office and interoffice channel capacity plus other necessary facilities to meet the following minimum requirements during any normal busy hour:

- (a) Dial tone within three seconds for 98 percent of call attempts on the switched network.
- (b) Correct termination of 98 percent of properly dialed intraoffice or interoffice calls within an extended service area.
- (c) Correct termination of 98 percent of properly dialed intra or interLATA calls when the call is routed entirely over the network of the LEC.

21.1.2 Unless otherwise authorized by the Commission, a MTS provider of jurisdictional toll services in this state shall maintain sufficient switching and network channel capacity plus other necessary facilities so that 98 percent of properly dialed toll calls are correctly terminated.

21.1.3 A properly dialed call shall be terminated in one of the following conditions:

- (a) The calling party receives an indication of ringing and a ringing signal is delivered to the station location of the called party. If the called party answers, a connection is established between the calling and called parties.
- (b) If the called number is busy, the calling party receives a busy signal.
- (c) If a connection cannot be established between the calling and called parties, the calling party will receive an announcement or an appropriate overflow signal which is different than a called party busy signal. A call is not considered to be correctly terminated when this condition exists.
- (d) A call to a non-working code or inoperative customer number is directed to the intercept service of the LEC.

21.1.4 All MTS providers, which use connections provided from the line side of the central office of the LEC or connections that require use of a special access code to reach the service provider, in addition to using trunk side connections without this requirement furnished by the LEC at this or any other central office, shall order sufficient quantities of switched access service from the LEC to maintain the same blocking probability on those connections as the provider normally establishes for trunk side connections without the access code requirement using similar assumptions of customer toll calling demand. Normally, the Commission shall consider a .01 blocking probability to be a desirable parameter for ordering switched access service from a LEC.

21.2 Operator Assisted Calls

21.2.1 All communications between customers must be considered as confidential in nature. The provider shall take reasonable action to minimize the potential access of other entities to those communications. Operators or employees of the provider must not listen to any conversation between customers except when an operating necessity. Operators shall not repeat or divulge the nature of any local or long distance conversation, nor divulge any information inadvertently overheard. Providers will be held responsible for strict compliance with this rule by their employees or other entities which perform this service for the provider.

- 21.2.2 Suitable rules and instructions shall be adopted by each provider and followed by employees or other entities employed by the provider governing the language and operating methods to be used by operators during assistance to customers. Specifically, operators must be instructed to be courteous, considerate, and efficient in the handling of all customer calls. Any required call timing for jurisdictional operator assisted calls shall accurately record when the customer requested connection is established and when it is terminated.
- 21.2.3 Each provider offering operator assistance to the public shall provide a service that can answer 85 percent of directory, intercept, toll and local assistance calls within 10 seconds.
- 21.2.4 Other calls directed to the published telephone numbers for service repair or the business offices of the LEC or MTS providers shall be acknowledged within 20 seconds and shall be answered by an operator or other employee within 40 seconds for 85 percent of all such calls.
- 21.2.5 An answer shall mean that the operator is ready to accept information necessary to process the call. An acknowledgement that the customer is waiting on the line shall not constitute an answer.

Rule 22 -Trouble Report Response

22.1 Maximum Acceptable Number of Reports

Each LEC shall maintain its network so as to minimize customer trouble reports for jurisdictional services economically but shall not exceed eight reports per 100 access lines per month per exchange averaged over a three-month period. For the purpose of this paragraph of Rule 22, each customer receiving party line service shall be considered to have one access line.

22.2 Allowable Response Time

The response of a LEC to customer trouble reports shall clear 85 percent of all out-of-service reports during any three-month period within 24 hours.

This criteria excludes the following conditions:

- (a) Reports for nonjurisdictional services or services of another provider.
- (b) Situations where access to the customer's premise is required but not available.

22.3 Response Priority

If requested by the customer, the LEC shall give priority to and initiate repairs regardless of the hour for customer trouble reports which may affect the public health and safety.

22.4 Customer Notification

If employees of the LEC cannot clear the reported trouble promptly, the customer will be given a reasonable estimate of when the trouble report will be cleared.

Rule 23 - Availability of Public Telephone Service.

The LEC shall provide public telephone service on a 24-hour basis within each exchange that includes a city, town or village. The LEC shall attempt to maximize the number of public telephones over which it has control that are equipped to provide dial tone prior to deposit of coins. Public Telephone Service facilities shall be monitored and properly lighted and shall include a directory, dialing instructions, appropriate emergency telephone numbers and local call price information. Calls to 911 or "0" (Operator) shall be at no charge to the customer.