**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS**

**TARIFF FILING REQUIREMENTS FOR ~~[INCUMBENT LOCAL EXCHANGE CARRIERS]~~ A LOCAL EXCHANGE TELECOMMUNICATION COMPANY AND A COMPETITIVE ~~[LOCAL EXCHANGE CARRIERS]~~ TELECOMMUNICATIONS CARRIER**

**§ 53.57. Definitions.**

The following words and terms, when used in this section and §§ 53.58—53.60, have the following meanings, unless the context clearly indicates otherwise:

***BUNDLED SERVICE PACKAGE***—**(I)** **A PACKAGE, WHICH INCLUDES NONCOMPETITIVE OR PROTECTED AND COMPETITIVE SERVICES, INCLUDING SERVICES OF AN AFFILIATE, IN COMBINATIONS AND AT A SINGLE RATE OR CHARGE THAT IS OFFERED AND BILLED ON ONE BILL BY A COMPETITIVE TELECOMMUNICATIONS CARRIER OR A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

**(II)** **THE TERM DOES NOT INCLUDE A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OR COMPETITIVE TELECOMMUNICATIONS CARRIER TARIFF FILING THAT INVOLVES SIMULTANEOUS CHANGES IN RATES AND CHARGES FOR NONCOMPETITIVE SERVICES IN A REVENUE NEUTRAL MANNER.**

**~~[~~*~~CLEC—Competitive local exchange carrier~~*~~—A telecommunications company that has been certificated by the Commission as a CLEC under the Commission’s procedures implementing the Telecommunications Act of 1996, the act of February 8, 1996 (Pub.L. No. 104-104, 110 Stat. 56), or under the relevant provisions of 66 Pa.C.S. § 3009(a) (relating to additional powers and duties).]~~**

*Competitive service*—~~A service or business activity offered by~~ **~~[an ILEC or CLEC] a local exchange telecommunications company or a service or business activity offered by a competitive telecommunications carrier~~** ~~that has been~~ **~~[classified as] determined or declared to be~~** ~~competitive by the Commission under the relevant provisions of 66 Pa.C.S. §~~ **~~[3005] 3016~~** ~~(relating to competitive services~~**~~).~~ AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

***CTC—Competitive telecommunications carrier*—an entity that provides telecommunications services subject to the jurisdiction of the Commission and in competition with a local exchange telecommunications company.**

***COMPETITIVE WIRE CENTER –* A WIRE CENTER OR OTHER GEOGRAPHIC AREA THAT IS DEFINED AND SERVED BY A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY WHERE ALL OF ITS PROTECTED, RETAIL NONPROTECTED AND RETAIL NONCOMPETITIVE TELECOMMUNICATIONS SERVICES HAVE BEEN DECLARED OR DETERMINED TO BE COMPETITIVE BY THE COMMISSION UNDER 66 PA.C.S. § 3016 (RELATING TO COMPETITIVE SERVICES).**

***Enterprise and large business customer*—any legal entity ~~organized by charter, agreement or other similar instrument,~~ including, BUT NOT LIMITED TO, corporations, partnerships, limited liability companies, ~~or other similar organizations of more than one person, including, but not limited to~~** **hospitals, schools, government agencies and correctional institutions with AN annual TOTAL BILLED revenue ~~that exceeds~~ EQUAL TO OR GREATER THAN ~~$500,000.00~~ ~~gross revenue or that employs more than 50 full-time equivalent employees and obtains telecommunications service by means of customized or individually-negotiated contractual agreements~~ $80,000 FOR TELECOMMUNICATIONS SERVICES.**

**~~[~~*~~ILEC—Incumbent local exchange carrier~~*~~—A telecommunications company deemed to be an ILEC under section 101(a)(h) of the Telecommunications Act of 1996 (47 U.S.C.A. § 251(h)).]~~**

*~~Joint or bundled service packages~~*—

(i) ~~Service packages composed of one or more distinct categories of noncompetitive and competitive services and service options or features, inclusive of toll services, when the service packages are offered by~~ **~~[CLECs and ILECs] competitive telecommunications carriers and local exchange telecommunications companies~~** ~~under a single rate or charge and a unified set of terms and conditions for service as defined in a tariff approved by the Commission.~~

~~(ii) The term does not include~~ **~~[ILEC or CLEC] local exchange telecommunications company or competitive telecommunications carrier~~** ~~tariff filings that involve simultaneous changes in rates and charges for noncompetitive services in a revenue neutral manner.~~

*Lifeline plan*—A tariffed service offering, approved by the Commission, which provides telecommunications services to qualified low-income end-user consumers at reduced rates and charges in accordance with applicable State or Federal law or regulations.

***LETC****—****Local exchange telecommunications company*—**~~An incumbent carrier authorized by the Commission to provide local exchange telecommunications service. The term includes a rural telecommunications carrier defined under section 3 of the Telecommunications Act of 1996 (47 U.S.C.A. § 153(44)) and a nonrural incumbent local exchange carrier under section 101(a)(h) of the Telecommunications Act of 1996 (47 U.S.C.A. § 251(h)).~~ **A TELECOMMUNICATIONS SERVICE PROVIDER AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

*New service*—A service **OR BUSINESS ACTIVITY** that is not substantially the same or functionally equivalent with existing competitive or noncompetitive services.

*Noncompetitive service*—~~A~~ **~~[protected telephone] telecommunications~~** ~~service as defined in 66 Pa.C.S. §~~ **~~[3002] 3012~~** ~~(relating to definitions) or a~~ **~~regulated telecommunications~~** ~~service~~ **~~or business activity~~** ~~that has~~ **~~not~~** ~~been determined~~ **~~or declared to be competitive~~** ~~by the Commission~~ **~~[as not a competitive service]~~**~~.~~ **AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

***NONCOMPETITIVE WIRE CENTER*–A WIRE CENTER OR OTHER GEOGRAPHIC AREA THAT IS DEFINED AND SERVED BY A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY WHERE THE JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY OFFERS PROTECTED, RETAIL NONPROTECTED AND RETAIL NONCOMPETITIVE TELECOMMUNICATIONS SERVICES AS DEFINED BY 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

***Nonprotected service—*~~A telecommunications service as defined in 66 Pa.C.S. § 3012 or any telecommunications service provided by a local exchange telecommunications company that is not a protected service.~~** **AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

***PRICE LIST—*A DOCUMENT THAT SHALL CONTAIN THE PRICES OR RATES OF RETAIL COMPETITIVE SERVICES OR PRODUCTS. THE PRICE LIST MAY BE SET FORTH IN THE PRODUCT GUIDE OR SIMILAR DOCUMENT OF THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OR COMPETITIVE TELECOMMUNICATIONS CARRIER.**

***PRODUCT GUIDE—*A DOCUMENT THAT SHALL CONTAIN THE DESCRIPTION, TERMS, CONDITIONS AND PRICES OF RETAIL COMPETITIVE SERVICES OR PRODUCTS.**

*Promotional service offerings*—A service **OR BUSINESS ACTIVITY** offered by a **~~[CLEC or ILEC]~~ competitive telecommunications carrier or local exchange telecommunications company** at rates, terms and conditions that are designed to promote usage and available for a duration of no longer than 6 months in any rolling 12-month period.

***Protected service***—**~~A telecommunications service as defined in 66 Pa.C.S. § 3012 that is offered by a local exchange telecommunications company and has not been determined to be a competitive service by the Commission.~~** **AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

**§ 53.58. Offering of competitive services.**

(a) **~~[ILEC]~~** **~~A~~ ONLY A local exchange telecommunication ~~company’s~~ COMPANY MAY OBTAIN A COMPETITIVE SERVICES CLASSIFICATION FOR ITS RETAIL protected, retail noncompetitive and retail nonprotected** services ~~that have been declared or determined to be competitive~~ under the relevant provisions of 66 Pa.C.S. §**~~[3005]~~ 3016** (relating to competitive services)~~, may also be offered by~~ **~~[CLECs] competitive telecommunications carriers~~** ~~as competitive services without prior competitive determination and classification by the Commission subject to this section~~. **THE COMPETITIVE CLASSIFICATION THAT A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OBTAINS FOR ITS RETAIL SERVICES UNDER 66 PA.C.S. § 3016 (A) OR (B) SHALL BECOME APPLICABLE TO THE SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALENT RETAIL SERVICE OF THE COMPETITIVE TELECOMMUNICATIONS CARRIER OPERATING IN THE SAME GEOGRAPHIC REGION AS THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

(b) ~~Under § 53.59 (relating to cost support requirements and effective filing dates for tariff filings of noncompetitive services), a~~ **~~[CLEC] competitive telecommunications carrier~~** ~~may offer services classified as noncompetitive in~~ **~~[an ILEC] a local exchange telecommunications company’s~~** ~~service territory when the~~ **~~[CLEC] competitive telecommunications carrier~~** ~~has been certificated to offer service.~~ **(RESERVED).**

(c) **~~[When the Commission approves a CLEC petition under the relevant provisions of 66 Pa.C.S. § 3005 for classification of a noncompetitive service to a competitive service, the ILEC serving that petitioning CLEC’s service territory and other certificated CLECs within the petitioning CLEC’s service territory may offer the service approved by the Commission as a competitive service subject to this section.]~~** **~~A local exchange telecommunications company and a competitive telecommunications carrier may declare retail nonprotected services that they offer to enterprise and large business customers throughout their service territories as competitive without first filing a petition with the Commission and making a demonstration of competitiveness.~~ (RESERVED).**

(d) **[~~CLECs and ILECs] Local exchange telecommunication companies and competitive telecommunications carriers~~** ~~offering services~~ **~~[determined by the Commission as competitive shall file with the Commission appropriate informational tariffs, price lists, and ministerial administrative tariff changes. These filings will become effective on 1-days’ notice] declared as competitive under 66 Pa.C.S. §§ 3011—3019 (relating to alternative form of regulation of telecommunications services) will not be required to file tariffs with the Commission for these services but the carrier may be required to maintain price lists with the terms and conditions in a product guide or similar document made available on the carrier’s web site~~**~~.~~

**~~(1) A local exchange telecommunications company and a competitive telecommunications carrier shall file a price list for stand-alone basic residential service.~~**

**~~(2) A local exchange telecommunications company and a competitive telecommunications carrier may provide rates and terms of basic dial tone service available through a product guide or similar document on its web site instead of maintaining a price list or formal tariff with the Commission.~~** **~~The carrier shall maintain an archive of outdated rates, terms and conditions that were available in a product guide or similar document for a period of 4 years, and shall remain obligated to provide both current and archived documents to the Commission upon reasonable request.~~  A LOCAL EXCHANGE TELECOMMUNICATION COMPANY AND A COMPETITIVE TELECOMMUNICATIONS CARRIER SHALL:**

**(1) MAINTAIN ON ITS WEBSITE A PRICE LIST FOR ITS RETAIL COMPETITIVE TELECOMMUNICATIONS SERVICES OR A PRODUCT GUIDE OR SIMILAR DOCUMENT SETTING FORTH THE RATES, TERMS AND CONDITIONS OF ITS RETAIL COMPETITIVE TELECOMMUNICATIONS SERVICES.**

**(2) FILE WITH THE COMMISSION AND MAINTAIN ON ITS WEBSITE A PRICE LIST FOR ITS COMPETITIVE STANDALONE BASIC RESIDENTIAL VOICE SERVICE.**

**(3) MAINTAIN ON ITS WEBSITE AN ARCHIVE OF OUTDATED RATES, TERMS AND CONDITIONS FOR ITS RETAIL COMPETITIVE TELECOMMUNICATIONS SERVICES THAT WERE AVAILABLE IN ITS PRICE LIST, PRODUCT GUIDE OR SIMILAR DOCUMENT FOR A PERIOD OF FOUR YEARS FROM THEIR POSTING, AND SHALL PROVIDE BOTH CURRENT AND ARCHIVED DOCUMENTS TO THE COMMISSION UPON REASONABLE REQUEST.**

(e) ~~Under Chapter 5 (relating to formal proceedings),~~ **~~[the Commission] a party~~** ~~may~~ **~~petition the Commission to~~** ~~initiate a proceeding for the potential reclassification from competitive to noncompetitive a service that is offered by~~ **~~[either or both an ILEC and CLECs] a local exchange telecommunications company or competitive telecommunications carriers~~** ~~in a specific service territory under the relevant provisions of 66 Pa.C.S. §~~ **~~[3005(d)] 3016(c)~~**~~.~~

~~(1) The Commission will decide which competitive service of~~ **~~[an ILEC or CLEC] a local exchange telecommunications company or a competitive telecommunications carrier~~** ~~warrants reclassification to noncompetitive status under relevant provisions of 66 Pa.C.S. §~~ **~~[3005(d)] 3016(c)~~**~~.~~

~~(2) The Commission will provide an opportunity to participate in the proceeding to the~~ **~~[ILEC and to those CLECs]~~****~~local exchange telecommunications company and those competitive telecommunications carriers~~** ~~that offer substantially the same or functionally equivalent competitive service within the service territory of the~~ **~~[ILEC or specific CLEC]~~****~~local exchange telecommunications company~~** ~~for which there is a reclassification proceeding.~~

~~(3) The Commission will separately determine whether the substantially same or functionally equivalent service that is offered by~~ **~~[the competing ILEC or CLECs] a local exchange telecommunications company and a competitive telecommunications carrier~~** ~~in the relevant service territory will continue to be classified as a competitive service~~ **~~for the local exchange telecommunications company or competitive telecommunications carrier~~**~~.~~

~~(4) When reviewing whether a service should be reclassified, the Commission will consider the following factors:~~

~~(i)~~ **~~[The ease of entry by potential competitors into the market for the specific service at issue] (Reserved)~~**~~.~~

~~(ii) The presence of other existing telecommunications carriers in the market for the specific services at issue.~~

~~(iii)~~ **~~[The ability of other telecommunications carriers to offer the service at competitive prices, terms and conditions.] (Reserved)~~**~~.~~

**~~(iv) The availability of like or substitute service alternatives in the relevant geographic area for the service at issue.~~**

~~(v)~~ **~~[Whether the service is provided under conditions that do not constitute unfair competition.]~~**

~~(vi)~~ **~~[Whether the service, including its availability for resale under the relevant provisions of the Telecommunications Act of 1996, the act of February 8, 1996 (Pub.L. No. 104-104, 110 Stat. 56), is provided on a nondiscriminatory basis.] (Reserved)~~**~~.~~

~~(vii) Other factors deemed relevant by the Commission~~. **A PARTY**

**SEEKING THE RECLASSIFICATION OF A RETAIL TELECOMMUNICATIONS SERVICE OR OTHER BUSINESS ACTIVITY THAT HAS BEEN DESIGNATED AS A COMPETITIVE SERVICE UNDER 66 PA.C.S. § 3016 OF THE PUBLIC UTILITY CODE SHALL FILE A PETITION AS DIRECTED IN 66 PA.C.S. § 3016(C) OF THE PUBLIC UTILITY CODE. THE COMMISSION WILL USE THE FACTORS SET FORTH IN 66 PA.C.S. § 3016(C)(3) TO MAKE ITS DETERMINATION OF WHETHER RECLASSIFICATION OF THE COMPETITIVE SERVICE TO A NONCOMPETITIVE SERVICE IS WARRANTED. A RECLASSIFICATION DETERMINATION OF A COMPETITIVE SERVICE SHALL BE APPLICABLE TO BOTH THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY AND A COMPETITIVE TELECOMMUNICATIONS CARRIER THAT IS OFFERING A SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALENT SERVICE IN THE SAME GEOGRAPHIC AREA.**

**(F) A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY MAY DECLARE AS COMPETITIVE THE RETAIL NONPROTECTED AND RETAIL NONCOMPETITIVE TELECOMMUNICATIONS SERVICES IT OFFERS TO ENTERPRISE AND LARGE BUSINESS CUSTOMERS, AS DEFINED IN 52 PA. CODE § 52.57, THAT ARE LOCATED IN ITS CERTIFICATED SERVICE TERRITORY.**

**§ 53.59. Cost support requirements and effective filing dates for tariff filings of noncompetitive services.**

(a) **~~[~~*~~CLEC services~~*~~]~~ *~~Services~~*** *~~priced below~~* **~~[~~*~~ILEC~~*~~]~~ *~~the~~*** *~~rates~~* ***~~of a local exchange telecommunications carrier~~***~~.~~ **~~[A CLEC] A competitive telecommunications carrier~~** ~~that offers services that are substantially the same or functionally equivalent with noncompetitive services by~~ **~~[an ILEC]~~****~~a local exchange telecommunications company~~** ~~in the service territory of the~~ **~~[ILEC] local exchange telecommunications company~~**~~, at rates and charges that are at or below the level of the corresponding rates and charges of the~~ **~~[ILEC]~~****~~local exchange telecommunications company~~** ~~for these services, is not required to provide cost support for tariff filings and rate changes involving these services. These tariff filings will be effective on 1-day’s notice if the following apply:~~ **(RESERVED).**

~~(1) The~~ **~~[CLEC] competitive telecommunications carrier~~** ~~offers these services in the same service territory as the~~ **~~[ILEC]~~****~~local exchange telecommunications company~~**~~.~~

~~(2) The~~ **~~[CLEC]~~****~~competitive telecommunications carrier~~** ~~tariff filing does not contain any material changes in the~~ **~~[CLEC’s]~~****~~competitive telecommunications carrier’s~~** ~~tariff rules, terms or conditions.~~

~~(3) The~~ **~~[CLEC]~~****~~competitive telecommunications carrier~~** ~~specifically states in its accompanying cover letter that the filing is being made on 1-day’s notice in accordance with this subsection, and that the tariff filing does not contain material changes in the~~ **~~[CLEC]~~****~~competitive telecommunications carrier’s~~** ~~tariff rules, terms or conditions.~~

~~(4) The~~ **~~[CLEC] competitive telecommunications carrier~~** ~~provides copies of the~~ **~~[ILEC’s]~~****~~local exchange telecommunications company’s~~** ~~effective tariffs designating the corresponding rates and charges of the same or functionally equivalent noncompetitive services.~~

(b) **~~[~~*~~CLECs~~*~~]~~ *~~Competitive telecommunications carriers~~****~~operating in multiple~~* **~~[~~*~~ILEC~~*~~]~~** *~~territories~~*~~. When~~ **~~[a CLEC]~~****~~a competitive telecommunications carrier~~** ~~offers services in the service territories of more than one~~ **~~[ILEC] local exchange telecommunication company~~**~~, and the rates and charges for these services satisfy the criteria of subsection (a), the~~ **~~[CLEC]~~****~~competitive telecommunications carrier~~** ~~may file separate tariff schedules when the rates and charges for these services correspond to the rates and charges of the different~~ **~~[ILECs] local exchange telecommunications companies~~** ~~in their respective service territories.~~ **(RESERVED).**

(c) **~~[~~*~~CLEC services~~*~~]~~*****~~Services~~*** ~~priced above~~ **~~[~~*~~ILEC~~*~~]~~***~~the rates~~* ***~~of a local exchange telecommunications company~~****~~and~~* **~~[~~*~~CLEC~~*~~]~~ *~~competitive telecommunications carrier~~*** *~~new services~~*~~.~~ **(RESERVED).**

~~(1)~~ **~~[CLEC]~~****~~A competitive telecommunications carrier~~** ~~tariff filings for services that are substantially the same or functionally equivalent with noncompetitive services offered by~~ **~~[an ILEC]~~****~~a local exchange telecommunications company~~** ~~in the same service territory of the~~ **~~[ILEC]~~****~~local exchange telecommunications company~~**~~, at rates and charges that are higher than the corresponding rates and charges of the~~ **~~[ILEC]~~****~~local exchange telecommunications company~~**~~, will become effective as filed if the Commission does not take any action within 30 days from the date when all consumers subject to the rate increase shall have received individual notice.~~

~~(2)~~ **~~[CLEC]~~****~~Competitive telecommunications carrier~~** ~~tariff filings for new services will become effective as filed if the Commission does not take any action within 30 days from the date the tariff filing is filed with the Commission.~~

~~(3) The tariff filings in this subsection shall be received by the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission’s~~ **~~[Office of Trial Staff]~~****~~Bureau of Investigation and Enforcement~~** ~~on the date of filing with the Commission’s Secretary’s Bureau.~~

~~(4) The Commission may extend the review period in this subsection by up to an additional 30 days upon notice to the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission’s~~ **~~[Office of Trial Staff]~~****~~Bureau of Investigation and Enforcement~~** ~~and the affected~~ **~~[CLEC]~~****~~competitive telecommunications carrier~~**~~.~~

~~(5) The~~ **~~[CLEC] competitive telecommunications carrier~~** ~~shall include the following summary documentation for tariff filings involving the services:~~

~~(i) A brief statement indicating whether the~~ **~~[CLEC]~~****~~competitive telecommunications carrier~~** ~~offers these services solely on the basis of resale of an~~ **~~[ILEC’s]~~****~~local exchange telecommunications company’s~~** ~~retail services, through its own facilities, or a combination of both.~~

~~(ii) A brief statement indicating whether the tariff filing represents an increase or decrease in existing rates and charges.~~

~~(iii) A summary justification of the tariff filing, including an explanation of whether the proposed changes have been caused by a corresponding change in rates and charges of the resold services of the underlying~~ **~~[ILEC] local exchange telecommunications company~~**~~.~~

(d) **~~[~~*****~~CLEC~~*~~]~~*****~~Competitive telecommunications carrier~~****~~ministerial administrative changes~~*~~.~~ **~~[CLEC]~~****~~Competitive telecommunications carrier~~** ~~ministerial administrative tariff filings for services that are substantially the same or functionally equivalent with noncompetitive services offered by~~ **~~[an ILEC] a local exchange telecommunications company~~** ~~in the same service territory of the~~ **~~[ILEC]~~****~~local exchange telecommunications company~~**~~, will be effective on 1-day’s notice.~~ **(RESERVED).**

(e) *~~Cost support for~~* **~~[~~*~~CLEC~~*~~]~~** *~~filings~~*~~.~~ ~~When new or revised~~ **~~[CLEC]~~****~~competitive telecommunications carrier~~** ~~rates for service are higher than those of the~~ **~~[ILEC] local exchange telecommunications company~~** ~~in that~~ **~~[ILEC’s]~~****~~local exchange telecommunications company’s~~** ~~service territory, the Commission may request relevant documentary support, including cost support and a statement of compliance with applicable guidelines. The requests can be made either before or after the rates become effective, and will only occur when it is necessary to protect consumers such as, without limitation, when the service is targeted to the economically disadvantaged or customers with poor credit histories.~~ **(RESERVED).**

(f) **~~[~~*~~ILEC~~*~~] Local exchange telecommunications company~~***~~rate changes~~*~~.~~**(RESERVED).**

~~(1)~~ *~~Rate reductions~~*~~.~~ **~~[ILEC]~~****~~Local exchange telecommunications company~~** ~~tariff filings for noncompetitive services that represent rate reductions from current rates and charges of that~~ **~~[ILEC]~~****~~local exchange telecommunications company~~**~~, will become effective as filed if the Commission does not take any action within a 10-day notice and review period. To obtain the 10-day notice and review period, the~~ **~~[ILEC]~~****~~local exchange telecommunications company~~** ~~shall provide copies of its current tariff for the noncompetitive service for which it seeks a rate reduction.~~

~~(2)~~ *~~Rate increases~~*~~.~~ **~~[ILEC] Local exchange telecommunications company~~** ~~tariff filings for noncompetitive services that represent rate increases from current rates and charges of that~~ **~~[ILEC]~~****~~local exchange telecommunications company~~** ~~will become effective as filed if the Commission does not take any action within 30 days from the date when all consumers subject to the rate increase shall have received individual notice.~~

~~(3)~~ *~~New services~~*~~.~~ **~~[ILEC]~~****~~Local exchange telecommunications company~~** ~~tariff filings for new services will become effective as filed if the Commission does not take any action within 30 days from the date the tariff filing is filed with the Commission.~~

~~(4)~~ *~~Ministerial administrative changes~~*~~.~~ **~~[ILEC]~~****~~Local exchange telecommunications company~~** ~~ministerial administrative tariff filings for noncompetitive services will be effective on 1-day’s notice.~~

~~(5)~~ *~~Notice~~*~~. The tariff filings in this subsection shall be received by the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission’s~~ **~~[Office of Trial Staff]~~****~~Bureau of Investigation and Enforcement~~** ~~on the date of filing with the Commission’s Secretary’s Bureau.~~

~~(6)~~ *~~Extension of review period~~*~~. The Commission may extend the review period in this subsection by up to an additional 30 days upon notice to the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission’s~~ **~~[Office of Trial Staff] Bureau of Investigation and Enforcement~~** ~~and the affected~~ **~~[ILEC] local exchange telecommunications company~~**~~.~~

~~(7)~~ *~~Documentary support~~*~~. Nothing in this subsection affects the type of documentary support, including cost support and a statement of compliance with all applicable regulations, that will be necessary for an~~ **~~[ILEC]~~****~~local exchange telecommunications company~~** ~~to file with the Commission for approval of tariff filings involving noncompetitive service offerings.~~

(g) *~~Executive overview~~*~~.~~ **~~[ILECs and CLECs] Local exchange telecommunications companies and competitive telecommunications carriers~~** ~~that file tariff filings in accordance with subsection (c) or (f) shall file an executive overview summarizing the reason for the filing. The executive overview shall include relevant information regarding the safety, adequacy, reliability and privacy considerations related to the proposed or revised service.~~ **(RESERVED).**

(h) *~~Lifeline plan statement~~*~~. When a~~ **~~[CLEC]~~****~~competitive telecommunications carrier~~** ~~proposes increases in rates and charges for any of its basic local exchange services, the~~ **~~[CLEC] competitive telecommunications carrier~~** ~~shall also state whether it has implemented a Lifeline Plan that has been approved by the Commission.~~

**(RESERVED).**

**(i) *~~Enterprise and large business customers~~*~~. A local exchange telecommunications company and a competitive telecommunications carrier are not required to file a tariff setting forth the rates and terms for retail protected basic dial tone service offered to enterprise and large business customers but may maintain information regarding the rates, terms, and conditions for these services in an online guide on its Internet web site as it would have been available in a paper tariff.~~ *MINISTERIAL ADMINISTRATIVE CHANGES*. A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OR A COMPETITIVE TELECOMMUNICATIONS CARRIER TARIFF FILING THAT REPRESENTS ONLY MINISTERIAL ADMINISTRATIVE REVISIONS TO A NONCOMPETITIVE SERVICE SHALL BE EFFECTIVE ON 1-DAY’S NOTICE.**

***(J) A NONCOMPETITIVE AND NEW NONCOMPETITIVE SERVICE OF A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.* ANY RETAIL SERVICE THAT A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OFFERS TO THE PUBLIC THAT HAS NOT BEEN CLASSIFIED AS A COMPETITITIVE SERVICE UNDER 66 PA.C.S. § 3016 OF THE PUBLIC UTILITY CODE (RELATING TO COMPETITIVE SERVICES) OR SECTION 53.58(B) OF THIS SUBPART IS CLASSIFIED AS A NONCOMPETITIVE SERVICE. THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY SHALL MAINTAIN A TARIFF ON FILE WITH THE COMMISSION FOR ALL OF ITS RETAIL NONCOMPETITIVE SERVICES.**

**(K) *LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY RATE CHANGES TO A NONCOMPETITIVE SERVICE.* UNLESS A LOCAL EXHANGE TELECOMMUNICATIONS COMPANY’S RATES CHANGE FOR ITS NONCOMPETITIVE SERVICES ARE GOVERNED BY ITS APPROVED ALTERNATIVE REGULATION AND NETWORK MODERNIZATION PLAN, THE FOLLOWING APPLY TO THE RATES FOR ITS RETAIL NONCOMPETITIVE SERVICES:**

***(1) RATE REDUCTION.* A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S TARIFF FILING FOR NONCOMPETITIVE SERVICES THAT SETS FORTH RATES THAT ARE LOWER THAN THE CURRENT RATES AND CHARGES FOR THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S RETAIL NONCOMPETITIVE SERVICES SHALL BECOME EFFECTIVE ON 1-DAY’S NOTICE.**

**(2) *RATE INCREASE.*  A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S TARIFF FILING FOR NONCOMPETITIVE SERVICES THAT REPRESENTS RATE INCREASES FROM THE CURRENT RATES AND CHARGES OF THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY RETAIL NONCOMPETITIVE SERVICES SHALL BECOME EFFECTIVE ON 30-DAY’S NOTICE.  
(3) *NEW SERVICE.* LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY TARIFF FILINGS FOR NEW RETAIL NONCOMPETITIVE SERVICES SHALL BECOME EFFECTIVE ON 30-DAY’S NOTICE.**

**(4) THE COMMISSION MAY EXTEND THE REVIEW PERIOD IN THIS SUBSECTION BY UP TO AN ADDITIONAL 30 DAYS UPON NOTICE TO THE OFFICE OF CONSUMER ADVOCATE, THE OFFICE OF SMALL BUSINESS ADVOCATE, THE COMMISSION’S BUREAU OF INVESTIGATION AND ENFORCEMENT AND THE AFFECTED LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

**(L) *NONCOMPETITIVE SERVICE OF A COMPETITIVE TELECOMMUNICATIONS CARRIER*. A COMPETITIVE TELECOMMUNICATIONS CARRIER MAY OFFER NEW RETAIL NONCOMPETITIVE SERVICES THAT ARE SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALVENT TO THE NONCOMPETITIVE SERVICES OF A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY IN THE SERVICE TERRITORY OF THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY ONCE THE COMPETITIVE TELECOMMUNICATIONS CARRIER HAS RECEIVED PROVISIONAL AUTHORITY OR HAS BEEN CERTIFICATED BY THE COMMISSION TO OFFER JURISDICTIONAL TELECOMMUNICATIONS UTILITY SERVICE IN THAT PARTICULAR GEOGRAPHIC AREA.**

**(M) *NONCOMPETITIVE SERVICE OF A COMPETITIVE TELECOMMUNICATIONS CARRIER PRICED AT OR BELOW THE RATES OF A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY*.**

**(1) A TARIFF FILING OF A COMPETITIVE TELECOMMUNICATIONS CARRIER THAT SETS FORTH A RATE OR CHARGE FOR A RETAIL NONCOMPETITIVE SERVICE THAT IS AT OR BELOW THE LEVEL OF THE CORRESPONDING RATE AND CHARGE OF THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALENT RETAIL NONCOMPETITIVE SERVICE SHALL BE EFFECTIVE ON 1-DAY’S NOTICE AND DOES NOT REQUIRE THE COMPETITIVE TELECOMMUNICATIONS CARRIER TO PROVIDE COST SUPPORT.**

**(2) THE TARIFF FILING SHALL BE EFFECTIVE ON 1-DAY’S NOTICE AND NOT REQUIRE COST SUPPORT ONLY IF THE FOLLOWING APPLY:**

**(A) THE COMPETITIVE TELECOMMUNICATIONS CARRIER OFFERS THE SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALENT RETAIL NONCOMPETITIVE SERVICE IN THE SAME SERVICE TERRITORY AS THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

**(B) THE COMPETITIVE TELECOMMUNICATIONS CARRIER’S TARIFF FILING DOES NOT CONTAIN ANY MATERIAL CHANGES IN THE COMPETITIVE TELECOMMUNICATIONS CARRIER’S TARIFF RULES, TERMS OR CONDITIONS.**

**(C) THE COMPETITIVE TELECOMMUNICATIONS CARRIER SPECIFICALLY STATES IN ITS ACCOMPANYING COVER LETTER THAT THE FILING IS BEING MADE ON 1-DAY’S NOTICE IN ACCORDANCE WITH THIS SUBSECTION, AND THAT THE TARIFF FILING DOES NOT CONTAIN MATERIAL CHANGES IN THE COMPETITIVE TELECOMMUNICATIONS CARRIER’S TARIFF RULES, TERMS OR CONDITIONS.**

**(D) THE COMPETITIVE TELECOMMUNICATIONS CARRIER PROVIDES COPIES OF THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S EFFECTIVE TARIFFS DESIGNATING THE CORRESPONDING RATES AND CHARGES OF THE SAME OR FUNCTIONALLY EQUIVALENT RETAIL NONCOMPETITIVE SERVICES**.

**(3) WHEN A COMPETITIVE TELECOMMUNICATIONS CARRIER OFFERS SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALENT RETAIL NONCOMPETITIVE SERVICES IN THE SERVICE TERRITORIES OF MORE THAN ONE LOCAL EXCHANGE TELECOMMUNICATION COMPANY, AND THE RATES AND CHARGES FOR ITS NONCOMPETITIVE SERVICES CORRESPOND TO THE RATES AND CHARGES OF THE DIFFERENT LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES IN THEIR RESPECTIVE SERVICE TERRITORIES, THE COMPETITIVE TELECOMMUNICATIONS CARRIER MAY FILE SEPARATE TARIFF SCHEDULES FOR ITS RETAIL NONCOMPETITIVE SERVICES.**

**(N) *NONCOMPETITIVE SERVICE OF A COMPETITIVE TELECOMMUNICATIONS CARRIER THAT ARE PRICED ABOVE THE RATES OF A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S NONCOMPETITIVE OR NEW SERVICE.***

**(1) A COMPETITIVE TELECOMMUNICATIONS CARRIER TARIFF FILING THAT SETS FORTH RATES AND CHARGES FOR A RETAIL NONCOMPETITIVE SERVICE THAT IS HIGHER THAN THE CORRESPONDING RATES AND CHARGES OF A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALENT NONCOMPETITIVE SERVICE SHALL BECOME EFFECTIVE ON 30-DAY’S NOTICE.**

**(2) THE COMMISSION MAY REQUIRE A COMPETITIVE TELECOMMUNICATIONS CARRIER TO SUBMIT RELEVANT DOCUMENTARY SUPPORT INCLUDING COST SUPPORT AND A STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES UPON REQUEST FOR ANY TARIFF FILING THAT SETS FORTH RATES AND CHARGES FOR A RETAIL NONCOMPETITIVE SERVICE THAT IS HIGHER THAN THE CORRESPONDING RATES AND CHARGES OF A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S SUBSTANTIALLY SIMILAR OR FUNCTIONALLY EQUIVALENT NONCOMPETITIVE SERVICE. THE COMMISSION MAY REQUEST THIS DOCUMENTATION EITHER BEFORE OR AFTER THE HIGHER RATE BECOMES EFFECTIVE, BUT ONLY WHEN IT IS NECESSARY TO PROTECT CONSUMERS SUCH AS, WITHOUT LIMITATION, WHEN THE SERVICE IS TARGETED TO THE ECONOMICALLY DISADVANTAGED OR CUSTOMERS WITH POOR CREDIT HISTORIES.**

**(3) THE COMPETITIVE TELECOMMUNICATIONS CARRIER SHALL INCLUDE THE FOLLOWING SUMMARY DOCUMENTATION FOR THE TARIFF FILING SETTING FORTH THE HIGHER RATE FOR ITS RETAIL NONCOMPETITIVE SERVICE AS DESCRIBED IN § 53.59 (E)(1):**

**(I) A BRIEF STATEMENT INDICATING WHETHER THE COMPETITIVE TELECOMMUNICATIONS CARRIER OFFERS THESE SERVICES SOLELY ON THE BASIS OF RESALE OF A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S RETAIL SERVICES, THROUGH ITS OWN FACILITIES, OR A COMBINATION OF BOTH.**

**(II) A BRIEF STATEMENT INDICATING WHETHER THE TARIFF FILING REPRESENTS AN INCREASE OR DECREASE IN EXISTING RATES AND CHARGES.**

**(III) A SUMMARY JUSTIFICATION OF THE TARIFF FILING, INCLUDING AN EXPLANATION OF WHETHER THE PROPOSED CHANGES HAVE BEEN CAUSED BY A CORRESPONDING CHANGE IN RATES AND CHARGES OF THE RESOLD SERVICES OF THE UNDERLYING LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

**(4) THE COMMISSION MAY EXTEND THE REVIEW PERIOD IN THIS SUBSECTION BY UP TO AN ADDITIONAL 30 DAYS UPON NOTICE TO THE OFFICE OF CONSUMER ADVOCATE, THE OFFICE OF SMALL BUSINESS ADVOCATE, THE COMMISSION’S BUREAU OF INVESTIGATION AND ENFORCEMENT AND THE AFFECTED LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

**(O) *NOTICE.* THE TARIFF FILINGS MADE PURSUANT TO THIS SUBSECTION SHALL BE SERVED ON THE OFFICE OF CONSUMER ADVOCATE, THE OFFICE OF SMALL BUSINESS ADVOCATE AND THE COMMISSION’S BUREAU OF INVESTIGATION AND ENFORCEMENT ON THE DATE THE TARIFF OR TARIFF SUPPLEMENT IS FILED WITH THE SECRETARY’S BUREAU.**

**(P) *DOCUMENTARY SUPPORT.* NOTHING IN THIS SUBSECTION AFFECTS THE TYPE OF DOCUMENTARY SUPPORT, INCLUDING COST SUPPORT AND A STATEMENT OF COMPLIANCE WITH ALL APPLICABLE REGULATIONS, THAT WILL BE NECESSARY FOR A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OR A COMPETITIVE TELECOMMUNICATIONS CARRIER TO FILE WITH THE COMMISSION FOR APPROVAL OF TARIFF FILINGS INVOLVING NONCOMPETITIVE SERVICE OFFERINGS.**

**(Q) *LIFELINE PLAN STATEMENT*. WHEN A COMPETITIVE TELECOMMUNICATIONS CARRIER PROPOSES INCREASES IN RATES AND CHARGES FOR ANY OF ITS BASIC LOCAL EXCHANGE SERVICES, THE COMPETITIVE TELECOMMUNICATIONS CARRIER SHALL ALSO STATE WHETHER IT HAS IMPLEMENTED A LIFELINE PLAN THAT HAS BEEN APPROVED BY THE COMMISSION.**

§ 53.60. Promotional offerings and ~~joint or~~ bundled service packages.**~~[, and toll services]~~**.

(a) *Promotional offerings*. **~~[CLECs and ILECs]~~ Competitive telecommunications carriers** **and** **local exchange telecommunication companies** are not required to provide cost support for tariff filings involving a promotional service offering for noncompetitive services so long as the promotional offering does not result in any type of price increase to customers **UNLESS REQUESTED BY THE COMMISSION**.

(1) **~~[ILEC and CLEC]~~** **A local exchange telecommunications company and** **competitive telecommunications carrier** tariff filings involving a promotional service offering for noncompetitive services will become effective on 1-day’s notice. **[~~ILECs and CLECs]~~** **Local exchange telecommunications ~~company~~ COMPANIES and** **competitive telecommunications carriers** shall provide a 10-day advance notice to any resellers that purchase the promotional service offering from the **~~[ILEC or CLEC]~~** **local exchange telecommunications company or** **competitive telecommunications carrier** making the tariff filing.

~~(2) The Commission may request relevant documentary support, including cost support for tariff filings involving promotional service offerings for noncompetitive services.~~ **(Reserved).**

(3) **~~[CLECs and ILECs]~~** **Competitive telecommunications carriers and local exchange telecommunications companies** that file promotional service offerings for noncompetitive services under this subsection shall confirm in their filing that subscribers to the promotional service offerings will be required to respond affirmatively at any time the promotional service is being offered if they wish to continue the service beyond the promotional period.

\* \* \* \* \*

(b) *~~Joint or bundled service packages~~*~~.~~ ***BUNDLED SERVICE PACKAGES***. **~~[CLECs and ILECs]~~** **Local exchange telecommunications companies AND competitive telecommunications carriers** are relieved from an ~~automatic~~ obligation to provide cost support for tariff filings involving ~~the offering of joint or~~ bundled service packages **UNLESS COST SUPPORT DOCUMENTATION IS REQUESTED BY THE COMMISSION.**

(1) When **~~[ILEC]~~** a **local exchange telecommunications COMPANY’S OR COMPETITIVE TELECOMMUNICATIONS CARRIER’S** ~~joint or~~ bundled service packages include both competitive and noncompetitive services, these **BUNDLED** service packages shall meet any applicable State law or regulation regarding cost justification, **THE PROHIBITION FROM USING REVENUES EARNED OR EXPENSES INCURRED IN CONJUNCTION WITH NONCOMPETITIVE SERVICES TO SUBSIDIZE COMPETITIVE SERVICES AND THE STANDARDS REGARDING** discrimination and unfair pricing ~~in joint or bundled service package offerings, and their component competitive and noncompetitive services~~.

**(2) [ ~~The Commission may request relevant documentary support, including cost support, for tariff filings involving joint or bundled services.]~~** **(Reserved).**

**(3)** **No filing requirements exist ~~for the offering of joint or~~ IN THIS SUBPART FOR A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY’S OR COMPETITIVE TELECOMMUNICATIONS CARRIER’S bundled service packages composed entirely of competitive services.**

~~[(c)~~ *~~Toll services~~*~~. CLECs and ILECs may file tariffs with changes in their rates and charges for existing noncompetitive toll services alone that can become effective on 1-day’s notice. A 16-day notice period is required for the filing of a new toll service or the specific noncompetitive services defined in 66 Pa.C.S. § 3008(a) (relating to inter- exchange telecommunications carrier). For tariff filings and rate changes involving noncompetitive toll services, the Commission may request relevant documentary support, including cost support.]~~ **(Reserved).**

**CHAPTER 63. ~~[TELEPHONE]~~ TELECOMMUNICATIONS SERVICE**

**Subchapter A. GENERAL PROVISIONS**

**§ 63.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Applicant*—A person, association, partnership, corporation or government agency making a written or oral request for the commencement of or changes in its public utility service.

*Application*—A written or oral request to a **JURISDICTIONAL TELECOMMUNICATIONS** public utility for the commencement of or changes in ~~public~~ utility service.

**~~[~~*~~Automatic dialing-announcing device~~*~~—Automatic equipment used for solicitation which has a storage capability of multiple numbers to be called or a random or sequential number generator that produces numbers to be called and has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.]~~*****Automatic customer transfer—*The process through which the Commission’s Bureau of Consumer Services is able to immediately and contemporaneously transfer a customer inquiry or service or billing complaint to a JURISDICTIONAL TELECOMMUNICATIONS public utility that has voluntarily elected to participate in such an arrangement.**

*Busy hour*—The continuous 1-hour period of the day during which the volume of traffic is greater than during another continuous 1-hour period of the same day.

*Busy season*—The calendar month or 30-day period of the year during which the greatest volume of traffic is handled in the office.

*Calls*—A customer **~~[telephone]~~ telecommunications** message attempted.

*Central office*—An operating unit equipped with switching apparatus by means of which telephonic communication is established between telephones connected to it or by the additional aid of trunk lines between the telephones and telephones connected to other central offices.  
***Competitive wire center*—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where all of its PROTECTED, retail NONPROTECTED AND RETAIL NONCOMPETITIVE telecommunications services have been DECLARED OR determined to be competitive by the Commission under 66 Pa.C.S. § 3016 (relating to competitive services).**

*Customer*—A person, association, partnership, corporation or government agency provided with **~~[telephone]~~ telecommunications** service by a regulated public utility.

*Exchange*—A unit established by a **JURISDICTIONAL TELECOMMUNICATIONS** public utility for the administration of communication services under its specific local exchange service tariff provisions consisting of one or more central offices with associated plant facilities used in furnishing services and having one point designated for the purpose of rating toll calls for customers.

*~~Interexchange carrier~~*~~—A carrier which provides interexchange~~ **~~[telephone] telecommunications~~** ~~services to the public under~~ **~~[66 Pa.C.S. § 3008] 66 Pa.C.S. § 3018~~** ~~(relating to interexchange telecommunication carrier).~~

***JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY—A PERSON OR CORPORATION OWNING OR OPERATING EQUIPMENT OR FACILITIES IN THIS COMMONWEALTH FOR CONVEYING OR TRANSMITTING MESSAGES OR COMMUNICATIONS TO THE PUBLIC FOR COMPENSATION. THE TERM DOES NOT INCLUDE EITHER A PERSON OR CORPORATION NOT OTHERWISE A PUBLIC UTILITY WHO OR WHICH FURNISHES SERVICE ONLY TO HIMSELF OR ITSELF OR A BONA FIDE COOPERATIVE ASSOCIATION WHICH FURNISHES SERVICES ONLY TO ITS STOCKHOLDERS OR MEMBERS ON A NONPROFIT BASIS.***

*Local service area*—The area within which customers may call without assessment of toll charges.

*Message*—A completed customer or user call.

*Message unit*—A unit of measurement used for a form of exchange service under which originated messages are measured and charged for in accordance with the local exchange tariff.

*Metering*—The metering of data concerning a customer’s calls which is used in preparation of the customer’s bill for service which is made by operators, automatic message accounting, message registers or other acceptable data recorder methods.

***Noncompetitive wire center*—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where the jurisdictional telecommunications public utility ~~continues to offer~~ OFFERS protected, retail nonprotected and noncompetitive TELECOMMUNICATIONS services as defined by 66 Pa.C.S. § 3012 (relating to definitions).**

*Nonprimary service order*—An application for simple residential or business, voice grade, public utility service which is not primary service.

*Primary service order*—An application for simple residential or business, voice grade, ~~public~~ **TELECOMMUNICATIONS** utility service to be provided at a customer location which does not have ~~public~~ **TELECOMMUNICATIONS** utility service including, but not limited to, the initial connection of a new customer or the transfer of ~~public~~ utility service of an existing customer’s service to a new location.

*~~Public utility~~*~~—A person or corporation owning or operating equipment or facilities in this Commonwealth for conveying or transmitting messages or communications over the telecommunications network for the public for compensation. The term does not include either a person or corporation not otherwise a public utility who or which furnishes service only to himself or itself or a bona fide cooperative association which furnishes services only to its stockholders or members on a nonprofit basis.~~

*Subscriber*—A person, firm or corporation designated on public utility records as the party responsible for payment of bills for **~~[telephone]~~** **telecommunications** service.

*Surveillance level*—A measurement of **~~[telephone]~~** **telecommunications** service which indicates a need for the public utility to investigate the cause of the problem, to remedy the problem and to inform the Commission of the problem.

*Trouble report*—A written or oral report delivered to an authorized public utility representative by a customer or user of public utility services which relates to a defect, difficulty or dissatisfaction with the public utility’s regulated service.

*Trunk*—A communication channel between central offices, switching units or private branch exchanges.

*Working day*—A day except Saturday, Sunday or legal holiday.

**Subchapter B. SERVICE AND FACILITIES**

§ 63.12. **~~[Minimizing interference and inductive effects]~~** **(Reserved)**.

**(a) *~~[Interference~~*~~. A public utility system shall be so constructed as to eliminate cross-talk and noise resulting from faulty construction, to the extent that these factors interfere with the satisfactory transmission of messages]~~**

**(b) *[~~Induction~~*~~. A public utility shall use reasonable means to minimize inductive effects between adjacent power and communication circuits.]~~**

§ 63.13. **~~[Periodic inspections]~~ (Reserved)**.

**~~[A public utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving continuous efficient operation of its system in a manner satisfactory to the Commission~~**~~.~~**~~]~~**

**§63.14. Emergency equipment and personnel.**

(a) *~~[~~****~~Emergencies.~~*~~A TELECOMMUNICATIONS public utility shall take reasonable measures to meet emergencies, such as fire, storm, illness of personnel, power failure or sudden increase in traffic, by making available to the extent practicable the following:~~**

**~~(1)~~** **~~Emergency sources of ringing, lighting and other power.~~**

**~~(2) Other reserve equipment.~~**

**~~(i) The reserve equipment shall include a minimum of 3 hours battery reserve for central offices equipped with permanently installed standby power facilities.~~**

**~~(ii) Central offices shall have adequate provisions for standby power. A central office which is without stationary standby power facilities shall have available a portable power unit which can be delivered and connected on short notice.~~**

**~~(iii) Exchanges exceeding 5,000 lines shall be equipped with stationary standby power facilities.~~**

**~~(3) Qualified personnel for emergency operating and repair work]~~**~~.~~ **A JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY SHALL TAKE REASONABLE MEASURES TO ENSURE THE CONTINUOUS OPERATION OF ITS TELECOMMUNICATIONS SERVICE IN ALL GEOGRAPHIC AREAS AND THIS CONTINUOUS FUNCTIONALITY OF ITS TELECOMMUNICATION INFRASTRUCTURE WILL ALSO ALLOW FOR ROBUST COMMUNICATION AND INFORMATION SHARING ACROSS ALL LEVELS OF GOVERNMENT, WITHIN COMMUNITIES, AND BETWEEN PUBLIC AND PRIVATE ORGANIZATIONS DURING EMERGENCIES SUCH AS FIRE, ILLNESS OF PERSONNEL, SUDDEN INCREASE IN TRAFFIC OR LOSS OF POWER DUE TO EXTREME WEATHER EVENTS AND DISASTERS CAUSED BY NATURAL HAZARDS.**

(b) ~~[~~*~~Emergency service.~~*~~If the volume of traffic does not require that the central office be attended during the full 24 hours, emergency service shall be provided during the period in which the switchboard is unattended by the use of suitable alarm signals and conveniently available personnel.]~~ **THE JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY SHALL MAINTAIN QUALIFIED PERSONNEL FOR EMERGENCY OPERATING AND REPAIR WORK AND HAVE RESERVE EQUIPMENT OR A PORTABLE POWER SUPPLY THAT WILL GIVE IT THE REASONABLE CAPABILITY TO MAINTAIN POWER AT ITS CENTRAL OFFICE SO THAT IT HAS THE ABILITY TO REMAIN FUNCTIONAL DURING THE EMERGENCY SITUATION.**

**§ 63.15. Complaint procedures.**

(a) **~~[~~*~~Investigations~~*~~. A public utility shall make a full and prompt investigation of service complaints made to it through the Commission by its customers or third parties. Upon receiving a service complaint from a customer of a utility, the Commission will transmit a summary of the service complaint to the utility. If a service complaint is resolved, the utility may terminate the investigation by submitting or transmitting a copy of the service order which identified the action taken by the utility to resolve the service complaint.~~** **~~When complaints are referred to the public utility through the Commission, the public utility and the Commission shall work to process and resolve all complaints]~~****~~(Reserved)~~**~~.~~ **~~(a1)~~ *AUTOMATIC CUSTOMER TRANSFER*. THE COMMISSION’S BUREAU OF CONSUMER SERVICE SHALL PROCESS SERVICE COMPLAINTS RECEIVED FROM CONSUMERS IN THE FOLLOWING MANNER:**

**(1) Upon the receipt of a ~~customer complaint related to service or billing~~ SERVICE-RELATED COMPLAINT FROM A CUSTOMER, the COMMISSION’S Bureau of Consumer Services ~~of the Commission~~ ~~can~~ MAY seek to immediately and contemporaneously transfer the customer to ~~a~~  ITS JURISDICTIONAL TELECOMMUNICATIONS public utility for resolution to address the inquiry or service complaint in the following manner:**

**~~(1)~~ (A) The transfer will occur with the customer’s explicit consent.**

**~~(2)~~ (B) The transfer will be made to a live ~~public utility~~ operator or customer service representative OF THE JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY.**

**~~(3)~~ (C) The JURISDICTIONAL TELECOMMUNICATIONS publicutility shall maintain a dedicated toll-free telephone number for the automatic customer transfer process.**

**~~(4)~~ (D) In the event that the ~~customer inquiry or~~ CUSTOMER’S service ~~or billing~~ complaint cannot be resolved, it will be referred back to the COMMISSION’S Bureau of Consumer Services ~~of the Commission~~ for resolution in accordance with the provisions of subsection (c).**

**~~(5)~~ (E) The COMMISSION’S Bureau of Consumer Services ~~of the Commission~~ and participating public utilities may establish automated electronic communication links, electronic data interfaces, or appropriate web page access, for the exchange of information and data in the automatic customer transfer. These links shall be used only by authorized Commission and THE JURISDICTIONAL TELECOMMUNICATIONS public utility’s personnel ~~and~~ shall safeguard the customer’s personal data and billing information from public disclosure.**

**~~(a2)~~ (2)** *Investigations.*If the customer declines to participate in automatic customer transfer resolution process set forth in subsection ~~(a.1)~~ **(1) ABOVE**, the **JURISDICTIONAL TELECOMMUNICATIONS** public utility shall make a full and prompt investigation of **THE** service~~or billing~~complaints made to it through the Commission by its customers ~~or third parties~~. Upon receiving a service ~~or billing~~ complaint from a customer of a utility, the Commission will transmit a summary of the service complaint to the utility. If a service ~~or billing~~ complaint is resolved, the utility may terminate the investigation by submitting or transmitting a copy of the service order which identified the action taken by the utility to resolve the service ~~or billing~~ complaint. When complaints are referred to the **JURISDICTIONAL TELECOMMUNICATIONS** publicutility through the Commission, the ~~public~~ utility and the Commission shall work to process and resolve all complaints.

(b) *Records of complaints*. A **JURISDICTONAL TELECOMMUNICATIONS** public utility shall preserve **COPIES OF** written or recorded service **~~or billing~~** complaints showing the name and address of the subscriber or complainant, the date and character of the complaint, the action taken and the date of final disposition. Records of complaints shall be kept in accordance with § 64.192 (relating to record maintenance).

(c) *Commission review*. If a customer or applicant expresses dissatisfaction with the ~~utility company’s~~ **JURISDICTIONAL** **TELECOMMUNICATIONS PUBLIC UTILITY’S** decision or explanation, the **JURISDICDTIONAL** **TELECOMMUNICATIONS PUBLIC** utility shall inform the customer or applicant of the right to have the problem considered and reviewed by the Commission and shall provide the name, address and telephone number of the appropriate Commission Bureau. This subsection shall be read in conjunction with §§ **~~[64.141—64.182]~~ 64.141—64.181** when applicable to residential utility service.

**§ 63.16. ~~[Traffic measurements]~~ (Reserved)**.

**~~[Traffic measurements shall be taken of sufficient extent, frequency and character to determine that central office equipment and personnel are adequate to handle traffic without unreasonable delay.]~~**

**§ 63.18. ~~[Multiparty line subscribers]~~ (Reserved)**.

**~~[A multiparty line subscriber may be required to take service of a different grade if his use of service interferes unreasonably with the necessary service of the other subscribers on the line. The number of subscribers connected to a multiparty line shall be limited to a maximum of four.]~~**

**§ 63.19. ~~[Interoffice lines]~~** **(Reserved)**.

**~~[A public utility furnishing, singly or jointly with other telephone companies, channels for communication between different central offices, may not connect stations of subscribers to these channels. Sufficient interoffice channels shall be provided to handle the traffic without unreasonable delay.]~~**

**§ 63.20. ~~Line extensions.~~ (RESERVED).**

**~~(a)~~ *~~Duty of public utility to make line extensions.~~*~~A public utility shall make reasonable line extensions within the territory in which it is chartered to operate.~~**

**~~(b)~~ *~~Tariffs to include line extension rule.~~*~~As part of its tariffs each public utility shall file rules with the Commission setting forth the conditions under which it will make line extensions servicing applicants within its charter territory.~~**

**§ 63.21. Directories.**

(a) When a directory is provided by the **JURISDICTIONAL TELECOMMUNICATIONS** public utility, it [~~shall]~~ **MUST** be revised and reissued at sufficiently frequent intervals to avoid serious inconvenience to the public. A satisfactory length for a directory period ~~[shall]~~ **MUST** be determined by the volume of changes and new listings and the facilities available for supplying new numbers to calling parties and for intercepting calls to numbers which have been changed.

(b) One copy of each new directory issue shall be furnished to **~~[each subscriber and one copy sent to]~~** the Commission by the issuing **JURISDICTIONAL TELECOMMUNICATIONS** public utility at the time of its distribution to subscribers. **The JURISDICTIONAL TELECOMMUNICATIONS public utility shall furnish a new directory to customers and subscribers in the following manner:**

**(1) A JURISDICTIONAL TELECOMMUNICATIONS public utility shall include a bill message no less than once annually advising customers that paper copies of that market’s or service area’s affected directories are available upon request. The notice must provide customers with a toll-free number to call to obtain a paper directory at no cost and must include the JURISDICTIONAL TELECOMMUNICATIONS public utility’s Internet address where customers can find the online directory. The JURISDICTIONAL TELECOMMUNICATIONS public utility also shall post the notice on its web site.**

**(2) A JURISDICTIONAL TELECOMMUNICATIONS public utility shall make paper directories or USB thumb drive directories available at no charge to customers in that market or service area on an “upon request” basis by calling a toll free number maintained by the public utility.**

**(3) ~~Print directories shall be distributed to consumers who are more likely to use them~~. DISTRIBUTION OF DIRECTORIES BEYOND AN “UPON REQUEST” BASIS SHALL BE AT THE DISCRETION OF THE JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY.**

**(4) Requests for printed directories shall be treated as standing orders but may be reconfirmed by the JURISDICTIONAL TELECOMMUNICATIONS public utility every 2 years.**

**(5)** **Directories shall be made available online in digital format at a web site maintained by the JURISDICTIONAL TELECOMMUNICATIONS public utility.**

**(6) Printed, USB and online versions of directories must meet all regulatory form and content requirements of this section and § 64.191(g) (relating to public information).**

**(c)** A directory shall contain the following:

(1) The name of the issuing **JURISDICTIONAL TELECOMMUNICATIONS** public utility.

(2) The month and year issued.

(3) A statement of the area covered by the directory.

(4) Necessary instructions to enable users to place calls efficiently, including, but not limited to, telephone company local, toll, emergency and operator-assistance calls. Necessary instructions to transact business with the telephone company, such as payment of bills, ordering changes in service and reporting service difficulties.

(5) A separate section containing social service organization, school and government listings.

**\* \* \* \* \***

**(e)** Upon receiving a customer complaint alleging misleading, deceptive or confusing directory listings**,** a **JURISDICTIONAL TELECOMMUNICATIONS** public utility shall investigate the complaint under § 63.15 (relating to complaint procedures). If the utility determines that a directory listing is misleading, deceptive or confusing, the utility shall delete the listing from future directories. After reaching its decision the **JURISDICTIONAL TELECOMMUNICATIONS** public utility shall advise interested parties in writing of its opinion and shall inform them of the right to file a complaint with the Commission.

**(F) THE PROVISIONS OF THIS SECTION SHALL BE IN EFFECT UNTIL JANUARY 1, 2026 WHEREUPON DIRECTORY DISTRIBUTION IS NO LONGER REQUIRED.**

**§ 63.22. Service records.**

(a) A public utility shall keep sufficient records to reflect the following:

(1) ~~[Tests and inspections showing data as to date, facilities tested or inspected, conditions of the facilities and action taken]~~ **(Reserved).**

(2) Service complaints and trouble reports.

(i) A **JURISDICTIONAL TELECOMMUNICATIONS** public utility shall provide for the receipt of trouble reports at all hours and make a full and prompt investigation of, and response to, complaints, with the exception of isolated outages beyond normal working hours affecting fewer than 15 customers in an exchange.

(ii) A **JURISDICTIONAL TELECOMMUNICATIONS** public utility shall maintain an accurate record of customer trouble reports which shall include:

(A) Identification of the customer affected.

(B) Service affected.

(C) Time, date and nature of the report.

(D) Results of investigation.

(E) Action taken to remedy the situation.

(F) Time and date of trouble clearance or other disposition.

(3) Service interruptions affecting 300 or more customers, including the date, cause, extent and duration of the interruption.

~~(4) [Location and description of its plant, including maps, as appropriate.]~~ **(Reserved).**

(b) **~~[Records required by this chapter shall be kept within this Commonwealth at an office of the utility located in the territory served by it, and shall be open for examination by the Commission or its representative]~~ (Reserved)**.

(c) **~~[Records pertaining to reasonableness and adequacy of utility service, as required by this chapter, shall be filed with the Commission and released to the public upon request. A utility may petition the Commission for waiver of this subsection for particular public requests]~~ (Reserved)**.

**§ 63.23. Construction and maintenance safety standards for facilities.**

Overhead and underground ~~public utility~~ equipment or facilities and crossings of the wires or cables of every **JURISDICTIONAL TELECOMMUNICATIONS** public utility over or under the facilities of other public utilities, cooperative associations or electric utilities—including parallel or random installation of underground electric supply and communication conductors or cable—shall be constructed and maintained in accordance with ~~safe and reasonable standards as set forth in the~~ **~~[~~*~~National Electrical Safety Code~~*~~, 1981 edition]~~ THE MOST RECENT Institute of Electrical and Electronics Engineers’ (IEEE) *National Electrical Safety Code* ~~(NESC), 2017 edition~~, as amended and supplemented**.

**§ 63.24. [~~Service interruptions.~~]** **(RESERVED).**

(a) [*~~System maintenance.~~* ~~Each public utility shall endeavor to maintain its entire system in such condition as to make it possible to furnish continuous service and shall take reasonable measures to prevent interruptions of service and to restore service with a minimum delay if interruptions occur.~~]

(b) [~~When main telephone service is interrupted for a period of at least 24 hours, the public utility, after due notice by the customer, shall apply the following schedule of allowances except in situations as provided for in paragraph (3):~~]

(1) [~~One-thirtieth of the tariff monthly rate of services and facilities furnished by the public utility rendered inoperative, useless or impaired for each of the first three full 24-hour periods during which the interruption continues after notice by the customer to the public utility conditioned that the out-of-service extends beyond a minimum of 24 hours.~~]

(2) [~~Two-thirtieths of each full 24-hour period beyond the first three 24-hour periods. However, in no instance may the allowance for the out-of-service period exceed the total charges in a billing period for the service and facilities furnished by the public utility rendered useless or impaired.~~]

(3) [~~When service is interrupted for a period of at least 24 hours due to such factors as storms, fires, floods or other conditions beyond the control of the public utility, an allowance of 1/30 of the tariff monthly rate for all services and facilities furnished by the public utility rendered inoperative or substantially impaired to the extent of being useless shall apply for each full 24 hours during which the interruption continues after notice by the customer to the public utility.~~]

(4) [~~The allowances set forth in paragraphs (1)—(3) may not be applicable where service is interrupted by the negligence or willful act of the customer to service or where the public utility, pursuant to the terms of the contract for service, suspends or terminates service for nonpayment of charges or for unlawful or improper use of the facilities or service or for any other reason provided for in the filed and effective tariff.~~]

**Subchapter C. ACCOUNTS AND RECORDS**

**§ 63.31. Classification of public utilities.**

For accounting and reporting purposes, **~~[telephone]~~ JURISDICTIONAL telecommunications** public utilities are classified as follows:

(1) *Class A*. **~~[Telephone]~~ Telecommunications** public utilities that are ~~[incumbent local exchange carriers]~~ **LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES** subject to an alternative form of regulation, including, but not limited to, price cap formulas, under 66 Pa.C.S. Chapter 30 (relating to alternative form of regulation of telecommunications services).

(2) *Class B*. **~~[Telephone]~~ Telecommunications** public utilities that are **[~~incumbent local exchange carriers]~~** **LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES** subject to rate base/rate of return regulation or the Plan B Simplified Ratemaking Plan approved by the Commission under 66 Pa.C.S. Chapter 30.

(3) *Class C*. **~~[Telephone]~~ Telecommunications** public utilities that provide competitive local **[~~telephone~~ ~~exchange]~~** **TELECOMMUNICATIONS** services and that are not the incumbent provider in any local exchange area within this Commonwealth.

**§ 63.32. ~~Systems of accounts.~~ (RESERVED).**

**(a) ~~Class A and Class B [telephone] telecommunications public utilities shall keep their accounts in conformity with the requirements prescribed by the Federal Communications Commission (FCC), under “Common Carrier Services; Revision; Uniform System of Accounts (USOA); Classes A, B, and C Telephone Companies,” [51 Fed. Reg. 43498 (December 2, 1986) (to be codified at 47 CFR Part 32)] 47 CFR Part 32 (relating to Uniform system of accounts for telecommunications companies). The symbol “32”' which forms the initial component of each account number in the system of accounts, as published, may not be considered as a prescribed part of the account number for accounting and reporting purposes.~~**

**(b) ~~A Class C [telephone] telecommunications public utility which is not required by the FCC to conform to the USOA and does not do so, shall inform the Commission of this fact on its annual financial report. The Class C utility shall also state the method of accounting utilized to compile the financial information reported, including the Generally Accepted Accounting Principles (GAAP).~~**

**§ 63.33. [~~Integrity of reserve accounts to be preserved]~~ (Reserved).**

**~~[With respect to those companies which keep their accounts in conformity with the requirements prescribed by the Federal Communications Commission under the “Common Carrier Services; Revision; Uniform Systems of Accounts (USOA); Classes A, B and C Telephone Companies,” 51 FR 43498 (December 2, 1986) (to be codified at 47 CFR Part 32), amounts in Class A and Class B accounts 169—173 inclusive, and in Class C accounts 185 and 190, reserved as of the effective date of the appropriate system of accounts prescribed in § 63.32 (relating to systems of accounts), may not, except by permission of the Commission, be used for any purpose other than the specific purpose for which reserved.]~~**

**§ 63.34. ~~[Reclassification of telephone plant to original cost~~] (Reserved).**

**~~[Before making entries in its books of account to reclassify its telephone plant to original cost when first devoted to the public service, as required by the text of accounts 100:1, 100:2, 100:3, 100:4 and 100:7 of the uniform accounting system prescribed by § 63.32 (relating to systems of accounts), each telephone public utility subject to such system of accounts shall submit to the Commission, for approval, a draft of the entries which it proposes to make accompanied by all of the following data, sworn to or affirmed by the officer of the utility responsible for the preparation of such entries:~~**

**~~(1)~~ *~~Statement A~~*~~. Statement A shall be a comprehensive statement of the procedures and methods followed by the utility in the determination of the original cost of its telephone plant at the effective date of the uniform accounting system prescribed by § 63.32. If procedures or methods or both differed with respect to classes of plant, such differences should be set forth clearly.~~**

**~~(2)~~ *~~Statement B~~*~~. Statement B shall be a comprehensive index for the utility and for each of its predecessors of ledgers, journals and other books of account, of vouchers, work orders, contracts covering the purchase or construction of utility plant, time reports, payrolls and summaries and other original records which are the sources of entries in the books of account for telephone plant transactions and relevant reserves, and of other books and memoranda, such as minute books, operating maps and records, and similar items, which may be useful in the establishment of the historical development of the telephone plant and related reserves of the company. With the exception of mass records—such as material tickets, vouchers, work orders, time reports, payrolls, and similar items—the index shall describe each record, indicate the period covered by it, show the physical location of it, and give the name of the person in charge of it. For mass records, the index shall be so prepared to show, for each type of record, the periods covered thereby at each location and identified, as appropriate, by the first and last serial number of the record for each period.~~**

**~~(3)~~ *~~Statement C~~*~~. Statement C shall be an outline of the origin and the development of the utility, including a description of each consolidation and merger to which the utility or predecessors were parties, and each acquisition by the utility or by a predecessor of property comprising a substantially complete telephone system, exchange line, or toll line.~~ (Reserved).**

**~~(4)~~ *~~Statement D~~*~~. Statement D shall be a summary by years for the utility and for each of its predecessors of the gross debits and the gross credits to the telephone plant account from the date of origin of the telephone plant of the utility to the effective date of the system of accounts prescribed by § 63.32, setting forth all of the following:~~**

**~~(i) Plant acquired by merger or consolidation.~~**

**~~(ii) Plant constructed by the utility.~~**

**~~(iii) Plant acquired by purchase.~~**

**~~(iv) Total.~~**

**~~(v) Retirements of the plant which cannot be classified by subparagraphs (i)—(iii).~~**

**~~(vi) Balance at the effective date of the system of accounts.~~**

**~~(5)~~ *~~Statement E~~*~~. Statement E shall be a statement showing the following for each acquisition by the utility or by a predecessor—through consolidation, merger or purchase—of property comprising a substantially complete telephone system, exchange line, or toll line:~~**

**~~(i) A description of the property acquired.~~**

**~~(ii) The names of parties to the transaction and whether the parties were affiliated with each other.~~**

**~~(iii) The date of incorporation of the merged constituent or vendor.~~**

**~~(iv) The date physical property was acquired.~~**

**~~(v) A balance sheet of the predecessor at the date its plant was acquired.~~**

**~~(vi) The book value of the plant acquired, by primary accounts, as recorded by the predecessor or vendor, at the date the physical property was acquired.~~**

**~~(vii) The cost of the plant to the acquirer, and how the cost was determined.~~**

**~~(viii) Entries recording the acquisition.~~**

**~~(ix) The amount recorded by the acquirer in subaccounts of 100:1, “Telephone plant in service,” of the uniform system of accounts prescribed by § 63.32.~~**

**~~(x) The amount of depreciation reserve applicable to the plant acquired, as shown in the books of account of the predecessor or vendor.~~**

**~~(xi) The adjustment of the depreciation reserve, if any, by the vendee with respect to the plant acquired, and the basis.~~ (Reserved).**

**~~(xii) If the capital stock of the predecessor was acquired prior to the acquisition of its property, the date or dates such capital stock was acquired, from whom acquired, the consideration paid, and whether the vendor was an affiliate of the utility or of a predecessor.~~**

**~~(xiii) If the parties referred to in subparagraphs (ii) and (xii) were affiliates, the following additional information shall be furnished:~~**

**~~(A) With respect to subparagraph (ii), the name of the affiliated interest which acquired the property at arm's-length, and the consideration paid by it shall be given.~~**

**~~(B) With respect to subparagraph (xii), the name of the affiliated interest which acquired the capital stock at arm's-length, and the consideration paid by it shall be given.~~**

**~~(6)~~ *~~Statement F~~*~~. Statement F shall be a statement for the accounting utility or its predecessors showing any increases in plant accounts resulting from the recording of appraised values. The statement should give the full journal entry together with a comparative balance sheet showing the accounts prior and subsequent to the journal entry at the time the appraisal was recorded.~~**

**~~(7)~~ *~~Statement G~~*~~. Statement G shall, with respect to increments, that is, differences between paragraph (5) (vi) and (ix) and also the amounts shown by Statement F under paragraph (6) in plant accounts of the utility or its predecessors arising from plant acquisitions or from the recording of appraised values, state the amounts of the increments remaining in the plant account as of the reclassification date.~~**

**~~(8)~~ *~~Statement H~~*~~. Statement H shall be a statement with detailed accounts showing telephone plant per books as of the date as of which telephone plant will be reclassified to original cost.~~**

**~~(9)~~ *~~Statement J~~*~~. A statement J shall be a statement, by years of plant installation, of the original cost of the telephone plant proposed to be classified in the subaccounts of account 100:1, “Telephone plant in service,” of the uniform system of accounts prescribed in § 63.32.~~**

**~~(10)~~ *~~Statement K~~*~~. Statement K shall be a comparative balance sheet, as of the effective date of the system of accounts, setting forth the accounts and the amounts appearing in the books of account both before entries to adjust the telephone plant to original cost have been made, and to give~~ *~~pro forma~~* ~~effect to the proposals of the utility for adjusting the telephone plant to original cost.~~**

**~~(11)~~ *~~Statement L~~*~~. Statement L shall be a reconciliation of the book value of the telephone plant immediately before reclassification to original cost (as shown by Statement H in paragraph (8)) and the utility-determined original cost as of the effective date of the system of accounts (as shown in Statement J in paragraph (9)). The reconciliation shall show all adjustments by nature of adjustment in detail.~~**

**~~(12)~~ *~~Statement M~~*~~. Statement M shall be an analysis of Account 100:4, “Telephone plant acquisition adjustment,” and of Account 100:7, “Telephone plant adjustment,” showing character and the basis for computation of each amount included and proposed to be included.~~**

**~~(13)~~ *~~Statement N~~*~~. Statement N shall be a suggested plan for depreciating, amortizing, or otherwise disposing of, in whole or in part, the amounts included and includible, as of the effective date of the system of accounts, in Account 100:4, “Telephone plant acquisition adjustment,” and Account 100:7, “Telephone plant adjustment,” of the uniform system of accounts prescribed by § 63.32.]~~**

**§ 63.35. Preservation of records.**

**(**a) [~~A telephone ] telecommunications public utility shall keep and preserve its records in conformity with “Part 45—Preservation of Records of Telephone Carriers,” adopted by Federal Communications Commission on August 16, 1950 (47 CFR Part 42)~~ **~~] as amended from time to time.~~** **(RESERVED)**.

(b) **~~[Telephone public utilities which maintain the original cost of their plants in continuing property records which conform with the requirements of the Commission may apply for permission to dispose of books and records related to transactions dated 20 years or more prior to the date of the application]~~ Unless a different retention period is otherwise specifically addressed in this chapter, a telecommunications public utility shall be required to retain for eight years the following records: (1) all records related to an audit conducted by the Commission under section 516 of the ~~[code]~~ PUBLIC UTILITY CODE, such as but not limited to financial and management audits; (2) records required for review under sections 505 and 506 of the ~~code~~ PUBLIC UTILITY CODE; ~~[records required under the system of accounts followed pursuant to subsection (a);]~~ and (3) records required for those entities remaining subject to ratemaking provisions under Chapters 13 and 30 of the [~~code]~~ PUBLIC UTILITY CODE**.

**Subchapter D. ~~[UNDERGROUND SERVICE]~~ (Reserved)**

**§ 63.41. [~~Underground telephone service in new residential developments]~~ (Reserved).**

**~~[(a) For the purpose of this section only, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:~~**

**~~(1)~~ *~~Applicant for telephone service~~*~~—The developer of a recorded plot plan consisting of five or more lots, or one or more five unit apartment houses.~~**

**~~(2)~~ *~~Developer~~*~~—The party responsible for constructing and providing improvements in a development, that is, streets, sidewalks and utility-ready lots.~~**

**~~(3)~~ *~~Development~~*~~—A planned project which is developed by a developer/applicant for telephone service set out in a recorded plot plan of five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, mobile homes, or apartment houses, all of which are intended for year-round occupancy, if telephone service to the lots necessitates extending the utility’s distribution lines.~~**

**~~(4)~~ *~~Distribution line~~*~~—A main line facility directly or indirectly connecting the customers in a development to the telephone central office.~~**

**~~(5)~~ *~~Service line~~*~~—A line from the distribution line to the residence of the subscriber.~~**

**~~(6)~~ *~~Subdivider~~*~~—The party responsible for dividing a tract of land into building lots which are not to be sold as utility-ready lots.~~**

**~~(7)~~ *~~Subdivision~~*~~—A tract of land divided by a subdivider into five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or apartment houses, all of which are intended for year-around occupancy, if telephone service to the lots necessitates extending the utility’s existing distribution lines.~~**

**~~(b) Distribution and service lines, except pedestals, installed as the result of an application for the telephone service within a development shall be installed underground; shall conform to the utility’s construction standards; and shall be owned and maintained by the utility. Excavating and backfilling shall be performed by the applicant for telephone service or by another agent the applicant may authorize. Other installation shall be performed by the utility or by another agent the utility may authorize. The utility may not be liable for injury or damage occasioned by the wilful or negligent excavation, breakage or other interference with its underground lines occasioned by anyone other than its own employes or agent. Nothing in this section shall prohibit a utility from performing its own excavating and backfilling for greater system design flexibility. No charges other than those specified in subsections (c) and (d) is permitted.~~**

**~~(c) The applicant for telephone service to a development shall do the following:~~**

**~~(1) At its own cost, provide the utility with a copy of the recorded development plot plan identifying property boundaries, and with easements satisfactory to the utility for occupancy and maintenance of distribution and service lines and related facilities.~~**

**~~(2) At its own cost, clear the ground in which the service lines and related facilities are to be laid of trees, stumps and other obstructions, provide the excavating and backfilling according to utility specifications and subject to the inspection and approval of the utility, and backfill within 6 inches of final grade. Utility specifications for excavating and backfilling shall be set forth by the utility in written form and presented to the applicant at the time of application for the service and presentation of the plot plan to the utility. If the utility’s specifications have not been met by the applicant’s excavating and backfilling, the excavating and backfilling shall be corrected or redone by the applicant or its authorized agent. Failure to comply with the utility’s construction standards and specifications permits the utility to refuse utility service until the standards and specifications are met.~~**

**~~(3) Request the installation of distribution and service lines at the time that the lines may be installed before curbs, pavements and sidewalks are laid; carefully coordinate scheduling of the utility’s line and facility installation with the general project construction schedule including coordination with another utility sharing the same trench; keep the route of lines clear of machinery and other obstructions when the line installation crew is scheduled to appear; and otherwise cooperate with the utility to avoid unnecessary costs and delay.~~**

**~~(4) Place with the telephone company, in advance or upon other terms that the company may require, the following charges:~~**

**~~(i) A prepayment in aid of construction in an amount not in excess of 60% of the company’s costs of the distribution line for the development.~~**

**~~(ii) The prepayment in aid of construction will be refunded on a proportionate basis for each contract for telephone service rendered. The basis for total refund shall be 100% refund upon receipt of telephone contracts for telephone service from 50% of the total development within a 10-year period.~~**

**~~(d) If the applicant changes the plot plan after installation of the telephone utility’s lines has begun, or requests deviation from the utility’s established underground construction practices, the additional costs shall be borne by the applicant. No charges other than those described in this subsection and in subsection (c) may be borne by the applicant for telephone service or by another utility sharing the same trench, even if the utility elects to perform its own excavating and backfilling.~~**

**~~(e) The Commission believes that there should be joint use of trenches whenever economically and technologically feasible. However, the Commission realizes that the economic advantages which can result from the joint use of trenches may at times be obviated by the technological disadvantages of joint occupancy. Therefore, the Commission will not make the joint use of trenches mandatory but will require the joint use of trenches whenever the circumstances indicate that the use would be feasible and parties agree thereto.~~**

**~~(f) This section applies to all requests for distribution facilities for telephone service to developments which are filed after June 9, 1984.~~**

**~~(g) Amounts the public utility receives under subsection (c)(4)(i) shall be credited to Accounts 174-Other deferred credits.~~**

**~~(h) Whenever the public utility or an affected person believes that the application of the tariff rule works an undue hardship, involves a physical impossibility, or is otherwise inappropriate, the utility or person may request an exception from the undergrounding requirements of this section by following the procedure set forth in § 57.86 (relating to exceptions).~~**

**~~(i) Exceptions, as granted by the Commission for electric distribution lines under § 57.86 shall also apply to telephone facilities. If an exception request initiated by an applicant for telephone service is granted and the applicant thereafter desires underground service, then this section shall apply as if no exception had been granted.~~**

**~~(j) Telephone utilities shall file a tariff supplement adding this section to its tariff. The tariff supplement shall become effective on the date filed.~~**

**~~(k) Telephone utilities shall file undergrounding construction and specification standards and revisions thereto with the Commission’s Bureau of Fixed Utility Services.~~**

**~~(l) Underground facilities in new residential developments are only required by this section when a bona fide developer exists, that is only when utility-ready lots are provided by the developer. A mere subdivision is not required to have underground service. However, should the lot owner or owners in a subdivision desire underground service, the service shall be provided by the utility if the lot owner or owners, at his option, either complies with subsection (c) or pays to the utility the charges that are contained in the utility’s tariff for underground telephone service not required by this title.]~~**

**Subchapter E. ~~[TELEPHONE]~~ TELECOMMUNICATIONS QUALITY SERVICE STANDARDS**

**§ 63.51. ~~Purpose.~~ (RESERVED).**

**~~This subchapter establishes, regulates and enforces uniform, fair and reasonable service objectives and surveillance levels of [telephone] telecommunications service offered within this Commonwealth. This subchapter applies to regulated simple residential or business voice grade services offered by a public utility as defined in § 63.1 (relating to definitions). This subchapter does not preclude, supersede or amend Chapter 64 (relating to standards and billing practices for residential [telephone] telecommunications service). This subchapter shall be applied in conjunction with Chapter 64.~~**

**§ 63.52**. **~~[Exceptions]~~ (Reserved)**.

**~~[This subchapter does not apply to services offered by interexchange carriers as defined in § 63.1 (relating to definitions).]~~**

**§ 63.53. General provisions.**

**(a) [~~A public utility shall provide [telephone] telecommunications service to the public in its service area in accordance with its tariff on file with the Commission or product guide or similar document listed on its web site. The quality of service shall meet or exceed the minimum standards set forth in this subchapter.]~~ (RESERVED).**

(b)**~~[If a public utility fails to meet a standard service surveillance level in a reporting entity as described in this subchapter, the service data for the standard not met in that reporting entity shall be filed with the Commission]~~ (Reserved)**.

(c)**~~[A public utility shall provide access to operator-assisted services for all exchanges at all hours]~~ (Reserved)**.

(d)**~~[A public utility shall provide equipment and facilities designed and engineered in accordance with realistic forecasts of customer demand and shall maintain, or have access to, a stock of associated equipment to meet the demand]~~ (Reserved)**.

**(e) If unreasonable hardship to A JURISDICTIONAL TELECOMMUNICATIONS PUBLIC utility results from compliance ~~within~~ WITH this subchapter, THE JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY ~~application~~ may FILE A PETTION IN ACCORDANCE WITH 52 PA. CODE § 5.41 ~~be made to the Commission for~~ REQUESTING THE modification of the section or for temporary exemption from its requirements. The ~~adoption of this subchapter by the Commission will not preclude the altering or amending of the provisions in a~~ COMMISSION MAY ~~manner consistent with applicable statutory procedures, nor will the adoption of this subchapter preclude the Commission from granting~~ GRANT temporary exemptions OF THIS SUBCHAPTER in exceptional cases CONSISTENT WITH APPLICABLE STATUTORY PROCEDURES. ~~A person or~~ THE JURISDICTIONAL TELECOMMUNICATIONS PUBLIC utility ~~that files an application under this section~~ shall provide notice to a person who may be affected by the modification or temporary exemption, IF GRANTED. Notice may be made by a bill insert or in another reasonable manner.**

**§ 63.54. Record retention.**

**(a)** A **JURISDICTIONAL** **telecommunications** public utility shall retain for at least 90 days the information contained in customer bills and used by the public utility in compiling customer bills. Billing information on an account for which a dispute is pending shall be retained until the dispute has been finally resolved.

**(b) A JURISDICTIONAL telecommunications public utility shall retain for at least a ~~5-year~~ MINIMUM 3-YEAR period the service records related to the following: (1) call answering times under § 63.59 (relating to call answering measurements); (2) service complaints and trouble reports under § 63.22 (relating to service records); (3) surveillance level investigations under § 63.55 (relating to surveillance levels); and (4) service outages under § 63.22 and § 63.57 (relating to customer trouble reports) of this chapter.**

**§ 63.55. Surveillance levels.**

**(a) [~~When the level of operation of a telecommunications public utility fails to meet a stated average level of operation required by this subchapter for a period of 3 consecutive months, the public utility immediately shall:~~**

**~~(1) Initiate an investigation into the cause of the inadequate performance.~~**

**~~(2) [Inform the Commission of the substandard performance and of steps, studies and investigations commenced and undertaken by the public utility to determine the cause and to remedy the inadequate performance]~~**

**~~(3) On request from the Commission, the telecommunications public utility shall provide to the Commission a report detailing the results of the investigation into a breach of a surveillance level substandard performance and any steps, studies and further action undertaken or commenced by the public utility to determine the cause and to remedy the inadequate performance.~~  ] ON REQUEST FROM THE COMMISSION, A JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY SHALL PROVIDE TO THE COMMISSION A REPORT DETAILING THE RESULTS OF ANY INVESTIGATION INTO A FAILURE TO MEET THE QUALITY OF SERVICE STANDARDS SET FORTH IN CHAPTER 15 OF THE PUBLIC UTILITY CODE, OR VIOLATIONS OF SUBCHAPTER E OF CHAPTER 63 OF THE COMMISSION’S REGULATIONS, AND ANY STEPS, STUDIES AND FURTHER ACTION UNDERTAKEN OR COMMENCED BY THE UTILITY TO DETERMINE THE CAUSE AND TO REMEDY THE INADEQUATE PERFORMANCE.**

**~~(b) [In addition to the requirements set forth in subsection (a), a public utility shall file with the Commission, within 5 working days from its initial contact with the Commission as provided for in subsection (a)(2), a report which contains the following information:~~ (Reserved).**

**~~(1) The nature of the problem.~~**

**~~(2) The cause of the problem.~~**

**~~(3) The duration of the problem.~~**

**~~(4) The result of studies and investigations which have been taken.~~**

**~~(5) The remedial action taken]~~.**

**~~(c) [A public utility shall monitor the stated service problem area for a period of 1 month. At the end of this 1 month period the public utility shall file an updated status report with the Commission~~] (Reserved).**

**§ 63.56. ~~[Measurements]~~ (Reserved)**.

**(a) ~~[A public utility shall utilize measuring devices, methods and practices generally recognized and accepted by the communications industry to obtain or to allow the calculation of the service objectives detailed in this subchapte~~****~~r~~**~~.]~~

**(b)[ ~~Equipment arrangements permitting, each public utility shall have an objective of attaining at least 300 local dial service measurements per month on originating entities serving more than 10,000 access lines that are a part of a local dial network of 15,000 access lines~~**~~.]~~

**(c)[ ~~A public utility shall provide, maintain and operate a dial tone speed measuring device for originating entities serving more than 3,000 access lines~~**~~.~~]

**(d)[ ~~A public utility shall provide, maintain and operate load or service indicating devices on originating equipment for entities not equipped with a dial tone speed measuring device~~**~~.~~]

**(e)[ ~~A public utility shall monitor the answering time for calls received at customer contact locations, including, but not limited to, repair service, business offices and toll operator office. The monitoring required by this subchapter may be accomplished through measuring devices, random sampling or statistically valid customer satisfaction surveys. The Commission retains the right to determine the appropriateness of utility monitoring methods in particular circumstances~~**~~.]~~

**(f)[ ~~A public utility shall establish and maintain a performance record for each central office or other appropriate entity which shall be kept current and shall show applicable service results hourly, daily, monthly, as appropriate~~**~~.]~~ **(Reserved).**

**(g)~~[ Records and measurements required by this section shall be retained by the public utility for a minimum period of 3 years.]~~**

**§ 63.57. Customer trouble reports.**

**(a) ~~[A public utility shall respond to and take substantial action to clear out-of-service trouble of an emergency nature whenever the outage occurs, within 3 hours of the reported outage consistent with the needs of customers and personal safety of utility personnel~~**~~.]~~ **(Reserved).**

**(b) ~~[A public utility shall respond to and take substantial action to clear other out-of-service trouble, not requiring unusual repair, within 24 hours of the report, except for isolated weekend outages affecting fewer than 15 customers in an exchange or where the customer agrees to another arrangement]~~ A JURISDICTIONAL TELECOMMUNICATIONS PUBLIC UTILITY SHALL RESPOND TO OUT-OF-SERVICE TROUBLE REPORTS WITHIN 24 HOURS UNLESS A DIFFERENT PERIOD OF TIME IS AGREED TO BY THE CUSTOMER**.

(c) A **JURISDICTIONAL TELECOMMUNICATIONS** public utility shall keep commitments made to its customers and applicants, unless timely notice of unavoidable changes is given to the customer or applicant or a reasonable attempt is made to convey the notice.

(d) If unusual repairs are required or other factors preclude the prompt clearing of reported trouble, reasonable efforts shall be made to notify affected customers.

**(e) ~~[A report received by the public utility shall be counted as a separate report even though it may be a duplication of, or may involve a progress inquiry of, a previous report.]~~** **(Reserved).**

(f) It shall be substandard performance for a **JURISDICTIONAL TELECOMMUNICATIONS** public utility to receive more than 5.5 customer trouble reports per 100 lines per month. A **JURISDICTIONAL TELECOMMUNICATIONS** public utility receiving greater than 5.5 customer trouble reports per 100 lines per month is subject to the reporting requirements set forth in §  63.55~~(a)~~ (relating to surveillance levels).

**§ 63.58. ~~[Installation of service.]~~** **(RESERVED).**

(a) [~~Ninety-five percent of a TELECOMMUNICATION public utility’s primary service order installation shall be completed within 5 working days of receipt of an application [unless a later date is requested by the applicant or when construction is required] or unless the customer agrees to a later date.]~~

(b) ~~[Ninety percent of a public utility’s nonprimary service orders shall be completed no later than 20 days of receipt of an application unless a later date is requested by the applicant. If the utility company is unable to fill a nonprimary service order within the requisite time, the utility shall so inform the applicant and provide the applicant with the date nonprimary service will be available.]~~

(c) [~~Ninety percent of a public utility’s commitments to applicants as to date of installation of service orders shall be met, except for applicant-caused delays, adverse weather conditions and other supervening causes beyond the utility company’s control.]~~

§ 63.59. **[Operator-handled calls]** **Call Answering Measurements**.

**A JURISDICTIONAL TELECOMMUNICATIONS public utility shall take measures necessary and keep sufficient call answering records to monitor answering times for calls as follows:**

(a) ~~[~~**~~A public utility supplying operators shall establish practices for operators and the public utility shall establish practices for its representatives with the stated objective of providing efficient and pleasing service to its customers. Operators and other representatives shall be instructed to be courteous and considerate, and to comply with the Communications Act of 1934 (47 U.S.C.A. §§ 157—611) in maintaining the secrecy of communications.]~~ The percent of calls answered at each JURISDICTIONAL TELECOMMUNICATIONS public utility’s call center or business office, or both, within 30 seconds with the public utility representative ready to render assistance and to accept information necessary to process the call. An acknowledgment that the customer or applicant is waiting on the line does not constitute an answer. If the ~~public~~ utility records data for more than one call center or business office, the ~~public~~ utility should also record the combined percent of calls answered within 30 seconds for the public utility as a whole.**

(b) **~~[A public utility supplying operators shall maintain adequate personnel and equipment to assure an average operator answering performance on a monthly basis as follows:~~ (Reserved).**

**~~(1) Ninety percent of toll and operator assistance calls shall be answered within 10 seconds.~~**

**~~(2) Eighty-five percent of calls seeking repair service or to the business office during normal working hours shall be answered within 20 seconds.~~**

**~~(3) For purposes of this section, an “answer” means that the operator or other representative is ready to render assistance and to accept information necessary to process the call. An acknowledgement that the customer or applicant is waiting on the line does not constitute an answer.~~**

**~~(4) A public utility may measure its compliance with paragraphs (1) and (2) through the use of measuring devices, random sampling, statistically valid customer attitude surveys or a combination of these compliance measuring techniques. The Commission retains the right to determine the appropriateness of utility monitoring methods in particular circumstances.]~~ The average busy-out rate for each call center or business office, or both. If the JURISDICTIONAL TELECOMMUNICATIONS public utility records data for more than one call center or business office, the ~~public~~ utility should also record the combined busy-out rate for the ~~public~~ utility as a whole.**

**(c) The call abandonment rate for each call center or business office, or both. If the JURISDICTIONAL TELECOMMUNICATIONS public utility records data for more than one call center or business office, the ~~public~~ utility should also record the combined call abandonment rate for the ~~public~~ utility as a whole.**

**§ 63.60. ~~[Automatic Dialing Announcing Devices (ADAD)]~~ (Reserved)**.

**~~[(a) Upon receipt of a complaint in which the complainant can identify the ADAD user, the public utility shall inform the ADAD user of the service standards set forth in subsection (b). A subsequent complaint may result, after notice, in suspension of the ADAD user’s service~~**~~.~~

**~~(b) A public utility may not knowingly permit an ADAD to be connected or operated over its network unless one of the following applies:~~**

**~~(1) A prior written agreement exists between the called and calling parties~~**~~.~~

**~~(2) The ADAD is used in accordance with the following standards:~~**

**~~(i) Within 10 seconds after the called-party terminates the call, the ADAD automatically shall create a disconnect signal or an on-hook condition allowing the called-party’s line to be released. The ADAD shall terminate calls completed and a disconnect or an on-hook condition shall be created within 15 seconds of termination~~**~~.~~

**~~(ii) The recorded message shall begin with, or be preceded by, a statement announcing the name, address and call-back telephone number of the calling party, the nature and purpose of the ensuing message, and the fact the message is a recording~~**~~.~~

**~~(iii) No calls are permitted to be made to emergency telephone numbers of hospitals, fire departments, law enforcement offices or other entities providing emergency services~~**~~.~~

**~~(iv) No calls may be made on a Sunday before 1:30 p.m. or after 9 p.m. or before 9 a.m. or after 9 p.m. during the remainder of the week~~**~~.~~

**~~(v) The public utility shall make a determination either at the time of application for use or at the time the utility becomes aware of the use of the ADAD that no substantial impairment of service will occur as a result of the use of ADAD.]~~**

**§ 63.61. ~~[Local dial service]~~ (Reserved)**.

**~~[(a) A public utility shall operate and maintain central office and interoffice channel capacity and equipment adequate to achieve the following minimum service requirements during the average busy season, busy hour:~~**

**~~(1) Ninety-eight percent of calls shall be provided a dial tone within 3 seconds.~~**

**~~(2) Ninety-seven percent of correctly dialed intraoffice calls shall be completed.~~**

**~~(3) Ninety-six percent of correctly dialed interoffice calls shall be completed.~~**

**~~(b) For purposes of this section, completion is accomplished when either a ringing or busy signal resulting only from use of the called line occurs.]~~**

**§ 63.62.** **[~~Direct distance dial service]~~ (Reserved)**.

**~~[(a) A public utility shall operate and maintain trunk and related switching components in the intertoll network adequate to achieve the following minimum service requirements for operator unassisted, properly dialed, direct distance dialed calls during the average busy season:~~**

**~~(1) Ninety-seven percent of outgoing calls by customers shall be completed to the trunk group.~~**

**~~(2) Ninety-eight percent of incoming calls by customers shall be completed from the trunk group.~~**

**~~(b) This section applies only to calls placed exclusively over the facilities of the public utility or over which the utility leases for the completion of local exchange calls.]~~**

**§ 63.63. [~~Transmission requirements and standards~~] (RESERVED).**

(a) [~~A~~ **~~telecommunications~~** ~~public utility shall furnish, operate and maintain facilities adequate to provide acceptable transmission of communications. Transmission shall be at adequate volume levels and free of excessive~~ **~~interference,~~** ~~distortion, noise and cross talk.~~]

(b) ~~[The transmission standards shall be based upon the use of telephone sets connected to a 48-Volt dial central office, measured at a frequency of 1000 Hertz (Hz)]~~ **~~The provisions of this subsection shall apply to each wire center or other geographic area defined by the jurisdictional telecommunications public utility where the utility has fully deployed a jurisdictional fiber-optic network~~**~~.~~

(c) ~~[A telephone line terminating at a customer’s premises shall have a loop resistance not exceeding the operating design of the associated central office equipment.]~~

(d) ~~[Overall transmission loss on a customer loop shall not exceed 15 decibels.]~~

**§ 63.64. Metering inspections and tests.**

(a) [~~A~~ **~~telecommunications~~** ~~public utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.]~~ **(RESERVED).**

(b) [~~A~~ **~~telecommunications~~** ~~public utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of equipment and facilities, both for routine maintenance and for trouble location. The actual transmission performance of the network shall be monitored in order to determine if the established objectives and operating requirements are met. The monitoring function shall consist of circuit order test prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange and special transmission surveys of the network.~~] **(RESERVED).**

(c) If a meter is used in connection with **[telephone]** **telecommunications** service, it shall be read, where applicable, at monthly intervals. The meter reading records from which the customers’ bills are prepared shall show:

(1) Identifying number or means to determine readily the customer’s name, address and service classification.

(2) Meter readings.

(3) Date of meter reading.

(4) Multiplier or constant if used.

(d) ~~[A meter or other recording device used to record data and prepare customers’ bills shall be in good mechanical and electrical condition, shall be accurately read and may not involve approximations. A meter or recording device shall accurately perform the following:~~ **(Reserved).**

~~(1) For message rate service, if timing the length of message is not involved, the meter or recording device shall show the number of completed messages sent by the station or trunk which it is measuring.~~

~~(2) For measured rate or toll service when, in addition to recording a call, it is necessary to time the call, the recording device shall show the number of calls, and the chargeable time involved in each call and the station or trunk making the call. If a meter is associated with the station making the call, the meter shall accumulate the number of message units for these calls.~~

~~(3) If the recording equipment provides customer bills, accurate interpretation of the coded information is required.~~

(e) **[A telephone]** **A telecommunications** meter and recording device shall be tested prior to installation or when released for service and at regular intervals, or both, either by the manufacturer, the public utility or an approved organization equipped for the testing. The utility shall comply with the following:

(1) A public utility furnishing service, if local exchange billing is based on the number or duration of messages, shall provide the necessary facilities, instruments and equipment for testing its metering or recording equipment.

(2) The overall accuracy of the test equipment and test procedure shall be sufficient to enable testing of meter and record equipment within the requirements of this chapter.

(3) A meter and recording device tested under this subchapter for routine or complaint shall be tested in its normal operating location and wiring mode prior to removal or adjustment.

(4) A record of meter and recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. The record shall include the identifying number of the meter and recording device, its type, the date and kind of test and the results of each test.

(f) A public utility shall perform periodic testing and maintenance of its controlling trunk equipment associated with the meters or recording devices, or both, to assure the integrity of their operation **upon request or complaint**.

(g) **~~[~~**~~Upon request of a customer, a public utility shall make a test of a meter and recording device related to the billing. The requests may not be made more often than once every 3 months unless unusual circumstances exist.]~~ **(Reserved).**

(h) ~~[A customer, by request to the Commission, may have a test conducted by the public utility in the presence of a Commission representative.]~~ **(Reserved).**

**§ 63.65. Safety.**

A public utility shall adopt and implement a safety program fitted to the size and type of its operation and shall conform to the Occupational Safety Health Act (OSHA) standards, 29 CFR Parts 1910—1999 ~~[~~**~~which:~~**

**~~(1) Require employees to use suitable tools and equipment and to perform their work in a safe manner.~~**

**~~(2) Instruct employees in safe work practices.~~**

**~~(3) Instruct employees as to proper methods of artificial respiration for use in accidents, such as electric shock, asphyxiation and drowning.~~**

**~~(4) Exercise reasonable care in minimizing hazards to which employees, customers and the general public may be subjected]~~ as amended from time to time**.

**Subchapter F. ~~[EXTENDED AREA SERVICE]~~ (Reserved).**

**§ 63.71. ~~[Definitions]~~ (Reserved).**

**~~[The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:~~**

***~~EAS—extended area service~~*~~—The expansion of a local calling area to include additional exchanges.~~**

***~~Exchange~~*~~—An area served by one or more central offices which has a unique local calling area and a defined rate center from which toll distances are measured.~~**

***~~Full billing and collection agreement~~*~~—An agreement under which an interexchange carrier contracts with the local exchange carrier to bill and collect the revenues for message toll service calls placed by end users through the interexchange carrier as the presubscribed carrier.~~**

***~~Interexchange toll rates~~*~~—Telephone rates, usually based in part on the length of a telephone call, which are applied to calls between exchanges that are not in the same local calling area.~~**

***~~LATA~~*~~—A local access and transport area as designated by Federal law.~~**

***~~Local calling area~~*~~—The area, consisting of one or multiple telephone exchanges, between which calls may be completed without having interexchange toll rates applied.~~**

***~~Local exchange carrier~~*~~—A public utility which is certificated to provide intraexchange telephone service.~~**

***~~Optional calling plan~~*~~—A tariff provision which establishes the rate option to be offered to residential and business subscribers in exchanges which qualify for alternatives to EAS under § 63.73 (relating to optional calling plans).~~**

***~~Qualified noncontiguous exchanges~~*~~—Exchanges with toll rate centers within 16 miles of each other which do not geographically border each other but which meet the following criteria:~~**

**~~(i) The call-frequency standards between the exchanges established under § 63.74 (relating to EAS polls) are met in at least one direction.~~**

**~~(ii) The local calling area of the calling exchange is contiguous to the receiving exchange.~~**

***~~Subscriber~~*~~—A person or entity which contracts directly with a telephone utility for telephone service.~~**

***~~Traffic study interexchange carriers~~*~~—The five most active interexchange carriers in the service territory of a local exchange carrier as determined by a biennial review of interLATA access charge levels.]~~ (Reserved)**.

**§ 63.72. ~~[Traffic usage studies]~~** **(Reserved)**.

**~~[A local exchange carrier shall conduct a biennial interexchange toll traffic usage study. The study shall measure traffic over both intraLATA and interLATA routes. The study shall measure the average calling frequency between contiguous exchanges and between each exchange and each noncontiguous exchange having a toll rate center within 16 miles. On intraLATA routes only, the study shall also measure the percentage of total access lines within the exchange over which the calls are placed. In measuring calling frequency, all calling classes shall be considered collectively, including those who have elected optional calling plans under § 63.73 (relating to optional calling plans). The study shall measure usage in a representative 30-day period within the 12-month period preceding the study. The local exchange carrier shall prepare a report containing results of the study. The report is required to address only routes which equal or exceed 1.50 calls per access line per month. The report shall be filed with the Commission with a copy to the Office of Consumer Advocate on or before October 1 of each survey year. The report will be treated as proprietary and shall be filed under protective seal. The Commission and the Office of Consumer Advocate will release the results of the report, upon request, on a route specific basis to customers or customer representatives. Traffic usage data for routes with less than 1.50 calls per access line per month shall be submitted by local exchange carriers upon request by the Commission or the Office of Consumer Advocate.]~~**

**§ 63.72a. ~~[InterLATA traffic studies]~~ (Reserved)**.

**~~[(a) By January 31 of each year in which a biennial traffic study is due, each local exchange carrier will identify and formally notify the Commission of the traffic study interexchange carriers in its service territory. The identity of the traffic study interexchange carriers shall be based upon review of the access charge levels from the most recent 12-month period available. Each local exchange carrier shall concurrently notify each traffic study interexchange carrier of the following:~~**

**~~(1) That the interexchange carrier’s traffic will be included in the local exchange carrier’s traffic study under this subchapter.~~**

**~~(2) The format which the local exchange carrier will utilize in its traffic usage study.~~**

**~~(3) The representative month the local exchange carrier will use in its study.~~**

**~~(b) Each traffic study interexchange carrier shall provide the local exchange carrier with data which identifies the relevant interexchange traffic completed by the interexchange carrier and which originated in the local exchange carrier’s service territory for the representative month used by the local exchange carrier. The data shall be submitted to the local exchange carrier by June 1 of each year in which a biennial traffic usage study is due. The data submitted by traffic study interexchange carriers may not include traffic for which the interexchange carrier bills through the local exchange carrier under a full billing and collection agreement.~~**

**~~(c) The data submitted by each traffic study interexchange carrier shall be organized consistent with the following:~~**

**~~(1) The data shall be in the format specified by the local exchange carrier for the traffic usage study.~~**

**~~(2) The data shall identify the total number of calls completed by the traffic study interexchange carrier and which originated in each exchange in the local exchange carrier’s service territory for each interLATA route which requires study under § 63.72 (relating to traffic usage studies) for the representative month.~~**

**~~(3) The data shall identify the total number of access lines presubscribed to the traffic study interexchange carrier in each exchange for which data is submitted under paragraph (2).~~**

**~~(4) Data submitted by a traffic study inter- exchange carrier to a local exchange carrier shall be considered proprietary to the traffic study interexchange carrier and may not be used by the local exchange carrier for a purpose other than preparing its traffic usage study.~~**

**~~(5) Each traffic study interexchange carrier may petition the Commission to waive the submission of a portion of the data required to be submitted under this section. Each waiver petition shall include the estimated costs of submitting the data and the relative amount of traffic which the data represents. The Commission will approve a waiver petition only if it finds that the costs to the interexchange carrier outweigh the value of the data to the traffic usage study.~~**

**~~(d) Upon receiving the traffic study interexchange carrier data, each local exchange carrier shall complete the following in preparing the interLATA component of the traffic usage study:~~**

**~~(1) Collect and analyze the traffic data for each traffic study interexchange carrier for calls completed by the interexchange carrier which are billed through the local exchange carrier under a full billing and collection agreement.~~**

**~~(2) Aggregate the traffic data it collects and analyzes under full billing and collection agreements with the traffic data it receives from each traffic study interexchange carrier. Each local exchange carrier shall report the aggregate interexchange carrier. Each local exchange carrier shall report the aggregate results of the interLATA traffic study to the Commission in its biennial traffic usage study filed under § 63.72.]~~**

**§ 63.73.** **~~[Optional calling plans]~~ (Reserved)**.

**~~[(a) When biennial interexchange toll traffic usage studies reveal an average monthly calling frequency of 2.00 or more calls per access line from one exchange to another and where at least 25% of the access lines in the calling exchange have been used for 1.00 or more calls per month to the receiving exchange over a route for which a local exchange carrier provides toll service, a local exchange carrier shall offer one of the following rate options to each residential and business subscriber within the calling exchange:~~**

**~~(1) The ability to purchase for a flat fee a block of time for calls and a continuing discount for all usage exceeding the initial block of time to the receiving exchange during each billing period.~~**

**~~(2) Another alternative rate option approved by the Commission.~~**

**~~(b) When an exchange qualifies for an optional calling plan over a route served by a local exchange carrier, the local exchange carrier shall notify each residential and business subscriber within 60 days of the availability of the optional calling plan and shall provide to each subscriber a general description of the rates and benefits of the optional calling plan.~~**

**~~(c) When biennial interexchange toll traffic usage studies reveal an average monthly calling frequency of 2.00 or more calls per access line from one exchange to another over an interLATA route, each traffic study interexchange carrier serving the route shall offer one of the following rate options to each residential and business subscriber to whom the traffic study interexchange carrier provides toll service within the calling exchange:~~**

**~~(1) The ability to purchase a block of time for calls for a flat fee and a continuing discount for usage exceeding the initial block of time to the receiving exchange during each billing period.~~**

**~~(2) Another alternative rate option approved by the Commission.~~**

**~~(d) When an exchange qualifies for an optional calling plan over an interLATA route, each traffic study interexchange carrier serving the route shall notify each residential and business subscriber it serves in the exchange within 60 days of the availability of the optional calling plan and shall provide a description of the rates and benefits of the optional calling plan.~~**

**~~(e) A local exchange carrier and a traffic study interexchange carrier, serving a route which qualifies for an optional calling plan under a traffic usage study shall maintain in its tariff a provision which provides for establishment of an optional calling plan. The optional calling plan shall be consistent with subsection (a) or (b) and may establish flat fees to be charged for the installation of the optional calling plan.~~**

**~~(f) A local exchange or traffic study inter- exchange carrier may not terminate an optional calling plan to an exchange without express Commission approval.]~~**

**§ 63.74. ~~[EAS polls]~~ (Reserved).**

**~~[Whenever a traffic usage study between contiguous exchanges or between qualified noncontiguous exchanges qualifies for EAS under paragraphs (1) and (2), a subscriber poll of the calling exchange shall be conducted by the local exchange carrier serving the calling exchange to determine if the local calling area should be extended.~~**

**~~(1) For intraLATA routes, a route qualifies for extended area service if it has an average monthly calling frequency of 5.50 or more calls per access line from one exchange to another and where at least 50% of the access lines in the calling exchange have been used for 1.00 or more calls per month to the receiving exchange.~~**

**~~(2) For interLATA routes, a route qualifies for EAS if it has an average monthly calling frequency of 5.50 or more calls per access line from one exchange to another.~~**

**~~(3) A subscriber request for polling will not be considered a legal pleading and will not be subject to response by a utility or another party.~~**

**~~(4) A poll is not required if subscribers have affirmatively rejected the implementation of EAS from the calling exchange to the receiving exchange during the preceding 2 years.~~**

**~~(5) Two-way balloting will not be required unless usage standards are met in both directions.~~**

**~~(6) If two-way balloting is required and if the same telephone utility serves each exchange, the utility shall poll subscribers in each exchange for EAS into the other exchange. If different telephone utilities serve each exchange, each utility shall poll its own subscribers.~~**

**~~(7) A poll is not required when usage standards are met on a specific route and there will be no increase in the local service charge for extending the local calling area of an exchange. In this instance, one-way EAS shall be implemented over the qualifying route.~~**

**~~(8) When usage standards are met in both directions, two-way balloting is not required if there will be no increase in the local service charge for extending the local calling area for one of the two exchanges. If one of the two exchanges will receive an increase, than that exchange shall be polled and, if the exchange polled adopts EAS two-way EAS shall be implemented. Otherwise, one-way EAS shall be implemented on the route where there will be no increase.~~**

**~~(9) If circumstances require, the Commission may specify additional conditions under which polls shall be conducted.~~**

**~~(10) A local exchange carrier may petition the Commission for waiver of a provision of this section to address unique circumstances.]~~**

**§ 63.75. ~~[Subscriber polls]~~ (Reserved).**

**~~[The following rules apply to EAS subscriber polls:~~**

**~~(1) Within 180 days of the submission of traffic usage data indicating that a route qualifies for EAS under § 63.74 (relating to EAS polls), a local exchange carrier shall file a petition with the Commission requesting approval of a proposed transmittal letter and ballot which includes an estimate of the increase in the charge for local service to the Commission as a result of extending the local calling area. The Commission will approve a transmittal letter and ballot which shall include an estimate of the increase in the charge for local service, if any, due to the expansion of the local calling area.~~**

**~~(2) The local exchange carrier shall mail one approved ballot to each subscriber in the calling exchange. The local exchange carrier may tabulate the ballots itself but shall submit to the Bureau of Safety and Compliance a list of customers to be polled and their telephone numbers prior to sending out ballots. Upon completion of tabulation by a local exchange carrier, the local exchange carrier shall submit the original returned ballots to the Bureau of Safety and Compliance and shall submit a verified report to the Commission detailing the results of the poll. If the local exchange carrier does not tabulate the ballots itself, the ballots sent by the local exchange carrier to the subscribers shall be preaddressed, postage prepaid postcards to be returned to the Commission for tabulation.~~**

**~~(3) At least 50% of the ballots from an exchange shall be returned for a poll to be considered valid.~~**

**~~(4) In a valid poll, if 50% of the ballots returned from an exchange are in favor of EAS, the affected local exchange carriers shall implement EAS to the receiving exchange.~~**

**~~(5) In cases where interLATA EAS is implemented, telephone service between the calling exchange and the receiving exchange shall be transferred from the interexchange carriers serving the calling exchange to the local exchange carrier serving the calling exchange.~~**

**~~(6) In cases where the local exchange carrier is prohibited from providing service between the calling exchange and the receiving exchange by Federal antitrust consent decree restrictions and a waiver is necessary to implement EAS, the local exchange carrier shall apply for a waiver of Federal antitrust restrictions to allow it to implement EAS. The request for waiver will be made within 60 days of a Commission order or Secretarial Letter approving EAS. The Commission will file a statement affirmatively supporting the waiver application.]~~**

**§ 63.76. ~~[EAS complaints]~~ (Reserved).**

**~~[A formal complaint may be filed seeking the implementation of EAS. A complaint will be evaluated according to the criteria in § 63.77 (relating to evaluation criteria). If multiple telephone utilities are involved, each affected utility shall be an indispensible party to the proceeding. An administrative law judge may, as part of an initial decision, recommend the conduct of subscriber polls under § 63.75 (relating to subscriber polls) to determine if EAS should be implemented. The provisions of this subchapter do not prohibit the filing of complaints seeking the implementation of EAS between noncontiguous exchanges.]~~**

**§ 63.77. ~~[Evaluation criteria]~~ (Reserved).**

**~~[The Commission will consider the following criteria in evaluating EAS complaints:~~**

**~~(1) The amount of toll charge traffic between the two exchanges.~~**

**~~(2) The cost to the utility of implementing extended area service.~~**

**~~(3) The potential increase in local service charge due to implementation of EAS versus the current cost to subscribers for interexchange toll calls.~~**

**~~(4) The demography and the proximity of the exchanges as indicating community of interest.~~**

**~~(5) The availability of alternatives to EAS.~~**

**~~(6) The economic effect on the community if the local service area is not extended.]~~**

**Subchapter G. ~~[PUBLIC COIN TELEPHONE SERVICE]~~ (Reserved).**

**§ 63.91.** **~~[Purpose]~~ (Reserved)**.

**~~[The purpose of this subchapter is to promote competition in the coin telephone market, assure accurate price disclosure and provide for public interest coin telephones.]~~**

**§ 63.92. [~~Definitions]~~ (Reserved).**

**~~[The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:~~**

***~~Coin telephone~~*~~—A telephone which includes a coin mechanism which accepts coins for payment of rates or charges associated with placing local or interexchange calls from the telephone. The term does not include a telephone which requires insertion of a credit card to pay for using or placing calls from the telephone and does not include a telephone without a coin mechanism.~~**

***~~Local exchange carrier~~*~~—A telephone company certificated by the Commission to provide service within a local calling area.~~**

***~~Payphone service provider~~*~~—A corporation, association, partnership or person who manufactures, vends, owns or leases coin telephones and is not required to be certificated by the Commission for the provision of coin telephone service.]~~**

**§ 63.93. ~~[Conditions of service]~~ (Reserved).**

**~~[A payphone service provider shall provide service in accordance with this subchapter to be eligible for access to a public utility’s intrastate telephone facilities and services, and these services shall be denied when a payphone service provider does not comply with the requirements of this subchapter.]~~**

**§ 63.94. ~~[Coin telephone requirements]~~ (Reserved).**

**~~[(a) A coin telephone shall be registered with the Federal Communications Commission when required under 47 CFR Part 68 (relating to the connection of terminal equipment to the telephone network).~~**

**~~(b) A coin telephone shall provide a dial tone without the insertion of a coin to permit access to the operator. A coin telephone shall comply with the Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) usability standards where compliance with usability standards is required by the Americans With Disabilities Act of 1990 (ADA). It shall provide call completion for 911 service if available, access to telecommunication relay services, and per-call blocking of any caller identification service when the caller initiates the blocking service by dialing \*67. As an alternative to the per-call blocking service, the coin telephone shall offer callers free operator service to block caller identification.~~**

**~~(c) A coin telephone shall be capable of accepting and registering nickels, dimes and quarters for the payment of applicable charges for local exchange, message toll and other services.~~**

**~~(d) Coin telephones shall provide message toll service. The coin telephone shall be capable of completion of toll free numbers without the payment of a coin, that is, either without the insertion of a coin or with the return of the coin inserted.~~**

**~~(e) No more than one coin telephone may be connected to a single coin telephone access line. If a noncoin extension telephone is connected to the line, the instruments shall be wired so as to disconnect the extension telephone when the coin telephone hand set is off the hook.~~**

**~~(f) A local exchange carrier shall provide access lines to a payphone service provider. The payphone service provider shall be responsible for charges properly attributable to the installation, connection and use of the line. The charges may not include a charge for unpublished numbers for coin telephone listings. The charges may include the following:~~**

**~~(1) Nonrecurring installation charges.~~**

**~~(2) Connection and reconnection charges.~~**

**~~(3) Service call charges.~~**

**~~(4) Recurring monthly flat rate and measured-metered charges.~~**

**~~(5) Directory assistance charges.~~**

**~~(6) Improperly or erroneously accepted collect message toll charges, third number billing charges and credit card billing charges unless the non- public utility is paying a charge to the local exchange carrier for screening calls.~~**

**~~(g) A coin telephone shall display instructions and notices which are prominently posted on, or in the immediate vicinity of, the coin telephone clearly stating the following:~~**

**~~(1) The charge for local coin calls and dialing instructions to obtain rates for other types of calls.~~**

**~~(2) The name, address and telephone number of the owner, lessee or supplier of the telephone.~~**

**~~(3) Dialing and other instructions applicable to the use of the coin telephone.~~**

**~~(4) The telephone number of the coin telephone.~~**

**~~(5) Notice that the coin telephone provides one-way service only, if applicable.~~**

**~~(6) Notice of the per-call blocking option by dialing \*67 or, as an alternative, free operator service to block any caller identification service.~~**

**~~(7) The procedure for registering service complaints and obtaining refunds.~~**

**~~(h) A coin telephone may not be connected to a type of line other than a payphone service provider access line. Existing connections using business or residential access lines shall be converted by the local exchange carrier to utilize payphone service provider access lines. Each local exchange carrier shall maintain provisions in its tariff providing for payphone service provider access line service offerings. Through these tariff provisions, each local exchange carrier shall offer payphone service provider access lines and associated optional features to all payphone service providers on a nondiscriminatory basis.]~~**

**§ 63.95. ~~[Coin telephone service in the public interest]~~ (Reserved).**

**~~[The Commission may require a payphone service provider to place or replace a coin telephone at a particular location if it is determined that a placement or replacement is in the public interest.]~~**

**§ 63.96. ~~[Service requirements for coin telephones]~~ (Reserved).**

**~~[(a) A coin telephone shall provide two-way service and may be converted to one-way outgoing service only under extraordinary circumstances when the Commission determines that the action is justified based on public health, safety or welfare concerns, and is in the best interest of the public.~~**

**~~(b) A local exchange carrier, payphone service provider or other interested party may seek Commission review of whether conversion of a coin telephone from two-way service to one-way is justified by extraordinary circumstances. Conversion requests shall be made in writing and shall identify the telephone number and location of the coin telephone, and describe the circumstances which justify conversion.~~**

**~~(c) The Commission’s Bureau of Consumer Services shall determine whether a conversion request is justified within 10 days of its receipt unless the information provided by the requesting party is inadequate to make a determination. The Bureau will notify the requesting party and the owner of the coin telephone of its determination by telephone. The Bureau will provide the requesting party and the owner of the coin telephone written notice of its determination. The Bureau will limit the duration of the conversion authorization if it appears that the circumstances justifying the conversion are temporary in nature.~~**

**~~(d) A party may appeal the Bureau’s determination, or request that a coin telephone previously approved for one-way conversion be returned to two-way service, by filing a formal complaint with the Commission.~~**

**~~(e) In instances where a conversion request involves allegations of drug trafficking from a coin telephone or other emergency circumstances pertaining to public health, safety or welfare concerns, the Bureau may telephonically authorize the owner of the coin telephone to convert the telephone to one-way service on the same day the emergency conversion request is received. Following an emergency conversion authorization, the Bureau will review the conversion request under the procedures established in subsection (c).]~~**

**§ 63.98. ~~[Compliance]~~ (Reserved).**

**~~[(a) The Commission may direct a payphone service provider to submit data or other information to ensure compliance with this subchapter and may direct a local exchange carrier to terminate service to a payphone service provider found by the Commission to be in violation of this subchapter. The owner of a coin telephone shall be primarily responsible for assuring compliance with this subchapter.~~**

**~~(b) The Commission may direct payphone service providers to participate in the implementation of a self-enforcement program for payphone service provider coin telephones.~~**

**~~(c) This subchapter supersedes conflicting provisions of previously issued Commission orders.]~~**

**Subchapter H. ~~[INTEREXCHANGE TELECOMMUNICATIONS CARRIERS]~~ (Reserved)**

**§ 63.101. ~~[Statement of purpose and policy]~~ (Reserved).**

**~~[On December 1, 2004, the General Assembly enacted Chapter 30 of the code (relating to alternative form of regulation of telecommunications services), which provided for the regulatory reform of the telephone industry in this Commonwealth. Sections 3018 and 3019(b) of the code (relating to interexchange telecommunications carriers; and additional powers and duties) have significant effect on the future regulation by the Commission of intraState interexchange telecommunications carriers, which include interexchange resellers. The purpose of this subchapter is to codify the application of Chapter 30 of the code to intraState, inter- exchange telecommunications carriers and to codify the modification of procedures to address the application of Chapter 30 of the code.]~~**

**§ 63.102. ~~[Definitions]~~ (Reserved).**

**~~[The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:~~**

***~~Clear and conspicuous manner~~*~~—Information that is legible, stated in plain language and printed in 10-point type or larger.~~**

***~~Code~~*~~—The Public Utility Code. (66 Pa.C.S. §§ 101—3316).~~**

***~~Competitive services~~*~~—Interexchange services other than noncompetitive services.~~**

***~~Interexchange facilities-based carrier~~*~~—A person or entity whose facilities carry intraState interexchange service on a wholesale or retail basis through line, wire, cable, microwave, radio wave, satellite or other analogous facilities owned or operated by it.~~**

***~~Interexchange reseller carrier~~*~~—A person or entity which directly or indirectly acquires intraState interexchange service capacity and establishes rates to sell interexchange service through the use of technology to a residential or nonresidential subscriber or consumer.~~**

***~~Interexchange services~~*~~—The transmission of interLATA or intraLATA toll messages or data outside the local calling area.~~**

***~~Interexchange telecommunications carrier~~*~~—~~**

**~~(i) A public utility, including both interexchange reseller carrier and interexchange facilities-based carrier, as those terms are defined in this section, authorized by the Commission to provide intraState interexchange service on a wholesale or retail basis.~~**

**~~(ii) The term does not include a local exchange telecommunications company authorized by the Commission to provide intraState, interexchange services.~~**

***~~Noncompetitive services~~*~~—The term only includes those interexchange services or business activities that have been determined expressly by the Commission to be noncompetitive under § 63.105 (relating to reclassification of services).]~~**

**§ 63.103. ~~[Jurisdiction of interexchange reseller carriers]~~ (Reserved).**

**~~[Under the definition of “public utility” in section 102 of the code (relating to definitions), a person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for transmitting intraState interexchange services is subject to Commission jurisdiction as a public utility. Interexchange reseller carriers operate equipment or facilities utilized for the transmission of interexchange services and therefore, under the statutory definition of “public utility,” are jurisdictional.]~~**

**§ 63.104. ~~[Disclosure requirements for competitive services]~~ (Reserved).**

**~~[(a) All services, new or existing, offered by interexchange telecommunications carriers are deemed competitive.~~**

**~~(b) An interexchange telecommunications carrier may maintain tariffs and file tariff supplements with the Commission that set forth the rates, charges and service description information relating to each of its tariffed competitive services. If an interexchange telecommunications carrier files a tariff or a tariff supplement with the Commission for its competitive services, it shall become effective on 1-day’s notice.~~**

**~~(c) If an interexchange telecommunications carrier chooses to detariff its competitive services, it shall make available for public inspection information concerning the rates, charges, terms and conditions for its competitive services in an easily accessible and clear and conspicuous manner at the following locations:~~**

**~~(1) At the interexchange telecommunications carrier’s principal office, if it is located within this Commonwealth, or at any local business office of the utility during regular business hours.~~**

**~~(2) At the web site of the interexchange telecommunications carrier. An interexchange telecommunications carrier has the flexibility to structure and present information concerning the rates, charges, terms and conditions for its competitive services on its internet web site in any manner that it chooses, as long as the information is easily accessible to the public.~~**

**~~(d) An interexchange telecommunications carrier shall update information concerning changes in rates, charges, terms and conditions for its detariffed competitive services either at its principal office or any local business office within 5 days and on its Internet web site no later than 48 hours after the effective date of the change so it provides the current information concerning service offerings.~~**

**~~(e) An interexchange telecommunications carrier that chooses to detariff its competitive services shall disclose to customers their right to request information concerning the rates, charges, terms and conditions for its competitive services and shall provide contact information for this purpose.~~**

**~~(f) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.]~~**

**§ 63.105. ~~[Reclassification of services]~~ (Reserved).**

**~~[(a) The Commission has authority, under section 3018(c) of the code (relating to interexchange telecommunications carriers), after notice and an opportunity for a hearing, to reclassify the services of an interexchange telecommunications carrier as a noncompetitive service.~~**

**~~(b) The Commission will review whether a competitive service should be reclassified as a noncompetitive service within the scope of a Commission investigation conducted under section 331(a) of the code (relating to powers of commission and administrative law judges), or upon consideration of a complaint filed under section 701 of the code (relating to complaints). The notice to the interexchange telecommunications carrier may contain the information deemed relevant by the Commission in holding a reclassification proceeding.~~**

**~~(c) When reviewing whether a service should be reclassified, the Commission will consider all relevant information submitted to it, including the following factors:~~**

**~~(1) The ease of entry by potential competitors into the market for the specific service at issue.~~**

**~~(2) The presence of other existing interexchange telecommunications carriers in the market for the specific service at issue.~~**

**~~(3) The ability of other interexchange telecommunications carriers to offer the service at competitive prices, terms and conditions.~~**

**~~(4) The availability of like or substitute service alternatives in the relevant geographic area for the service at issue.]~~**

**§ 63.106. ~~[Noncompetitive services and tariffs]~~ (Reserved).**

**~~[(a) A noncompetitive service, as defined in § 63.102 (relating to definitions), offered by an interexchange telecommunications carrier shall be included in a tariff filed in compliance with sections 1302 and 1303 of the code (relating to tariffs; filing and inspection; and adherence to tariffs).~~**

**~~(b) Modifications to the rates, terms or conditions of the noncompetitive service set forth in the interexchange carrier’s tariff shall be implemented through the filing of a tariff supplement and verified supporting documentation. The interexchange telecommunications carrier shall serve the tariff supplement on the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission’s Office of Trial Staff. The interexchange telecommunications carrier shall provide notice to the customer of the proposed change to the noncompetitive service 45 days prior to the filing of the tariff supplement with the Commission.~~**

**~~(c) The tariff supplement and verified supporting documentation must contain the following information:~~**

**~~(1) An indication on each page of the tariff supplement that the page pertains to the noncompetitive service.~~**

**~~(2) A description of the noncompetitive service.~~**

**~~(3) The rates proposed for the noncompetitive service.~~**

**~~(4) Supporting data justifying the proposed rates for the noncompetitive service.~~**

**~~(5) An executive overview summarizing the reason for the filing which includes relevant information regarding the safety, adequacy, reliability and privacy considerations related to the proposed service.~~**

**~~(6) Other reasonable justification or any relevant data that is requested by the Commission after its initial review.~~**

**~~(d) The interexchange telecommunications carrier is not required to submit cost justification, cost-of-service or revenue data relating to the proposed change as directed in subsection (c)(4) if one of the following applies:~~**

**~~(1) The proposed change does not purport to increase an existing rate or surcharge.~~**

**~~(2) The proposed change to the noncompetitive service is designed to make the rates, terms or conditions for that service comparable to the rates, terms and conditions that have been approved by several other state commissions.~~**

**~~(e) The noncompetitive service tariff supplement shall be filed to become effective on 16-days’ notice by the interexchange telecommunications carrier.~~**

**~~(f) Review of noncompetitive service tariff supplements shall be conducted consistent with the following procedures:~~**

**~~(1) Within 14 days of the date of filing of the tariff supplement with the Commission, the Commission will issue a notice allowing the tariff supplement to become effective or issue a report that explains why the tariff supplement may not become effective without modification. The report must identify modifications which would eliminate inadequacies in the tariff supplement. The Commission will deliver or transmit the notice or report to the filing interexchange telecommunications carrier at the time of issuance.~~**

**~~(2) When the Commission issues a notice allowing the tariff supplement to go into effect, the tariff supplement shall become effective, without modification, 16 days after the filing date. If the Commission does not issue a notice or report on the tariff supplement within the 14-day period, the tariff supplement will go into effect by operation of law at the end of the 16-days’ notice period.~~**

**~~(3) When the Commission prohibits a tariff supplement from going into effect and issues a report addressing the inadequacies in the tariff supplement, the tariff supplement shall be suspended pending consideration of the tariff supplement under paragraphs (4) and (5).~~**

**~~(4) The filing interexchange telecommunications carrier may file a response to the suspension of the carrier’s tariff supplement. The response shall be filed within 7 days of the issuance of the report.~~**

**~~(5) In the alternative, the interexchange telecommunications carrier may withdraw the tariff supplement and file a new tariff supplement which adopts the modifications addressed in the report or which reflects a version of the tariff supplement that has been agreed to by the carrier and the Commission. When a modified tariff supplement is filed, the modified tariff supplement shall become effective on 1-day’s notice.~~**

**~~(g) An interexchange telecommunications carrier requesting rate decreases for its existing noncompetitive services shall be permitted to put them into effect at the end of the specified 16-day notice period without further review or approval by the Commission.~~**

**~~(h) An interexchange telecommunications carrier requesting changes in the terms and conditions of its existing noncompetitive services, when the changes do not result in any rate changes, shall be permitted to put them into effect at the end of the specified 16-day notice period without further review or approval by the Commission.~~**

**~~(i) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.]~~**

**§ 63.107. ~~[Applications for authority]~~ (Reserved).**

**~~[(a) An applicant shall specifically indicate in the application for authority to commence service that it is requesting authorization to provide interexchange services to the public and comply with § 3.551 (relating to official forms).~~**

**~~(b) If an applicant is offering noncompetitive services to the public, it shall attach a proposed tariff to its application containing the proposed rates of the noncompetitive services and the rules and policies under which the interexchange telecommunications carrier intends to provide its service. Rates for noncompetitive services provided for in the proposed tariff may not exceed the reasonable charge for a noncompetitive interexchange call.~~**

**~~(c) In addition to review of the general evidentiary criteria applicable to interexchange telecommunications carrier application proceedings, the Commission will review the proposed tariff to determine if it complies with subsection (b). The Commission will grant applications only upon a finding that the proposed tariff complies with subsection (b). If the proposed tariff contains rates for noncompetitive services that do not exceed the reasonable charge for a noncompetitive interexchange call, the Commission will presume that the rates for the noncompetitive services are just and reasonable.~~**

**~~(d) Upon the grant of an application for authority to commence interexchange service, the applicant proposing to offer noncompetitive services shall file an initial tariff with the Commission for its noncompetitive services only. The initial tariff must contain the same rates, rules and policies for the noncompetitive services as set forth in the proposed tariff reviewed by the Commission. The initial tariff must become effective immediately upon filing. Initial tariffs must comply with §§ 53.1—53.10 and 53.21—53.26 (relating to filing regulations; and form and content of tariffs).~~**

**~~(e) Upon the grant of an application for authority to commence interexchange service, a new interexchange telecommunications carrier may file or maintain with the Commission tariffs containing the rates, terms and conditions for its competitive services. If the new interexchange telecommunications carrier files a tariff with the Commission, the tariff shall become effective on 1-day’s notice.~~**

**~~(f) If a new interexchange telecommunications carrier chooses to detariff its competitive services, the information regarding the rates, terms and conditions for its competitive services shall be made available at the public disclosure locations established in § 63.104(c) (relating to disclosure requirements for competitive services). The new carrier shall post the information at the public disclosure locations within 48 hours of the date that its application to commence interexchange service has been approved by the Commission.~~**

**~~(g) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.]~~**

**§ 63.108. ~~[Reporting requirements]~~ (Reserved).**

**~~[(a) Interexchange telecommunications carriers shall file affiliated interest and affiliated transaction agreements with the Commission unless the agreements involve services declared to be competitive. The filings constitute notice to the Commission only. The Commission may use the filings to audit the accounting and reporting systems of interexchange telecommunications carriers for transactions with their affiliates.~~**

**~~(b) On or before May 31 of a calendar year, a certificated interexchange telecommunications carrier, as defined in § 63.102 (relating to definitions), shall file with the Commission an annual report for the preceding calendar year. The annual report shall be filed with the Commission’s Bureau of Fixed Utility Services.~~**

**~~(c) The annual report must contain aggregate total revenue and traffic volume data measured in minutes of use for the carrier’s intraState operations during the preceding calendar year.~~**

**~~(d) The interexchange telecommunications carrier shall provide disaggregated information in its annual report if it is technologically feasible for the interexchange telecommunications carrier to collect the data. Some examples of the information that shall be disaggregated in the carrier’s major service categories are:~~**

**~~(1) Message toll service (MTS) and associated services including operator assisted and calling card services.~~**

**~~(2) Services corresponding to outbound Wide Area Telecommunications Services (WATS).~~**

**~~(3) Services corresponding to inbound WATS or “800” type services.~~**

**~~(4) Private line or dedicated communication path services.~~**

**~~(5) Dedicated network type services, including virtual network type services.]~~**

**§ 63.109~~. [Enforcement]~~ (Reserved).**

**~~[(a) For the purpose of enforcement of consumer complaints regarding competitive services, the Commission will have jurisdiction to enforce consumer complaints that involve violations of the applicable public notice requirements established in this subchapter. The Commission will have jurisdiction to enforce consumer complaints regarding the provisioning of service by interexchange telecommunications carriers, including customer privacy, ordering, installation, restoration and disconnection, as well as the quality of service issues. Other consumer complaints, including those complaints involving violations that fall under the Unfair Trade Practices and Consumer Protection Law (73 P.S. §§ 201-1—209-9.3), will be referred by the Commission’s Bureau of Consumer Services to the Office of Attorney General’s Bureau of Consumer Protection.~~**

**~~(b) For the purpose of enforcement of consumer complaints related to noncompetitive services, the Commission will utilize the dispute and informal complaint procedures prescribed for residential billing disputes under Chapter 64 (relating to standards and billing practices for residential telephone service). The Bureau of Consumer Services will have primary jurisdiction over informal complaints arising under this subchapter for designated noncompetitive services.]~~**

**Subchapter J. CONFIDENTIALITY OF CUSTOMER COMMUNICATIONS AND INFORMATION**

§ 63.131. **~~[Purpose and general]~~ General** provisions.

(a) **~~[This subchapter establishes appropriate minimum standards to ensure that public utilities providing regulated telecommunication services maintain the confidentiality of customer communications and customer information]~~ (Reserved)**.

(b) **~~[A telephone]~~****A** [**~~jurisdictional~~**] **telecommunications** company subject to this subchapter shall treat customer communications and customer information as confidential. Except for the limited instances provided in this subchapter, release of customer information to the public shall be permitted only on the authority of the customer. When a **[~~telephone~~]** **telecommunications** company or its authorized **[~~employes~~]** **employees, agents or independent contractors** utilize customer information, they shall do so only when necessary and only to the extent necessary to accomplish legitimate and authorized purposes, as set forth in this subchapter. **[~~Telephone~~]** **Telecommunications** companies and **[~~telephone company employes~~]** **their** **employees, agents or independent contractors** shall make every reasonable effort to avoid the unauthorized dissemination of customer information to the public. **A TELECOMMUNICATIONS COMPANY, ITS EMPLOYEE, ITS AFFILIATES OR SUBSIDIARIES, OR AN AGENT OR INDEPENDENT CONTRACTOR THAT HAS ENTERED INTO A CONTRACTUAL RELATIONSHIP WITH THE TELECOMMUNICATIONS COMPANY AND HANDLES CUSTOMER COMMUNICATIONS AND CUSTOMER INFORMATION IS SUBJECT TO THIS SUBCHAPTER.**

(c) Nothing in this subchapter supersedes the Wiretap Act, or permits a **~~[telephone]~~** **telecommunications** company service or activity which is otherwise prohibited by the Wiretap Act.

**§ 63.132. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

***Agent*—An individual or entity that performs work on behalf of a telecommunications public utility WHO ~~as~~ IS the principal IN THE CONTRACTUAL RELATIONSHIP WITH THE AGENT. ~~and is subject to this subchapter~~.**

*Customer communications*—A customer voice or data communication made in whole or in part by wire, cable, microwave or other means for the transmission by a **~~[telephone]~~** **telecommunications** company of communications between the point of origin and the point of reception by a **~~[telephone]~~** **telecommunications** company.

*Customer information*—Information regarding a customer of a **~~[telephone]~~** **telecommunications** company or information regarding the services or equipment ordered and used by that customer. The term includes a customer’s name, address and telephone number, occupation, information concerning toll calls, collect calls and third-party billed calls, local message detail information and information concerning services ordered or subscribed to by a customer. The term also includes bills, statements, credit history, toll records whether on paper, microfiche or electromagnetic media; computer records; interexchange carrier selection, service problems and annoyance call records.

*Destruction*—The mutilation of documents in a manner which insures that their content is obliterated by sufficiently tearing or shredding prior to collection by public waste or trash collectors or by appropriately erasing information stored electromagnetically.

**~~[~~*~~Employe~~*~~]~~ *Employee***—An individual who works directly for and is paid a salary by a **~~[telephone]~~** **telecommunications** company subject to this subchapter.

***Independent contractor*—An individual or entity that IS NOT AN EMPLOYEE OR AGENT OF THE TELECOMMUNICATIONS COMPANY BUT performs work on behalf of a telecommunications ~~public utility~~ COMPANY PURSUANT TO A CONTRACTUAL RELATIONSHIP ~~that is subject to this subchapter~~.**

**~~[~~*~~Pen register~~*~~—A device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted with respect to wire communications on the telephone line to which the device is attached. The term does not include a device which is excluded from the definition of pen register by the Wiretap Act.]~~**

*Security department*—The department or individuals with responsibility for the prevention and investigation of the loss, destruction or theft of **~~[telephone]~~** **telecommunications** company property, the unauthorized or unlawful use of **~~[telephone]~~** **telecommunications** company equipment or services and the unlawful conduct of **~~[telephone]~~** **telecommunications** company **~~[employes]~~****employees, agents or independent contractors** which occurs during the course of employment.

*Service evaluation and monitoring*—Evaluation and monitoring of **~~[telephone]~~** **telecommunications** company operations, including communications, to maintain or improve the quality of service to the customer. The term includes review of **~~[customer/employe relations]~~ employee, agent or independent contractor** **relationships with customers**, system checks and facility maintenance.

***TELECOMMUNICATIONS SERVICES*–THE OFFERING OF THE TRANSMISSION OF MESSAGES OR COMMUNICATIONS FOR A FEE TO THE PUBLIC.**

**~~[~~*~~Telephone~~*~~]~~ *Telecommunications*** *company*—A public utility which provides **~~regulated~~** telecommunication services subject to Commission jurisdiction.

**~~[~~*~~Trap and trace device~~*~~—A device which captures incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted. The term does not include a device which is excluded from the definition of trap and trace device by the Wiretap Act~~**~~.~~

***~~Wiretap~~*~~—A device which is used to intercept and record or aurally monitor telephone communications whether from a local or remote site under a court order or other lawful process.]~~**

*Wiretap Act*—Title 18 of the *Pennsylvania Consolidated Statutes* §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act).

**§ 63.133. Confidentiality.**

A **~~[telephone]~~** **telecommunications** company shall **~~[establish]~~** **distribute** a written statement of its fundamental policy and obligation to maintain the confidentiality of customer communications and customer information **to its customers annually**. The written statement shall declare the responsibility of each **~~[employe]~~** **employee, agent or independent contractor** to maintain the confidentiality of customer communications and customer information in accordance with applicable State and Federal law.

§ 63.134. **~~[Employe commitment]~~ Commitment** to confidentiality of customer communications and customer information.

A **~~[telephone]~~** **telecommunications** company shall confirm with each **~~[employe]~~** **employee, agent or independent contractor** the responsibility to maintain the confidentiality of customer communications and customer information in accordance with applicable State and Federal law.

(1) *Securing commitment from* **~~[~~*~~employes~~*~~]~~*****employees, agents or independent contractors***. A **~~[telephone]~~****telecommunications** company shall, at the time a person commences employment or an agency or independent contractor relationship, instruct that person regarding **~~[telephone]~~** **telecommunications** company policy covering the following points:

(i) State and Federal law generally prohibits the interception, disclosure and use of customer communications.

(ii) An **~~[employe]~~** **employee, agent or independent contractor** is prohibited from intercepting, using or disclosing customer communications except in those limited instances which are a necessary incident to:

(A) The provision of service.

(B) The protection of the legal rights or property of the **~~[telephone]~~** **telecommunications** company where the action is taken in the normal course of employment.

(C) The protection of the **~~[telephone]~~****telecommunications** company, an interconnecting carrier, a customer or user of service from fraudulent, unlawful or abusive use of **~~[telephone]~~** **telecommunications** service.

(D) Compliance with legal process or other requirements of law.

(iii) An **~~[employe]~~** **employee, agent or independent contractor** is prohibited from using or disclosing customer information except when the use or disclosure is authorized by this subchapter.

(iv) Improper interception, use or disclosure of customer communications or customer information may result in disciplinary action, including dismissal or criminal and civil proceedings, or both.

(2) *Documentation of* **~~[~~*~~employe~~*~~]~~*****employee*, agent *or independent contractors*** *commitment*. An appropriate document shall be prepared outlining the policy summarized in paragraph (1) and stating that the **~~[telephone]~~** **telecommunications** company **~~[employe]~~** **employee,** **agent or independent contractor** has read and understands the policy. The **~~[telephone]~~****telecommunications** company shall present the document to each **~~[employe]~~** **employee, agent or independent contractors** for signature. A **~~[telephone]~~** **telecommunications** company manager shall witness and date the document, regardless of whether the **~~[employe]~~****employee, agent or independent contractor** has agreed to sign the document. One copy shall be filed with the **~~[employe’s]~~** personnel papers **of the employee, agent or independent contractors** and one copy given to the **~~[employe]~~** **employee, agent or independent contractors** to keep and review.

(3) *Annual review*. A **~~[telephone]~~** **telecommunications** company shall annually review with **~~[employes]~~** **employees, agents or independent contractors** the commitment to confidentiality of customer communications and customer information, and shall make a record of that annual review.

**§ 63.135. Customer information.**

This section describes procedures for determining **~~[employe]~~** access to customer information and the purposes for which this information may be used by **~~[employes]~~** **employees, agents or independent contractors** responding to requests for customer information from persons outside the **~~[telephone]~~** **telecommunications** company and the recording of use and disclosure of customer information.

(1) **~~[~~*~~Employe access~~*~~]~~ *Access*** *to and use of customer information*. Access to and use of customer information shall be limited to **~~[employes~~]** **employees, agents or independent contractors** who have a legitimate need to use the information in the performance of their work duties and, because of the nature of their duties, need to examine the data to accomplish the legitimate and lawful activities necessarily incident to the rendition of service by the **~~[telephone]~~** **telecommunications** company. An **~~[employe~~]** **employee, agent or independent contractor** shall be prohibited from using customer information for personal benefit or the benefit of another person not authorized to receive the information.

(2) *Requests from the public*. Customer information that is not subject to public availability may not be disclosed to persons outside the **~~[telephone]~~** **telecommunications** company or to subsidiaries or affiliates of the **~~[telephone]~~** **telecommunications** company, except in limited instances which are a necessary incident to:

(i) The provision of service.

(ii) The protection of the legal rights or property of the **~~[telephone]~~****telecommunications** company where the action is taken in the normal course of an **~~[employe’s]~~** **employee’s, agent’s or independent contractor’s** activities.

(iii) The protection of the **~~[telephone]~~** **telecommunications** company, an interconnecting carrier, a customer or a user of service from fraudulent, unlawful or abusive use of service.

(iv) A disclosure that is required by a valid subpoena, search warrant, court order or other lawful process.

(v) A disclosure that is requested or consented to by the customer or the customer’s attorney, agent,**~~[employe]~~****employee** or other authorized representative.

(vi) A disclosure request that is required or permitted by law, including the regulations, decisions or orders of a regulatory agency.

(vii) A disclosure to governmental entities if the customer has consented to the disclosure, the disclosure is required by a subpoena, warrant or court order or disclosure is made as part of **~~[telephone]~~** **telecommunications** company service.

(3) *Limitation on disclosures to agents, contractors, subsidiaries or affiliates*. To comply with this subchapter, a **~~[telephone]~~** **telecommunications** company may not allow disclosure of customer information to an agent, contractor, subsidiary or affiliate **IT HAS ENTERED IN A DIRECT CONTRACTUAL RELATIONSHIP WITH OR TO THE AGENTS, INDEPENDENT CONTRACTORS, SUBSIDIARIES OR AFFILIATES OF A PARTY IT HAS ENTERED INTO A CONTRACT** with absent the prior establishment of terms and conditions for the disclosure pursuant to a written agreement that requires:

(i) Treatment of the information as confidential.

(ii) Use of the information by the contracting party or any of its respective **~~[employes]~~** **employees, agents or independent contractors** for only those purposes specified in the contract or agreement. The contract shall require the contracting party to establish a confidentiality statement which provides confidentiality protections which are no less than those required of the **~~[telephone]~~** **telecommunications** company by this subchapter and to maintain the same **~~[employe]~~** **~~employee~~**commitment to the protections in § 63.134 (relating to **~~[employe]~~** **employee, agent or independent contractor** commitment to confidentiality of customer communications and customer information). The contract may not allow the interception or use of the customer information or customer communications in a manner not authorized with respect to a **~~[telephone]~~** **telecommunications** ~~company~~ **COMPANY’S** **~~[employe]~~ employee, agent or independent contractor**. The contracting party shall also be subject to the operational restrictions specified in this subchapter with regard to the handling of customer communications and customer information as would otherwise apply to a **~~[telephone]~~** **telecommunications** ~~company~~ **COMPANY’S** **~~[employe]~~****employee, agent or independent contractor**.

(iii) Nondisclosure of the customer information and customer communications to third parties except as required by law.

(4) *Requests from law enforcement agencies and civil litigation*. Government administrative, regulatory and law enforcement agencies and parties in civil litigation may be able to compel the **~~[telephone]~~** **telecommunications** company to disclose customer information by serving upon the utility a subpoena, search warrant, court order or other lawful process.

(i) In response to legal process requiring the disclosure of customer information, the security department shall make the necessary arrangements with the government agency or attorney who caused the legal process to be issued regarding the information to be produced and the identity of the **~~[employe]~~** **employee, agent or independent contractor** or other **~~[telephone]~~** **telecommunications** company representative who will produce the information. The **~~[employe]~~** **employee, agent or independent contractor** assigned to produce this information shall secure the information, including applicable records, from the department having possession of the information and records and shall ascertain the meaning of a code word or letters or nomenclature which may appear on the records, to explain the meaning, if requested to do so. The **~~[employe]~~** **employee, agent or independent contractor** shall then comply with the legal process.

(ii) If information, including applicable records, is unavailable, the **~~[employe]~~** **employee, agent or independent contractor** selected to respond to the legal process shall be prepared to explain the unavailability of the information requested.

(iii) When a request for customer information is presented by a law enforcement agency, but that request is not accompanied by legal process, the request shall be referred to the security department. Absent legal process, the security department may not make disclosure of customer information to a law enforcement agency, except as required or permitted by law. Written, oral or other communication to law enforcement officials to indicate whether obtaining legal process would be worthwhile is prohibited by the Commission.

(5) *Safeguarding customer information*. A **~~[telephone]~~** **telecommunications** company is responsible for implementing appropriate procedures to safeguard customer information and prevent access to it by unauthorized persons. Tangible customer records such as paper or microfiche records and electromagnetic media shall be stored in secure buildings, rooms and cabinets, as appropriate, to protect them from unauthorized access. Data processing and other electronic systems shall contain safeguards, such as codes and passwords, preventing access to customer information by unauthorized persons.

(i) *Transmission of customer information*. Customer information shall be transmitted in a manner which will reasonably assure that the information will not be disclosed to persons who are not authorized to have access to it.

(ii) *Reproduction*. Customer records may not be reproduced unless there is a business need for the reproduction. Only sufficient copies shall be made to satisfy the business purpose for the reproduction.

(iii) *Destruction of customer records*. Customer records shall be disposed of by the most advantageous method available at each location when retention of the records is no longer required by applicable Federal Communications Commission (FCC) regulations, other legal requirements, contract provisions such as government contract requirements or appropriate document retention guidelines.

(6) *Recording use and disclosure of customer information*. Because of the frequency with which customer information is used and disclosed in the ordinary course of business, it is neither practical nor desirable to record each instance in which customer information is used or disclosed by an **~~[employe]~~ employee, agent or independent contractor**. However, the importance of some forms of customer information and the circumstances under which the information may be used or disclosed dictate that a record is required of the use or disclosure of customer information, as follows:

(i) Each instance in which customer information is used or disclosed for purposes other than to furnish service to the customer, to collect charges due from the customer or to accomplish other ordinary and legitimate business purposes.

(ii) Each instance in which information is disclosed to persons outside of the **~~[telephone]~~** **telecommunications** company, subject to subparagraph (i).

(iii) Each instance in which customer information is disclosed to a governmental entity or the **~~[telephone]~~** **telecommunications** company security department.

(iv) Each instance in which a record is required by other **~~[telephone]~~** **telecommunications** company practices or procedures.

(7) *Annual notice of Customer Proprietary Network Information (CPNI) rights*. The **~~[telephone]~~** **telecommunications** company shall provide an annual written notice of CPNI rights, as defined by the FCC, to customers with less than 20 access lines. The notice shall be submitted to the Commission’s Bureau of Consumer Services for plain language review prior to issuance.

**§ 63.136.** **~~[Use of certain customer communications or customer information for debt collection purposes]~~ (Reserved)**.

~~[Notwithstanding another provision of this subchapter, neither the telephone company nor an agent or contractor of the telephone company may use itemized call information, including toll call information, which states the name or number of a person called by a customer, or customer communications with a person other than the telephone company, for the purpose of identifying and contacting the person to locate the customer to collect a debt owed by the customer to the telephone company. If the customer disputes liability for charges associated with a particular call, the telephone company may contact the person whom its records indicate was called to ascertain whether a call actually was placed from the customer’s service to that person.]~~

**§ 63.137.** **~~[Service monitoring and related matters]~~** **(Reserved)**.

~~[This section sets forth procedures for service evaluation and monitoring; use of pen registers and trap and trace devices; and responses to government requests for assistance in conducting wiretap, pen register, trap and trace and other types of investigations.~~

~~(1)~~ *~~Compliance with State and Federal laws~~*~~. The telephone company shall comply with State and Federal laws regulating the recording, interception, disclosure or use of customer communications and the use of pen registers and trap and trace devices. Other recording of conversations is prohibited.~~

~~(2)~~ *~~Service evaluation and monitoring~~*~~. The telephone company may evaluate and monitor those aspects of its operations, including customer communications, necessary for the provision of service to its customers.~~

~~(i)~~ *~~Service evaluation~~*~~. A telephone company may engage in the sampling of customer communications by telephone company employees or automated equipment to measure service quality. This sampling of customer communications shall be kept to the minimum needed to measure service quality. Service evaluation facilities may not have monitoring access points outside official evaluation quarters. Entry to evaluation quarters shall be strictly controlled. During periods when evaluation quarters are not in use or when otherwise considered appropriate, the quarters shall be securely locked or the equipment rendered inoperative or accessible only by authorized personnel. Access to service evaluation documents that contain individual employee-customer contact information shall be closely guarded to protect the customer’s privacy.~~

~~(ii)~~ *~~Maintenance monitoring~~*~~. A telephone company may engage in the monitoring of telephone company facilities by an employee entering the circuit to listen and carry out tests to determine whether noise, “cross-talk,” improper amplification, reproduction or other problems may exist. This includes the mandatory routines covered by equipment test lists, tracing of circuits for corrective action and other similar activities. The monitoring may not interfere with the voice or data information being carried.~~

~~(iii)~~ *~~Administrative monitoring~~*~~. A telephone company may engage in the monitoring of telephone company employee contacts with customers and with other employees which have a direct bearing on the quality of service provided to customers. The monitoring equipment shall be secure at all times and only used by authorized persons. The monitoring may be performed from a remote location. When the equipment is in a remote location and is not in use, it shall be secured or made inoperative or accessible only by authorized personnel.~~

~~(3)~~ *~~Security department monitoring~~*~~. To the extent permitted by applicable State and Federal law, the security department may conduct monitoring, including recording of conversations, in conjunction with the investigation of toll fraud or other unlawful uses of the telephone network. The security department shall maintain complete records of monitoring performed. At a minimum, the records shall include the date and times between which the monitoring was conducted, the name, address and telephone number of the person from whose service the communication was placed and by whose service it was received, the name of the person making the communication, the duration of the communication and information derived from the monitoring. The records shall be retained for the period of time required by telephone company document retention guidelines.~~

~~(4)~~ *~~Use of pen registers and trap and trace devices~~*~~.~~

~~(i) Pen register and trap and trace devices may be used by telephone company employees in accordance with applicable State and Federal law.~~

~~(ii) In each instance in which pen register or trap and trace devices are used for a purpose other than for the operation, maintenance or testing of the network, for billing purposes or for the provision of service, a record shall be made showing the dates and times between which the pen register or trap and trace device was used, the names of the persons by whom the use was authorized, directed to be performed and conducted, and the name, address and telephone number of the person whose service was subject to use of the pen register or trap and trace device. The record shall be retained for the time required by applicable telephone company document retention guidelines.~~

~~(5)~~ *~~Employee authorization~~*~~. An employee may not perform service evaluation, maintenance monitoring or administrative monitoring or direct that these activities be performed unless the employee is authorized and has a need to do so as part of the employee’s work duties. An employee may not use pen register or trap and trace facilities or direct that such a device or facilities be used unless the employee is authorized and has a need to do so as part of regular work duties.~~

~~(6)~~ *~~Government orders~~*~~. Orders from courts and other lawful process requiring the telephone company to assist in the performance of pen register searches, trap and trace searches, wiretap searches and other types of investigations shall be handled in accordance with applicable State and Federal law. The telephone company shall maintain a record of each investigation conducted under this subsection. The record shall be retained for the time required by applicable telephone company document retention guidelines.]~~

**Subchapter K. COMPETITIVE SAFEGUARDS**

**§ 63.141. Statement of purpose and policy.**

(a) This subchapter establishes competitive safeguards to:

(1) Assure the provision of adequate and nondiscriminatory access by **~~[ILECs to CLECs]~~** **local exchange telecommunications ~~carriers~~ COMPANIES to** **competitive telecommunications carriers as the term is defined in this subchapter** for all services and facilities **~~[ILECs]~~ local exchange telecommunications companies** are obligated to provide **~~[CLECs]~~** **competitive telecommunications carriers** under any applicable Federal or State law.

(2) Prevent the unlawful cross subsidization or support for competitive services from noncompetitive services by **~~[ILECs]~~ local exchange telecommunications companies**.

(3) Prevent LECs from engaging in unfair competition.

(b) These competitive safeguards are intended to promote the Commonwealth’s policy of establishing and maintaining an effective and vibrant competitive market for all telecommunications services.

(c) The code of conduct in § 63.143 (relating to code of conduct) supersedes and replaces the code of conduct adopted by Commission order entered September 30, 1999, at P-00991648, et al.

**§ 63.142. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

**~~[~~*~~CLEC—Competitive local exchange carrier~~*~~]~~** ***Competitive telecommunications carrier***—

(i) A **local exchange** telecommunications **~~[company]~~ services provider** that has been certificated or given provisional authority by the Commission as a **~~[CLEC]~~ competitive telecommunications carrier** under the Commission’s procedures implementing the Telecommunications Act of 1996, the act of February 8, 1996 (Pub. L. No. 104-104, 110 Stat. 56), or under the relevant provisions in 66 Pa.C.S. § **~~[3009(a)]~~ 3019(a)** (relating to additional powers and duties), and its successors and assigns.

(ii) The term includes any of the **~~[CLEC’s]~~** **competitive telecommunications carrier’s** affiliates, subsidiaries, divisions or other corporate subunits that provide local exchange service.

*Competitive service*—~~A service or business activity offered by an~~ **~~[ILEC or CLEC] local exchange telecommunications company or competitive telecommunications carrier~~** ~~that has been classified as competitive by the Commission under the relevant provisions of 66 Pa.C.S. §~~ **~~[3005]~~****~~3016~~** ~~(relating to competitive services).~~ **AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

**~~[ILEC—Incumbent local exchange carrier—~~**

**~~(i) A telecommunications company deemed to be an ILEC under section 101(h) of the Telecommunications Act of 1996 (47 U.S.C.A. § 251(h)), and its successors and assigns.~~**

**~~(ii) The term includes any of the ILEC’s affiliates, subsidiaries, divisions or other corporate subunits that provide local exchange service.]~~**

*LEC—Local exchange carrier***~~—~~ ~~[A local [telephone company] exchange telecommunications service provider that provides telecommunications service within a specified service area. LECs encompass both [ILECs and CLECs] local exchange telecommunications companies and competitive telecommunications carriers.]~~ A LEGAL ENTITY THAT IS AUTHORIZED TO DO BUSINESS IN PENNSYLVANIA BY THE DEPARTMENT OF STATE AND HAS BEEN CERTIFICATED BY THE COMMISSION TO OFFER LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE WITHIN A SPECIFIED SERVICE AREA. LECS ENCOMPASS BOTH LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES AND COMPETITIVE TELECOMMUNICATIONS CARRIERS.**

***Local exchange telecommunications company*—**

**~~[(i) A local exchange telecommunications services provider deemed to be an incumbent carrier under section 101(h) of the Telecommunications Act of 1996 (47 U.S.C.A. § 251(h)), and its successors and assigns.~~**

**~~(ii) The term includes any of the local exchange telecommunications company’s affiliates, subsidiaries, divisions or other corporate subunits that provide local exchange service.]~~ AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

*Market price*—Prices set at market-determined rates.

*Noncompetitive service*—**[~~Any protected [telephone] telecommunications service as defined in 66 Pa.C.S. § [3002] 3012 (relating to definitions), or a service that has been determined by the Commission as not a competitive service.]~~** **AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

*Telecommunications service*~~—~~ **~~[A utility service, involving the transmission of messages, which is subject to the Commission’s jurisdiction]~~ The offering of the transmission of messages or communications for a fee to the public**.

**§ 63.143. Code of conduct.**

All LECs, unless otherwise noted, shall comply with the following requirements:

(1) Nondiscrimination.

(i) **~~[An ILEC]~~** **A local exchange telecommunications company** may not give itself, including any local exchange affiliate or division or other corporate subunit that performs that function, or any **~~[CLEC]~~** **competitive telecommunications carrier** any preference or advantage over any other **~~[CLEC]~~** **competitive telecommunications carrier** in the preordering, ordering, provisioning, or repair and maintenance of any goods, services, network elements (as defined under section 3(29) of the Communications Act of 1934 (47 U.S.C.A. § 153(29)), or facilities.

(ii) **~~[An ILEC]~~** **A local exchange telecommunications company** may not condition the sale, lease or use of any noncompetitive service on the purchase, lease or use of any other goods or services offered by the **~~[ILEC]~~ local exchange telecommunications company** or on a written or oral agreement not to deal with any CLEC. In addition, a LEC may not condition the sale, lease or use of any noncompetitive service on a written or oral agreement not to deal with any other LEC. Nothing in this paragraph prohibits an **~~[ILEC]~~** **local exchange telecommunications company** from bundling noncompetitive services with other noncompetitive services or with competitive services so long as the **~~[ILEC]~~ local exchange telecommunications company** continues to offer any noncompetitive service contained in the bundle on an individual basis.

(iii) **[~~An ILEC]~~ local exchange telecommunications company** shall offer to **~~[CLECs]~~** **competitive telecommunications carriers** for resale any bundled competitive and noncompetitive services it provides to end-users at the same price it offers the bundled services to end-users less any applicable wholesale discount approved by the Commission, and shall make the unbundled network elements associated with those services available to **~~[CLECs]~~** **competitive telecommunications companies** as may be required by any applicable State or Federal law.

(2) Employee conduct.

(i) A LEC employee, while engaged in the installation of equipment or the rendering of services to any end-user on behalf of a competitor, may not disparage the service of the competitor or promote any service of the LEC to the end-user.

(ii) A LEC employee, while processing an order for the repair or restoration of service or engaged in the actual repair or restoration of service on behalf of a competitor, may not either directly or indirectly represent to any end-user that the repair or restoration of service would have occurred sooner if the end-user had obtained service from the LEC.

(3) Corporate advertising and marketing.

(i) A LEC may not engage in false or deceptive advertising with respect to the offering of any telecommunications service in this Commonwealth.

(ii) A LEC may not state or imply that the services provided by the LEC are inherently superior when purchased from the LEC unless the statement can be factually substantiated.

(iii) A LEC may not state or imply that the services rendered by a competitor may not be reliably rendered or are otherwise of a substandard nature unless the statement can be factually substantiated.

(iv) **~~[An ILEC]~~ A local exchange telecommunications company** may not state or imply that the continuation of any requested service from the ~~[ILEC]~~ **local exchange telecommunications company** is contingent upon taking other services offered by the **~~[ILEC]~~ local exchange telecommunications company** that are not technically necessary to provide the requested service.

(4) Cross subsidization.

(i) **~~[An ILEC~~**~~]~~ **A local exchange telecommunications company** may not use revenues earned or expenses incurred in conjunction with noncompetitive services to subsidize or support any competitive services.

(5) Information sharing and disclosure.

(i) **~~[An ILEC]~~ ~~A local exchange telecommunications company shall simultaneously make available to [CLECs] competitive telecommunications carriers network information not in the public domain that is used for sales purposes by the [ILEC] local exchange telecommunications company or the [ILEC’s] local exchange telecommunications company’s competitive local [exchange] telecommunications services affiliate or division or other corporate subunit that performs that function.~~**]

**A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY SHALL SIMULTANEOUSLY MAKE AVAILABLE TO COMPETITIVE TELECOMMUNICATIONS CARRIERS NETWORK INFORMATION NOT IN THE PUBLIC DOMAIN THAT IS USED FOR SALES PURPOSES BY THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OR ITS LOCAL EXCHANGE AFFILIATE OR DIVISION OR OTHER CORPORATE SUBUNIT THAT PERFORMS THAT FUNCTION.**

(A) The term “network information” means information concerning the availability of unbundled network elements or information necessary for interconnection to the **~~[ILEC’s~~**~~]~~ **local exchange telecommunications company’s** network.

(B) Network information does not include information obtained during the processing of an order or service on behalf of the**~~[ILEC]~~****local exchange telecommunications company** or the **~~[ILEC’s]~~** **local exchange telecommunications company’s** competitive local exchange affiliate or division or other corporate subunit that performs that function.

(ii) **~~[An ILEC’s~~**~~]~~ **A local exchange telecommunications company’s** employees, including its wholesale employees, shall use **~~[CLEC]~~** **competitive telecommunications carrier** proprietary information (that is not otherwise available to the **~~[ILEC)]~~** **local exchange telecommunications company)** received in the preordering, ordering, provisioning, billing, maintenance or repairing of any telecommunications services provided to the **~~[CLEC]~~ competitive telecommunications carrier** solely for the purpose of providing the services to the CLEC. **~~[ILEC]~~ Local exchange telecommunications company** employees may not disclose the **~~[CLEC]~~** **competitive telecommunications carrier** proprietary information to other employees engaged in the marketing or sales of retail telecommunications services unless the **~~[CLEC]~~ competitive telecommunications carrier** provides prior written consent to the disclosure. This provision does not restrict the use of aggregated **~~[CLEC]~~** **competitive telecommunications carrier** data in a manner that does not disclose proprietary information of any particular **~~[CLEC]~~ competitive telecommunications carrier**.

(iii) Subject to customer privacy or confidentiality constraints, a LEC employee may not disclose, directly or indirectly, any customer proprietary information to the LEC’s affiliated or nonaffiliated entities unless authorized by the customer under § 63.135 (relating to customer information).

(6) Sharing of employees and facilities. The **~~[ILEC’s]~~** **local exchange telecommunications company’s** wholesale employees who are responsible for the processing of a **~~[CLEC]~~ competitive telecommunications carrier** order or service of the operating support system on behalf of a **~~[CLEC]~~** **competitive telecommunications carrier** may not be shared with the retail portion of the ~~[ILEC’s]~~ **local exchange telecommunications company’s** business, shall have offices physically separated from the **[**~~ILEC’s]~~ **local exchange telecommunications company’s** retail employees and shall have their own direct line of management.

(7) Adoption and dissemination. Every LEC shall formally adopt and implement the applicable code of conduct provisions as company policy or modify its existing company policy as needed to be consistent with the applicable code of conduct provisions. Every LEC shall also disseminate the applicable code of conduct provisions to its employees and take appropriate steps to train and instruct its employees in their content and application.

**Subchapter N. LOCAL SERVICE PROVIDER ABANDONMENT PROCESS**

**§ 63.302. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise:

\* \* \* \* \*

*Customer*—The end-user recipient of **~~[telephone]~~ telecommunications** service provided by ~~[a]~~ **an** LSP.

\* \* \* \* \*

***LOCAL EXCHANGE CARRIER—* A LEGAL ENTITY THAT IS AUTHORIZED TO DO BUSINESS IN PENNSYLVANIA BY THE DEPARTMENT OF STATE AND HAS BEEN CERTIFICATED BY THE COMMISSION TO OFFER LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE WITHIN A SPECIFIED SERVICE AREA. LECS ENCOMPASS BOTH LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES AND COMPETITIVE TELECOMMUNICATIONS CARRIERS.**

\* \* \* \* \*

***~~[Local service~~*~~—Telecommunications service within a customer’s local calling area.~~**

**~~(i) The term includes the customer’s local calling plan, dial tone line, touch-tone and directory assistance calls allowed without additional charge.~~**

**~~(ii) The term also includes services covered by the Federal Line Cost Charge, Pennsylvania Relay Surcharge, Federal Universal Service Fund Surcharge, Local Number Portability Surcharge, Public Safety Emergency Telephone Act (9-1-1) Fee and applicable Federal and State taxes.]~~**

***LOCAL TELECOMMUNICATIONS SERVICE*—TELECOMMUNICATIONS SERVICE WITHIN A CUSTOMER’S LOCAL CALLING AREA, INCLUDING:**

**(I) THE CUSTOMER’S LOCAL CALLING PLAN, DIAL TONE LINE, TOUCH-TONE AND DIRECTORY ASSISTANCE CALLS ALLOWED WITHOUT ADDITIONAL CHARGE.**

**(II) SERVICES COVERED BY THE FEDERAL LINE COST CHARGE, PENNSYLVANIA RELAY SURCHARGE, FEDERAL UNIVERSAL SERVICE FUND SURCHARGE, LOCAL NUMBER PORTABILITY SURCHARGE, PUBLIC SAFETY EMERGENCY TELEPHONE ACT (9-1-1) FEE AND APPLICABLE FEDERAL AND STATE TAXES.**

*Local service reseller*— A LSP that resells another company’s wholesale ~~[telephone]~~ **telecommunications** services to provide local service to customers.

\* \* \* \* \*

***TELECOMMUNICATIONS SERVICE*—THE OFFERING OF THE TRANSMISSION OF MESSAGES OR COMMUNICATIONS FOR A FEE TO THE PUBLIC.**

**CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL ~~[TELEPHONE]~~ TELECOMMUNICATIONS SERVICE**

**Subchapter A. PRELIMINARY PROVISIONS**

**§ 64.1. Statement of purpose and policy.**

The purpose of this chapter is to establish and enforce uniform, fair and equitable residential **~~[telephone]~~ telecommunications** service standards governing account payment and billing, credit and deposit practices, suspension, termination and customer complaint procedures. The purpose of this chapter is to assure adequate provision of residential **~~[telephone]~~** **telecommunications** service; to restrict unreasonable suspension or termination of or refusal to provide service; and to provide functional alternatives to suspension, termination or refusal to provide service. Every privilege conferred or duty required by this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to ensure justice for all concerned.

**§ 64.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Applicant*—A person who applies for residential **~~[telephone]~~** **telecommunications** service, other than a transfer of service from one dwelling to another within the service area of the LEC or a reinstatement of service following a discontinuation or suspension.

*Basic service*—The transmission of messages or communications by **a** telephone **device** between points within a local calling area as established in the tariff of **~~[an]~~ a** LEC, including installation service, providing and restoring access lines, touch tone service and handling of unpaid checks as addressed in § 64.11 (relating to method of payment). The term includes charges for 911 service, telecommunications relay service and subscriber line service, but does not include **~~[premise]~~ premises** visits for installation of new service.

*Billing period*—A period of at least 26 days and not more than 35 days, except in the following circumstances:

(i) An initial bill for a new customer may be less than 26 days or greater than 35 days. The initial bill may never exceed 60 days.

(ii) A final bill due to discontinuance or termination may be less than 26 days or greater than 35 days but may not exceed 42 days. A bill may be rendered after the final bill for an additional toll, lost equipment or other similar charge.

(iii) Bills for less than 26 days or more than 35 days will be permitted if they result from a rebilling initiated by the company or by a customer dispute to correct a billing problem.

*Bundled service package*—~~A package of services offered and billed on one bill by~~ **~~[an] a~~** ~~LEC, as defined in this section, which includes nontariffed, competitive, noncompetitive or protected services, including services of an affiliate, in combinations and at a single price selected by the LEC.~~ **(I)** **A PACKAGE OF SERVICES, WHICH INCLUDES NONCOMPETITIVE OR PROTECTED AND COMPETITIVE SERVICES, INCLUDING SERVICES OF AN AFFILIATE, IN COMBINATIONS AND AT A SINGLE RATE OR CHARGE THAT IS OFFERED AND BILLED ON ONE BILL BY A COMPETITIVE TELECOMMUNICATIONS CARRIER OR A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

**(II)** **THE TERM DOES NOT INCLUDE A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OR COMPETITIVE TELECOMMUNICATIONS CARRIER TARIFF FILING THAT INVOLVES SIMULTANEOUS CHANGES IN RATES AND CHARGES FOR NONCOMPETITIVE SERVICES IN A REVENUE NEUTRAL MANNER.**

***CTC—COMPETITIVE TELECOMMUNICATIONS CARRIER*—AN ENTITY THAT PROVIDES TELECOMMUNICATIONS SERVICES SUBJECT TO THE JURISDICTION OF THE COMMISSION AND IN COMPETITION WITH A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY.**

*Commercial service*—**~~[Telephone]~~ Telecommunications** service to a location other than a dwelling, except that service to a dwelling used for both residential and commercial purposes shall be considered commercial service if concurrent residential service is provided.

*Competitive wire center*—**A wire center or other geographic area that is defined and served by a local exchange telecommunications company where all of its** **PROTECTED, retail****NONPROTECTED AND RETAIL NONCOMPETITIVE telecommunications services have been declared or determined to be competitive by the Commission ~~as competitive~~ under 66 Pa.C.S. § 3016 (relating to competitive services).**

*Cramming*—The submission or inclusion of unauthorized, misleading or deceptive charges for products or services on an end-user customer’s local telephone bill.

*Customer*—An applicant in whose name a residential service account is billed.

*Delinquent account*—Charges for **~~[telephone]~~** **telecommunications** service which have not been paid in full by the due date stated on the bill or otherwise agreed upon. The contested portion of an account may not be deemed delinquent if, before the due date, payment arrangements with the LEC have been entered into by the customer, a timely filed notice of dispute is pending before the LEC or an informal or formal complaint is timely filed with and is pending before the Commission.

*Discontinuation of service*—The temporary or permanent cessation of service upon the request of a customer.

*Dispute*—A grievance of an applicant, customer or customer’s designee about a utility’s application of one or more provisions covered by this chapter, including credit determinations, deposit requirements, the accuracy of amounts billed or the proper party to be charged, which remains unresolved after the initial contact or utility follow-up response when the applicant, customer or customer’s designee consents to the utility reviewing pertinent records or other information and calling back. The term does not include a disagreement arising from matters outside the scope of this chapter, or failure to negotiate a mutually satisfactory payment agreement regarding undisputed amounts, or a disagreement over billing data provided to the local exchange carrier by an interexchange carrier.

*Dwelling*—A house, apartment or other location where a person resides.

*Emergency*—An unforeseen combination of circumstances requiring temporary discontinuation of service either to effect repairs or maintenance or to eliminate an imminent threat to life, health, safety or property.

*Interexchange carrier*—A carrier which provides interexchange services to the public under 66 Pa.C.S. § **~~[3008]~~ 3018** (relating to interexchange telecommunications **~~[carrier]~~ carriers**).

*LEC*—*Local Exchange Carrier*— [**~~A public utility which provides basic service either exclusively or in addition to toll service as an incumbent or a competitive carrier.]~~**

A **JURISDICTIONAL TELECOMMUNICATIONS** public utility which provides basic service either exclusively or in addition to toll service. **A LOCAL EXCHANGE CARRIER CAN BE EITHER A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY OR A COMPETITIVE TELECOMMUNICATIONS CARRIER.**

***LETC—LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY—*A TELECOMMUNICATIONS SERVICE PROVIDER AS DEFINED IN 66 PA.C.S. § 3012 (RELATING TO DEFINITIONS).**

*Nonbasic service*—A service or a product other than **~~[telephone]~~** **telecommunications** service which is either offered or billed for by **~~[an]~~ a** LEC. The term includes the sale or lease of customer premises equipment, inside wiring maintenance plans, repair services, premises visits for service installation, nonrecurring charges for nonbasic services, restoral charges for nonbasic services, custom calling services, audiotex services, pay-per-call services and international information or entertainment services.

***Noncompetitive wire center*—A wire center or other geographic area that is defined and served by a local exchange telecommunications company where the jurisdictional telecommunications public utility ~~continues to offer~~ ~~to its customer~~ OFFERS protected, retail nonprotected and noncompetitive telecommunications services as defined by 66 Pa.C.S. § 3012 (relating to definitions).**

*Occupant*—A person who resides at a location to which residential service is supplied.

*Payment agreement*—A mutually satisfactory agreement between the customer and the LEC whereby a customer who admits liability for billed service is permitted to pay the unpaid balance of the account in one or more payments over a reasonable period.

*Physician*—An individual permitted under the statutes of the Commonwealth to engage in the practice of medicine and surgery or in the practice of osteopathy or osteopathic surgery.

*Residential service*—**~~[Telephone]~~****Telecommunications** service supplied to a dwelling, including service provided to a location used for both residential and commercial purposes if no concurrent commercial service is provided. The term does not include **~~[telephone]~~** **telecommunications** service provided to a hotel or motel.

*Service provider*—Facilities-based interexchange carrier, interexchange reseller or information service provider initiating the service or charges to end-user customers.

*Slamming*—The unauthorized changing of a customer’s telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

*Suspension of service*—A temporary cessation of service without the consent of the customer.

**~~[~~*~~Telephone~~*~~]~~ *Telecommunications*** *company*—A public utility which provides **~~[telephone]~~** **telecommunications** service subject to Commission jurisdiction.

**~~[~~*~~Telephone~~*~~]~~ *Telecommunications*** *service*—The transmission of messages or communications by telephone. The term includes basic service and toll service.

*Termination of service*—Permanent cessation of service after a suspension without the consent of the customer.

*Toll service*—The transmission of messages or communications by telephone between points which are not both within a local calling area as established in the tariff of **~~[an]~~ a** LEC. The term includes service that is either billed by or provided by **~~[an]~~ a** LEC, toll restoral charges and presubscription interexchange carrier change charges.

**Subchapter B. PAYMENT AND  
BILLING STANDARDS**

**§ 64.11. Method of payment.**

Payment may be made in any reasonable manner including payment by personal check, unless the customer within the past year has tendered a check which has been returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault. When a tendered personal check is returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault, the LEC may treat such unpaid check as a payment never made by the customer and, if it does so, shall not be obligated to halt suspension or termination action based on its receipt of this check from the customer. **The LEC may impose a charge for a returned check as long as the charge is set forth ~~be~~ in the LEC’s approved tariff, Product Guide or similar document.** ~~The LEC also may impose a handling charge, the amount of which shall be set forth in the carrier’s approved tariff.~~ Notwithstanding the foregoing provisions, the LEC may not proceed with suspension or termination of service based on a disputed billed amount ~~or impose a handling charge~~ if the customer stops payment on a check due to a good faith billing dispute.

**§ 64.12. Due date for payment.**

The due date for payment of a monthly bill**,** **whether it be a paper bill or an electronic bill generated instead of a paper bill,** shall be at least 20 days from the date of mailing **OR, IN THE CASE OF AN ELECTRONIC BILL, FROM THE DATE OF TRANSMISSION** by the LEC to the customer.

(1) *Extension of due date to next business day*. If the last day for payment falls on a Saturday, Sunday or bank holiday or another day when the offices of the LEC which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) *Date of payment by mail*. For a remittance by mail, one of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The LEC may not impose a late payment charge unless payment is received more than 5 days after the due date.

(iii) The LEC may not mail or deliver notice of suspension until at least 5 days after the stated due date.

(3) *Date of payment [~~to branch office or authorized payment agent~~]* ***MADE IN PERSON OR ELECTRONICALLY***. The effective date of payment to a branch office or authorized payment agent is the date of actual payment at that location. **THE EFFECTIVE DATE OF THE PAYMENT MADE ELECTRONICALLY TO THE UTILITY IS THE DATE THE CUSTOMER MADE THE ELECTRONIC PAYMENT.**

(4) *Multiple notifications*. When a LEC advises a customer by multiple notices or contacts and they contain different due dates, the date on or before which payment is due shall be the latest date contained in the notices listed in this section.

**§ 64.13. Billing frequency.**

**~~[An]~~ A** LEC shall render **either a paper** bill **~~or shall generate an electronic billing instead of paper bills~~** **OR AN ELECTRONIC BILL** once every billing period to customers in accordance with **~~approved rate schedules~~ THE LEC’S TARIFF, PRODUCT GUIDE OR SIMILAR DOCUMENT.**

**§ 64.14. Billing information.**

**(a)** Every bill rendered must **~~[state clearly]~~** **clearly state** the following information:

(1) The date of the bill.

(2) The due date on or before which payment shall be received to avoid an account being considered delinquent.

(3) The beginning and ending dates of the billing period for service, excluding toll usage and equipment.

(4) The amount due for basic service, nonbasic service, and taxes and applicable surcharges, during the current billing period.

(5) An itemized statement of toll charges listing the date, time, destination, duration and rate period for each toll call unless the customer subscribes to an unlimited toll service plan or toll service is included as part of the customer’s bundled service package.

(6) The amounts for security deposits owed by or credited to existing customers. This amount shall be separately stated on each bill if a security deposit remains unpaid.

(7) The total amount of payments and other credits made to the account during the current billing period.

(8) The amount of late payment charges.

(9) The total amount due.

(10) A statement directing the customer to register a question or complaint about the bill prior to the due date, with the address and telephone number where the customer may direct questions or complaints.

(11) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill, and an explanation of the various charges, if applicable, can be obtained by contacting the business office of the LEC.

(b) **~~[At least annually, and upon request of the customer, the LEC shall provide an itemization of all service equipment and other recurring charges]~~ (Reserved)**.

(c) [~~Upon request for new or additional services, the LEC shall inform the customer of the monthly recurring charge for service and each item of equipment ordered by the customer and shall provide a minimum and maximum estimate of applicable nonrecurring charges. The LEC shall maintain a record of the estimates given for 90 days~~ **~~or approximately 3 billing cycles~~**~~. The LEC shall have available a printed explanation of alternative rates and services.]~~ **(RESERVED).**

(d) **~~[Every final bill must contain a statement that a subsequent bill will be rendered if needed to collect charges, such as additional tolls or lost equipment.]~~ (Reserved)**.

§ 64.15. **~~[Advance payments]~~ (Reserved)**.

**~~[Payment may be required before furnishing any of the following services:~~**

**~~(1) The construction of facilities and furnishing of special equipment~~**~~.~~

**~~(2) Temporary service for short-term use.]~~**

§ 64.22. **~~[Billing service for interexchange carriers]~~ (Reserved)**.

**~~[A LEC may provide billing services for interexchange carriers when the LEC applies its deposit rules.]~~**

**§ 64.24. Provision of bundled service packages.**

**\* \* \* \* \***

(c) *Consumer protection requirements*. ~~An LEC that offers bundled service packages is subject to the following consumer protection requirements:~~ **A LEC THAT IS LEGALLY OBLIGATED TO OFFER ANY “PROTECTED SERVICE” PURSUANT TO CHAPTER 30, 66 PA.C.S. §§ 3011 ET SEQ., TO CERTAIN RESIDENTIAL CUSTOMERS SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS WHEN OFFERING ANY BUNDLED SERVICES PACKAGE THAT INCLUDES BASIC SERVICE TO SUCH CUSTOMERS:**

**Subchapter C. CREDIT AND DEPOSIT STANDARDS POLICY**

**§ 64.31. LEC credit and deposit policies.**

[~~An essential ingredient of the credit and deposit policies of each LEC shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area or a part thereof. Deposit policies shall be based on the credit risk of the applicant or customer rather than upon the credit history of the affected premises or upon the collective credit reputation or experience in the area in which the applicant or customer lives without regard to race, religion, gender, age if over 18, national origin or marital status.~~] **A LEC SHALL DESCRIBE ITS CREDIT AND DEPOSIT STANDARDS, WHICH MUST BE REASONABLE UNDER SECTION 1501 OF THE CODE, IN A TARIFF, PRODUCT GUIDE, OR SIMILAR DOCUMENT.**

**§64.32. [~~Credit standards~~] (RESERVED).**

[~~A LEC shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:~~]

   (1) [*~~Earlier LEC payment history~~*~~. The applicant had service with a LEC within a period of 24 consecutive months before the date of application and the following conditions exist:~~]

(i) [~~Service was furnished in the name of the applicant, and there is no unreturned equipment.~~]

(ii) [~~Service was not suspended for nonpayment nor terminated during the last 12 months of service.~~]

(iii) [~~The applicant does not have an unpaid balance from earlier service.~~]

(iv) [~~The applicant was not required to pay a security deposit under §  64.35 (relating to deposit requirements for existing customers) for the earlier service.~~]

(2) [*~~Ownership of real property~~*~~. The applicant verifies the ownership of or the entry into an agreement to purchase real property located in the area served by the LEC or is renting a residence under a lease of 1 year or longer, unless the applicant has an otherwise unsatisfactory payment history as a LEC customer within 2 years before the application for service as described in paragraph (1).~~]

(3) [*~~Prior utility payment history~~*~~. The applicant has prior satisfactory credit history for use of utility service under §  56.32 (relating to credit standards). In all instances, the utility shall obtain from the applicant authorization as a condition for completing the utility credit search. If the applicant elects not to authorize completion of the credit search, the utility shall conduct a credit search in the manner prescribed under paragraph (4).~~]

(4) [*~~Credit information~~*~~. The applicant provides information and verification demonstrating that he is not an unsatisfactory credit risk.~~]

(i) [~~The absence of prior credit history does not, of itself, indicate an unsatisfactory credit risk and does not constitute grounds for requiring a deposit.~~]

(ii) [~~The LEC may request and consider information including the following:~~]

       (A) [~~The applicant’s social security number.~~]

       (B) [~~The name of the employer of the applicant.~~]

       (C) [~~The place and length of employment.~~]

       (D) [~~Residence during the previous 5 years.~~]

       (E) [~~Letters of reference.~~]

       (F) [~~Credit cards.~~]

       (G) [~~A significant source of income other than from employment.~~]

     (iii) [~~If a credit investigation is expected to take longer than 3 business days the LEC shall provide service pending completion of the investigation.~~]

**§ 64.33. [~~Payment of outstanding balance~~] (RESERVED).**

 (a)  [~~The LEC may require, as a condition for furnishing residential service to an applicant, the payment of an outstanding residential account with the LEC which accrued within the past 4 years, for which the applicant is legally responsible and for which the applicant was billed properly. However, the outstanding residential account with the LEC may be spread out over a reasonable period of time. Factors to be taken into account shall include, but not be limited to, the size of the unpaid balance, the payment history of the customer, and the length of time over which the bill accumulated.~~]

 (b) [~~A LEC may not require, as a condition for the furnishing of residential service, payment for residential service previously furnished under an account in the name of persons other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished.~~]

 (c) [~~This section may not affect the creditor’s rights and remedies of the LEC otherwise permitted by law.~~]

**§ 64.34. [~~Written procedures~~] (RESERVED).**

[~~Each LEC shall establish written procedures for determining the credit status of an applicant. Each LEC employe processing applications or determining the credit status of an applicant shall be familiar with and have ready access to a copy of the written procedures of the LEC. A copy of the procedures shall be maintained on file in each business office of the LEC and be made available, upon request, for inspection by the public and the Commission.~~]

   (1) [*~~Informing applicants of procedures.~~*~~The LEC personnel shall provide an explanation of applicable credit and deposit procedures to each customer or applicant for service.~~]

   (2) [*~~Reasons for deposit request.~~*~~If a deposit or payment of an outstanding residential account is required before furnishing service, the LEC shall inform the applicant in writing of the reasons for denial of credit and how to obtain service. Existing customers will be informed of the reasons for denial of credit before suspension of service.~~]

**§ 64.35. [~~Deposit requirements for existing customers~~] (Reserved).**

[~~Deposits may be required to secure the account of an existing customer if any of the following conditions exist:~~]

   (1) [*~~Delinquent account.~~*~~A customer has made payment of two consecutive bills, or of more than two bills within the proceeding 12 months, after the payment due date. Before requesting a deposit under this paragraph, the LEC shall give the customer written notification of its intent to request a deposit if current and future bills continue to be paid after the due date.~~]

     (i) [~~Notification shall clearly indicate that a deposit is not required at this time but that, if bills continue to be paid after the due date, a deposit will be required.~~]

     (ii) [~~Notification may be mailed or delivered to the customer together with a bill for telephone service.~~]

     (iii) [~~Notification shall set forth the address and telephone number of the LEC office where complaints or questions may be registered.~~]

     (iv) [~~The subsequent request for deposit shall clearly indicate that a customer should register a question or complaint about that matter prior to the date the deposit is due in order to avoid having service suspended pending resolution of a dispute. The request shall include the telephone number of the LEC office where questions or complaints may be registered.~~]

   (2) [*~~Condition to the reconnection of service.~~*~~A LEC may require a deposit as a condition for reconnection of service after suspension or termination of service for nonpayment.~~]

   (3) [*~~Failure to comply with payment agreement.~~*~~A LEC may require a deposit when a customer fails to comply with the terms and conditions of a payment agreement, whether or not service has been suspended or terminated.~~]

**§ 64.36. [~~Method of making deposit~~] (RESERVED).**

[~~An LEC’s request for deposit may be satisfied by one of the following:~~]

   (1) [*~~Posting a cash deposit~~*~~. The following conditions apply:~~]

     (i) [*~~Applicants~~*~~. The amount of cash deposit required from an applicant may not exceed the estimated average 2-month bill for basic service plus the average 2-month toll charges for existing residential customers in the applicant’s exchange during the immediately preceding 12-month period. Deposits may be adjusted to maintain a level equal to the estimated average 2-month bill. No more than one half of the deposit amount may be required prior to the providing of service by the utility with the balance of the deposit due no less than 30 days from the initial deposit payment.~~]

     (ii) [*~~Existing customers~~*~~. The amount of a cash deposit required from an existing customer may not exceed the customer’s average 2-month bill, including toll charges, during the preceding 12-month period. Deposits may be adjusted to maintain a level equal to the average 2-month bill. The deposit shall be paid within 20 days of the request for deposit.~~]

   (2) [*~~Furnishing a written third-party guarantee~~*~~. Another customer who has met or can meet the credit standards of §  64.32 (relating to credit standards) may furnish a written guarantee to secure payment in an amount equal to the cash deposit required from the applicant or customer. The guarantor shall be discharged when the applicant or customer meets the terms and conditions of §  64.37 (relating to refund of deposits)~~]

**§ 64.37. [~~Refund of deposits~~] (RESERVED).**

[~~An LEC shall refund the cash deposit, plus accrued interest, under the following conditions.~~]

   (1) [*~~Termination or permanent discontinuance of service.~~*~~Upon termination or discontinuance of service, the LEC shall apply the deposit of a customer, including accrued interest, to the outstanding balance and refund the remainder to the customer. A transfer of service from one location to another within the service area may not be deemed a discontinuance within the meaning of this paragraph.~~]

   (2) [*~~Credit established.~~*~~At the customer’s request, when a customer establishes credit under §  64.32 (relating to credit standards), the LEC shall refund the cash deposit plus accrued interest.~~]

   (3) [*~~Prompt payment of bills.~~*~~After a customer has paid bills for service for 12 consecutive months without having service suspended or terminated and without having paid bills subsequent to the due date on more than two occasions, the LEC shall refund the cash deposit, plus accrued interest, so long as the customer is not currently delinquent.~~]

   (4) [*~~Optional refund.~~*~~At the option of the LEC, a cash deposit, including accrued interest, may be refunded, in whole or in part, at any time before the expiration of the time period stated in paragraph (3).~~]

**§ 64.38. [~~Application of deposit to bills~~] (RESERVED).**

[~~The customer may elect to have a deposit applied to reduce bills for telephone service instead of a cash refund.~~]

**§ 64.39. [~~Periodic review~~] (RESERVED).**

[~~If a customer is not entitled to a refund under §  64.37 (relating to refund of deposits), the LEC shall review the account of the customer each succeeding quarter and shall make appropriate disposition of the deposit in accordance with §  64.37 and §  64.38 (relating to application of deposit to bills).~~]

**§ 64.40. [~~Refund statement~~] (RESERVED).**

[~~When a cash deposit is refunded, the LEC shall either mail or deliver to the customer a written statement showing the amount of the original deposit plus all accrued interest, the application of the deposit to a bill which had previously accrued, the amount of unpaid bills liquidated by the deposit, and the remaining balance.~~]

**§ 64.41. [~~Interest~~] (RESERVED).**

[~~Interest calculated under section 202 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. §  202), known to as the Loan Interest and Protection Law, shall be payable on deposits without deductions for taxes thereon. Interest shall be paid annually to the customer or, at the option of either the LEC or the customer, shall be applied to the customer’s bill.~~]

**Subchapter D. [~~INTERRUPTION AND DISCONTINUATION OF  
SERVICE~~]** **(Reserved).**

**§ 64.51. [~~Temporary interruption~~] (RESERVED).**

[~~The LEC may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency. Each LEC shall establish procedures to be followed by its employes to prevent or mitigate interruption or impairment and provide prompt notification to affected customers.~~]

   (1) [*~~Notification procedures~~*~~. When the LEC knows in advance of the circumstances requiring the service interruption, it shall take all reasonable steps, such as personal contact and use of the mass media, to give earlier notice of the cause and expected duration of the interruption to all customers who may be affected. When service is interrupted due to unforeseen circumstances, notice of the cause and expected duration shall be given as soon as possible thereafter.~~]

   (2) [*~~Permissible duration.~~*~~Service may be interrupted only as long as necessary to protect the health or safety of the public, to protect property, or to remedy the situation which necessitated the interruption. Service shall be resumed as soon as possible thereafter.~~]

**§ 64.52. [~~Refunds for service interruptions~~] (RESERVED).**

 (a) [~~When main service is interrupted for a period of at least 24 hours, the LEC, after notice by the customer, shall apply the following schedule of allowances except in situations provided for in subsection (b):~~]

   (1) [~~One-thirtieth of the tariff monthly rate of all services and facilities furnished by the company rendered inoperative, useless or substantially impaired for each of the first three full 24-hour periods during which the interruption continues after notice by the customer to the company if the out-of-service extends beyond a minimum of 24 hours.~~]

   (2) [~~Two-thirtieths of the tariff monthly rate for each full 24-hour period beyond the first three 24-hour periods referred to in paragraph (1). However, in no instance shall the allowance for the out-of-service period exceed the total charges in a billing period for the service and facilities furnished by the company rendered useless or impaired.~~]

(b) [~~When service is interrupted for a period of at least 24 hours due to storms, fires, floods or other conditions beyond the control of the company, an allowance of 1/30 of the tariff monthly rate for all services and facilities furnished by the company rendered inoperative or substantially impaired shall apply for each full 24 hours during which the interruption continues after notice by the customer to the company.~~]

 (c) [~~The allowances described in this section are not applicable when service is interrupted by the negligence or willful act of the customer to service or where the company, under the terms of the contract for service, suspends or terminates service for nonpayment of charges, or for unlawful or improper use of the facilities or service, or for another reason provided for in the filed and effective tariff.~~]

**§ 64.53. [~~Discontinuance of service~~] (RESERVED).**

[~~A customer who wishes to have service discontinued shall give at least 5 days oral or written notice to the telephone company, specifying the date on which it is desired that service be discontinued. The customer shall retain responsibility for service and equipment charges until the day and time on which service is requested to be discontinued. If the customer fails to provide the LEC with proper notice or access to the premises, the customer shall continue to be responsible for equipment and service rendered.~~]

**Subchapter E. SUSPENSION OF SERVICE**

**GROUNDS FOR SUSPENSION**

**§ 64.61. Authorized suspension of service.**

**~~[Telephone]~~ Telecommunications** service to a dwelling may be suspended for any of the following reasons:

\* \* \* \* \*

(6) Fraud or material misrepresentation of identity to obtain **~~[telephone]~~ telecommunications** service.

\* \* \* \* \*

(8) Unpaid indebtedness for **~~[telephone]~~ telecommunications** service previously furnished by the LEC in the name of the customer within 4 years of the date the bill is rendered.

**(9) ABUSIVE, ILLEGAL OR FRAUDULENT ACTIVITY.**

**NOTICE PROCEDURES PRIOR TO SUSPENSION**

**§ 64.71. General notice provisions.**

 The LEC shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless of the grounds upon which suspension is sought, with the exception of the following: Failure to comply with the material terms of a payment agreement for toll or nonbasic service, or both. In these cases, the LEC shall comply with §  64.81 (relating to limited notice upon noncompliance with report or order). **IN LIEU OF MAILING OR OTHERWISE PHYSICALLY DELIVERING WRITTEN NOTICE OF SUSPENSION, THE LEC MAY TRANSMIT THE NOTICE ELECTRONICALLY, SO LONG AS THE LEC OBTAINS THE PRIOR WRITTEN CONSENT OF THE CUSTOMER TO RECEIVE SUSPENSION NOTICES ELECTRONICALLY.**

**§ 64.73. Notice when dispute pending.**

(a) A LEC shall not mail or deliver a notice of suspension if a notice of dispute, as defined in § 64.2 (relating to definitions), has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed suspension**.** **~~[except where toll usage exceeds the following usage in a billing period after the filing of the notice of dispute or informal complaint:~~**

**~~(1) For customers who have received service for 3 months or less—150% of the average use of the customer’s exchange during the previous 12 months~~**~~.~~

**~~(2) For customers who have received service for greater than 3 months but less than 12 months—150% of the customer’s average use~~**~~.~~

**~~(3) For customers who have received service for more than 12 months—150% of the customer’s average use during the previous 12 months] for customers who have received service for more than 12 months—150% of the customer’s average use during the previous 12 months~~**~~.~~

(b) A notice mailed or delivered contrary to the requirements of this section shall be void.

**§ 64.74. Procedures upon customer contact before suspension.**

(a) If, at a time after the issuance of the suspension notice and before the suspension of service, a customer contacts the LEC concerning the proposed suspension, an authorized LEC employee shall fully explain, when applicable, the following:

(1) The reasons for the proposed suspension.

(2) The available methods of avoiding a suspension including:

(i) Tendering the past due amount as specified on the suspension notice or otherwise eliminating the grounds for suspension.

(ii) Entering a payment agreement.

(iii) The right of the customer to file a dispute with the **~~[telephone]~~ telecommunications** company and, thereafter, an informal complaint with the Commission.

(3) The procedures for resolving disputes relating to charges on the notice **~~[other than IXC toll charges]~~** and the procedures for filing informal complaints to request payment terms on the basic service portion of the account, including the address and the telephone number of the nearest regional Commission office.

(4) The duty of the customer to pay a portion of a bill not honestly disputed.

(5) **~~[The duty of the customer to restrict toll usage to 150% of average normal toll usage.]~~ (RESERVED)**

(6) **The medical emergency procedures.**

**(7)** That upon failure to timely appeal from or comply with a **[telephone] telecommunications** company report, as defined in § 64.142 (relating to contents of written summary by the LEC), an informal complaint report, or an order from a formal complaint—the LEC is not required to give further written notice before suspension ~~so long as the LEC makes a reasonable attempt to contact the customer personally at least 24 hours prior to suspension~~.

**EMERGENCY PROVISIONS**

**§ 64.103. Medical certification.**

Certifications initially may be written or oral, subject to the right of the LEC to verify the certification by calling the physician or to require written confirmation within 7 days. All certifications, whether written or oral, shall include all of the following information.

(1) The name, address and telephone number of the customer in whose name the account is registered.

\* \* \* \* \*

(5) The specific reason why access to **~~[telephone]~~ telecommunications** service must be maintained.

**Subchapter F. TERMINATION OF SERVICE**

**§ 64.123. Termination notice.**

 Immediately after service is suspended, a termination notice which conforms substantially to the suspension notice and which indicates how the customer may arrange to have service restored shall be mailed to the customer’s billing address. **IN LIEU OF MAILING WRITTEN NOTICE OF TERMINATION, THE LEC MAY TRANSMIT THE NOTICE ELECTRONICALLY, SO LONG AS THE LEC OBTAINS THE PRIOR WRITTEN CONSENT OF THE CUSTOMER TO RECEIVE TERMINATION NOTICES ELECTRONICALLY.** The termination notice must include:

   (1)  The amount past due for basic service which the customer shall pay to avoid the termination of basic service.

   (2)  A medical emergency restoration notice substantially in the form set forth in Appendix B (relating to Medical Emergency Restoration Notice).

   (3)  A statement that service will be terminated on or after a specified date and a clear explanation that the customer shall request service as a new applicant, subject to additional charges, if termination occurs.

**Subchapter G. DISPUTES; INFORMAL AND FORMAL COMPLAINTS**

**INFORMAL COMPLAINT PROCEDURES**

**§ 64.153. Commission informal complaint procedures.**

(a) The timely filing of an informal complaint acts as a limited stay and the LEC may not suspend or terminate service based on the complaining party’s nonpayment of any billed amount which is contested in the informal complaint until the complaint is resolved. The LEC may not suspend or terminate service based on the complaining party’s nonpayment of additional billed amounts that reflect the same underlying problem, other than a claimed inability to pay, as the billed amounts contested in the informal complaint. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party’s nonpayment of other billed amounts, where the suspension or termination is otherwise permitted under this chapter. **THIS SUBSECTION SHALL BE READ IN CONJUNCTION WITH §§ 64.141—64.171 WHEN APPLICABLE TO RESIDENTIAL UTILITY SERVICE.**

**~~(a.1)~~ (B) Upon the filing of an informal complaint related to a billing dispute that complies with §§ 64.131 – 64.133, the Bureau of Consumer Services of the Commission can seek to immediately and contemporaneously transfer the customer to ~~the~~ ITS LEC for resolution to address the complaint in the following manner:**

**(1) The transfer will occur with the customer’s explicit consent.**

**(2) ~~The transfer will be made to a live public utility operator or customer service representative.~~ THE TRANSFER WILL BE MADE TO A LIVE OPERATOR OR CUSTOMER SERVICE REPRESENTATIVE OF THE LEC.**

**(3) The ~~public utility~~ LEC shall maintain a dedicated toll-free telephone number for the automatic customer transfer process.**

**(4) In the event that the ~~customer inquiry or service or~~ CUSTOMER’S billing complaint cannot be resolved BY THE LEC OR THE CUSTOMER EXPRESSES DISSATISFACTION WITH THE LEC’S ATTEMPT TO RESOLVE THE BILLING DISPUTE, it will be referred back to the Bureau of Consumer Services of the Commission for resolution in accordance with the provisions of subsection (c).**

**(5) The COMMISSION’S Bureau of Consumer Services ~~of the Commission~~ and participating ~~public utilities~~ LECs may establish automated electronic communication links, electronic data interfaces, or appropriate web page access, for the exchange of information and data in the automatic customer transfer. These links shall be used only by authorized Commission and THE LEC’S ~~public utility~~ personnel ~~and~~ shall safeguard the customer’s personal data and billing information from public disclosure.**

**~~[(b) Upon the filing of an]~~ (C) If the customer declines to participate in the automatic transfer process outlined in subsection ~~(a.1~~)(B), the** informal complaint **~~[, which]~~** shall be docketed as “(complainant) v. (company)**~~[,]~~” and THE** ~~Commission staff~~ **COMMISSION’S BUREAU OF CONSUMERS SERVICES** will immediately notify the ~~utility~~ **LEC**, review the dispute **AND MAKE A FULL AND PROMPT INVESTIGATION OF THE BILLING COMPLAINT MADE TO IT BY THE CUSTOMERS**, and, within a reasonable period of time, issue to the ~~utility~~ **LEC** and the complaining party an informal report with findings and a decision. The reports shall be in writing and a summary will be sent to the parties if a party requests it or if the ~~Commission staff~~ **COMMISSION’S BUREAU OF CONSUMER SERVICES** finds that a summary is necessary.

(1) *Review techniques*. Review shall be by appropriate means, including LEC written summaries **PREPARED IN ACCORDANCE WITH § 64.142**, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures shall be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute. Information and documents requested by Commission staff as part of the review process shall be provided by the LEC within 30 days of the request AS **RECORDS OF COMPLAINTS SHALL BE KEPT IN ACCORDANCE WITH § 64.192 (RELATING TO RECORD MAINTENANCE).**

(2) *Settlement*. Before the issuance of its report, ~~Commission staff~~ **THE COMMISSION’S BUREAU OF CONSUMER SERVICES** may negotiate with the parties in an attempt to settle the matters in dispute. **IF THE BILLING COMPLAINT IS RESOLVED, THE COMMISSION’S BUREAU OF CONSUMER SERVICES SHALL TERMINATE ITS INVESTIGATION OF THE ISSUE.**

**~~[(c)]~~** **(D)** Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under Chapter 5 (relating to formal proceedings).

**~~[(d)]~~ (E)** Subsection (b) supersedes § 3.112 (relating to action on informal complaints).

**Subchapter H. RESTORATION OF SERVICE**

**§ 64.181. Restoration of service after suspension.**

If service has been suspended, the LEC shall reconnect service by the end of the first full working day after the customer has complied with or provided adequate assurance of compliance with an applicable provision of Subchapter C (relating to credit and deposit standards policy) and one of the following:

(1) Full payment of outstanding charges plus the reconnection fee listed in the LEC’s lawful tariff**, pricing guide or similar document**. The payment may not exceed the total of applicable rates and reconnection fees specified in the LEC’s tariff**, pricing guide or similar document**. Payment of outstanding charges and the reconnection fee may be spread out over a reasonable period. Factors to be taken into account include the size of the unpaid balance, the payment history of the ratepayer and the length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a payment agreement, plus a reconnection fee, which may be a part of the settlement or payment agreement.

(3) Payment of an amount deemed appropriate by Commission staff upon its review of an informal complaint.

(4) Adequate assurances that unauthorized use or practice will cease, plus full payment of the reconnection fee of the LEC, which reconnection fee may be subject to a payment agreement.

§ 64.182. **~~[Restoration of service after termination]~~ (Reserved)**.

**~~[When service has been terminated, the customer shall reapply for service as an applicant.]~~**

**Subchapter I. PUBLIC INFORMATION; RECORD MAINTENANCE**

**§ 64.191. Public information.**

(a) LEC service representatives shall provide applicants who apply for residential **~~[telephone]~~ telecommunications** service in person with a concise, easy-to-understand printed price list showing all available service and equipment options. The price of the least expensive single-party ~~basic~~ **TELECOMMUNICATIONS** service option shall be clearly and conspicuously displayed on the list.

(b) If an applicant applies for service by telephone, the LEC service representative shall:

(1) Explain and give the price of the least expensive type of single-party ~~basic~~ **TELECOMMUNICATIONS** service.

(2) Determine whether the applicant wants information about services for customers with disabilities.

\* \* \* \* \*

(d) The LEC service representative shall inform applicants when services discussed are optional and shall include the price with the description of each optional service.

**(e) ~~[The explanations of toll presubscription, whether interLATA, intraLATA, or both, shall be objective and unbiased~~**~~.]~~ The LEC service representative shall inform each applicant that they will be sent a confirmation letter, which will include:

(1) An itemization of the services ordered.

(2) The price of each service ordered.

(3) Identification of the services that are optional.

(4) Information instructing the applicant that a more thorough explanation and price list of services of interest to residential customers, and instructions on how to obtain the information, may be found in the telephone directory, when applicable.

(f) **[~~The LEC service representative shall inform each applicant that they will be sent a confirmation letter, which will include:~~**

**~~(1) An itemization of the services ordered.~~**

**~~(2) The price of each service ordered.~~**

**~~(3) Identification of the services that are optional.~~**

**~~(4) Information instructing the applicant that a more thorough explanation and price list of services of interest to residential customers, and instructions on how to obtain the information, may be found in the telephone directory, when applicable.]~~**

In addition to the notice requirements set forth in this chapter, **~~[before July 1, 1985,]~~** each LEC shall prepare a summary of the rights and responsibilities of the LEC and its customers under this chapter. This written information shall be subject to Commission review and approval and shall be reproduced by the LEC, displayed prominently, available at LEC locations open to the general public, printed in each telephone directory, and made available to each **new** customer **and shall be available thereafter only upon request**. **~~[Thereafter, the information shall be delivered or mailed to each new customer when service begins and shall be available at all times upon request.]~~** The written information shall indicate conspicuously that it is being provided in accordance with this chapter and shall contain information including, but not limited to, the following:

(1) Billing procedures.

(2) Methods of customer verification of billing accuracy.

(3) Payment requirements and procedures.

(4) Security deposit and guarantee requirements.

(5) Procedures for suspension, termination and reconnection of service.

(6) Dispute, informal complaint and formal complaint procedures.

(7) Third-party notification procedures.

(8) Telephone numbers and addresses of the LEC and of the nearest Regional Office of the Commission where further inquiries may be made.

(9) Definitions of terms or abbreviations used by the **~~[telephone]~~ telecommunications** company on its bills.

(g) **~~[In addition to the notice requirements set forth in this chapter, before July 1, 1985, each LEC shall prepare a summary of the rights and responsibilities of the LEC and its customers under this chapter. This written information shall be subject to Commission review and approval and shall be reproduced by the LEC, displayed prominently, available at LEC locations open to the general public, printed in each telephone directory, and made available to each customer. Thereafter, the information shall be delivered or mailed to each new customer when service begins and shall be available at all times upon request. The written information shall indicate conspicuously that it is being provided in accordance with this chapter and shall contain information including, but not limited to, the following:~~ (Reserved).**

**~~(1) Billing procedures.~~**

**~~(2) Methods of customer verification of billing accuracy.~~**

**~~(3) Payment requirements and procedures.~~**

**~~(4) Security deposit and guarantee requirements.~~**

**~~(5 Procedures for suspension, termination and reconnection of service.~~**

**~~(6) Dispute, informal complaint and formal complaint procedures.~~**

**~~(7) Third-party notification procedures.~~**

**~~(8) Telephone numbers and addresses of the LEC and of the nearest Regional Office of the Commission where further inquiries may be made.~~**

**~~(9) Definitions of terms or abbreviations used by the telephone company on its bills.]~~**

**Subchapter J. ANNUAL LEC REPORTING REQUIREMENTS**

**§ 64.201. Reporting requirements.**

(a) *Annual report*. Within 90 days after the end of each calendar year, each LEC with residential accounts shall file with the Commission an annual report containing residential account information as listed in subsection (b) for the previous calendar year.

(b) *Elements of periodic reporting*. The following must be included in periodic reporting as required under this section:

(1) The average number of residential accounts per month.

(2) The average residential customer bill per month for **~~[each of the following:~~**

**~~(i) Basic service~~**~~.~~

**~~(ii) Nonbasic service~~**~~.~~

**~~(iii) Toll service~~**~~.~~

**~~(iv) Total amount due ((i) + (ii) + (iii))]~~ basic service**.

(3) The average number of overdue residential accounts per month.

(4) The average overdue residential customer bill per month for **~~[:~~**

**~~(i) Basic service~~**~~.~~

**~~(ii) Nonbasic service~~**~~.~~

**~~(iii) Toll service~~**~~.~~

**~~(iv) Total amount overdue ((i) + (ii) + (iii))]~~ basic service**.

(5) The average number of residential basicservice suspension notices sent per month.

(6) The average number of residential basic service suspensions per month.

(7) The average number of residential basic service terminations per month.

(8) LEC gross revenue from all residential accounts **~~[separated as follows:~~**

**~~(i) Basic service~~**~~.~~

**~~(ii) Nonbasic service~~**~~.~~

**~~(iii) Toll service~~**~~.~~

**~~(iv) Total revenue ((i) + (ii) + (iii))]~~ for basic service**.

(9) LEC gross write-offs of uncollectible residential accounts **~~[separated as follows:~~**

**~~(i) Basic service~~**~~.~~

**~~(ii) Nonbasic service~~**~~.~~

**~~(iii) Toll service~~**~~.~~

**~~(iv) Total gross write-offs ((i) + (ii) + (iii))]~~ for basic service**.

(10) LEC net write-offs of uncollectible residential accounts **~~[separated as follows:~~**

**~~(i) Basic service~~**~~.~~

**~~(ii) Nonbasic service~~**~~.~~

**~~(iii) Toll service~~**~~.~~

**~~(iv) Total net write-offs ((i) + (ii) + (iii))]~~ for basic service**.

**~~[(11) The total number of Chapter 64 disputes handled.]~~ (11) THE TOTAL NUMBER OF CHAPTER 64 DISPUTES HANDLED.**

**Subchapter K. GENERAL PROVISIONS**

§ 64.211. **~~[Availability of normal Commission procedures]~~ (Reserved)**.

**~~[Nothing in this chapter will be deemed to prevent a customer of a LEC from pursuing other Commission procedures in a case not described in this chapter.]~~**