

**TITLE 165. CORPORATION COMMISSION**

**CHAPTER 55. TELECOMMUNICATIONS SERVICES**

**PERMANENT RULES**

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## CHAPTER 55. TELECOMMUNICATIONS SERVICES

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[**Authority:** OKLA. CONST. art. IX. §18]; 17 O.S. §§ 131 *et seq.* and 139.101 *et seq.*]

[**Source:** Codified 12/31/91; Amended at 21 Ok Reg 2101, eff 7-1-04; Amended at 22 Ok Reg 730, eff 7-1-05, Amended at 26 Ok Reg 1127, eff 7-1-09, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 31 Ok Reg 24, eff 9-12-2014; Amended at 33 Ok Reg 647, eff 8-25-16]

**SUBCHAPTER 1. GENERAL PROVISIONS**

## Section

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**SUBCHAPTER 1. GENERAL PROVISIONS****165:55-1-1. Purpose; short title**

(a) This Chapter establishes the Oklahoma Corporation Commission Rules and Regulations Governing and Regulating the Operations of Telecommunications Service Providers and Telecommunications in Oklahoma which may be cited by the short title as the Oklahoma Telecommunications Rules.

(b) This Chapter is intended to define good business practices under normal conditions, assure adequate service and prevent unfair charges to the customers and/or end-users and protect the telecommunications service provider from unreasonable demands.

(c) This Chapter is further intended to allow Oklahoma consumers to receive timely benefits from lawful market-driven price and service competition among interexchange carriers ("IXCs") and telecommunications service providers in the long distance and local exchange markets by applying such regulatory requirements as are necessary to assure public access to long distance and local exchange services under tariff provisions and Terms of Service which are not unjustly discriminatory and to preclude unjust and unreasonable rates or charges in such markets. It is also intended that if an IXC provides local exchange service, the local exchange portion of its business shall be subject to the rules and regulations prescribed in this Chapter for telecommunications service providers.

(d) Notwithstanding the provisions of OAC 165:55-1-12, nothing in this Chapter is intended to supersede the Commission's extant orders regarding intraLATA toll competition or imputation. In the event future Commission orders modify the scope of such competition or imputation, such orders shall be controlling.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2661, eff 7-1-99, Amended at 29 Ok Reg 1549, eff 7-12-12]

### **165:55-1-2. Jurisdiction**

The Oklahoma Corporation Commission, by virtue of Article IX § 18 *et seq.* of the Constitution of the State of Oklahoma, enactments of the Oklahoma Legislature, and federal law has the authority and responsibility to supervise, regulate, and control the Oklahoma businesses of telecommunications service providers and interexchange telecommunications carriers in Oklahoma which are subject to regulation of the Commission. In addition, the Commission has the authority to designate eligible telecommunications carriers, to grant certificates of convenience and necessity to data-only providers and to enact rules and regulations in connection therewith. No person or corporation not otherwise a telecommunications service provider within the meaning of this Chapter shall be deemed such solely because of the manufacture, distribution, installation, or maintenance of end-user premises communication equipment and accessories.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

### **165:55-1-3. Application of rules**

This Chapter shall apply to every telecommunications service provider, data-only provider, and IXC in Oklahoma subject to the jurisdiction of the Commission. This Chapter shall apply to a Telephone Cooperative Corporation only to the extent specifically authorized by 18 O.S. § 438.1 *et seq.* This Chapter shall not apply to the interexchange portion of an IXC's business, except as set forth in OAC 165:55-1-8. This Chapter shall not apply to the non-regulated services offered by a data-only provider, except as specified in OAC 165:55-3-1.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 34 Ok Reg 989, eff 9-11-2017]

### **165:55-1-4. Definitions**

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise. These definitions shall be supplemented by the definitions contained in 17 O.S. § 139.102. To the extent there is a conflict between a definition contained in 17 O.S. § 139.102 and a definition in this Section, the definition in this Section shall be applicable to this Chapter:

**"Access service"** means any tariffed wholesale service provided by one LEC to another LEC, CLEC, interexchange carrier certificated by the Commission or an end-user that allows for access to the local exchange telecommunications network, excluding local interconnection arrangements.

**"Applicant for telecommunications service"** means any person, partnership, cooperative corporation, corporation, or lawful entity requesting service(s) from a telecommunications service provider.

**"Authorized carrier"** means any telecommunications carrier that submits a change, on behalf of an end-user, in the end-user's selection of a provider of telecommunications service with the end-user's authorization verified in accordance with the procedures specified in this Chapter.

**"Base rate area"** means the developed area within each exchange service area designated in the tariffs of the telephone company or if not so designated, an area within one-half (1/2) mile radius of the serving central office.

**"Basic local service"** means all residential and business telecommunications voice and/or relay service which meets the standards set forth in 165:55-13-10, including lines beyond the first line into a residence or business.

**"Billing agent"** means an entity which provides bills to an end-user for services received from a telecommunications service provider.

**"Billing and collection service"** means the wholesale service provided by a TSP or IXC for the processing and delivery of customer bills, on behalf of a third party.

**"Bona Fide Request"** means a written request delivered to a telecommunications service provider requesting services and interconnection provided for in this Chapter.

**"CIC"** means carrier identification code which identifies a provider of toll services by a three- or four-digit number.

**"Campus"** means multiple buildings located on a single tract or area of land or on adjacent and abutting tracts of land where all the buildings and land are subject to majority ownership by the same person. A campus may be intersected or traversed by public thoroughfares provided that the segments created would be continuous in the absence of the thoroughfare. A tract or tracts of land used for farming and/or ranching shall not be considered a "campus."

**"Carrier of last resort"** means a telecommunications service provider as designated by the Commission pursuant to OAC 165:55-13-12.

**"Central office"** means an operating unit of a telecommunications service provider by which connections are established between end-users' lines and between end-users' lines and trunks or toll lines.

**"Circuit" or "Channel"** means one communication path between two (2) or more points suitable for transmitting information.

**"Class of service" or "Customer class"** means a description of service furnished to an end-user in terms of type of rate, location, and use.

**"CLEC"** means a Competitive Local Exchange Carrier.

**"Clear and conspicuous"** means notice that would be apparent to the reasonable consumer.

**"Competitive Provider"** means an entity providing the same or equivalent services through the use of its own or leased facilities including resellers. The service must satisfy the Commission's rules of minimum service standards regardless of whether the provider is regulated by the Commission.

**"Competitive service"** means a telecommunications service determined by the Commission to be subject to effective competition for a relative geographic and service(s) market, after notice and hearing.

**"Competitive Test"** means an evaluation by the Commission to determine after notice and hearing, for a particular service on an exchange by exchange basis, the existence of competition among an ILEC, a non-affiliated facilities based Competitive Provider, and one (1) other non-affiliated Competitive Provider. Such exchanges shall be the same as those on file with the Commission on the date of approval of the Transition Plan.

**"Cramming"** means the placement of unauthorized, misleading, or deceptive charges on a customer's telephone bill for products or services that were never ordered by the customer.

**"CSD"** means the Consumer Service Division of the Public Utility Division of the Oklahoma Corporation Commission.

**"Customer"** means any person, firm, partnership, cooperative corporation, corporation, or lawful entity that receives regulated telecommunications services supplied by any telecommunications service provider or IXC.

**"Customer trouble report"** means any oral or written report given to a telecommunications service provider's repair service by an end-user of telephone services relating to a physical defect or difficulty or dissatisfaction with the provision of the telecommunications service provider's regulated services. Each trouble report shall count as a separate report regardless of whether subsequent reports relate to the same physical defect, difficulty, or dissatisfaction with the provision of the telecommunications service provider's regulated services.

**"Data-only provider"** means a company exclusively providing non-voice services, to include Special Universal Services as defined at 17 O.S. § 139.102(39), which, pursuant to OAC 165:55-3-1, has obtained a Certificate of Convenience and Necessity.

**"Demarcation point"** means the physical location at which responsibility for operating and maintaining facilities passes from one person to another.

**"Deniable charge"** means a charge for those regulated services for which nonpayment may result in a disconnection of basic local service.

**"Dialing parity"** means that a person that is not an affiliate of a telecommunications service provider is able to provide telecommunications services in such a manner that end-users have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications service provider of the end-user's designation from among two (2) or more telecommunications service providers.

**"Directory"** means the published listing of all telephone numbers, other than those requested by the end-user not to be published, for all end-users in a service area regardless of the local exchange telecommunications service provider selected by the end-user.

**"Disconnection of service"** means an arrangement made by the end-user or TSP for permanently discontinuing service by terminating the contract and/or removing the telephone service from the end-user's premises.

**"Eligible Telecommunications Carrier"** ("ETC") means a common carrier designated by the Commission pursuant to OAC 165:55-23-2 and 47 U.S.C. §§ 254 and 214(e). ETC also means a Lifeline Broadband Provider designated by the Federal Communications Commission.

**"End-user"** means the customer to whom a telephone number is assigned.

**"Executing carrier"** means any telecommunications carrier that effects a request that an end-user's telecommunications carrier be changed. A carrier may be treated as an executing carrier, however, if it is responsible for any unreasonable delays in the execution of carrier changes or for the execution of unauthorized carrier changes, including fraudulent authorizations.

**"Facilities-based provider"** means an entity providing telecommunications services predominately through the use of its own facilities, including UNEs, and other technologies capable of meeting all local telecommunications service requirements while complying with the Commission's quality of service rules.

**"FCC"** means the Federal Communication Commission.

**"Filed"** means to present a document to and have it accepted by the Office of the Court Clerk of the Oklahoma Corporation Commission.

**"ILEC"** means an Incumbent Local Exchange Company.

**"Individual Case Basis"** ("**ICB**") means a condition, pursuant to the provisions of the tariff, in which the rates and charges for an offering are developed based on the circumstances of each customer.

**"Initial Tariffs"** means the first tariffs approved after, or in conjunction with, the granting of a Certificate of Convenience and Necessity.

**"Interexchange telecommunications service"** means telecommunications service provided between locations within different certified telephone exchange service areas.

**"InterLATA call"** means any call which is originated in one LATA and terminated in another LATA.

**"Interstate call"** means any call which is originated in one state and terminated within the boundaries of another state.

**"IntraLATA call"** means any call which is originated and terminated within the boundaries of the same LATA, regardless of whether such call crosses LATA boundaries prior to reaching its termination point.

**"Internet Subscriber Fee"** means any fee that is paid to a telecommunications service provider for Internet service that is in addition to the access connection charge.

**"Intrastate call"** means any call which is originated and terminated within the boundaries of the State of Oklahoma, regardless of whether such call crosses state boundaries prior to reaching its termination point.

**"LATA"** means Local Access and Transport Area as defined in the Code of Federal Regulations, Title 47 Part 53.3.

**"Less than Minimum Service Provider"** means a CLEC which offers local exchange service that does not meet all minimum service standards, as set forth in OAC 165:55-13-10.

**"Letter of Agency"** ("**LOA**") means the written authorization that gives permission to change the customer's telecommunications services and/or the customer's provider or to share that customer's network information with representatives or associates of the telecommunication company or telecommunications carrier.

**"Local interconnection arrangements"** means a contract for interconnection, including resale, as governed by section 251 of the Communications Act of 1934 (47 U.S.C. § 251), as amended, the Federal Communication Commission rules and the rules of the Commission.

**"Local operator services"** means the automatic or live assistance provided to a customer, which enables the customer to arrange for billing or completion of a local call. Local operator services may include, but are not limited to, line status verification, busy line verification, emergency interrupt, and calls to emergency numbers (e.g., 911).

**"Long run incremental cost"** ("**LRIC**") means the long run forward-looking additional cost caused by providing all volume-sensitive and volume-insensitive inputs required to provide the total demand associated with a service or network element offered as a service, using economically efficient current technology efficiently deployed. LRIC also equals the cost avoided, in the long run, when a service or network element offered as a service is no longer produced. LRIC excludes costs directly and solely attributable to the production of other services or network elements offered as services, and unattributable costs which are incurred in common for all the services supplied by the firm. The long run means a period long enough so that the cost estimates are based on the assumption that all inputs are variable.

**"Network element"** means a facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions and capabilities that are

provided by means of such facility or equipment, including end-user numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provision of a telecommunications service.

**"Network interface"** means the normal demarcation point separating the telecommunications service provider's regulated facilities and equipment from the unregulated facilities, equipment, or systems provided by the end-user. The provision of the network interface is the responsibility of the telecommunications service provider.

**"New service provider"** means a service provider that did not bill the end-user for service during the service provider's last billing cycle. This definition excludes service providers which bill the customer solely on a per transaction basis.

**"New services"** means any service(s), except access services or interconnection services, for which a rate element does not presently exist, which does not replace an existing service, and that enlarges the range of service options available to end-users.

**"Nonbasic service"** means any telecommunication service not included in basic local service, local interconnection arrangements and/or access service.

**"Non-deniable charge"** means a charge for those not-regulated services for which nonpayment shall not result in a disconnection of basic, local service.

**"Not-regulated service"** or **"Non-regulated service"** means the offering of service(s) where the rates and/or terms and conditions for such service(s) are not-regulated by the Commission. These would include any interstate services offered FCC tariffs or rules, and any taxes, fees and surcharges applicable to those services, as well as any intrastate services that are not regulated by the Commission.

**"Number Portability"** means the ability of end-users of telecommunications services to retain, within the same wire center, their existing telecommunications number without impairment of quality, reliability or convenience when switching from one telecommunications service provider to another.

**"Packaging"** means the sale of two or more services offered by or in conjunction with the services of a TSP to a customer of a TSP for a single price.

**"Rates"** means all charges assessed by a TSP or IXC.

**"Regulated telecommunications service"** means the offering of telecommunications service(s) directly to the public where the rates and/or terms and conditions for such service(s) are regulated by the Commission. These would include services offered from intrastate tariffs approved by the Commission including any taxes, fees and surcharges applicable to those services, and interstate services when the Commission is enforcing the FCC slamming rules.

**"Rural telephone company"** means a LEC to the extent that such entity:

(A) Provides telecommunications service to any local exchange study area that does not include either:

(i) Any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the U.S. Bureau of Census; or,

(ii) Any territory, incorporated or unincorporated, included in an urbanized area, as defined by the U.S. Bureau of Census as of August 10, 1993.

(B) Provides local exchange service, including exchange access, to fewer than 50,000 access lines;

(C) Provides local exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or,



(D) Has less than fifteen percent (15%) of its access lines in communities of more than 50,000 on the date of enactment of the Federal Telecommunications Act of 1996.

**"RUS"** means the Rural Utility Services.

**"Service"** means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Service shall not include the provision of nontelecommunications services, including but not limited to the printing, distribution, or sale of advertising in telephone directories, maintenance of inside wire, customer premises equipment and billing and collection, nor does it include the provision of mobile telephone service, enhanced services and other not-regulated services.

**"Service interruption"** means service outage, total failure, or complete loss of service due to a trouble condition in the facilities of a telecommunications service provider.

**"Service provider"** means any entity that offers a product or service to a customer, the charge for which appears on the bill of the billing agent. This definition shall include only providers that have continuing relationships with the end-user that will result in periodic charges on the end-user's bill, unless the service is subsequently canceled.

**"Service territory"** means a geographic area served by a telecommunications service provider.

**"Slamming"** means the unauthorized switching of an end-user's telecommunications service provider or presubscribed IXC.

**"Submit"** means to present a document to the Director of the Public Utility Division.

**"Submitting carrier"** means any telecommunications carrier that requests on the behalf of an end-user that the end-user's telecommunications carrier be changed and seeks to provide retail services to the end-user. A carrier may be treated as a submitting carrier, however, if it is responsible for any unreasonable delays in the submission of carrier change requests or for the submission of unauthorized carrier change requests, including fraudulent authorizations.

**"Supported Services"** means services identified in 47 CFR part 54, or OAC 165:59, as amended from time to time, for which an ETC receives support from the federal USF, OUSF or OLF, or as otherwise may be ordered by the Commission.

**"Suspension of service"** means an arrangement made at the initiative of the TSP for temporarily discontinuing service without terminating the contract or removing the telephone service from the customer's premises.

**"SWBT"** means Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

**"Tariff"** means all or any part of the body of rates, tolls, charges, classifications, and terms and conditions of service relating to regulated services offered, the conditions under which offered and the charges therefore, which have been filed with and approved by the Commission.

**"Telecommunications carrier or Company"** means a telecommunications service provider ("TSP") or an interexchange telecommunications carrier ("IXC").

**"Telecommunications service provider" ("TSP")** means all authorized providers of local exchange service, whether an incumbent LEC or a competitive LEC.

**"Telephone bill"** means a billing agent's invoice, issued in compliance with this Chapter, for products or services rendered by itself and by a service provider(s), if any.

**"Telephone company" or "Company"** means any person, firm, partnership, corporation, or other entity engaged in furnishing regulated local exchange telephone services under the jurisdiction of the Commission on July 1, 1995, pursuant to a Certificate of Convenience and Necessity or grandfathered authority.

**"Terms of Service"** means rates, charges and terms and conditions for regulated services that a TSP or IXC elects to post, in a searchable format, on a publicly availability website.

**"Tribal Land"** means any federally recognized Indian tribe's reservation, Pueblo, or Colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), Indian allotments; Hawaiian Home Lands-areas held in trust for Native Hawaiians by the state of Hawaii, pursuant to the Hawaiian Homes Commission Act, 1920 July 9, 1921, 42 Stat. 108, et.seq., as amended; and any land designated as such by the Commission for purposes of this subpart pursuant to the designation process in 47 CFR § 54.412.

**"Unauthorized carrier"** means any telecommunications carrier that submits a change, on behalf of an end-user, in the end-user's selection of a provider of telecommunications service but fails to obtain the end-user's authorization verified in accordance with the procedures specified in this Chapter.

**"Unauthorized change"** means a change in an end-user's selection of a provider of telecommunications service that was made without authorization verified in accordance with the verification procedures specified in this Chapter.

**"Unbundled network element"** ("UNE") means a component of the ILEC's telecommunications network utilized to provide telecommunications services.

**"Unbundling"** means to provide to any telecommunications service provider nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable and nondiscriminatory.

**"Unfilled application"** means a firm application by an end-user for new service or a different class of service which has not yet been accomplished.

**"Wireless Provider"** means provider of radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves and which permits a user generally to receive a call that originates and/or terminates on the public switched network or its functional equivalent, regardless of the radio frequencies used.

**"Zone"** means a service territory described as such by an incumbent LEC.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 17 Ok Reg 306, eff 11-2-99 (emergency); Amended at 17 Ok Reg 1043, eff 5-11-00; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 21 Ok Reg 2101, eff 7-1-04; Amended at 22 Ok Reg 712, eff 7-1-05; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 31 Ok Reg 1082, eff 9-12-14; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 33 Ok Reg 647, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

### **165:55-1-5. Interpretation of rules**

The words contained in this Chapter shall be given their ordinary and customary meanings, with technical terms and words being construed as generally understood within the telecommunications industry, except where otherwise expressly provided. Where the rules of this Chapter establish service standards or objectives, substantial compliance will be deemed in compliance with this Chapter. Where the rules of this Chapter impose an absolute obligation upon

the telecommunications service provider or IXC, strict compliance is required.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-1-6. Relief from rules**

Whenever compliance with any requirement of this Chapter would result in unreasonable hardship upon or excessive expense to the telecommunications service provider, IXC, data-only provider, an end-user, consumer or for other good cause shown, the Commission may, by order, waive or modify the requirements of this Chapter upon application of any interested person filed in accordance with the Commission's Rules of Practice, OAC 165:5. The Commission may grant temporary relief pending hearing.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-1-7. Exceptions or variances**

If a telecommunications service provider receives an exception or variance from this Chapter in its tariffs or terms and conditions of service, such exception or variance shall be clearly shown on such tariffs or terms and conditions of service, sufficient to plainly bring to the Commission's attention the exact nature of the said exception or variance. Any exception or variance not so marked or identified in such tariff or terms and conditions of service shall be superseded by this Chapter to the extent that said exception or variance is in conflict therewith. Upon approval by the Commission, the variance shall indicate the number of the pertinent Commission order.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-1-8. Supremacy**

(a) Every tariff, rule, regulation, or agreement relating to the subject matter of this Chapter is superseded by this Chapter and is deemed amended to conform with this Chapter.

(b) The interexchange portion of an IXC's business shall continue to operate under the regulatory requirements and procedures prescribed by their respective certification orders and OAC 165:55-1-1, 165:55-1-3, 165:55-1-4, 165:55-1-5, 165:55-1-6, 165:55-1-11, 165:55-1-15, 165:55-1-16, 165:55-3-1, 165:55-3-2, 165:55-3-3, 165:55-3-22, 165:55-3-23, 165:55-5-3, 165:55-5-10, 165:55-5-10.2, 165:55-5-10.4, 165:55-5-11, 165:55-5-13, 165:55-5-14, 165:55-5-20, 165:55-5-34, 165:55-5-35, 165:55-9-2.1, 165:55-15-1, 165:55-15-5, 165:55-19-1, 165:55-19-3, and 165:55-21-1.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-1-9. Rules conform to law**

This Chapter shall be construed to conform with the Constitution and laws of Oklahoma.

**165:55-1-10. Controversy over rules**

Whenever a controversy exists in connection with the interpretation of the rules of this Chapter or their applicability, or any right or duty imposed thereby, the Commission, upon application of any interested person and after notice and hearing, will enter such order thereon as it may deem appropriate.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-1-11. Severability**

This Chapter will not relieve in any way a telecommunications carrier or end-user from any of its duties under the laws of this State or the United States. If any provision of this Chapter is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable. This Chapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Commission or the substantive rights of any person. The Commission may make exceptions to this Chapter for good cause shown.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 17 Ok Reg 19, eff 9-27-99 (emergency); Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-1-12. Conflict with Commission order**

This Chapter shall not alter or amend any order of the Commission directed to a telecommunications service provider, except where the provisions thereof are in direct conflict with this Chapter, in which case this Chapter shall supersede the provisions of any such order to the extent of conflict only.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-1-13. Conflict with filed tariffs**

All tariffs and terms and conditions of service heretofore filed or submitted by a telecommunications service provider and approved or deemed approved by the Commission are not revoked, altered or amended by this Chapter, except to the extent they are in direct conflict with any provision of this Chapter, in which event such tariffs and terms and conditions of service are superseded by this Chapter to the extent of conflict only.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-1-14. Tariff conformance [REVOKED]**

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Revoked at 16 Ok Reg 2261, eff 7-1-99]

**165:55-1-15. Exclusions**

The term "telecommunications service provider" as used in this Chapter shall not include IXCs, which shall be regulated as provided for by OAC 165:55-1-8.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-1-16. Universal service**

Consistent with 17 O.S. § 139.107, all Contributing providers, as defined at 17 O.S. § 139.102, operating within the State of Oklahoma shall contribute, on a nondiscriminatory basis, into the Oklahoma Universal Service Fund. Further, each Contributing provider, whether subject to the jurisdiction of the Commission or not, shall annually provide contact information to the OUSF Administrator for the purpose of correspondence regarding contributions to the OUSF. Compliance with this requirement can be accomplished by the submission of an annual report, submission of an affirmation that the Contributing provider filed the FCC Form 499, or submission of full contact information for the Contributing provider.

[Source: Added at 15 Ok Reg 3054, eff 7-15-98; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

**SUBCHAPTER 3. CERTIFICATES, REPORTS, AND RECORDS****PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY**

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**PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY****165:55-3-1. Certificate of Convenience and Necessity**

(a) **Requirement for Certificate of Convenience and Necessity.** No person, firm, association, corporation or cooperative shall furnish telecommunications service to any end-user or customer in the State of Oklahoma without first having secured a Certificate of Convenience and Necessity from the Commission.

(b) **Requirement for Certificate of Convenience and Necessity prior to receiving funding from the Oklahoma Universal Service Fund.** Any provider, excluding OneNet, requesting funding from the Oklahoma Universal Service Fund for the provision of Special Universal Services shall first obtain a Certificate of Convenience and Necessity from the Commission.

(c) **Application for Certificate of Convenience and Necessity.** Every provider of telecommunications services making application to the Commission for a Certificate of Convenience and Necessity in accordance with 17 O.S. § 131 *et seq.* shall be required to demonstrate its financial, managerial and technical ability to provide the requested telecommunications services in the State of Oklahoma. An application for a certificate to provide telecommunications service in the State of Oklahoma shall be made pursuant to and in conformance with the requirements of Oklahoma law and any additional requirements set forth in this Chapter. An original and five (5) copies of the application for Certificate of Convenience and Necessity shall be filed at the Commission's Office of the Court Clerk. A filing fee pursuant to the Commission's Rules of Practice, OAC 165:5, shall be required.

(d) **Application requirements for Certificate of Convenience and Necessity.** An application for a Certificate of Convenience and Necessity shall include information and attachments which are certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant. The Commission reserves the right to deny or dismiss, without prejudice, any application found not to be in compliance with this subchapter. If an applicant is unable to produce any information required in this subsection, the applicant must provide a statement explaining why the information is not included.

(1) The application shall contain the following information:

(A) The complete name, including any and all trade name(s) under which business will be conducted pursuant to 18 O.S. § 1140, corporate or other headquarters street address and names/addresses of principal or corporate officers of the entity proposing to sell telecommunications service or provide Special Universal Services to the public in the State of Oklahoma. The telephone number and, if applicable, the toll-free number will also be included.

(B) If different from those provided pursuant to subparagraph (1)(A) of this Section, the names and address(es) of all officers and corporate or primary offices of the applicant for a Certificate of Convenience and Necessity located in the State of Oklahoma and the name(s) and address(es) of senior management personnel responsible for Oklahoma operations.

(C) A description of any facilities that will be used to provide services in Oklahoma, and whether applicant intends to add additional facilities that will be used to provide services in Oklahoma.

(D) A written affirmation, signed before a Notary Public by someone with authority to bind the corporation or entity, containing the following statements:

(i) That the information contained in the application is true and correct;

- (ii) That the applicant is familiar with and will comply with all federal and state laws, and the rules and orders of this Commission;
- (iii) That for each area or exchange(s) an applicant proposes to serve, the applicant agrees to offer the provisioning of service to all end-users within that area or exchange(s) on a nondiscriminatory basis;
- (iv) That the applicant understands the Commission's contempt authority;
- (v) That the applicant will contribute to the Oklahoma Universal Service Fund pursuant to OAC 165:59;
- (vi) That the applicant will comply with the provisions of 165:55-13-10.1 and will include a statement to this effect in its tariffs;
- (vii) That the applicant is a data-only provider or is seeking a CCN exclusively in order to seek reimbursement from the OUSF under 17 O.S. § 139.109.1(B)(4) for the provision of Special Universal Services, or, if not, that prior to commencing to provide local exchange service the applicant will notify each Public Safety Answering Point ("PSAP") within their service area that they will be providing service within the area served by the PSAP, and provide each PSAP with contact information in case there are issues with the completion of calls by the customers of the Applicant. The attachment shall also state that the Applicant will comply with the requirements of 17 O.S. § 131 and will collect and disburse the E911/911 fee as required by 63 O.S. § 2814. Such affirmation should also include a statement that applicant will provide proof to the Commission of such compliance within thirty (30) days following Applicant's initial provisioning of local service;
- (viii) That the applicant understands that before it ceases, discontinues, or curtails operations and/or service, it must file with the Commission and provide each affected customer, in the manner required by the Commission, notice of the intended action, and, if the change impacts the availability or operation of E911 service, must also provide notice to any E911/911 Database Management Service Provider, pursuant to OAC 165:55-15-5;
- (ix) A statement that the applicant, its owners (individuals and/or entities) or investors holding more than five (5) percent ownership, or companies, or officers and senior management, are not currently under investigation or involved in any pending or concluded investigations or litigation, either in this state or in another state or jurisdiction, for violation of any deceptive trade or consumer protection law or regulation related to the operation of a regulated industry, if that is the case;
- (x) A statement that the applicant, or its owners (individuals and/or entities) or investors holding more than five (5) percent ownership, or companies, or officers and senior management, have not been fined, found guilty, sanctioned or otherwise penalized either in this state or in another state or jurisdiction for violation or any consumer protection law or regulation related to the operation of a regulated industry, if that is the case; and
- (xi) If either of the statements required in (ix) and (x) above is untrue, a detailed explanation of the circumstances of the investigation or fine, sanction, or penalization including a detailed description of the cause(s), the number of customers involved, and current status of the proceeding.
- (xii) A statement as to whether applicant currently seeks state or federal universal service funding of any kind for services provided in the state(s) in which applicant is

currently authorized to provide service, and whether applicant intends to seek Oklahoma Universal Service Fund funding in Oklahoma.

(2) The attachments to the application shall include the following:

(A) Copies of the applicable Articles of Incorporation, Articles of Organization, and/or partnership agreement, and/or Joint Venture agreement and, where they exist, by-laws or operating agreement of the applicant for a Certificate of Convenience and Necessity and any entity or individual owning a whole or controlling interest in the applicant for a Certificate of Convenience and Necessity.

(B) A copy of the applicable certificate, issued by Oklahoma's Secretary of State, to transact business in the State of Oklahoma, and evidence that applicant is in good standing with the Oklahoma Secretary of State.

(C) A copy of the Corporate Trade Name Report, issued by Oklahoma's Secretary of State, shall be provided for each and every trade name utilized by the telecommunications service provider, data-only provider, or IXC, i.e. a "d/b/a".

(D) Proof that the third-party surety bond, surety bond or letter of credit required in subsection (h) of this Section has been obtained, if applicable.

(E) Documentation indicating the applicant's organizational structure and ownership such as:

(i) For corporations, limited liability companies, partnerships and/or joint ventures, the applicant's stockholders annual reports and SEC 10Ks for the last three (3) years, if applicable, or, if the company is not publicly traded, its financial statements for the last three (3) years, if available, or other documentation as may be requested by the Commission.

(ii) A sole proprietor, as well as a limited liability company, shall provide financial statements for the last three (3) years, if available, or other documentation as may be requested by the Commission.

(F) A brief description of its history of providing the requested telecommunications service, Special Universal Services, or other telecommunications services, in order to demonstrate its managerial experience. The history shall include a list of the geographic areas in which it previously provided service and/or is currently providing service and such other documentation as may be requested by the Commission. Applicants for a Certificate of Convenience and Necessity without prior experience shall list the experience of each principal officer, partner, or the sole proprietor in order to demonstrate its managerial ability, and/or provide other documentation as may be requested by the Commission.

(G) A description of the applicant's experience in providing telecommunications services or Special Universal Services in order to demonstrate its technical abilities. In the case of applicants for a Certificate of Convenience and Necessity without prior experience, the applicant shall provide documentation which supports its technical abilities or other documentation as may be requested by the Commission.

(H) The name, address and toll-free telephone number that an end-user may contact concerning repairs and maintenance, complaints, billing questions, refunds and any other customer service-related inquiries.

(I) The contact name, address, and telephone number of the individual with overall responsibility for repairs and maintenance, complaints, billing questions, refunds, and any other customer service-related inquiries. This will be the principal contact for CSD



regarding complaints involving the telecommunications service provider, IXC or data-only provider.

(J) The contact name, address and telephone number of the principal contact to be utilized by the Commission's Public Utility Division regarding any questions which are not related to customer service.

(K) A list of all other states, if any, where:

(i) The applicant is authorized to operate;

(ii) Authorization to operate is pending;

(iii) A request for authorization has been denied, including the reason stated for denial, with a certified copy of the denial document attached; and/or,

(iv) Authorization has been revoked, with a certified copy of the revocation document attached.

(L) A complete set of proposed initial tariffs which include the terms and conditions of service and all rates and charges for each service classification shall be in a format consistent with Subchapter 5 of this Chapter or a statement that the applicant will file tariffs pursuant to OAC 165:55-3-3. A company may elect to post Terms of Service on a publicly available website, subsequent to the approval of their initial tariffs.

(M) A description of the applicant's proposed service territory.

(N) A description of the deposit, if the applicant intends to collect deposits, and disconnection rules to be applied to end-users by the applicant, all of which shall conform to Subchapters 9 and 11 of this Chapter.

(O) A statement setting forth the accounting system to be utilized by the applicant (the FCC-approved Uniform System of Accounts or another accounting system) and a Chart of Accounts.

(P) A listing of the complete name(s), including any trade name(s), corporate or primary headquarters street address(es) and names/addresses of principal officers of any affiliates, individuals or investors holding more than five (5) percent ownership, and/or subsidiaries providing telecommunications and/or other services to the entity making the application proposing to sell the requested telecommunications service or Special Universal Services to the public in the State of Oklahoma, unless otherwise ordered by the Commission.

(Q) An affirmation that the Applicant will maintain a record of complaints in a manner consistent with OAC 165:55-3-23.

(R) A copy of the applicant's proposed letter of authorization to be used by the telecommunications service provider to obtain written authorization from an end-user to switch telecommunications service providers or a copy of the text of the proposed script of the verification, which must be approved by the Director of the Public Utility Division, consistent with OAC 165:55-19-1.

(S) A statement regarding whether the applicant intends to utilize the services of a billing agent to issue bills to end-users.

(T) A description of applicant's parameters for determining creditworthiness if applicant intends to perform credit checks prior to providing service to a potential end-user.

(3) The Public Utility Division Staff may issue data requests for additional information during its initial review of an application.

(4) Agreements in accordance with OAC 165:55-17-7, if any, between telecommunications service providers shall be provided to the Public Utility Division as soon as such agreement(s) become available. Protective relief may be sought pursuant to 51 O.S. § 24A.22.

(e) **Requirements applicable to CCN requests exclusively for purposes related to 17 O.S. § 139.109.1(B)(4).** An applicant for a CCN for the limited purpose of qualifying as an eligible provider, as that term is defined at 17 O.S. § 139.102(11), in order to be eligible to seek reimbursement from the OUSF for the provision of Special Universal Services as provided at 17 O.S. § 139.109.1(B)(4) shall submit an application consistent with the requirements of this subsection.

(1) All applications for a CCN pursuant to this subsection shall include the information specified at OAC 165:55-3-1(d)(1)(A), 165:55-3-1(d)(1)(B), 165:55-3-1(d)(1)(D)(i), 165:55-3-1(d)(1)(D)(ii), 165:55-3-1(d)(1)(D)(iv), 165:55-3-1(d)(1)(D)(v), 165:55-3-1(d)(1)(D)(vii), 165:55-3-1(d)(1)(D)(ix), 165:55-3-1(d)(1)(D)(x), 165:55-3-1(d)(1)(D)(xi), 165:55-3-1(d)(1)(D)(xii), 165:55-3-1(d)(2)(A), 165:55-3-1(d)(2)(B), 165:55-3-1(d)(2)(C), 165:55-3-1(d)(2)(E), 165:55-3-1(d)(2)(F), 165:55-3-1(d)(2)(G), 165:55-3-1(d)(2)(H), 165:55-3-1(d)(2)(I), 165:55-3-1(d)(2)(J), 165:55-3-1(d)(2)(K), and 165:55-3-1(d)(2)(P).

(2) The application shall also contain the following information:

(A) A full description of any investigations of the applicant, its owners (individuals and/or entities) or investors holding more than five (5) percent ownership, or companies, or officers or senior management in conjunction with participation in any local, state or federal universal service fund or subsidy program.

(B) A full description of any investigations of the applicant, its owners (individuals and/or entities) or investors holding more than five (5) percent ownership, or companies, or officers or senior management officers, owners, senior management, investors or affiliates for potential violations of laws, rules or regulations related to the operation of an entity within a regulated industry.

(C) For each investigation described in (A) and/or (B) provide an indication of the disposition of any ongoing investigations and, if concluded, the investigating agency's findings.

(D) A listing of all affiliates, subsidiaries, or partnerships that participate or collaborate in any manner with the applicant in providing and/or administering any services supported by a local, state or federal universal service fund or subsidy program.

(E) An affirmative statement that the applicant understands and agrees that any request for CCN authority beyond the limited purpose of qualifying for reimbursement from the OUSF for the provision of Special Universal Services under 17 O.S. § 139.109.1(B)(4) would require an application for authority under OAC 165:55-3-1(C).

(F) An informational tariff describing the services to be offered, any limitations on the availability of those services within Oklahoma, and general terms and conditions.

(f) **Requirements for expanding authority under an existing CCN.** An Applicant wishing to expand its service authority under an existing Certificate of Convenience and Necessity granted pursuant to Chapters 55, 56, 57 and/or 58, must make application to the OCC and provide all information and notice as required in Sections 165:55-3-1(c) and 165:55-3-2. However, information submitted in support of a previous Application for certification, if such Application was approved by the OCC, may be used in support of the current Application by providing a written affirmation, signed before a Notary Public, and by someone with authority to bind the Applicant, stating that the previously submitted information is still true and correct, and circumstances have not changed. If the previously submitted information is no longer true and correct, or if circumstances have changed, Applicant shall submit updated information along with a written affirmation fully explaining all changed circumstances. This section shall not apply to

an Applicant wishing to expand its existing service territory granted under an existing CCN. Such an application shall be filed pursuant to OAC 165:55-17-3.

(g) **Approval requirement.** No Certificate of Convenience and Necessity shall be granted except by order of the Commission, after notice and hearing, if any, as directed by the Commission or unless otherwise provided in this Chapter, or by the laws of the State of Oklahoma.

(h) **Surety requirements for an applicant for Certificate of Convenience and Necessity.** To ensure the protection of the applicant's end-users, the applicant that intends to collect deposits from end-users, for a Certificate of Convenience and Necessity shall maintain a third-party surety bond, surety bond or irrevocable letter of credit, as may be determined by the Commission during the certification process, as set forth in this subsection.

(1) An applicant that does not have at least one million dollars (\$1,000,000) net book value invested in telephone plant and/or telephone facilities located in Oklahoma shall be required to post and maintain a third-party surety bond, surety bond or irrevocable letter of credit in, at a minimum, an amount sufficient for the indemnification of one hundred ten percent (110%) of its projected customer deposits.

(2) The third-party surety bond, surety bond or irrevocable letter of credit shall be maintained as long as the telecommunications service provider is furnishing telecommunications services in the State of Oklahoma pursuant to this Chapter, unless modified or released pursuant to Commission order.

(3) The Commission may modify the requirements of this subsection for good cause shown, after such notice and hearing, if any, as the Commission may require.

(i) **Transferability of certificates.** Any certificate granted under this section shall not be transferable without prior approval of the Commission and shall continue in effect until further order of the Commission.

(j) Prior to providing service in Oklahoma, the Applicant shall jointly test interoperability with the 911/E911 PSAPs in their service area and provide verification of interoperability to the Commission and the PSAP. If testing is not applicable to the services for which CCN authority has been requested, a statement to that effect will be included in the CCN application.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 21 Ok Reg 2101, eff 7-1-04; Amended at 22 Ok Reg 712, eff 7-1-05; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

### **165:55-3-2. Notice requirements when filing an Application for Certificate of Convenience and Necessity**

Applicants seeking a Certificate of Convenience and Necessity shall meet all notice requirements as set forth in this Section.

(1) **Requirements for filing an Application of a Certificate of Convenience and Necessity.** An Application of a Certificate of Convenience and Necessity shall be delivered by mail, electronic mail or by personal service to the following people and/or entities:

(A) The Attorney General of the State of Oklahoma;

- (B) The Director of the Public Utility Division of the Oklahoma Corporation Commission;
- (i) The Application delivered to the Director of the Public Utility Division shall be file-stamped by the Oklahoma Corporation Commission Court Clerk's Office and shall be delivered to the Director of the Public Utility Division in electronic copy form only.
  - (ii) The Director of the Public Utility Division shall update and post a report that includes reference to the Application of Certificate of Convenience and Necessity on the Commission's website, <http://www.occeweb.com>, within five (5) business days of receipt.

(C) The governing body of each Enhanced 911 Public Safety Answering Point (E911 PSAP) operating in the proposed service territory of the Applicant.

(D) The ILEC in the proposed service territory.

(E) Sections (C) and (D) of this subsection shall not apply to applications for a certificate of convenience and necessity filed exclusively for the limited purpose of receiving reimbursement from the OUSF for the provision of Special Universal Services in accordance with 17 O.S. § 139.109.1(B)(4).

**(2) Publication of a Notice of Application of a Certificate of Convenience and Necessity.**

The Notice required by 17 O.S. § 132 shall be published as follows:

(A) In a newspaper of general circulation once a week for two (2) consecutive weeks with at least seven (7) days apart in each service territory affected.

(B) Publication shall be at the expense of the applicant.

(C) A "Proof of Publication" document shall be filed with the Oklahoma Corporation Commission Court Clerk's Office within fifteen (15) days of the last publication date.

**(3) Requirements for a Notice of Hearing on an Objection to a Certificate of Convenience and Necessity.**

(A) When an objection is made in a cause of an Application of a Certificate of Convenience and Necessity, the Applicant shall promptly file a Notice of Hearing at the Oklahoma Corporation Commission Court Clerk's office requesting a date for a hearing on the merits of the application.

(B) Within ten business days prior to the date of the hearing, the Applicant shall serve the notice by delivering a file-stamped copy by mail, electronic mail or by personal service to the following people and/or entities:

(i) The Attorney General of the State of Oklahoma;

(ii) The Director of the Public Utility Division of the Oklahoma Corporation Commission; and

(iii) Any Interveners, including the person or entity filing the objection.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-3-3. Approval of initial tariffs**

(a) No later than twelve (12) months after being granted a Certificate of Convenience and Necessity, pursuant to OAC 165:55-3-1, a telecommunications service provider, or IXC shall file an application requesting approval of its initial tariffs, unless filed pursuant to OAC 165:55-3-1(d)(2)(L), which include the terms and conditions of service and all rates and charges for each

service classification, in a format consistent with Subchapter 5 of this Chapter. Notice of such filings shall comply with OAC 165:55-5-11 (d).

(b) The initial tariffs shall not become effective except by order of the Commission after such notice and hearing, if any, as directed by Commission.

(c) Not later than thirty (30) days after approval of the initial tariffs, an original and two (2) copies of the approved tariffs, which conform to OAC 165:55-5-20, shall be provided to the Public Utility Division.

(d) With the application requesting approval of a complete set of proposed initial tariffs, the telecommunications service provider, or IXC, shall file proof that the third-party surety bond, surety bond or letter of credit required in OAC 165:55-3-1(h) has been obtained, if applicable.

(e) This subsection does not apply to providers with a Certificate of Convenience and Necessity limited to authority to receive reimbursement for the provision of Special Universal Services in accordance with 17 O.S. § 139.109.1(B)(4). Such entities will provide informational tariffs in accordance with OAC 165:55-3-1(e)(2)(F).

[Source: Added at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 32 Ok Reg 828, eff 8-27-15; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

### **PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS**

#### **165:55-3-10. Who shall file [REVOKED]**

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Revoked at 16 Ok Reg 2261, eff 7-1-99]

#### **165:55-3-11. Accounting system**

(a) The Uniform System of Accounts of the FCC prescribed for Class A and Class B telephone companies, or other system of accounts acceptable to the Commission, may be adopted by a telecommunications service provider.

(b) Regardless of the system of accounts adopted by a telecommunications service provider pursuant to subsection (a), in a general rate proceeding, the Commission Staff may request the production of data and reports in a format other than as kept pursuant to the designated system of accounts. Disputes related to this Section may be submitted to the Commission for resolution.

(c) No change in, or departure from, the system utilized by the telecommunications service provider will be permitted except upon order of the Commission made after notice and hearing.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

### **PART 5. RECORD REQUIREMENTS**

#### **165:55-3-20. Location of records**

All records, including tariffs, required by this Chapter shall, at the option of the telecommunications service provider, be kept at the general office of each telecommunications

service provider or on a publicly available website and shall be made available to the Commission or its authorized representative at any reasonable time upon request.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

#### **165:55-3-21. Retention of records**

All records required by this Chapter shall be preserved for two (2) years, except for an ETC's records confirming subscriber's eligibility for purposes of the State and/or Federal Lifeline programs as well as the records confirming household eligibility for State and/or Federal Lifeline support. Records confirming subscriber and household eligibility for purposes of initial or annual recertification for State or Federal Lifeline programs shall be kept for three (3) years.

[Source: Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-3-22. Records to be provided to the Commission**

(a) **Annual report of operations.** Each telecommunications service provider and IXC shall provide to the Director of the Public Utility Division an annual report, in a format developed by the Director of the Public Utility Division, no later than April 1 of the year following the reporting year. Proposed revisions to the Annual Report format will be posted to the OCC website at least ninety (90) days prior to their effective date. All carriers will be notified of the posting via e-mail, based on addresses supplied by carriers. Any carrier that objects to the proposed revisions to the Annual Report format may file an Application with the Commission requesting relief from the applicability of the format changes. The filing of an Application will suspend the applicability of the proposed format revisions until an Order is issued by the Commission. Unless an Order revising the Annual Report format is entered at least 90 days prior to the April 1 filing deadline, carriers will not be required to file an Annual Report in the revised format until the following year.

(b) **Confidentiality of annual report.** All non-publicly available information included in the annual report or an ETC's FCC Form 481 or FCC Form 555 will be considered confidential by the OCC.

(c) **Proof of third-party surety bond, surety bond or irrevocable letter of credit.** Where applicable, not later than May 1 of each year, each telecommunications service provider and IXC which does not have at least one million dollars (\$1,000,000) net book value invested in telecommunications plant and/or telecommunications facilities located in the State of Oklahoma, shall provide annually, to the Director of the Public Utility Division, proof of the continuing existence and sufficiency of the required third-party surety bond, surety bond or irrevocable letter of credit providing coverage at a level of at least one hundred and ten percent (110%) of customer deposits. Such proof shall be in a format developed by the Director of the Public Utility Division and approved by the Commission.

(d) **Exchange maps.** Each telecommunications service provider shall provide the Director of the Public Utility Division two (2) copies of updated exchange maps when the boundaries of an exchange(s) are changed. The maps and descriptions shall be in sufficient detail to permit the location of exchange boundaries on the ground, and be consistent with the format set forth in this subsection.

(1) Each exchange map provided after the effective date of this Chapter shall conform to the following:

- (A) One exchange service area per sheet.
- (B) Each map shall be on eight and one-half by eleven inches (8.5" x 11") (or larger sheet which folds down to eight and one-half by eleven inches (8.5" x 11"), twenty pounds (20 lbs.) or heavier, white paper.
- (C) Each township and range will be specified along the side of the map and, at a minimum, each corner section will be numbered.
- (D) The outline of the exchange service area will be a heavy black line with an "E" every one inch (1") or two inches (2") along the boundary.
- (E) The name of adjacent incumbent LEC exchanges will be indicated on the exchange map to identify their relative location.

(2) When said boundary map changes involve more than one telephone exchange and more than one incumbent LEC, the changes involved shall be coordinated between the incumbent LECs concerned and a "Joint Application" submitted. After an order is issued by the Commission the incumbent LECs shall submit revised exchange maps containing the revised territory, the new certificate number, the cause number, the order number, and the date of the order approving the change. A copy of each current exchange map shall be made available for review to any interested person upon reasonable notice containing:

- (A) Application number.
- (B) Maps showing the changes in contrasting colors.
- (C) Metes and bounds of changes.
- (D) Proposed orders (one for each exchange) with complete metes and bounds of the revised exchange(s).

(e) **Competitive LEC service territories maps.** Each competitive LEC shall either identify the LEC exchanges of their service territory or maintain up-to-date maps showing its service territory. The maps and descriptions shall be in sufficient detail to establish the location of incumbent LEC exchange boundaries on the ground. Each map provided shall conform to the format set out in OAC 165:55-3-22(c)(1). Two (2) copies of each map shall be provided to the Director of the Public Utility Division.

(f) **Contracts and agreements.** Upon request by the Director of the Public Utility Division, a TSP or IXC shall provide a copy of a contract entered into by the TSP or IXC for regulated services.

(g) **Contact names.** Each telecommunications service provider and IXC shall notify, in writing, the Director of the Public Utility Division within thirty (30) days of a change in the company-designated contacts for Public Utility Division and CSD issues. If the below information is unavailable, the telecommunications service provider or IXC may seek a waiver from the PUD Director by making a request in writing.

(1) The update shall include the name(s), physical street address(es), electronic mail addresses and telephone number(s) of the designated individual(s).

(2) The contact name(s) provided pursuant to this subsection shall be the individual(s) primarily responsible for:

- (A) Providing customer service;
- (B) Repair and maintenance;
- (C) Answering complaints;
- (D) Authorizing and/or furnishing refunds to customers;
- (E) Tariff issues;

- (F) Billing inquiries;
- (G) Regulatory matters;
- (H) Oklahoma Universal Service Fund (and Monthly Payout, Fee Assessment, Requests for Funding, if different);
- (I) PUD Fee Assessment (and Fee Assessment Payments, if different);
- (J) Primary emergency;
- (K) Afterhours emergency;
- (L) Annual reporting;
- (M) Attorney for regulatory matters; and
- (N) Community Liaison.

(h) **Other information.** Each telecommunications service provider and IXC shall promptly furnish such other information as PUD or the Commission may request, unless otherwise ordered by the Commission.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 22 Ok Reg 712, eff 7-1-05; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017; Amended at 36 Ok Reg 709, eff 7-25-19]

### **165:55-3-23. Complaints report**

Each telecommunications service provider and IXC shall maintain customer complaints that have been received by the company. These should be maintained for a period of no less than two (2) years.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

## **PART 7. REPORTING REQUIREMENTS**

### **165:55-3-30. Report attestation**

All reports required by this Chapter to be submitted to the Commission shall be attested to by an officer or manager of the telecommunications service provider under whose direction the report is prepared, or if under trust or receivership, by the receiver or a duly authorized person, or if not incorporated, by the proprietor, manager, superintendent, or other official in charge of the telecommunications service provider's operation.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]



**165:55-3-31. Due dates of reports [REVOKED]**

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 18 Ok Reg 2415, eff 7-1-01, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**SUBCHAPTER 5. RATES AND TARIFFS****PART 1. TARIFF FILING**

## Section

- 165:55-5-1. Tariffs and/or Terms of Service required
- 165:55-5-2. Contents of tariffs
- 165:55-5-3. Terms and conditions of service
- 165:55-5-4. Exchanges served by a competitive LEC

**PART 3. APPROVAL AND NOTICE REQUIREMENTS**

- 165:55-5-10. Tariff approval and revisions to tariffs [AMENDED]
- 165:55-5-10.1. Competitive services [REVOKED]
- 165:55-5-10.2. Promotional offerings [AMENDED]
- 165:55-5-10.3. Customer-specific contracts under ICB pricing [AMENDED]
- 165:55-5-10.4. Name changes and/or trade name additions and/or address changes
- 165:55-5-11. Type of notices
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**PART 9. RELIEF FROM RATE BASE/RATE OF RETURN REGULATION**

- 165:55-5-50. Relief from rate base/rate of return regulation

**PART 11. OKLAHOMA PLAN [REVOKED]**

165:55-5-64.	Implementation of Oklahoma Plan [REVOKED]
165:55-5-65.	[REVOKED]
165:55-5-66.	Pricing [REVOKED]
165:55-5-67.	[REVOKED]
165:55-5-68.	Notice requirements [REVOKED]
165:55-5-69.	[REVOKED]
165:55-5-70.	Packaging [REVOKED]
165:55-5-71.	[REVOKED]
165:55-5-72.	Reporting [REVOKED]
165:55-5-73.	[REVOKED]
165:55-5-74.	Service standards [REVOKED]
165:55-5-75.	[REVOKED]
165:55-5-76.	Enforcement of the Oklahoma Plan [REVOKED]

**PART 1. TARIFF FILING****165:55-5-1. Tariffs and/or Terms of Service required**

(a) Except as provided in this Subchapter, a telecommunications service provider or IXC shall charge for the provisioning of regulated telecommunications services to its end-users only the rates and charges contained in its tariffs on file with and approved by the Commission or Terms of Service. No deviation from a tariff or Terms of Service shall be permitted, except as permitted by OAC 165:55-5-10.3 or unless otherwise authorized by the Commission. The provisions of each telecommunications service provider's or IXC's filed tariff and/or Terms of Service are binding upon the telecommunications service provider, IXC and the end-user as to the rates and charges for service and the terms and conditions of service. Notwithstanding the foregoing and OAC 165:55-3-3, neither a telecommunications service provider nor an IXC shall be required to file a written tariff with the Commission for any service except payphone access services, E911/911 access services, or switched access services.

(b) A telecommunications service provider or an IXC which has a written tariff on file with the Commission may withdraw the tariff, except for payphone access services, E911/911 services, or switched access services if the telecommunications service provider or IXC:

- (1) provides written notice to the Director of Public Utility Division and the Attorney General, that it is withdrawing the tariff,
- (2) posts the Terms of Service, and
- (3) provides the Commission with the web page information where the language is posted.

(c) The Commission maintains the same authority to review the Terms of Service, of a telecommunications service provider or IXC, as permitted by OAC 165:55-5-10.

(d) All tariff revisions shall be deemed approved by the Commission on the day following the day the tariff revision is submitted to the Commission. Revisions to the Terms of Service on a telecommunications service provider's or IXC's website will become effective on the day following the day the revision is posted on the website, or as otherwise indicated on the website.

(e) A data-only provider, with a CCN granted exclusively for the purpose of seeking reimbursement from the OUSF under 17 O.S. § 139.109.1(B)(4), shall maintain an informational

tariff with current terms, conditions and rates applicable to the Special Universal Services it provides. Any modifications to the data-only provider's terms, conditions or rates, shall be submitted to the Director of Public Utility Division prior to the effective date of such modifications.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 29 Ok Reg 1549, eff 7-12-12; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-5-2. Contents of tariffs**

Except as provided in OAC 165:55-5-1, every telecommunications service provider shall file with the Commission its tariffs containing detailed schedules of its rates and charges for all intrastate regulated telecommunications services. The tariffs shall be in sufficient detail and shall be accompanied by such explanatory material, so as to permit determination of the applicability of the tariff. For standard services, the tariff should be structured to permit determination of the exact charges from the tariffs alone. Services, whose rates and charges are determined on an individual case basis, need not indicate the exact charges in the tariff. Related provisions, such as the circumstances under which services are available, classes of service offered, and line extension policy, will be set out in the tariff or by reference to other filed tariffs. Unless provided otherwise in this Chapter, no tariff shall be effective except by order of the Commission or otherwise pursuant to the laws of the State of Oklahoma.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-5-3. Terms and conditions of service [REVOKED]**

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97, Revoked at 29 Ok Reg 1549, eff 7-12-12]

#### **165:55-5-4. Exchanges served by a competitive LEC**

Each competitive LEC shall file and maintain an up-to-date listing of the service territory to which the competitive LEC provides services. Such competitive LEC listings shall be revised in accordance with the requirements of this Subchapter.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96]

### **PART 3. APPROVAL AND NOTICE REQUIREMENTS**

#### **165:55-5-10. Tariff approval and revisions to tariffs**

(a) Except as provided in OAC 165:55-5-1, no new or revised tariff shall be effective without Commission order after notice and hearing, if any, as directed by the Commission unless otherwise provided in this Chapter, or by the laws of the State of Oklahoma. Tariffs filed under this section

will be deemed lawful and effective thirty (30) days after filing unless an objection is filed in advance of the thirtieth day that a hearing is required.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) New or revised tariffs describing a regulated service may be submitted in accordance with subsection (c) of this section unless otherwise prohibited by this Chapter, including but not limited to, subsection (b)(2) of this section or by the laws of the State of Oklahoma.

(2) No new or revised tariff describing a switched access service, E911/911 service, or payphone access service, shall become effective without Commission order after notice and hearing, if any, as directed by the Commission.

(3) A packaged service may include any combination of basic local services, regulated services and non-regulated services. A packaged service shall be treated as a single optional service by the Commission. A packaged service may be submitted in accordance with subsection (c) of this section unless otherwise prohibited by this Chapter or by the laws of the State of Oklahoma.

(4) Any tariffed service utilizing ICB pricing, or amendment thereto, shall become effective without Commission order according to the terms of the agreement with the customer and/or the provider's tariffs.

(c) To the extent that this Chapter allows the submission of new or revised tariffs, new or revised tariffs shall have an effective date on or after the day following the day the submission is delivered to the Director of the Public Utility Division, subject to the following conditions:

(1) The submission delivered to the Public Utility Division shall include a cover letter, one (1) mark-up copy of the new or revised tariff pages in legislative format, and one (1) final copy of the new or revised tariff pages.

(2) The effective date of the new or revised tariff submitted to the Commission shall be stated on the face of the new or revised tariff pages.

(3) A new or revised tariff submitted to the Commission shall comply with the notice requirements of OAC 165:55-5-11. A copy of the notice shall accompany the submission. The submission shall clearly identify the date of notice and the method used to provide notice.

(4) The Commission may permit electronic submission of new or revised tariffs when technically feasible.

(d) The Public Utility Division may, after an informal investigation, file an application with the Commission seeking to revoke or modify any tariff. After notice and hearing, the Commission may issue an order prospectively revoking or modifying any tariff for good cause.

(e) The burden of proof to show that a proposed or revised tariff is just and reasonable shall be upon the company proposing the new or revised tariff.

(f) The Commission shall protect against anti-competitive behavior and the abuse of monopoly power by rejecting, revoking or modifying tariffs that are predatory, anti-competitive or discriminatory. In its review, the Commission may consider the incremental cost of the service, the potential impact on competition, the potential impact on end-users generally, and such other factors as the Commission may deem necessary. The Commission maintains the same authority to review the Terms of Service that are posted on the publicly available website, of a telecommunications service provider or IXC, as permitted by OAC 165:55-5-10. This retention of authority shall not be interpreted to mean that the Commission has approved the Terms of Service.

(g) Unless otherwise ordered by the Commission, all proposed rates must cover the long-run incremental cost of the service, including imputation where ordered by the Commission.

(h) For purposes of this Section, the Commission shall allow an ILEC or CLEC that serves less than seventy-five thousand (75,000) access lines as of July 1, 1997, at the option of the company, to adopt the cost studies approved by the Commission for an ILEC or CLEC that serves seventy-five thousand (75,000) or more access lines or to adopt the surrogate cost studies approved by the FCC.

(i) Nothing in these rules is intended to modify, affect or nullify the responsibilities of the Commission or providers of telecommunications services as required by state or federal antitrust laws or the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2067, eff 12-8-98 (emergency); Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 21 Ok Reg 2101, eff 7-1-04; Amended at 22 Ok Reg 712, eff 7-1-05; Amended at 26 Ok Reg 1127, eff 7-1-09; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 33 Ok Reg 647, eff 8-25-16]

#### **165:55-5-10.1. Competitive services [REVOKED]**

[Source: Added at 14 Ok Reg 2847, eff 7-15-97; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 21 Ok Reg 2111, eff 7-1-04, Amended at 26 Ok Reg 1130, eff 7-1-09, Revoked at 29 Ok Reg 1549, eff 7-12-12]

#### **165:55-5-10.2. Promotional offerings**

(a) Telecommunications service providers or IXC's may offer Promotional rates and/or terms and conditions of service for any purpose. Promotional offerings are not intended to replace any obligation of a TSP or IXC to submit tariffs or to post the Terms of Service.

(b) TSP's and IXC's must maintain a log of all current promotional offerings and shall provide the log to the Commission upon request.

[Source: Added at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2302, eff 7-15-03; Amended at 22 Ok Reg 724, eff 7-1-05, Amended at 26 Ok Reg 1131, eff 7-1-09, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-5-10.3. Customer-specific contracts under ICB pricing**

(a) Telecommunications service providers or IXC's may enter into customer-specific contracts for business services provided that the pricing is not predatory.

(b) At the direction of the Commission, the Director of the Public Utility Division shall periodically select a sample of ICB's for review. If a review of any ICB reveals that said ICB is not fair, just, reasonable, not priced at or above LRIC, or not in the public interest, the Commission may issue an order to revoke the TSP's or IXC's ability to enter into ICB's until further order of the Commission.

[Source: Added at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2302, eff 7-15-03; Amended at 22 Ok Reg 724, eff 7-1-05, Amended at 26 Ok Reg 1131, eff 7-1-09, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-5-10.4. Name changes and/or trade name additions and/or address changes**

Tariff revisions to reflect a change to the name and/or change, deletion or addition of a trade name under which the telecommunications service provider or IXC will be doing business in the State of Oklahoma, and/or change of address shall become effective, without Commission order, the date of filing such tariffs, provided the filing contains the attestation required by subparagraph (5) of this Section. The request for name change or request for change, addition, or deletion of a trade name shall be accompanied by the following, as applicable:

- (1) An amended Certificate of Incorporation effecting a change of name pursuant to 18 O.S. § 1076, 1077 or 1031;
- (2) A Trade Name Report filed with the Secretary of State as provided in 18 O.S. § 1140;
- (3) A Withdrawal of Trade Name Report filed with the Secretary of State as provided in 18 O.S. § 1140.1;
- (4) A Transfer of Trade Name Report filed with the Secretary of State as provided in 18 O.S. § 1140.2; and,
- (5) An attestation that the tariffs are identical, except for the name change or change, addition or deletion of a trade name, to the existing tariffs of the telecommunications service provider or IXC.

[Source: Added at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02]

#### **165:55-5-11. Type of notices**

(a) **Notice.** Except with respect to tariffs filed pursuant to OAC 165:55-5-10(b) or where the Commission, by order, directs otherwise, any notice of hearing on an application for approval or amendment of rates or charges for service shall be published once a week for two consecutive weeks in a newspaper(s) of general circulation within the territory served by the telecommunications service provider.

(b) **Notice of tariff revisions and new service offerings by telecommunications service providers.** Telecommunications service providers shall serve proposed tariff revisions for switched access, payphone access, or E911/911 services on the Office of the Attorney General at the time of their filing with the Commission, and shall provide a copy of their proposed tariff revisions pursuant to OAC 165:55-5-10 to each IXC and telecommunications service provider that has previously requested in writing to receive such filings. Notice of tariff revisions to E911/911 services shall also be provided to the governing body of each E911/911 Public Safety Answering Point operating in the service territory of the TSP.

(c) **Notice requirements.** All entities seeking to interconnect with the ILEC, including CLECs and Wireless providers, shall provide Notice of the Application to be given by mail, electronic mail or personal service to the Attorney General of the State of Oklahoma and each E911 Public Safety Answering Point within the territory of the service area affected by the proposed Agreement. Each governmental entity operating an E911 Public Safety Answering Point that

wishes to receive notice of interconnection agreement approvals shall register its contact persons with the Commission.

(d) **Notice of proposed initial tariff.** All entities seeking approval of an initial tariff shall serve the file-stamped Application by mail, electronic mail, or personal service to the Oklahoma Attorney General and the Director of the Public Utility Division.

(e) **End-user notice of rate increase.** Prior to or concurrent with the effective date of any increased rate to an end-user, each telecommunications service provider or IXC shall provide notice to the Director of the Public Utility Division, the Office of the Attorney General and the affected end-users of the rate increase. The notice shall be provided by any of the following:

- (1) Prominent display on the end-user's bill;
- (2) Direct mailing;
- (3) Prominent display on an insert in the end-user's bill; or
- (4) Any other method approved by the Director of the Public Utility Division.

(f) **Notice of rate increase to the OCC and Attorney General.** The notice required by Subsection (d) above to be given to the Director of the Public Utility Division and the Office of the Attorney General shall be given by any of the following:

- (1) Direct mailing or email;
- (2) Through a website posting of all customer notifications and Terms of Service changes; or
- (3) Identification on the website posting of the effective date of the Terms of Service.

(g) **End-user notice of service offering restrictions/limitations.** Any restrictions/limitations imposed for "non-voice" minutes of use beyond a maximum identified in the provider's tariff shall be noticed under the following conditions:

- (1) Written notice of the restriction/limitation and clear and concise explanation of when the penalty is imposed will be given to the end-user(s) prior to or concurrent with the initial bill for the service offering which contains the restriction/limitation. The notice will advise the end-users of the exact restriction/limitation and the penalty assessed.
- (2) The notice shall be provided by any of the following:
  - (A) Prominent display on the end-user's bill;
  - (B) Direct mailing;
  - (C) Fulfillment and/or welcome packages;
  - (D) Prominent display on an insert in the end-user's bill; or
  - (E) Any other method approved by the Director of the Public Utility Division.

(h) Failure to provide the information required by this Section at the time of filing may result in the proposed tariff revision(s) and/or new service offering(s) being suspended pursuant to OAC 165:55-5-13 and, if suspended, the tariff revision(s) and/or new service offering(s) shall not be placed into effect under any circumstances, until further order of the Commission.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2067, eff 12-8-98 (emergency); Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 21 Ok Reg 2101, eff 7-1-04; Amended at 22 Ok Reg 712, eff 7-1-05; Amended at 26 Ok Reg 1127, eff 7-1-09; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 33 Ok Reg 647, eff 8-25-16]

**165:55-5-12. Reclassification of exchange [REVOKED]**

[Source: Revoked at 30 Ok Reg 1574, eff 7-11-13]

**165:55-5-12.1. Flow through of net reductions/increases in access charges [REVOKED]**

[Source: Added at 16 Ok Reg 2261, eff 7-1-99, Revoked at 26 Ok Reg 1132, eff 7-1-09]

**165:55-5-13. Suspension of tariff or Terms of Service**

The Commission Staff, the Office of the Attorney General, or any aggrieved party may file an application to suspend or set aside prospectively any tariff provision or Terms of Service that violates any Commission rule or law or that is not in the public interest.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 17 Ok Ref 306, eff 11-2-99 (emergency); Amended at 17 Ok Reg 1043, eff 5-11-00, Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-14. Objections**

(a) Any person may file an objection to a proposed tariff or proposed tariff revision or Terms of Service or proposed Terms of Service amendment within thirty (30) days after the proposed tariff or proposed tariff revision is filed or Terms of Service are posted on the telecommunication service provider's or IXC's publicly available website.

(b) Any such objection shall comply with the requirements of OAC 165:5-9-2 and must contain a specific description of the basis for the objection and all information necessary to allow evaluation of the objection. The objecting person shall promptly serve its objections on the IXC or telecommunications service provider that filed the proposed changes, new service offering, or revised Terms of Service; and upon the Director of the Public Utility Division and the Attorney General.

[Source: Added at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 17 Ok Reg 306, eff 11-2-99 (emergency); Amended at 17 Ok Reg 1043, eff 5-11-00; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 33 Ok Reg 647, eff 8-25-16]

**PART 5. TARIFF STRUCTURE AND COMPOSITION****165:55-5-20. Requirements as to size, form and identification of tariffs**

(a) Except as provided for in OAC 165:55-5-1, when applying for, or after receiving, a Certificate of Convenience and Necessity for authority to operate as a telecommunications service provider or IXC in the State of Oklahoma, the telecommunications service provider or IXC shall file with



the Commission an original and five (5) copies of its tariff containing schedules of all its rates, tolls, charges, rules, and regulations pertaining to all of its telecommunications services. It shall also file an original and five (5) copies of each subsequent revision. Each revision shall be accompanied by a cover page which contains a list of the pages being revised, a statement describing each change, its effect, if any, and a statement as to the impact on rates of the change by customer class, if any. The telecommunications service provider shall also file a copy of the current tariff page with changes superimposed thereon. If a proposed tariff revision constitutes an increase in existing rates of a particular customer class or classes, the Commission shall require that notice be given to the affected customer class.

(b) All tariffs shall be in loose-leaf form of a size eight and one-half by eleven inches (8 1/2" x 11"), in 10 point or larger type and shall be plainly printed or reproduced on paper of good quality. The front page of the tariff shall contain the name of the telecommunications service provider, including all trade names under which the telecommunications service provider is providing telecommunications service in the State of Oklahoma, and the location of its principal office. Incumbent LEC local exchange tariff map sheets reflecting the physical bounds of the exchange may be on larger sheets, when required for the purposes of clarity and legibility.

(c) Each rate tariff must clearly state the territory, city, county, or exchange wherein said tariff is applicable.

(d) Tariff sheets are to be numbered consecutively per schedule. Each sheet shall show the Cause Number wherein the tariff was approved by the Commission and, where applicable, the Order Number for such approval. Each sheet shall show an effective date, a revision number, section number or title, sheet number, name of the telecommunications service provider, along with all trade names used in the State of Oklahoma, and the name of the tariff, each in a consistent manner. Sheets issued under new numbers are to be designated as original sheets. Sheets being revised should show the number of the revision, and the sheet numbers shall be the same.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-5-21. Composition of filed or submitted tariffs**

The tariff shall contain sections setting forth:

- (1) A preliminary statement containing a brief description of the tariff's application.
- (2) A list of the exchanges or description of service territories in which service is provided.
- (3) The rate schedules.
- (4) The service rules and regulations.
- (5) Title sheet.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 20 Ok Reg 2302, eff 7-15-03, Amended at 29 Ok Reg 1549, eff 7-12-12]

#### **165:55-5-22. Tariff filings in response to Commission orders**

Tariff filings for switched access, E911/911 services, or payphone access services made in response to an order issued by the Commission shall include a transmittal letter stating that the

tariffs attached are in compliance with the order, giving the cause number, date of the order, a list of tariff sheets filed, and any other necessary information. Said tariff sheets shall comply with all other provisions of this Chapter and shall include only changes ordered. The effective date and/or wording of said tariffs shall comply with the provisions of the order. Each tariff sheet shall include the cause and order number(s) and the effective date(s).

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

### **165:55-5-23. Symbols for changes**

(a) Each proposed filed or submitted tariff sheet shall contain notations indicating each change made on these sheets. Notations (referred to as tariff symbols) to be used are:

- (1) (AT) means added to text.
- (2) (C) means a correction.
- (3) (CP) means change in practice.
- (4) (CR) means change in rate.
- (5) (CT) means change in text.
- (6) (DR) means discontinued rate.
- (7) (FC) means a change in format lettering or numbering.
- (8) (MT) means moved text.
- (9) (NR) means new rate.
- (10) (RT) means removal of text.

(b) In addition to symbols for changes, each changed provision in the tariff shall contain a vertical line which clearly shows the exact number of lines being changed.

[Source: Amended at 29 Ok Reg 1549, eff 7-12-12]

## **PART 7. MISCELLANEOUS TARIFF AND/OR TERMS OF SERVICE REQUIREMENTS**

### **165:55-5-30. Accessibility of tariffs and/or Terms of Service**

Each telecommunications service provider shall make available to the public all of its tariffs currently on file with the Commission and/or all Terms of Service. All telecommunications service providers shall also provide copies of any portion of the tariffs at a reasonable cost to reproduce such tariff for a requesting party.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff-7-12-12]

### **165:55-5-31. Rejection**

Any tariff filed with the Commission and found not to be in compliance with this Chapter shall be so marked and returned to the telecommunications service provider with a brief explanation of the reasons for rejection.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-5-32. Change by other regulatory authorities**

Tariffs and/or Terms of Service which reflect changes in rates or regulations set by other regulatory authorities shall reference the source of authorization for such change.

[Source: Amended at 29 Ok Reg 1549, eff-7-12-12]

**165:55-5-33. Custom or individual services**

With respect to all custom work, a telecommunications service provider, upon rendering a written estimation of charges for such services to an end-user or applicant for telephone service, will not deviate from that agreement for thirty (30) days. Verbal estimates shall be reduced to writing and furnished to the end-user or applicant for telephone service when requested.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-5-34. Data and information on proposed tariff revisions**

(a) Except as otherwise provided for in OAC 165:55-5-35, when filing proposed tariff revisions for switched access service, E911/911 service or payphone access service, as provided in OAC 165:55-5-10(b)(2) at least twenty (20) days prior to the effective date of the filing, each IXC and telecommunications service provider shall deliver to the Public Utility Division Staff and Office of the Attorney General:

(1) A copy of the Notice required by OAC 165:55-5-11(d) that will be sent to the end-users affected by any increased rate or Notice required by OAC 165:55-5-11(f) that will be sent to the end-users affected by the restriction/limitation(s);

(2) A telecommunications service provider offering packages of bundled services containing both regulated and non-regulated services, or both intrastate and interstate services shall, at the time of filing or submitting the bundled packages to the Public Utility Division, provide the methodology used to separate revenues in order to identify jurisdictional revenues to be assessed for funding state regulatory fees and assessments.

(3) The rationale for the proposed tariffs.

(b) Consistent with OAC 165:55-5-20(a), a copy of the existing tariff page(s) with the requested change(s) denoted shall be filed with the application, and shall be included in the copy sent to the Attorney General, but need not be included with copies of the tariff revision sent to the service list.

(c) The information addressed in paragraphs (2) and (3) in subsection (a) of this Section will be accepted, but not required to be provided, from IXCs.

(d) The Public Utility Division may issue data requests for additional relevant information during its review of the requested revision(s). Each telecommunication service provider and IXC shall answer, within ten (10) business days from the date of receipt, all data requests issued, unless an objection is filed or the parties agree in writing to a different response time.

(e) Failure to provide the information required by this Section at the time of filing may result in the proposed tariff revision(s) and/or new service offering(s) being suspended pursuant to OAC 165:55-5-13 and, if suspended, the tariff revision(s) and/or new service offering(s) shall not be placed into effect under any circumstances, until further order of the Commission.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2302, eff 7-15-03; Amended at 21 Ok Reg 2112, eff 7-1-04; Amended at 22 Ok Reg 726, eff 7-1-05, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-5-35. Confidential information**

(a) With the exception of information and data related to the dollar and percentage impacts of the proposed change(s) on end-user rates and the rationale for the proposed tariffs, all information and data required by OAC 165:55-5-34(a), OAC 165:55-5-10.2, and OAC 165:55-5-10.3 to be delivered to the Public Utility Division Staff concurrent with the filing of a proposed tariff revision or notification of a promotional offering and any additional financial or cost data or data that is identifiable to a specific customer requested by the Public Utility Division Staff, shall be deemed confidential records or trade secrets of the telecommunications service provider and IXC under the Oklahoma Open Records Act as provided for by 51 O.S. § 24A.22 and shall be kept confidential by the Commission, unless successfully challenged.

(b) All confidential information and data submitted to the Public Utility Division Staff under subsection (a) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:55-5-35."

(c) For each tariff filing submitted by a telecommunications service provider or IXC in accordance with OAC 165:55-5-10(b), OAC 165:55-5-10.2, or OAC 165:55-5-10.3, the same confidential information and data provided to the Public Utility Division Staff shall also be provided to the Office of the Attorney General upon the signing of a Proprietary Agreement by the Attorney General or its representative.

(d) All confidential information and data provided to the Office of the Attorney General under subsection (c) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:55-5-35."

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-5-36. Returned Check Charge [REVOKED]**

[Source: Added at 22 Ok Reg 726, eff 7-1-05, Amended at 29 Ok Reg 1549, eff 7-12-12; Revoked at 32 Ok Reg 828, eff 8-27-15]

**PART 9. RELIEF FROM RATE BASE/RATE OF RETURN REGULATION  
[REVOKED]**

**165:55-5-50. Relief from rate base/rate of return regulation [REVOKED]**

[Source: Added at 14 Ok Reg 2847, eff 7-15-97; Amended at 16 Ok Reg 2261, eff 7-15-99; Amended at 17 Ok Reg 306, eff 11-2-99 (emergency); Amended at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**PART 11. OKLAHOMA PLAN [REVOKED]**

**165:55-5-64. Implementation of Oklahoma Plan [REVOKED]**

[Source: Added at 17 Ok Reg 306, eff 11-2-99 (emergency); Added at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-65. [REVOKED]**

[Source: Reserved at 17 Ok Reg 306, eff 11-2-99 (emergency); Reserved at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-66. Pricing [REVOKED]**

[Source: Added at 17 Ok Reg 306, eff 11-2-99 (emergency); Added at 17 Ok Reg 1043, eff 5-11-00, Amended at 26 Ok Reg 1132, eff 7-1-09, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-67. [REVOKED]**

[Source: Reserved at 17 Ok Reg 306, eff 11-2-99 (emergency); Reserved at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-68. Notice requirements [REVOKED]**

[Source: Added at 17 Ok Reg 306, eff 11-2-99 (emergency); Added at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-69. [REVOKED]**

[Source: Reserved at 17 Ok Reg 306, eff 11-2-99 (emergency); Reserved at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-70. Packaging [REVOKED]**

[Source: Added at 17 Ok Reg 306, eff 11-2-99 (emergency); Added at 17 Ok Reg 1043, eff 5-11-00; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 22 Ok Reg 726, eff 7-1-05, Amended at 26 Ok Reg 1134, eff 7-1-09, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-71. [REVOKED]**

[Source: Reserved at 17 Ok Reg 306, eff 11-2-99 (emergency); Reserved at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-72. Reporting [REVOKED]**

[Source: Added at 17 Ok Reg 306, eff 11-2-99 (emergency); Added at 17 Ok Reg 1043, eff 5-11-00, Amended at 26 Ok Reg 1134, eff 7-1-09, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-73. [REVOKED]**

[Source: Reserved at 17 Ok Reg 306, eff 11-2-99 (emergency); Reserved at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-74. Service standards [REVOKED]**

[Source: Added at 17 Ok Reg 306, eff 11-2-99 (emergency); Added at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-75. [REVOKED]**

[Source: Reserved at 17 Ok Reg 306, eff 11-2-99 (emergency); Reserved at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-5-76. Enforcement of the Oklahoma Plan [REVOKED]**

[Source: Added at 17 Ok Reg 306, eff 11-2-99 (emergency); Added at 17 Ok Reg 1043, eff 5-11-00, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**SUBCHAPTER 7. DIRECTORIES, TELEPHONE NUMBERS,  
AND CUSTOMER-PROVIDED EQUIPMENT**

## Section

165:55-7-1.	Telephone directories [AMENDED]
165:55-7-2.	Telephone numbers and changes
165:55-7-2.1.	211 Services
165:55-7-3.	Trouble cause by customer-provided equipment (CPE) or inside wiring
165:55-7-4.	Availability of rules and tariffs

**165:55-7-1. Telephone directories**

(a) **Provision of directory to end-users; frequency.** Each telecommunications service provider shall provide in conjunction with the provisioning of local exchange service, or make arrangements to provide to its end-users an alphabetical telephone directory for each service territory, exchange or group of exchanges. Telecommunications service providers may furnish white page directories in a variety of electronic formats, including CD-ROM, via the internet, or as printed directories. Such directory shall be issued at intervals consistent with satisfactory service, which, in the absence of unusual circumstances, will be at least once each year. If any alternative format of a white page directory is to be provided in place of a printed paper directory, impacted customers are to be furnished with notification that the telecommunications service provider will no longer provide a printed directory at least ninety (90) calendar days prior to the date the printed directory will no longer be made available. The notification to impacted customers shall, at a minimum, include notice by bill insert. A directory for an exchange or calling area may be issued.

(b) **Listing in directory.** Each telecommunications service provider shall provide its end-users in conjunction with the provisioning of local exchange service, without charge, one listing in the white page directory issued pursuant to this Chapter and inclusion in a database used to provide directory assistance for the end-user's geographic area.

(c) **Provision of directory.** Unless the Commission directs otherwise, a telecommunications service provider that issues a printed paper directory shall furnish each customer, at the customer service address, one (1) directory under current tariffs, unless the customer and the telecommunications service provider that issues a directory, regardless of format, agree this requirement can be fulfilled in an alternative manner. Each telecommunications service provider shall make available its directory to telecommunications service providers for distribution to their end-users.

(d) **Contents of directory.** The directory provided to end-users pursuant to this Section shall contain the following information:

(1) Minimum requirements. Each telecommunications service provider shall assure that its end-users receive a directory which includes the following information:

- (A) The name of the exchange or area covered and the date of issue prominently displayed;
- (B) Emergency numbers;
- (C) Instructions to access directory assistance;
- (D) Instructions to access repair service;
- (E) Instructions for placing long distance and local calls;
- (F) Instructions for obtaining an itemization of the end-user's current monthly statement;
- (G) Instructions to access Telecommunication Relay Service; and

- (H) A notice prominently displayed which shall state: "This directory contains important information about your rights as a telephone end-user described at (Here the telecommunications service provider will insert a clear reference to the location at which the notice shall appear)". Said notice shall be prominently displayed within the directory.
- (2) A statement shall be submitted to CSD for approval, at least thirty (30) days prior to being submitted for publication or inclusion in a directory or distributed as a mailing or otherwise. Unless notified to the contrary by CSD within fifteen (15) days after submission, the statement shall be considered approved. Once approved by CSD, the statement need not be resubmitted to CSD for further approval, unless and until this Chapter is changed by the Commission to require additional data. The statement shall at least describe or include:
- (A) Billing procedures.
  - (B) Customer payment requirements and procedures.
  - (C) Deposit and guarantee requirements.
  - (D) Conditions of termination, discontinuance, and reconnection of service.
  - (E) Procedures for handling inquiries.
  - (F) A procedure whereby an end-user may avoid discontinuance of service during a period of absence.
  - (G) The telephone number and address of all offices of CSD.
  - (H) The statement that the telecommunications service provider is regulated by the Commission.
  - (I) Notification that the end-user may request an adjustment if service is interrupted for periods in excess of twenty-four (24) hours.
- (3) Additional information. The directory shall contain additional information concerning a telecommunications service provider, as requested by a telecommunications service provider, to the same extent that the directory provider includes similar information for itself or its affiliates offering local exchange service within the geographic area covered by the directory based on rates, terms and conditions that are just, reasonable and nondiscriminatory.
- (e) **Liability for errors.** The liability of the telecommunications service provider for an error or omission in its telephone directory, or for an error or omission on intercept service, shall not exceed the amount of actual damage suffered, and in no event shall its liability exceed an amount equal to local exchange service charged to the end-user for the listed service for the period during which the directory containing the error or omission is the last published directory of the exchange.
- (f) **Access to publishing information.** Upon request, a telecommunications service provider shall provide directory listings gathered in its capacity as a provider of local exchange service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, and to any person upon request for the purpose of publishing directories.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 26 Ok Reg 1127, eff 7-1-09; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017; Amended at 36 Ok Reg 710, eff 7-25-19]

### **165:55-7-2. Telephone numbers and changes**

- (a) A telephone number shall be deemed a national resource and is not the property of either the telecommunications service provider or the end-user. Initial telephone numbers for end-users establishing a local exchange service account shall be assigned by the telecommunications service



provider then serving the end-user. Local exchange service end-users shall not be required to change telephone numbers solely due to a change in telecommunications service providers. The telecommunications service provider may change the number assigned to a customer upon reasonable notice but only in order to give better service and not as an accommodation to another customer. Changes in telephone numbering plans may be made upon reasonable notice, in order to meet the needs of expansion or better service. Unless changed by the number portability requirements or the numbering administration guidelines established by the FCC, a customer who supersedes an account in order to obtain the telephone number of a previous customer will accept all liabilities for that account. The superseding customer will then retain the telephone number until the account is superseded or the superseding customer has no further use of it for service purposes. Any unresolved dispute arising between end-users or between an end-user and a telecommunications service provider over use of a telephone number may be mediated by CSD.

(b) Whenever an end-user's number is changed on the initiative of the telecommunications service provider after the directory has been issued, the telecommunications service provider shall at no charge to the end-user intercept all calls to the former number and give the calling party the new number. Such intercept service shall be provided until the next directory is published, if the central office equipment permits and the number is not in service or the end-user agrees otherwise. Such numbers have last priority for reassignment. In the event the change in an end-user's telephone number is necessitated by action of the telecommunications service provider providing intercept service, the telecommunications service provider serving the end-user shall be exempt from any charges for intercept service

(c) Whenever the end-user's number is changed by reason of change of location or service to the end-user, or at their request, intercept service will be provided for a reasonable time (of at least thirty (30) days) if central office equipment permits and the number is not in service.

(d) In the event of error in the listed number of any end-user in the telecommunications service provider's directory, the telecommunications service provider shall, at no charge to the end-user, intercept all calls to the listed number until the next directory is published provided central office equipment permits and the number has not been assigned to another end-user, or make other reasonable arrangements. In such case, and in the case of an error in or omission of the name listing of an end-user, the correct listing and number shall be available through directory assistance. If the directory listing error is caused by the telecommunications service provider providing intercept service, the telecommunications service provider serving the end-user shall be exempt from any charges for intercept service.

(e) In areas equipped with E911 emergency service, whenever the end-user's number is changed by reason of change of location or service to the end-user or there is a change in service provider with or without a change to the end-user's number, the telecommunications service provider shall report such changes to the appropriate E911 emergency number database within two (2) business days, or as required by agreement with appropriate E911 agencies within the state, after completion of service orders. In the event of an error report, the telecommunications service provider shall correct the error within two (2) business days, unless the agreement with the appropriate E911 agency allows otherwise. This subsection shall not apply to telecommunications service providers who provide data service only.

[**Source:** Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-7-2.1. 211 Services**

(a) **Scope and purpose.** This Section applies to the assignment, provision, and termination of 211 service. Through this Section, the Commission intends to enhance the ability of the public to access services that provide free information and referral to community resources in situations that are not immediately life-endangering, but still represent a serious but less urgent threat to basic human needs and individual's health or welfare.

(b) **Definitions.** The following words and terms, when used in this Chapter, shall have the following meanings unless the context indicates otherwise:

(1) **"Alliance of Information and Referral Systems (AIRS)"** means a professional organization whose mission is to unite and serve the field and to advance the profession of information and referral as a vital means of bringing people and services together. AIRS has developed national quality standards and methods of evaluating information and referral services.

(2) **"211 Call Center"** means a free 24-hour telephone information and referral service for a specified geographical area or region that connects people in need with health and human service agencies and programs that can provide assistance.

(3) **"Community resource"** means a for-profit or nonprofit resource that provides health or human services in a designated geographic area.

(4) **"Information and referral service"** means a free service whose primary purpose is to maintain information about human service resources in the community and to link people who need assistance with appropriate service providers and/or to supply descriptive information about the agencies or organizations which offer services.

(5) **"211 service"** means a telecommunications service provided by a telecommunications service provider to a 211 Call Center through which the end-user of a public phone system has the ability to access information and referral services.

(c) **Requirements of a 211 Call Center.** An entity desiring to be a 211 Call Center shall meet the following requirements:

(1) Ensure 24-hour, seven day a week operations.

(2) Ascribe to the AIRS standards for information and referral and have a plan in place to become accredited by AIRS.

(3) Serve the area or region designated by the 211 Call Center in consultation with telecommunications service provider.

(4) Agree to provide information and referral service consistent with the national standards set out by the AIRS and this Section.

(5) Agree to use the 211 service exclusively for the distribution of information and referral, and not use the service for commercial advertisements.

(6) Provide information and referral service to a caller without charging a fee on either a per-call or per-use basis.

(d) **Provision of 211 service to a 211 Call Center.** Upon request, a telecommunications service provider shall provide 211 service within a specific geographical area or region to an entity which has self certified that it meets the requirements as set out in subsection (c) above; has been certified by the statewide 211 Advisory Committee as the 211 Call Center for that geographic area or region; and has provided maps or other identifying information to the Commission sufficient to identify the area it will serve. In the event that two or more entities request 211 service as the 211 Call

Center for the same geographic area or region, the statewide 211 Advisory Committee shall resolve the dispute.

(e) **Fee.** The telecommunications service provider shall charge the 211 Call Center tariffed rates for tariffed services.

[Source: Added at 20 Ok Reg 2303, eff 7-15-03]

### **165:55-7-3. Trouble caused by customer-provided equipment (CPE) or inside wiring**

The customer will be liable for charges incurred as a result of a premises visit by the telecommunications service provider for a trouble report caused by nonregulated customer provided equipment or inside wiring. The customer shall be advised of the potential for charges prior to the premises visit if the customer reports the trouble. If the telecommunications service provider finds the trouble through routine checks of its system, the customer will be notified of the charges before any work is done by the telecommunications service provider. The customer shall not be charged for a premises visit if the customer reports the trouble before the visit and is not advised before the visit of the potential for charges relating to the proposed visit by the telecommunications service provider.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

### **165:55-7-4. Availability of rules and tariffs**

A telecommunications service provider shall maintain and make available for public inspection a copy of this Chapter and a printed copy of its tariffs. Conspicuous signs shall be posted at its office(s) in the State of Oklahoma indicating that this tariff information is available for public inspection. Further, information will be maintained and made available to the public upon request indicating the websites at which the TSP's posted Terms of Service are available. Any telecommunications service provider that does not maintain an office in the State of Oklahoma shall, upon request by an end-user, provide a copy of this Chapter, or any relevant portion thereof, and the requested printed tariff(s) to such end-user, free of charge.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

## **SUBCHAPTER 9. CUSTOMER BILLING AND DEPOSITS**

### **PART 1. BILLING AND PAYMENT REQUIREMENTS**

#### Section

165:55-9-1.	Billing period
165:55-9-2.	Content of bills
165:55-9-2.1	Bills rendered by a billing agent
165:55-9-3.	Due date and penalty
165:55-9-4.	Request for payments other than normal billings
165:55-9-5.	Billing disputes
165:55-9-6.	Refunds for service interruptions

- 165:55-9-7. [RESERVED]  
 165:55-9-8. Customer preferences

### PART 3. CREDIT REQUIREMENTS

- 165:55-9-10. Establishment of credit for residential applicants and customers  
 165:55-9-11. Establishment of credit for business service  
 165:55-9-12. New or additional collateral from existing customers [REVOKED]  
 165:55-9-13. Reestablishment of credit  
 165:55-9-14. Deposits and interest  
 165:55-9-15. Records of deposits [REVOKED]  
 165:55-9-16. Refunds of deposits [REVOKED]

### PART 1. BILLING AND PAYMENT REQUIREMENTS

#### 165:55-9-1. Billing period

- (a) All TSPs and IXC's shall comply with the Truth-in-Billing Rules 47 C.F.R. § 64.2401.  
 (b) All end-users who are customers as of July 1, 2012, shall receive their bills via the United States Mail, unless the end-user opts to receive a bill through different means, such as electronically via the internet. Customers who begin service with a provider after July 1, 2012, may be provided an electronic bill unless they opt to receive a bill through the United States Mail. In no event shall there be a charge for providing a bill through the United States Mail. Whatever the method of delivery, bills shall comply with OAC 165:55-9-2.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01, Amended at 29 Ok Reg 1549, eff 7-12-12]

#### 165:55-9-2. Content of bills

- (a) Telecommunications service provider's and IXC's bills should comply with the Federal Truth-in-Billing standard. 47 C.F.R. § 64.2401.  
 (b) **Disclosure of inquiry contacts.**  
 (1) Telecommunications service providers and IXC's shall prominently display on each bill, a toll-free number or numbers by which end-users may inquire or dispute any charges on the bill. Where the end-user does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or internet, the telecommunications service provider and IXC may comply with this requirement by providing the disclosure information on the bill, an e-mail, or web site address. Each telecommunications service provider and IXC must make a business address available upon request from an end-user.  
 (2) A telecommunications service provider and IXC may list a toll-free number for itself, a clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the end-user's account and is fully authorized to resolve the end-user's complaints on the service provider's behalf.  
 (3) A telecommunications service provider and IXC shall also provide a phone number for CSD.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-9-2.1. Bills rendered by a billing agent**

(a) A telecommunications service provider or an IXC shall not act as a billing agent for an IXC, reseller or another telecommunications service provider, unless the telecommunications service provider or IXC fully discloses on the bill the toll-free number of the certificated entity for whom the bill is being rendered or, if the billing agent has been given authority to make adjustments to the customer's bill, its toll-free number.

(b) A telecommunications service provider or IXC shall not utilize the services of a billing agent unless the telecommunications service provider or IXC requires that the billing agent follow the procedures set forth in this Subchapter.

[Source: Added at 15 Ok Reg 3054, eff 7-15-98; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-9-3. Due date and penalty**

Unless otherwise authorized by the Commission, bills shall be payable immediately upon receipt and past due fifteen (15) days after the date of the telecommunications service provider mailing or after any deferred payment date previously established either by oral or written agreement between an end-user and the telecommunications service provider. The date after which the bill is past due shall be stated on the bill. If the bill is not paid when past due, the telecommunications service provider may apply late payment charges of 1.5% unless otherwise approved on any unpaid balance for regulated telecommunications services as provided in its filed, approved tariffs. Payment shall not be considered late if it is received by the due date at an authorized office.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 20 Ok Reg 2303, eff 7-15-03; Amended at 21 Ok Reg 2113, eff 7-1-04]

**165:55-9-4. Request for payments other than normal billings**

The telecommunications service provider shall issue a bill for any additional charges other than those charges normally billed on the regular billing cycle. The telecommunications service provider shall not issue a notice of disconnection prior to five days after providing notice/issuance of a bill for additional charges. Additional billings could include but are not limited to:

- (1) New or additional deposits.
- (2) High toll charges.
- (3) Other advance payments.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99, Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-9-5. Billing disputes**

(a) In the event of a dispute between an end-user and a telecommunications service provider, the telecommunications service provider shall make such investigation as is required by the particular case, and report the results thereof to the end-user. A TSP shall not make any attempt to collect disputed amounts or disconnect service over the disputed portion of a bill for sixty (60) calendar days from the date the dispute is received.

(b) In the event the dispute is not resolved, the telecommunications service provider shall inform the end-user that the end-user may utilize the complaint procedures of CSD. The information to be provided to consumers shall be:

(1) The street address of CSD, which is Oklahoma Corporation Commission, Consumer Services Division, 2101 N. Lincoln Blvd. Suite 580, Oklahoma City, OK 73105.

(2) The mailing address of the Consumer Services Division, which is P.O. Box 52000, Oklahoma City, OK 73152-2000.

(3) The telephone numbers of the Consumer Services Division, which are (405) 521-2331 and (800) 522-8154.

(4) The hours of operation of the Consumer Services Division, which are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding State holidays.

(c) When a complaint has been made with CSD, the telecommunications service provider shall be required to forego disconnect procedures on account of nonpayment of any portion of accumulated disputed charges pending investigation by CSD. The end-user shall be required to pay the undisputed part of the bill, and if not paid, the telecommunications service provider may discontinue service.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 32 Ok Reg 828, eff 8-27-15; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-9-6. Refunds for service interruptions**

Whenever service to any customer is inoperative, other than by reason of negligence, or willful act of the customer, or causes beyond the control of the telecommunications service provider, and remains inoperative for more than twenty-four (24) consecutive hours after being reported by the customer or having been found to be interrupted by the telecommunications service provider, the telecommunications service provider shall refund upon request of the customer the prorated part of that month's local exchange service charges and any regulated equipment charges for the period of days during which the telephone service was not provided. The refund may be accomplished by an identified credit, on the next bill for telephone service. The maximum credit during a single billing period shall not exceed the amount of local exchange service charges. There shall be no diminution of allowed message units where billing is on a message unit basis or for toll charges. The telecommunications service provider shall have no other liability for service interruptions.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99]

**165:55-9-7. [RESERVED]**

**165:55-9-8. Customer preferences**

The terms and conditions of Subchapter 9 may be changed, modified, revised, supplemented or deleted upon written agreement between a business end-user and the telecommunications service provider or IXC. This Section shall not apply to residential end-users.

[Source: Added at 18 OK Reg 2415, eff 7-1-01, Amended at 26 Ok Reg 1135, eff 7-1-09, Amended at 29 Ok Reg 1549, eff 7-12-12]

**PART 3. CREDIT REQUIREMENTS****165:55-9-10. Establishment of credit for residential applicants and customers**

(a) Each telecommunications service provider may require a residential applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the end-user from complying with the telecommunications service provider's policy(ies) regarding the prompt payment of bills.

(b) For purposes of this Section, "applicant" is to be defined as a person who applies for service for the first time or reapplies at a new or existing location after a previous discontinuance of service; "customer" is defined as someone who is currently receiving service.

(c) Subject to this Chapter, a residential applicant shall not be required to pay a deposit:

(1) If it can be verified that the residential applicant has been an end-user of any telecommunications service provider in the State of Oklahoma for the same type of service within the last two years and is not currently delinquent in payment of any such telecommunications service provider account provided however, a telecommunications service provider may elect to require a deposit if, during the last twelve (12) consecutive months, the residential applicant: (1) was delinquent in the payment of a telecommunications service provider account on more than two (2) occasions; (2) presented a dishonored check for payment of a telecommunications service account; or, (3) had service disconnected due to nonpayment of a telecommunications service account.

(2) If the residential applicant furnishes, in writing, a satisfactory guarantee to secure the payment of bills for the telecommunications service requested.

(A) Unless otherwise agreed to by the guarantor, the guarantee shall be for the amount of deposit the telecommunications service provider would normally require on the applicant's account. The amount of guarantee shall be clearly indicated on any documents or letters of guarantee signed by the guarantor.

(B) Upon written request by the customer, after a period of four (4) consecutive months during which time the average amount of toll charges is shown to have decreased by fifty percent (50%) or more:

(i) The telecommunications service provider shall re-evaluate the amount of the guarantee in order to determine if the original guarantee amount continues to be consistent with the guidelines set forth in this Section.

(ii) The amount of the letter of guarantee shall be reduced to an amount which is consistent with the guidelines set forth in Section 165:55-9-14.

(C) When the end-user has paid bills for telecommunications service for twelve (12) consecutive residential billings without having service disconnected for nonpayment of bills and without having more than two (2) occasions in which a bill was delinquent, did not present a dishonored check for payment of a telecommunications service account, and is not delinquent in the payment of current telecommunications service bills, the telecommunications service provider shall void and return, to the guarantor, any documents or letters of guarantee placed with the telecommunications service provider.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98]

#### **165:55-9-11. Establishment of credit for business service**

In the case of business service, if the credit of an applicant for telecommunications service has not been established to the satisfaction of the telecommunications service provider, the applicant may be required to make a deposit.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-9-12. New or additional collateral from existing customers [REVOKED]**

[Source: Revoked at 10 Ok Reg 2649, eff 6-25-93]

#### **165:55-9-13. Reestablishment of credit**

Any applicant who previously has been an end-user of a telecommunications service provider and whose service has been suspended or disconnected for nonpayment of bills shall be required, before service is rendered by that TSP, to pay all amounts due the telecommunications service provider for regulated telecommunications services or execute a deferred payment agreement, if offered, in accordance with OAC 165:55-11-3(d), and reestablish credit as provided in OAC 165:55-9-10 through OAC 165:55-9-14 or apply for a less than basic local exchange service, if offered in an approved tariff.

[Source: Amended at 10 Ok Reg 2649, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99]

#### **165:55-9-14. Deposits and interest**

(a) Each telecommunications service provider shall prepare and submit a plan containing the criteria for deposits to the Commission for approval. The plan shall include criteria for residential and nonresidential consumers with residential being defined in each telecommunications service provider's tariffs.

(1) The residential plan shall conform to all subsections of this Section.

(2) The nonresidential plan shall conform to all subsections of this Section except for (b), (c), (d), and e(1).

(b) No telecommunications service provider shall require a deposit of a residential end-user who



has received the same or similar type of classification of service for twelve (12) consecutive months and to whom service was not terminated for nonpayment nor was payment late more than twice nor was a check for payment of a telecommunications service account dishonored. The twelve (12) months service period shall have been within eighteen (18) months prior to the application for new service. The telecommunications service provider's plan may establish other relevant criteria which will qualify the end-user for nonpayment of a deposit.

(c) The amount of the deposit shall not exceed an amount equal to two (2) months local exchange charges and/or two (2) months toll charges determined by actual or anticipated usage. Where local exchange charges are billed in advance, the deposit shall include only one (1) month's such charges. The telecommunications service provider's plan may allow customers to pay deposits in installments. Upon request, the telecommunications service provider shall provide a written explanation of the deposit calculation. The explanation shall separately state the amount of the deposit which is related to local exchange service and the amount related to toll service.

(1) Upon written request by the customer, after a period of four (4) consecutive months during which time the average amount of toll charges is shown to have decreased by fifty percent (50%) or more, the telecommunications service provider shall re-evaluate the amount of the deposit in order to determine if the original deposit amount continues to be consistent with the guidelines set forth in this Section.

(2) The amount of the deposit shall be reduced to an amount which is consistent with the deposit guidelines set forth in this Section.

(3) Any excess amount of the deposit resulting from the reduction required in paragraph (2) of this subsection shall be refunded to the customer.

(d) A present end-user may be required to post a deposit as a condition of continued service if undisputed charges have become delinquent, with delinquent meaning a payment not received on or before the due date as posted on the bill, in two (2) out of the last twelve (12) billing periods or if the end-user has had service disconnected during the last twelve (12) months pursuant to OAC 165:55-11-2 or has presented a check to the telecommunications service provider that was subsequently dishonored.

(e) Interest on cash deposits shall be paid by each telecommunications service provider at no less than the rate calculated as follows:

(1) For all consumers deposits returned more than thirty (30) days after receipt of the deposit, the interest rate shall be established the 1<sup>st</sup> day of January of each year to equal the average of the weekly percent annual yields of one (1) year U.S. Treasury Securities for September, October, and November of the preceding year. The interest rate shall be rounded to the nearest basis point.

(2) Provided, however, that after the interest rate is initially established pursuant to this subsection, the interest rate(s) shall not change unless the application of the formula in paragraphs (e)(1) results in a change in interest rate(s) that is/are greater than fifty (50) basis points.

(3) The Director of the Public Utility Division shall calculate the interest rate(s) pursuant to paragraphs (e)(1) of this Section, and shall provide notice to the telecommunications service providers via mail, e-mail or posting on the OCC's website by December 15<sup>th</sup> of each year, only if a change in the rate(s) is/are necessary pursuant to subsection (e), otherwise the current interest rate(s) will remain in effect.

(f) If a refund of the deposit is made within thirty (30) days of receipt of the deposit, no interest payment is required. If the telecommunications service provider retains the deposit more than

thirty (30) days, payment of interest shall be made retroactive to the date of deposit. No interest shall accrue on a deposit after discontinuance of service.

(g) The telecommunications service provider shall provide payment of accrued interest for all end-users annually by negotiable instrument or by credit against current billing.

(h) The deposit shall cease to draw interest on the date it is returned or credited to the end-user's account.

(i) In determining the amount of any deposit permitted by this Chapter, no charges for estimated telephone directory advertising may be used.

(j) The amount of the deposit, with accrued interest, shall be applied to any unpaid charges at the time of a discontinuance of services. The balance, if any, shall be returned to the end-user within thirty (30) days after settlement of the consumer's account, either in person or by mailing it to the end-user's last known address.

(k) If service is not connected, or after disconnection of service, the telecommunications service provider shall promptly and automatically refund the customer's deposit plus accrued interest on the balance, if any, in excess of the unpaid bills for service furnished. A transfer of service from one (1) premise to another within the area of the telecommunications service provider shall not be deemed a disconnection within the meaning of this Part, and no additional deposit may be required unless otherwise permitted by this Subchapter.

(l) The telecommunications service provider shall automatically refund the deposit for residential service, with accrued interest, after twelve (12) months' satisfactory payment of undisputed charges and where payment was not late more than twice; provided, however, that service has not been disconnected within the twelve (12) month period. Payment of a charge shall be deemed satisfactory if received on or prior to the date the bill is due. Payment of a charge shall be deemed not satisfactory if made by a check that is subsequently dishonored. If the end-user does not meet these refund criteria, the deposit and interest may be retained in accordance with subsection (d) of this Section.

(m) The telecommunications service provider may withhold refund or return of the deposit, pending the resolution of a dispute with respect to charges secured by the deposit.

(n) The telecommunications service provider shall keep records to show:

(1) The name, account number, and address of each depositor.

(2) The amount and date of the deposit.

(3) Each transaction concerning the deposit.

(o) The telecommunications service provider shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is lost.

(p) Such records shall be retained for two (2) years after deposit and/or interest is refunded or applied.

(q) Upon the sale or transfer of any telecommunications service provider or operating units thereof, the seller shall file, with the application of transfer, a verified list of the information in subsection (n) of this Section, and the unpaid interest thereon. The information provided shall be treated as confidential and shall not be available for public inspection unless ordered by the Commission after notice and hearing.

(r) The deposit made by the end-user with the telecommunications service provider at the time of application for telephone service shall not constitute an advance payment to cover service bills, but for all purposes it is to be considered as security for the payment of monthly bills or other proper charges.

[Source: Amended at 10 Ok Reg 2649, eff 6-25-93; Amended at 11 Ok Reg 3749, eff 7-11-94; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 33 Ok Reg 647, eff 8-25-16]

#### **165:55-9-15. Records of deposits [REVOKED]**

[Source: Revoked at 10 Ok Reg 2649, eff 6-25-93]

#### **165:55-9-16. Refund of deposits [REVOKED]**

[Source: Revoked at 10 Ok Reg 2649, eff 6-25-93]

### **SUBCHAPTER 11. SERVICE DENIAL, SUSPENSION AND DISCONNECTION**

#### **PART 1. NOTICE REQUIREMENTS**

##### Section

165:55-11-1.	Denial or termination of service without notice
165:55-11-2.	Denial or termination of service after notice
165:55-11-3.	Responsibility for accounts
165:55-11-4.	Insufficient reasons for denial or suspension or disconnection of service
165:55-11-5.	Suspended accounts
165:55-11-6.	Service disputes
165:55-11-7.	Written correspondence
165:55-11-8.	Notice of suspension of service [REVOKED]

#### **PART 3. SUSPENSION AND DISCONNECTION PROCEDURES**

165:55-11-10.	Suspension or disconnection for nonpayment or failure to make security deposit
165:55-11-11.	Suspension or disconnection for reasons other than nonpayment
165:55-11-12.	Notice of Disconnection and Notice of suspension
165:55-11-12.1.	Emergency service following suspension
165:55-11-13.	Reconnection
165:55-11-14.	Multi-state customers

**PART 1. NOTICE REQUIREMENTS****165:55-11-1. Denial or termination of service without notice**

A telecommunications service provider may refuse service or terminate existing service to an end-user without notice for tampering with the telecommunications service provider's equipment, or misuse or abuse thereof in order to avoid payment of lawful charges or use thereof in such manner as to create danger to life or property of the telecommunications service provider or other end-users.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-11-2. Denial or termination of service after notice**

(a) A telecommunications service provider may refuse service or terminate existing service to an end-user pursuant to the suspension and disconnect procedure provided in Part 3 of this Subchapter for any of the following reasons:

(1) Nonpayment of a bill for regulated telecommunications services within the period prescribed by this Chapter.

(2) Failure to make a security deposit as set forth in this Chapter.

(3) Violation of or noncompliance with any provision of law, or of this Chapter, or of the tariffs or terms and conditions of service of the telecommunications service provider filed with and approved by the Commission.

(4) Refusal to permit the telecommunications service provider reasonable access to its telecommunications facilities for recovery, maintenance, and inspection thereof.

(5) Interconnection of a device, line, or channel to telecommunications service provider facilities or equipment contrary to the telecommunications service provider's terms and conditions of service on file with and approved by the Commission.

(6) Use of telephone service in such manner as to interfere with reasonable service to other end-users.

(b) The telecommunications service provider shall provide documentation to the end-user upon request, indicating the reason(s) that service is being withheld.

(c) Upon an end-user's request to terminate local exchange service, the end-user's local exchange telecommunications service provider shall inform such end-user of the end-user's responsibility to contact the end-user's IXC regarding continuance or termination of such service from the IXC.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01]

**165:55-11-3. Responsibility for accounts**

(a) A telecommunications service provider shall not be required to provide service to an applicant or end-user who has not paid for prior telephone service rendered by a telecommunications service provider in the same or different location, and furnished to the same person or legal entity.

(b) A telecommunications service provider shall not be required to furnish or continue furnishing service when applied for in the name of another person or legal entity, or a fictitious name or other member of the same household, for the purpose of avoiding payment of an unpaid obligation for

telephone service previously furnished.

(c) Customers shall not be held responsible for the nonpayment of another customer's bill unless the customer superseded the service or was a co-applicant or guarantor for the service or shared the service of the nonpaid account.

(d) The telecommunications service provider shall be required to extend a payment arrangement to an applicant for a prior bill, unless the applicant has not fulfilled prior payment arrangements within the past twelve (12) months.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-11-4. Insufficient reasons for denial or suspension or disconnection of service**

(a) A telecommunications service provider may not refuse service or suspend existing service or disconnect existing service by reason of nonpayment for telephone service by a previous occupant at the premises for which service is sought, or by reason of nonpayment of any amount back-billed due to misapplication of rates provided the applicant enters into a deferred payment plan. The telecommunications service provider shall not disconnect or suspend service without issuing a bill to the end-user for the amount due to the telecommunications service provider in accordance with OAC 165:55-9-4.

(b) Residential service cannot be suspended or disconnected for failure to pay a bill for a business service.

(c) Business service cannot be suspended or disconnected for failure to pay a bill for a residential service.

(d) Service may not be withheld from an end-user whose name was fraudulently used to obtain service at another location without the end-user's permission or knowledge.

(e) The telecommunications service provider shall not deny service to an end-user for nonpayment of an amount past due for more than three (3) years, if the company cannot substantiate the charges with a copy of the end-user's bill.

(f) Service shall not be suspended or discontinued to a current end-user in good standing who accepts an additional household member owing a previous bill to the telecommunications service provider, unless that additional household member is listed on the lease arrangements or another utility service as a responsible party, or unless the household member shared service with the end-user at a different or same location.

(g) No telecommunications service provider shall provide billing and collection for any provider of intrastate telecommunications services who does not have proper authority to operate in the State of Oklahoma.

(h) Local exchange service shall not be denied or terminated for nonpayment of not-regulated services or disputed charges in accordance with OAC 165:55-9-5, OAC 165:55-11-6, or OAC 165:55-19-3.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01, Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-11-5. Suspended accounts**

A telecommunications service provider may require each end-user whose service has been suspended for nonpayment of bills, to pay all amounts due the telecommunications service provider for regulated services or execute a deferred payment agreement, if offered, in accordance with OAC 165:55-11-3(d), before service is restored.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96]

**165:55-11-6. Service disputes**

(a) In case of controversy arising out of the refusal of a telecommunications service provider to extend service or out of its efforts to disconnect existing service, either party or the Commission staff may make application to the Commission for relief pursuant to OAC 165:55-1-7, OAC 165:55-1-10. If there is an unresolved dispute pending with the Commission concerning a bill and the end-user pays the undisputed portion of that bill, disconnection procedures shall be held in abeyance until the dispute is resolved.

(b) If service is denied or terminated pursuant to this Subchapter, the telecommunications service provider shall advise the end-user of end-user's right to contact CSD and shall provide the end-user with CSD's address and the telephone number.

(c) The telecommunications service provider or the end-user may seek assistance from the Commission to review records of the telecommunications service provider and the end-user concerning the end-user's complaint.

(d) After the Commission has notified the telecommunications service provider of a complaint or inquiry from the end-user regarding the end-user's account, the telecommunications service provider shall coordinate communication with the Commission Staff regarding the complaint. The Commission Staff shall be the intermediary between the telecommunications service provider and the end-user until the resolution of the problem has been completed.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-11-7. Written correspondence**

(a) Any written correspondence or notices to the end-user by the telecommunications service provider or IXC relating to billing disputes or complaints, which are not otherwise provided for in this Chapter, shall meet the following criteria:

(1) The correspondence shall be sent to the end-user via the method of delivery chosen by the end-user as provided for in OAC 165:55-9-1 or as otherwise agreed by the end-user and telecommunications service provider. This would include paper, electronic, or other delivery methods.

(2) The correspondence shall clearly state that it is from the telecommunications service provider or IXC.

(3) The correspondence shall clearly state any applicable deadlines within which the end-user must take the appropriate action.

(4) The correspondence shall clearly state that if the end-user is unable to resolve any disputes with the telecommunications service provider or IXC regarding the subject of the

correspondence, the end-user may contact CSD at the address and telephone numbers stated on the correspondence.

(b) Written correspondence shall be considered delivered three (3) business days after the correspondence has been mailed, or if written correspondence is provided electronically to end-user, delivery shall be deemed to occur the same date as sent, unless the electronic notice is returned as undeliverable.

[Source: Added at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-11-8. Notice of suspension of service [REVOKED]**

[Source: Added at 16 Ok Reg 2261, eff 7-1-99; Revoked at 18 Ok Reg 2415, eff 7-1-01]

### **PART 3. SUSPENSION AND DISCONNECTION PROCEDURES**

#### **165:55-11-10. Suspension or disconnection for nonpayment or failure to make security deposit**

(a) When service to an end-user is to be disconnected for nonpayment of a bill for telephone service after service has been suspended or failure to make a security deposit after a reasonable time, the TSP shall give at least ten (10) days from the date of notice to the end-user of the TSP's intent to discontinue service. Said notice shall be given by the TSP as follows:

- (1) mailed or delivered to the end-user's billing address;
- (2) electronically via the internet to the email address provided by the end-user; or
- (3) telephonically to the end-user's assigned telephone number or other number provided by the end-user;

(b) If the mailed notice is returned from that address as undeliverable, the notice may be delivered to the premises at which the service was rendered. Mailed notice will be deemed given to the end-user three (3) business days after mailing by the TSP.

(c) If electronic notice is returned from the email address as undeliverable, the TSP shall give notice to the end-user using an alternative method as listed above. If the electronic notice is not returned, notice shall be deemed given to the end-user on the date the email was sent.

(d) If telephonic notice is not confirmed to have reached the end-user's telephone number, the TSP shall give notice to the end-user using an alternative method as listed above. If confirmation of telephonic notice is obtained by the TSP, notice shall be deemed given to the end-user on the date the telephonic notice is confirmed as given.

(e) Unless a dangerous condition exists or the end-user requests disconnection, a TSP may suspend or disconnect service only on the date specified in the notice or within thirty (30) days thereafter, during regular business hours, so long as the suspension or disconnection does not occur within the last two (2) hours of the business day, nor shall service be disconnected on a holiday, nor after noon (12:00 p.m.) on Fridays until Monday morning.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 18 Ok Reg 2415, eff 7-1-01, Amended at 26 Ok Reg 1135, eff 7-1-09]

**165:55-11-11. Suspension or disconnection for reasons other than nonpayment**

(a) Unless otherwise provided in this Chapter, service to an end-user may be suspended or disconnected only upon order of the Commission, upon application and after notice and hearing. Prior to the merit hearing, the Commission may order suspension or disconnection of service for good cause with or without notice to the end-user.

(b) End-users that communicate with the TSP's employee(s) in any manner that is reasonably expected to frighten, abuse, torment, or harass such employee(s) or engage in actions reasonably construed as threat(s) against the TSP's physical assets are subject to immediate disconnection, without notice. A TSP that disconnects an end-user's service under this section will:

- (1) provide written or verbal notice to CSD of the disconnect action prior to the actual disconnect;
- (2) within three (3) business days of the actual disconnect, provide a written description of the circumstances leading to the disconnect action; and
- (3) give the customer written notice, which will include an address and telephone number, for CSD.

(c) CSD may, after an informal inquiry and review of the written description of the circumstances leading to the disconnect action, direct the TSP to restore services to the affected end-user and/or file an application with the Commission requesting a finding of contempt and the imposition of a fine or other penalty against a TSP that unreasonably suspends or disconnects an end-user pursuant to subsection (b) of this section.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 26 Ok Reg 1127, eff 7-1-09; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-11-12. Notice of Disconnection and Notice of Suspension**

(a) A notice of disconnection or suspension shall contain the following information:

- (1) The words "NOTICE OF DISCONNECTION" or "NOTICE OF SUSPENSION" or words with the same meaning, in print type larger than the print type of the notice text.
- (2) The name and address and the telephone number of the end-user.
- (3) A statement of the reason for the proposed disconnection or suspension of service.
- (4) The date on or after which service will be disconnected or suspended unless appropriate action is taken.
- (5) The telephone number in bold print of the telecommunications service provider where the end-user may make an inquiry.
- (6) The approved charges and procedure for reconnection or approved charges and procedure to avoid suspension.
- (7) A statement that the end-user must contact the telecommunications service provider regarding the disconnection or suspension, prior to contacting CSD.
- (8) The address and telephone number of CSD, in print size which is smaller than the print size used for the telecommunications service provider's telephone number.
- (9) The services that are being disconnected or suspended, whether local and/or toll, and if the service to be disconnected or suspended is local service, a statement that the end-user must also contact their IXC if such end-user wishes to terminate such service in order to avoid incurring additional charges for such service.



- (10) Notice of suspension of service relating to past-due amounts shall inform the end-user that the total amount due may include charges for non-deniable and/or not regulated services which would not cause interruption of local service. The notice must indicate a toll-free telephone number of a service center where questions can be referred and payment arrangements made.
- (b) The following additional information shall be in the notice unless said information can be obtained in the telephone directory and the notice refers the end-user to the location in the directory where the information can be obtained:
- (1) A statement of how an end-user may avoid the disconnection of service or suspension of service, including a statement that the end-user must notify the telecommunications service provider on the day of payment as to the place and method of such payment when the bill is paid at a place other than the office of the telecommunications service provider.
  - (2) A statement that informs the end-user where payments may be made or how to obtain a listing of authorized payment agencies.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-11-12.1. Emergency service following suspension**

Regardless of the reason for suspension of service, if the end-user is served by a central office capable of providing emergency service following suspension, the telecommunications service provider shall also provide access to 911 or E911 service, where available, for a period of at least thirty (30) days.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-11-13. Reconnection**

- (a) Where service to any end-user has been refused or disconnected as authorized by 165:55-11-11, the telecommunications service provider shall not be required to connect or reconnect service except by order of the Commission and, if so ordered, only upon the terms and conditions specified in the order.
- (b) When service to any end-user has been suspended or disconnected pursuant to this Subchapter, upon reconnection, the telecommunications service provider shall be authorized to make a reconnection charge prescribed in its approved tariffs or Terms of Service.
- (c) Except in those instances where an order of the Commission is required prior to reconnection, once the reason for suspension or disconnection has been remedied, the telecommunications service provider shall restore service as soon as practical.

[Source: Amended at 12 Ok Reg 2143, eff 7-1-95; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 20 Ok Reg 2302, eff 7-15-03; Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-11-14. Multi-State customers**

The terms and conditions of Subchapter 11 may be changed, modified, revised, supplemented or deleted upon written agreement between a business end-user and the telecommunications service provider or IXC. This Section shall not apply to residential end-users.

[Source: Added at 26 Ok Reg 1136, eff 7-1-09, Amended at 29 Ok Reg 1549, eff 7-12-12]

**SUBCHAPTER 13. OPERATING AND MAINTENANCE REQUIREMENTS****PART 1. NEW AND UNFILLED APPLICATIONS FOR SERVICE**

## Section

- 165:55-13-1. Service objectives; service period  
165:55-13-2. Unfilled applications

**PART 3. SERVICE STANDARDS**

- 165:55-13-10. Minimum service standards  
165:55-13-10.1. Calling areas  
165:55-13-11. Maximum number of parties on one line [REVOKED]  
165:55-13-12. Extension of facilities  
165:55-13-12.1. New developments  
165:55-13-13. Network development schedules [REVOKED]  
165:55-13-14. Lifeline program  
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**PART 5. SERVICE QUALITY STANDARDS**

- 165:55-13-20. Responsibility for adequate and safe service  
165:55-13-21. Incorporated national standards [REVOKED]  
165:55-13-22. Emergencies  
165:55-13-23. Adequacy of service  
165:55-13-24. Adequacy of equipment  
165:55-13-25. Response to customer complaint inquiries  
165:55-13-26. Customer access to provider [REVOKED]

**PART 7. TRANSMISSION OBJECTIVES**

- 165:55-13-30. Accepted transmission design factors [REVOKED]  
165:55-13-31. Access lines [REVOKED]

**PART 9. LOCATION OF DEMARCATION POINTS AND NETWORK INTERFACES**

- 165:55-13-40. Location of demarcation points and network interfaces

**PART 11. INTERRUPTIONS OF SERVICE**

- 165:55-13-50. Service standards; sufficient operating and maintenance force  
165:55-13-51. Records of trouble reports  
165:55-13-52. Notice of service interruptions  
165:55-13-53. Restoration of service plan

**PART 1. NEW AND UNFILLED APPLICATIONS FOR SERVICE****165:55-13-1. Service objectives; service period**

A telecommunications service provider shall install service consistent with the service objectives within the TSP's tariff or Terms of Service. Service orders should be filled as quickly as practicable, but within no longer than thirty (30) days unless unavoidable delays are experienced.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-13-2. Unfilled applications**

Priority in filling unfilled applications will be given to furnishing service essential to public health and service, after which priority will be given to furnishing residential service to premises not otherwise served. The telecommunications service provider will prepare and shall submit the plan to the Commission upon request.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

**PART 3. SERVICE STANDARDS****165:55-13-10. Minimum service standards**

A telecommunications service provider shall meet service standards within the terms and conditions of service stated within the TSP's tariff or Terms of Service.

[Source: Amended at 11 Ok Reg 2585, eff 6-13-94; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2302, eff 7-15-03, Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-13-10.1. Calling areas**

(a) Wide Area Calling Plans ("WACPs") and Extended Area Service ("EAS") arrangements established as of the effective date of this Section, and any modifications thereafter approved by the Commission, shall be the standard level of service provided by all incumbent LECs providing service within said WACPs and EAS arrangements, unless the end-user elects otherwise pursuant to subsection (b) of this Section.

(b) An incumbent LEC may offer a calling scope which is different than an established WACP or EAS arrangement as an optional service, after notice and hearing, provided however, that end-users shall be deemed to have elected to receive the entire EAS or WACP area until such time as the end-user makes an affirmative election of a different calling scope.

(c) In the event the competitive LEC provides an optional toll service that is consistent with an EAS or WACP calling scope, the competitive LEC shall be required to pay any contribution associated with minutes of use as established by the Commission in Order No. 399040, issued in Cause Nos. PUD 950000117 and PUD 950000119.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-13-11. Maximum number of parties on one line [REVOKED]**

[Source: Revoked at 13 Ok Reg 2437, eff 7-1-96]

**165:55-13-12. Extension of facilities**

(a) Each incumbent LEC serving fewer than seventy-five thousand access lines is designated as a Carrier of Last Resort for the territory for which it was certified on the date of the adoption of the Federal Telecommunications Act of 1996.

(b) A Carrier of Last Resort will extend its distribution plant to furnish permanent service to any applicant located within one-quarter (1/4) mile of its existing facilities without requiring a construction charge, provided that the amount of plant to be constructed does not exceed that amount deemed necessary to serve the end-user's location. When an end-user requests services requiring an excessive quantity of facilities which will have extremely little potential for reuse, should that end-user move or otherwise discontinue service, a construction charge based on the cost of the facilities would apply.

(c) A Carrier of Last Resort shall extend its distribution plant to applicants in an area located more than one-quarter (1/4) mile from its existing facilities under the following conditions:

(1) New extensions or reinforcement of existing line facilities required for furnishing access lines associated with the service offered by a Carrier of Last Resort shall be constructed under the following conditions, when application is by an individual end-user or a developer for service of a permanent nature:

(A) An allowance of a one-quarter (1/4) mile, route measurement, per applicant will be made for such extensions without the application of a construction charge.

(B) Where construction is required in excess of the allowance stated in subparagraph (b)(1)(A) of this Section, applicants for service may be required to pay a construction charge for all reasonable costs in excess of the free allowance.

(C) A Carrier of Last Resort may make, at its option, an extension of its facilities above the free limit upon receipt of a lesser payment, or no payment, when the gross anticipated revenue from the extension will provide a Carrier of Last Resort with adequate return upon its investment pursuant to a formula approved by the Commission or contained in its approved terms and conditions of service.

(D) Additional charges may be applicable where natural or other barriers are encountered which require undue circuitous routing or abnormal costs to be incurred by a Carrier of Last Resort.

(E) When a Carrier of Last Resort requires a charge for the extension of facilities into an area more than one-quarter (1/4) mile from its existing facilities, the end-user(s) may apply to be provided telecommunications services by a Carrier of Last Resort providing service an adjacent certified area, if the Commission so orders. This subparagraph shall be limited to situations where a Carrier of Last Resort will not provide service to an area located within its service territory without the payment of construction charges.

(2) Nothing in this Chapter shall prohibit any RUS borrower from making extensions in

compliance with RUS rules or terms and conditions contained in any loan documents.

(d) In the event the Carrier of Last Resort is denied access to a premises or property by the owner or lessee, and is asked at a later date to fulfill the Carrier of Last Resort obligation with regard to that premises or property, the Carrier of Last Resort may request a Motion for Waiver of OAC 165:55-13-12 if the costs associated with fulfillment of the Carrier of Last Resort obligation are deemed excessive by the Carrier of Last Resort.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 21 Ok Reg 2113, eff 7-1-04, Amended at 29 Ok Reg 1549, eff 7-12-12]

#### **165:55-13-12.1. New Developments**

A TSP may require a developer desiring an extension to a prospective real estate subdivision to post a surety bond or make a cash deposit or bank letter of credit (at the option of the developer) equal to the estimated total costs of the extension before the construction of the extension is commenced. Total cost of construction shall not include drops to individual users off the telephone distribution facilities. At least annually, for a period of five (5) years, the TSP shall give the developer a credit equal to the percentage which the number of installations made in said twelve (12) months period bears to seventy-five percent (75%) of the total number of installations contemplated by the developer and the TSP for the completed subdivision. The credit referred to in this Chapter, in the case of deposit, shall be returned to the developer annually; with respect to a surety bond posted by the developer, the credit shall be in the form of an annual reduction of the face amount of the surety bond posted. Upon the developer receiving the applicable credit for each installation as set forth in this Chapter, the TSP shall release or cause to be released the obligation of the developer and the surety, if a surety bond was posted; provided, however, if within five (5) years from the date of the surety bond or cash deposit, the proposed development area has not been developed in a sufficient amount for the developer to receive credit for the total cost of extension to the development as agreed upon, then the developer shall be obligated to pay the TSP the total construction costs reduced by all credits previously allowed. In the event that said amount is not paid within sixty (60) days of the date due and a surety bond has been posted, the TSP may declare a default and shall have the right to call upon the surety for payment of the remaining unpaid amount due. In the event of dispute over the circumstances requiring the posting of a surety bond or cash deposit, and/or the reasonableness of the face amount of such bond or cash deposit, a TSP or the developer may apply to the Commission for an appropriate order resolving the dispute.

[Source: Added at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-13-13. Network development schedules [REVOKED]**

[Source: Amended at 11 Ok Reg 2585, eff 6-13-94; Amended at 13 Ok Reg 2437, eff 7-1-96; Revoked at 16 Ok Reg 2261, eff 7-1-99]

**165:55-13-14. Lifeline program [REVOKED]**

[Source: Added at 11 Ok Reg 2585, eff 6-13-94; Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 19 Ok Reg 1985, eff 7-1-02; Revoked at 32 Ok Reg 828, eff 8-27-15]

**165:55-13-14.1. Tribal Land Link-up program**

(a) Each telecommunications service provider who has been designated as an ETC and is receiving high-cost support on Tribal lands, pursuant to 47 CFR Part 54, Subpart D, shall file tariffs or post Terms of Service which offer a Tribal Land Link-up assistance program. This program shall offer:

(1) For an eligible resident living on Tribal land, a reduction consistent with 47 CFR § 54.413(a)(1). The charge from which the reduction is made shall not exceed the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber's principal place of residence.

(2) A deferred payment schedule consistent with 47 CFR § 54.413(a)(2) may be offered to the subscriber. The charge assessed for initiating service shall not exceed the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber's principal place of residence.

(b) A qualifying low-income end-user living on Tribal land may choose one or both of the programs set forth in (a)(1) and (a)(2) above of this Section.

(c) A telecommunications service provider, who has been designated as an ETC and is receiving federal high-cost support on Tribal lands, pursuant to 47 CFR Part 54, Subpart D, shall allow an end-user to receive the benefit of the Link-up program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which the Tribal land Link-up assistance was provided previously.

(d) An eligible telecommunications service provider, who has been designated as an ETC and is receiving federal high-cost support on Tribal lands, pursuant to 47 CFR Part 54, Subpart D, shall publicize the availability of Link-up support throughout their designated ETC service area in a manner reasonably designed to reach those likely to qualify for the support.

(e) The end-user qualification criteria for Tribal land Link-up shall be the same as the criteria established for Lifeline in accord with 47 C.F.R. § 54.409.

[Source: Added at 19 Ok Reg 1985, eff 7-1-02; Amended at 31 Ok Reg 1082, eff 9-12-14; Amended at 34 Ok Reg 989, eff 9-11-2017]

**PART 5. SERVICE QUALITY STANDARDS****165:55-13-20. Responsibility for adequate and safe service**

(a) A telecommunications service provider is responsible for providing adequate and efficient telephone service to every end-user served by it.

(b) A telecommunications service provider that uses its own local exchange facilities to provide service shall install and maintain its system so as to render safe, efficient, and continuous service, and shall keep all of its lines, equipment, and facilities in a good state of repair.

(c) The recommendations contained in the 2014 Edition of the National Electrical Code (NEC) and the 2012 Edition of the National Electrical Safety Code (NESC) are hereby adopted as the minimum standards governing the installation, construction, and maintenance of communication

lines. The recommendations contained in the 2014 NEC will apply on a prospective basis effective September 1, 2017. Local and municipal electrical codes shall not apply to the installation of telecommunications facilities.

(d) The dominant criteria for these standards is voice grade service quality.

(e) All telecommunications service providers, that install temporary drops and temporary cables as interim facilities to ensure service to customers pending permanent placement of those facilities, are required to:

(1) Permanently remove, bury, or install drops and temporary cables as soon as practical, but in no circumstances shall that time exceed ninety (90) days without notification and justification being provided to CSD prior to expiration of the ninety (90) day period.

(2) Keep records of all temporary drops and temporary cables in each of its exchanges and provide the records to the Commission upon request.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 14 Ok Reg 2847, eff 7-15-97; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-13-21. Incorporated national standards [REVOKED]**

[Source: Amended at 10 Ok Reg 2655, eff 6-25-93; Revoked at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-13-22. Emergencies**

(a) All telecommunications service providers shall make adequate provision for emergencies in order to prevent interruption of continuous telecommunications service throughout the area it serves.

(b) Central office(s) shall have an emergency power source, either on the premises or available on short notice.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

#### **165:55-13-23. Adequacy of service**

The telecommunications service provider shall ensure that there is a sufficient operating force and, where appropriate, sufficient equipment to serve its end-users.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

#### **165:55-13-24. Adequacy of equipment**

A telecommunications service provider shall, where appropriate, install sufficient equipment and ensure that there are sufficient personnel to handle the average busy hour, busy season traffic.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

**165:55-13-25. Response to customer complaint inquiries**

A telecommunications service provider and IXC shall respond to the Commission upon written or electronic inquiry from the Commission within the following time periods:

- (1) Inquiries regarding disconnection, suspension or termination of local service - within one (1) business day of receipt of inquiry from the Commission.
- (2) Inquiries other than for disconnection, suspension or termination of local service - within three (3) business days of receipt of inquiry from the Commission.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01]

**165:55-13-26. Customer access to provider [REVOKED]**

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Revoked at 32 Ok Reg 828, eff 8-27-15]

**PART 7. TRANSMISSION OBJECTIVES****165:55-13-30. Accepted transmission design factors [REVOKED]**

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12; Revoked at 32 Ok Reg 828, eff 8-27-15]

**165:55-13-31. Access lines [REVOKED]**

[Source: Revoked at 29 Ok Reg 1549, eff 7-12-12]

**PART 9. LOCATION OF DEMARCATION POINTS AND NETWORK INTERFACES****165:55-13-40. Location of demarcation points and network interfaces**

(a) **Simple residence and business locations.** The normal demarcation point for simple residence and business locations will be the network interface. The network interface normally will be located on the exterior of a building, or inside the building if the interface device cannot be provided on the exterior of the building.

(b) **Other buildings.** The normal demarcation point for regulated services offered by any telecommunications service provider in buildings commenced after June 30, 1992, will be at or near the point of minimum penetration. The point of minimum penetration is the location where the telecommunications service provider's regulated facilities enter the building, subject to an agreement to the contrary. The actual demarcation point in new buildings shall be located as close to the point of minimum penetration as appropriate environmental protection and space requirements allow. The telecommunications service provider will normally terminate its regulated services by placing an FCC approved network interface at the demarcation point.



(c) **Campuses.** The normal demarcation point for regulated services offered by telecommunications service providers in campuses commenced after June 30, 1992, will be in one of the buildings on the campus at or near the point of minimum penetration. The point of minimum penetration is the location where the telecommunications service provider's regulated facilities enter the building. The actual demarcation point in the building shall be located as close to the point of minimum penetration as appropriate environmental protection and space requirements allow. Telecommunications service providers will normally terminate their regulated services by placing an FCC-approved network interface at the demarcation point.

(d) **Apartment building.** The demarcation point for residential service in residential apartment buildings or high-rise apartment buildings may be placed at each individual living unit or at a central location within each building if adequate security is available.

(e) **Other demarcation points.** The point(s) of demarcation may be at a location(s) different than set forth in this Section if mutually agreed between the end-user and the telecommunications service provider.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

## PART 11. INTERRUPTIONS OF SERVICE

### **165:55-13-50. Service standards; sufficient operating and maintenance force**

A telecommunications service provider shall maintain an operating and maintenance force sufficient to meet service objectives and minimum standards for restoration of service after interruption as follows:

(1) Provisions will be made to receive customer trouble reports at all times, twenty-four (24) hours per day.

(2) Provision will be made to correct interruptions of service to persons and agencies required to respond to emergencies involving human life and safety at all times, consistent with the bona fide needs of the end-user and the availability and safety of telecommunications service provider personnel.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

### **165:55-13-51. Records of trouble reports**

Each telecommunications service provider and IXC shall make a full and prompt investigation of every trouble report made to it by its end-users, either directly or through the Commission.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12]

### **165:55-13-52. Notice of service interruptions**

(a) The Commission shall be notified as soon as possible, through the Director of the Public Utility Division and the Commission's Public Information Officer, of interruptions in telecommunications services which affect the entire system; a major division thereof; or which, in

the judgment of the telecommunications service provider, may cause a high degree of public interest or concern.

(b) The Commission notification process required in subsection (a) of this Section, may be accomplished by facsimile or by electronic methods, twenty-four (24) hours a day, seven (7) days a week; or by phone, during the business hours of 8:00 a.m. through 4:30 p.m., Monday through Friday, and should consist of the following:

- (1) An initial contact to advise of the outage; the cause of such outage; the area affected; and, the estimated time for repair;
- (2) Intermediate contact to provide status reports, as deemed necessary by the telecommunications service provider, or as may be requested by the Commission Staff; and,
- (3) A conclusory contact detailing the results and completion of the restoration of service.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-13-53. Restoration of service plan**

Each telecommunications service provider shall have a written restoration of service plan (Plan) and submit the Plan to the Commission upon request.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01, Amended at 29 Ok Reg 1549, eff 7-12-12]

### **SUBCHAPTER 15. NOTIFICATION OF TRANSACTIONS AFFECTING CUSTOMERS OR BUSINESS OPERATIONS**

#### Section

165:55-15-1.	Notification of certain transactions affecting the customers or operations of a telecommunications service provider or IXC
165:55-15-2.	Major stock acquisitions [REVOKED]
165:55-15-3.	Sale of equipment [REVOKED]
165:55-15-4.	[RESERVED]
165:55-15-5	Cessation of business in Oklahoma
165:55-15-5.1	Withdrawal of competitive services

#### **165:55-15-1. Notification of certain transactions affecting the customers or operations of a telecommunications service provider or IXC**

(a) The parties to an agreement, the performance of which will result in the movement of some or all of the regulated telecommunications services customers of one or more certificated telecommunications services providers or IXC's to a different legal entity, shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and five (5) copies of a Notification of Transaction with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction. Any related relief, including but not limited to new Certificates of Convenience and Necessity or tariffs, shall be filed

as separate causes.

(b) The parties to an agreement, the performance of which will result in the transfer of a Certificate of Convenience and Necessity, with or without the transfer of a tariff, from one legal entity to another legal entity shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and five (5) copies of a Notification of Transaction with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

(c) The parties to an agreement, the performance of which will result in the merger of one or more legal entities with a surviving legal entity which is certificated to provide local and/or interexchange telecommunications services, shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and five (5) copies of a Notification of Transaction with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

(d) This Section shall not require notification to the Commission of transactions which involve only changes in the ownership of the stock of a telecommunication service provider or IXC. Such transactions are not subject to regulation by the Commission.

(e) The Notification of Transaction shall include a copy of the agreement, with all exhibits and schedules, and set forth the following information, if applicable:

(1) The name of the acquiring entity and the acquired entity.

(2) Identification of the acquired assets.

(3) The anticipated completion date and the effective date (if different) of the transaction.

(4) The name of the entity(ies) which will be providing telecommunications services in Oklahoma subsequent to the effective date of the transaction (the "surviving entity").

(5) The name, address and telephone number of a contact person for purposes of the Notification of Transaction.

(6) The names and qualifications of the individuals who will serve as officers and management of the surviving entity.

(7) The name(s), address(es) and telephone number(s) of the representatives of the surviving entity who will be the contact(s) for the Public Utility Division and CSD and will be primarily responsible for:

(A) Providing customer service;

(B) Repair and maintenance;

(C) Answering complaints;

(D) Authorizing and/or furnishing refunds to customers

(E) Tariff issues; and,

(F) Receiving Notices related to causes docketed at the Commission.

(8) An affidavit that states that the surviving entity possesses the financial ability to provide telecommunications services in the State of Oklahoma.

(9) A copy of the notice which will be provided to affected customers informing them of the transaction and any change in the name of the entity which provides telecommunications services to them or in their rates, charges or terms and conditions of service as a result of the transaction.

(10) Identification of any changes in services to be offered or tariffed rates to affected customers required by the transaction.

(11) A narrative and/or schematic description of the relationship between or among the acquired and acquiring entities and the surviving entity.

- (12) An acknowledgment that any tariff revisions shall only be accomplished in a separate filing.
- (13) A statement of the approximate number of Oklahoma customers.
- (14) In addition, this Section shall not apply to transactions between affiliates that have an Oklahoma Certificate of Convenience and Necessity. If the transaction is going to modify the company name on the customer's bill, forty-five (45) days advance notice must be provided to affected customers.
- (f) At the time of filing the Notification of Transaction, the acquiring entity shall provide a copy of the Notification of Transaction, with all attachments thereto, to the Office of the Attorney General of the State of Oklahoma.
- (g) The Commission Staff shall review the Notification of Transaction for the purpose of determining whether the proposed transaction should be approved and, in the case of mergers, whether the surviving entity should be allowed to provide telecommunications service in Oklahoma after the effective date of the transaction under the authority of any existing Certificate of Convenience and Necessity. The Commission shall act on a notification within forty-five (45) days of the date the notification is filed. No reportable transaction shall be consummated except by order of the Commission. Any person wishing to object to the proposed filing must file an objection with the Commission's Office of the Court Clerk no later than fifteen (15) days after the proposed filing. The Attorney General of the State of Oklahoma shall be granted intervention in such proceeding, if requested.
- (h) Within forty-five (45) days of the filing of the Notification of Transaction, the Commission Staff may file a Continuance of Review in the Cause stating that the Commission Staff has not completed its review of the transaction and shall require an additional specified time, not to exceed an additional thirty (30) calendar days, in which to complete such review. The Commission Staff shall accompany such a Continuance of Review with a specification of the additional information, if any, needed to complete this review.
- (i) The Commission Staff may, if it determines appropriate, file a Notice in the Cause requiring the acquiring entity and/or the surviving entity to show cause that the proposed transaction and/or merger is lawful, fair to the customers and in the public interest. The filing of such Notice by the Commission Staff will not alone suspend the authority of any entity to operate under an existing Certificate of Convenience and Necessity. Simultaneously with the filing of any such Notice, the Commission Staff shall propose a procedural schedule, including a date for hearing which shall be held within ninety (90) calendar days of the date of the filing of the Notification of Transaction, unless otherwise ordered by the Commission. If such a Notice is filed by the Commission Staff, the acquiring entity and/or surviving entity shall have the burden of establishing that the proposed transaction(s) is lawful, fair to the customers and in the public interest.
- (j) After approval of notification of transaction(s), and not later than thirty (30) days after transaction consummation, an original and two (2) copies of the approved tariffs, if necessary, which conform to OAC 165:55-5-20, shall be provided to the Public Utility Division.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-15-2. Major stock acquisitions [REVOKED]**

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Revoked at 15 Ok Reg 3054, eff 7-15-98]

**165:55-15-3. Sale of equipment [REVOKED]**

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96; Amended at 15 Ok Reg 3054, eff 7-15-98; Amended at 18 Ok Reg 2415, eff 7-1-01, Revoked at 29 Ok Reg 1549, eff 7-12-12]

**165:55-15-4. [RESERVED]**

[Source: Reserved at 15 Ok Reg 3054, eff 7-15-98]

**165:55-15-5. Cessation of business in Oklahoma**

(a) At least thirty (30) days before the effective date of the cessation of the provisioning of telecommunications service(s) in the State of Oklahoma, a telecommunications service provider or IXC shall file an original and five (5) copies of an application for withdrawal of its Certificate of Convenience and Necessity and cancellation of its tariffs and provide Notice of such filing to the Attorney General of the State of Oklahoma.

(b) An application for withdrawal shall include as attachments the following information, which must be certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant:

- (1) The contact person who will be responsible for concluding all outstanding business with the Commission and customers;
- (2) A statement regarding the amount of any outstanding customer deposits and the date refund checks will be sent to customers; and,
- (3) The date of withdrawal.

(c) Notice of discontinuance shall be provided at least thirty (30) days prior to the date that service will cease by regular mail to all of the customers of the telecommunications service provider or IXC. The form and method of notice shall be approved by the Director of the Public Utility Division, and shall give the exact date that service will cease and contain information as to the procedure for any refunds due customers.

(d) Notice of discontinuance will be sent at least thirty (30) days prior to the date service will cease, by certified mail, to any E911/911 Database Management Service Provider within the exchanges served by the applicant. Notice shall include:

- (1) The exact date the applicant will cease to do business in Oklahoma.
- (2) A statement that until the date applicant ceases to do business in Oklahoma, the applicant will continue to submit transactions to the E911/911 Database Management Service Provider for transferring and keeping up-to-date customer's information.
- (3) A statement that the applicant will unlock or release all E911/911 records effective with its termination date, thereby enabling the migration of existing -E911/911 records with a telephone number ported by the customer to a different telecommunications service provider.

(e) Unless provided otherwise in this Chapter, no application for withdrawal and/or cancellation of an existing Certificate of Convenience and Necessity and tariff shall be granted except by Order of the Commission, after such notice and hearing, if any, as directed by the Commission.

(f) The Commission Staff may file an application to cancel an existing Certificate of Convenience and Necessity and tariff, at the company's request and at the option of the Commission Staff. The request may be in the form of a letter to the Director of the Public Utility Division. The letter will conform to OAC 165:55-15-5 (b) and (c).

[Source: Added at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 19 Ok Reg 1985, eff 7-1-02; Amended at 20 Ok Reg 2302, eff 7-15-03, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-15-5.1 Withdrawal of competitive services**

(a) Upon at least thirty (30) days advance notice to the Director of the Public Utility Division, an ILEC serving more than 75,000 customers on January 1, 2015 may withdraw any service that has been deemed competitive by the Commission as of January 1, 2014.

(b) Notice of discontinuance shall be sent at least thirty (30) days prior to the date that service will cease by regular mail to all of the affected customers of the telecommunications service provider. The notice shall be in a form approved by the Director of the Public Utility Division, and shall give the exact date that service will cease and contain information as to the procedure for any refunds due customers.

[Source: Added at 32 Ok Reg 828, eff 8-27-15]

### **SUBCHAPTER 17. FACILITATION OF LOCAL EXCHANGE COMPETITION**

#### Section

- 165:55-17-1. Rules governing local exchange competition
- 165:55-17-2. [RESERVED]
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165:55-17-33. Verification of compliance prior to providing certain In-region InterLATA services  
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165:55-17-35. Unauthorized transfer of end-users [REVOKED]

[Source: Codified 7/1/96]

#### **165:55-17-1. Rules governing local exchange competition**

The provisioning of local exchange service by any telecommunications service provider subject to the jurisdiction of the Oklahoma Corporation Commission, shall be subject to all requirements of 47 U.S.C. §251 *et seq.* and OAC 165:55.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-17-2. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-17-3. Designation of service territory**

(a) The Commission shall determine whether a telecommunications service provider's service territory is in the public interest at the time the competitive LEC seeks certification or proposes changes to its service territory. In determining whether the proposed service territory meets the public interest, the Commission shall consider factors, including but not limited to, the existence and location of the competitive LEC's facilities, the number of potential customers to be served and the potential impact on universal service.

(b) No service territory shall be changed except by Order of the Commission after such notice and hearing, if any, as directed by the Commission. Applications for change to an existing service territory shall be accompanied by revised tariff pages or an initial tariff reflecting the proposed

new service territory.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 33 Ok Reg 647, eff 8-25-16]

#### **165:55-17-4. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-17-5. Obligations of telecommunications service providers to facilitate competition**

(a) **General duty of telecommunications service providers.** Each telecommunications service provider has the duty:

- (1) To interconnect directly with or indirectly with the facilities and equipment of other telecommunications service providers; and,
- (2) Not to install network features, functions, or capabilities that do not comply with established guidelines and standards.

(b) **Obligations of all telecommunications service providers.** Each telecommunications service provider furnishing local exchange services has the following duties:

- (1) **Resale.** The duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services.
- (2) **Number portability.** The duty to provide, to the extent technically feasible, number portability in accordance with requirements established by the FCC.
- (3) **Dialing parity.** The duty to provide dialing parity to competing providers of local exchange and long distance telecommunications services, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance and directory listings, with no unreasonable dialing delays.
- (4) **Access to rights of way.** The duty to afford access to the poles, ducts, conduits, and rights-of-way of such telecommunication service provider to competing providers of telecommunications services on rates, terms and conditions that are consistent with existing laws, regulations and contract rights.
- (5) **Reciprocal compensation.** The duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications services.

(c) **Additional obligations of incumbent LECs.** In addition to the obligations described in OAC 165:55-17-5(b), each incumbent LEC and any competitive LEC that is treated as an incumbent LEC pursuant to 47 U.S.C. § 251(h), has the following duties:

- (1) **Negotiations.** The duty to negotiate in good faith the particular terms and conditions of agreements to fulfill the duties described in this Section. The requesting telecommunications service provider also has the duty to negotiate in good faith the terms and conditions of such agreements.
- (2) **Interconnection.** The duty to provide, for the facilities and equipment of any requesting telecommunications service provider, interconnection with the incumbent LEC's network as follows:
  - (A) For the transmission and routing of telephone exchange service and access service;
  - (B) At any technically feasible point within the incumbent LEC's network;



- (C) That is at least equal in quality to that provided by the incumbent LEC to itself or to any subsidiary, affiliate, or any other party to which the incumbent LEC provides interconnection; and,
- (D) On rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms and conditions of the agreement and requirements of this Section.
- (3) **Unbundled access.** The duty to provide, to any requesting telecommunications service provider for the provision of telecommunications services, nondiscriminatory access to network elements required by OAC 165:55-17-11 on an unbundled basis and at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of the agreement and requirements of this Chapter. An incumbent LEC shall provide such unbundled network elements in a manner that allows requesting telecommunications service providers to combine such elements in order to provide such telecommunications services.
- (4) **Resale.** The duty to provide resale as follows:
- (A) To offer for resale at wholesale rates any telecommunications service that the incumbent LEC provides at retail to subscribers who are not telecommunications service providers; and,
- (B) Not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of such telecommunications services, except that telecommunications service providers may resell local exchange service only to the same class of customers to which the incumbent LEC sells such services.
- (5) **Notice of changes.** The duty to provide reasonable public notice of changes in the information necessary for the transmission and routing of services using the incumbent LEC's facilities or networks, as well as of any other changes that would affect the interoperability of such facilities and networks.
- (6) **Collocation.** The duty to provide, on rates, terms and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the incumbent LEC, except that the incumbent LEC may provide for virtual collocation if the incumbent LEC demonstrates that physical collocation is not practical for technical reasons or because of actual space limitations.
- (d) **Exemptions for rural telephone companies.** OAC 165:55-17-5(c) shall not apply to a rural telephone company until:
- (1) Such company has received a bona fide request for interconnection, services, or network elements, and,
- (2) The Commission determines that such request is not unduly burdensome, is technically feasible, and is consistent with established universal service principles.
- (A) **Termination of exemption.** In order to terminate the exemption of a rural telephone company, the following must occur:
- (i) The telecommunications service provider making a bona fide request of a rural telephone company for interconnection, services, or network elements shall submit a notice of its request to the Commission.
- (ii) The Commission shall conduct an inquiry for the purpose of determining whether to terminate the exemption under this subsection.
- (B) **Limitation on exemption.** The exemption provided by this subsection shall not apply to a request under OAC 165:55-17-5(c) from a cable operator providing video

- programming, and seeking to provide any telecommunications service, in the area in which the rural telephone company begins providing video programming after February 8, 1996.
- (e) **Suspensions and modifications for rural telephone companies.** An incumbent LEC with fewer than two percent (2%) of the end-user lines installed in the aggregate within the United States may apply to the Commission for suspension or modification of any requirement of OAC 165:55-17-5(b) or OAC 165:55-17-5(c) applicable to network facilities specified in such application. The Commission will grant such application to the extent that, and for such duration as, the Commission determines that such suspension or modification:
- (1) Is necessary to:
    - (A) Avoid a significant adverse economic impact on users of telecommunications services generally;
    - (B) Avoid imposing a requirement that is unduly economically burdensome; or,
    - (C) Avoid imposing a requirement that is technically infeasible; and,
  - (2) Is consistent with the public interest, convenience and necessity.
- (f) **Time for Commission review.** The Commission will issue an Order regarding any application:
- (1) For termination of an exemption, pursuant to OAC 165:55-17-5(d), within one hundred twenty (120) days after the Commission receives notice of the request:
    - (A) The Commission shall terminate the exemption if the request is:
      - (i) Not unduly economically burdensome;
      - (ii) Is technically feasible; and,
      - (iii) Is consistent with established universal service principles.
    - (B) Upon termination of the exemption, the Commission will establish an implementation schedule for compliance with the request.
  - (2) For a suspension or modification of OAC 165:55-17-5(b) or OAC 165:55-17-5(c), within one hundred eighty (180) days after receiving such application.
- (g) **Failure to act on a bona fide request.** Any telecommunications service provider that makes a bona fide request for services or network elements to another telecommunications service provider, but fails to begin the necessary steps to introduce competition in the requested exchange(s) or zone(s) within twelve (12) months after satisfactory unbundling and/or interconnection agreements have been approved by the Commission, shall be liable for the reasonable expenses incurred by the requested telecommunications service provider.
- (h) Each TSP shall have the duty to comply with 47 U.S.C. §251 and §252 and 17 O.S. §139.101 *et seq.*

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-17-6. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-17-7. Procedures for negotiation, arbitration and approval of agreements**

- (a) **Agreements arrived at through voluntary negotiations.** Upon receiving a request for interconnection, services, or network elements pursuant to OAC 165:55-17-5, an incumbent LEC may negotiate and enter into a binding agreement with the requesting telecommunications service

provider or providers without regard to the standards set forth in OAC 165:55-17-5 (b) and (c). The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996 (February 8, 1996), shall be filed with the Commission under subsection (e) of this Section.

(b) **Mediation.** Any party negotiating an agreement under this Section may, at any point in the negotiations, ask the Commission to participate in the negotiations and mediate any differences arising in the course of the negotiations. The Public Utility Division shall provide the mediator, unless otherwise directed by the Commission.

(c) **Agreements arrived at through compulsory arbitration.** During the period from the 135<sup>th</sup> to the 160<sup>th</sup> day (inclusive) after the date on which an incumbent LEC receives a request for negotiation under this Section, the incumbent LEC or any other party to the negotiation may seek arbitration at the Commission of any open issues. Nothing in this subsection shall preclude negotiating parties from filing a joint application.

(1) **Responsibilities of the applicant with regard to the Commission.** A party that seeks arbitration from the Commission pursuant to this subsection shall, contemporaneously with the filing of its application, provide the Commission all relevant documentation concerning:

(A) The unresolved issues and the position of each of the parties with respect to those issues; and,

(B) Any other issue discussed and resolved by the parties.

(2) **Responsibility of the applicant with regard to other parties.** A party that seeks arbitration from the Commission pursuant to this subsection shall, provide a copy of the application and any documentation to the other party or parties not later than the day on which the application is filed.

(3) **Opportunity to respond.** A nonpetitioning party to a negotiation under this Section may respond to the other party's petition and provide such additional information as it wishes within twenty-five (25) days after the Commission receives the petition.

(4) **Action by the Commission.** When an application for arbitration is filed, the Commission will utilize the following procedures.

(A) The Commission will limit its consideration of any petition under this subsection, and any response thereto, to the issues set forth in the petition and in the response, if any, filed under paragraph (3) of this subsection.

(B) The Commission may require the petitioning party and the responding party to provide such information as may be necessary for the Commission to reach a decision on the unresolved issues. If any party refuses or unreasonably fails to respond on a timely basis to any request from the Commission, then the Commission may proceed on the basis of the best information available to it, from whatever source derived.

(C) The Commission will resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions as required to implement subsection (d) of this Section upon the parties to the agreement, and shall conclude the resolution of any unresolved issues not later than nine (9) months after the date on which the telecommunications service provider received the request under this Section.

(5) **Refusal to negotiate.** The refusal of any other party to the negotiation to participate further in the negotiations, to cooperate with the Commission in carrying out its function as an arbitrator, or to continue to negotiate in good faith in the presence, or with the assistance, of the Commission shall be considered a failure to negotiate in good faith.

- (d) **Standards for Arbitration.** In resolving by arbitration, under subsection (c) of this Section, any open issues and imposing conditions upon the parties to the agreement, the Commission will:
- (1) Ensure that such resolution and conditions meet the requirements of OAC 165:55-17-5 and applicable FCC requirements;
  - (2) Establish rates for interconnection, services, or network elements consistent with OAC 165:55-17-27; and,
  - (3) Provide a schedule for implementation of the terms and conditions by the parties to the agreement.
- (e) **Approval by the Commission and grounds for rejection.** Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval by filing an application with the Commission's Office of the Court Clerk and comply with OAC 165:55-17-13(e). After review of the application, the Commission will approve or reject the agreement, with written findings as to any deficiencies. The Commission will only reject an agreement, or any portion thereof, if it finds that:
- (1) The agreement, adopted by negotiation under subsection (a) of this Section, either:
    - (A) Discriminates against a telecommunications service provider that is not a party to the agreement; or,
    - (B) The implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
  - (2) The agreement adopted by compulsory arbitration under this Section does not meet the requirements of OAC 165:55-17-5 or the agreement does not meet the standards in OAC 165:55-17-27.
  - (3) **Notice requirements.** Applicants seeking approval of an Interconnection Agreement shall provide Notice of the Application to be given by mail, electronic mail or personal service to the Attorney General of the State of Oklahoma.
- (f) **Reservation of authority.** Notwithstanding subsection (e), the Commission, consistent with the requirements of 47 § 253, shall enforce other requirements of State law in its review of an agreement, including requiring compliance with Subchapter 13 of this Chapter.
- (g) **Statement of generally available terms.** In conformance with 47 U.S.C. § 252(f), SWBT may prepare and file with the Commission a statement of the terms and conditions that SWBT generally offers within Oklahoma to comply with the requirements of 47 U.S.C. § 251, and the regulations there under and the standards applicable under this Section. In the event SWBT files such a statement, the Commission will:
- (1) Approve the statement provided the statement complies with Subchapter 13 of this Chapter, OAC 165:55-17-5 and OAC 165:55-17-27 and is consistent with 47 U.S.C. § 253;
  - (2) Complete the Commission's review of SWBT's statement not later than 60 days after the date of such submission, (including any reconsideration thereof), unless SWBT agrees to an extension of the period for such review; or permit such statement to take effect.
- (h) **Continued review of SWBT's statement of generally available terms.** In the event the Commission has permitted the statement of SWBT to take effect pursuant to paragraph (2) of subsection (g), the Commission may continue to review said statement after it is effective and the Commission may approve or disapprove said statement if it does not meet the requirements of paragraph (1) of subsection (g).
- (i) **Duty to negotiate not affected.** The submission or approval of a statement under subsection (g) shall not relieve SWBT of its duty to negotiate the terms and conditions of an agreement pursuant to OAC 165:55-17-5.

(j) **Consolidation of proceedings.** Where not inconsistent with the requirements of the Federal Telecommunications Act of 1996, the Commission may, to the extent practical, consolidate proceedings under OAC 165:55-17-5 and OAC 165:55-17-7, in order to reduce administrative burdens on telecommunications service providers, other parties to the proceedings, and the Commission in carrying out its responsibilities under the Telecommunications Act of 1996.

(k) **Availability for public inspection.** The Commission will make a copy of each agreement approved under subsection (e) and each statement approved under subsection (g) available for public inspection and copying within 10 days after the agreement or statement is approved. The Commission will charge the fees set forth in OAC 165:5-3-1 to cover the costs of processing an application and copying.

(l) **Availability to other telecommunications service providers.** A telecommunications service provider shall make available any interconnection, service, or network element provided under an agreement approved under this Section to which it is a party, to any other requesting telecommunications service provider; upon the same terms and conditions as those provided in the agreement.

(m) Each TSP shall have the duty to comply with 47 U.S.C. §252 and 17 O.S. §139.101 *et seq.*

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 33 Ok Reg 647, eff 8-25-16]

#### **165:55-17-8. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-17-9. Resale of local telecommunications service**

(a) **Elimination of resale restrictions.** Except as provided in this Subchapter, each telecommunications service provider has the duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services. Telecommunications services may be resold, either on a stand-alone basis, or as part of a package of services.

(b) **Allowable resale restriction.** A telecommunications service provider that obtains, at wholesale rates, a telecommunications service that is available at retail only to a specified category of end-users may only resell such service to the same category of end-users.

(c) **Incumbent LEC wholesale rates.** Each incumbent LEC has the duty to offer for resale, at wholesale rates, any telecommunications service that the incumbent LEC provides at retail to end-users who are not telecommunications service providers. Wholesale rates of services shall exclude costs attributable to marketing, billing, collection and other costs that will be avoided by the incumbent LEC in providing the service on a wholesale basis.

(d) **Automated Interfaces.** To the extent an incumbent LEC provides itself, its affiliate, or its subsidiary automated interface for purpose of service ordering, maintenance, or repair, it shall make such interfaces available to the extent it protects customer privacy and system integrity, to other telecommunications service providers on rates, terms, and conditions that are just, reasonable

and nondiscriminatory. The provision of such interfaces shall not permit access to or manipulation of the underlying systems themselves.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-10. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-11. Unbundling of incumbent LEC networks**

(a) Upon receipt of a bona fide request, each incumbent LEC shall enter into good faith negotiations to unbundle its network elements to the exchange(s) and/or zone(s) specifically requested in the bona fide requests. Said unbundling shall be available at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.

(b) Subsection (a) of this Section shall not be applicable to a rural telephone company until such time as the Commission has determined that the bona fide request is not unduly economically burdensome, is technically feasible and is consistent with universal service.

(c) Unbundling issues not addressed or resolved by these rules, shall be addressed and resolved through the negotiation and arbitration process in a manner consistent with the Federal Telecommunications Act of 1996 and FCC regulations prescribed thereto.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-17-12. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-13. Interconnection of networks**

(a) Local exchange telecommunications networks shall be interconnected, where technically feasible, so that end-users of any telecommunications service provider can seamlessly send and/or receive calls without any diminution in service quality regardless of the telecommunications service provider selected by the end-user or the called party. Such interconnection shall be made available, when requested by a competing telecommunications service provider, on an unbundled basis equally and on a nondiscriminatory basis.

(b) A telecommunications service provider shall make available any interconnection, service, or network element, provided under an agreement to which it is a party and which has been approved by the Commission pursuant to OAC 165:55-17-7, to any other requesting telecommunications service provider upon the same terms and conditions as those provided in the agreement.

(c) Interconnection issues not addressed or resolved by these rules, shall be addressed and resolved through the negotiation and arbitration process provided for in a manner consistent with the Federal Telecommunications Act of 1996 and FCC regulations prescribed thereto.

(d) When filing an amendment to an interconnection agreement, the effective date, order number

and cause number of the original interconnection agreement or the subsequent amendment that is being modified must be included.

(e) When filing an application for approval of an agreement or an amendment to an existing interconnection agreement, a file-stamped copy will be provided to the Director of the Public Utility Division, the Oklahoma Attorney General, each E911 public safety answering point within the territory of the service area affected by the proposed agreement and any other party to the agreement. The copy to the Director of the Public Utility Division may be contained on compact disk, formatted in an IBM compatible form using Microsoft Word for Windows, or compatible software.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 20 Ok Reg 2301, eff 7-15-03; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 33 Ok Reg 647, eff 8-25-16]

#### **165:55-17-14. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-17-15. Reciprocal compensation**

(a) Local telecommunications traffic shall be terminated on a nondiscriminatory basis for reciprocal compensation. The Commission will not consider the terms and conditions for reciprocal compensation to be just and reasonable unless:

(1) Such terms and conditions provide for the mutual and reciprocal recovery by each telecommunications service provider of the costs associated with the transport and termination on each telecommunications service provider's network facilities related to traffic that originates on the network facilities of the other telecommunications service provider; and,

(2) Such terms and conditions determine said costs on the basis of a reasonable approximation of the additional costs of terminating said traffic.

(b) This Section shall not be construed:

(1) To preclude arrangements that afford the mutual recovery of costs through the offsetting of reciprocal obligations, including arrangements that waive mutual recovery (such as bill-and-keep arrangements); or,

(2) To require telecommunications service providers to maintain records with respect to the additional costs of said traffic.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96]

#### **165:55-17-16. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2477, eff 7-1-96]

#### **165:55-17-17. Number portability and dialing parity**

(a) **In General.** All telecommunications service providers have the duty to provide number portability in accordance with requirements prescribed by the FCC.

(b) **Additional State Requirements.** To the extent a telecommunications service provider allows an end-user to retain the same telephone number when changing service locations within a wire center, said telecommunications service provider must allow an end-user to retain the same telephone number when changing service locations and telecommunications service providers within a wire center.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-17-18. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-19. Universal service**

Universal service is a paramount goal of the Commission's telecommunications policy. The purpose of universal service is to ensure that all end-users have access to basic residential intrastate voice and/or relay service at a reasonable and affordable price.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-20. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-21. Universal service fund**

The Oklahoma Universal Service Fund ("OUSF") was established to preserve and advance universal service in Oklahoma. Every entity which provides intrastate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, for the preservation and advancement of universal service in Oklahoma, in a manner established by the Commission pursuant to OAC 165:59.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 16 Ok Reg 2261, eff 7-1-99]

**165:55-17-22. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-23. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]



**165:55-17-24. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-25. Costing standards**

(a) To facilitate the Commission's ability to arbitrate agreements between telecommunications service providers when negotiations have resulted in a party requesting the Commission to arbitrate, the telecommunications service provider owning facilities that are the subject of arbitration shall provide to the Commission the following cost studies, for those services in dispute, no later than one hundred sixty (160) days after the receipt of a request for negotiation:

- (1) Long-run incremental cost ("LRIC") studies and studies identifying a contribution to common costs for interconnection of facilities and network elements; or,
- (2) Marketing, billing, collection and other costs that will be avoided by the telecommunications service provider for any resold services.

(b) To facilitate the Commission's ability to review and approve negotiated agreements between telecommunications service providers, both parties shall provide to the Commission Staff, within ten (10) days following the request, any information, including LRIC studies, necessary to demonstrate that the negotiated agreement does not discriminate against a telecommunications service provider which is not a party to the agreement.

(c) Nothing in this Section precludes a party from requesting production of cost studies during the negotiation process provided for under federal law, nor precludes a party from objecting to such request. Disputes related to such requests or objections may be submitted by either party to the Commission for mediation pursuant to OAC 165:55-17-7.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-17-26. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-27. Pricing and imputation standards**

(a) **Interconnection and network element charges.** The Commission will determine just and reasonable prices for network elements and interconnection of facilities and equipment as follows:

- (1) Prices shall be based on the cost, determined without reference to a rate-of-return or other rate-based proceeding, of providing the interconnection or network element, whichever is applicable;
- (2) Prices shall be nondiscriminatory; and,
- (3) Prices may include a reasonable profit.

(b) **Charges for transport and termination of traffic.** The terms and conditions for reciprocal compensation shall be consistent with OAC 165:55-17-15 and 47 U.S.C. § 252(d)(2).

(c) **Wholesale prices for telecommunications services.** Incumbent LECs shall provide wholesale rates for all retail telecommunications services sold to end-users on the basis of the retail rates, excluding the portion thereof attributable to any marketing, billing, collection and other costs

that will be avoided by telecommunications service providers in providing the service on a wholesale basis.

(d) **Southwestern Bell Telephone Company imputation.** Southwestern Bell Telephone Company shall charge its affiliates, or impute to itself if using the access for provision of its own services, an amount for access to its telephone service and exchange access that is no less than the amount charged to any unaffiliated IXCs for such service.

(e) **Prohibition of subsidization.** A telecommunications service provider may not use services that are not competitive to subsidize services that are subject to competition. With respect to intrastate services, the Commission may establish any necessary cost allocations, rules, accounting safeguards, and guidelines to ensure that no such subsidization occurs.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-28. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-29. Eligible Telecommunications Carrier [REVOKED]**

[Source: Added at 13 Ok Reg 2437, eff 7-1-96, Amended at 29 Ok Reg 1549, eff 7-12-12; Revoked at 32 Ok Reg 828, eff 8-27-15]

**165:55-17-30. Customer choice**

(a) Where choices are available, every customer shall have the right to choose his or her TSP.

(b) Where choices of TSPs are available, a TSP shall not enter into a contract or agreement with any person or entity, including but not limited to; property developers, multi-tenant property owners or managers, homeowners associations, or any agent or representative of such person or entity that would prohibit or restrict an end-user's right to select the carrier of his or her choice. Should a carrier become aware that such a property owner, manager, or agent is prohibiting or restricting an end-user's right to select the carrier of his or her choice, the carrier shall notify the Director of the Public Utility Division for the Commission.

(c) The Public Utility Division may, after an informal investigation, file an application requesting a finding of contempt and the imposition of a fine or other penalty against a TSP that enters into a contract or agreement that prohibits or restricts an end-user's right to select the carrier of his or her choice.

(d) The investigation and findings of the Public Utility Division shall not be contrary to federal rules regarding customer choice.

[Source: Added 20 Ok Reg 2316, eff 7-15-2003; Amended at 26 Ok Reg 1127, eff 7-1-09]

**165:55-17-31. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-32. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-33. Verification of compliance prior to providing certain In-Region InterLATA services [REVOKED]**

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Revoked at 32 Ok Reg 828, eff 8-27-15]

**165:55-17-34. [RESERVED]**

[Source: Reserved at 13 Ok Reg 2437, eff 7-1-96]

**165:55-17-35. Unauthorized transfer of end-users [REVOKED]**

[Source: Added at 13 Ok Reg 2437, eff 7-1-96; Revoked at 15 Ok Reg 3054, eff 7-15-98]

**SUBCHAPTER 19. UNLAWFUL PRACTICES**

**PART 1. SLAMMING**

Section

- 165:55-19-1. Slamming
- 165:55-19-1.1. Verification of orders for telecommunications service
- 165:55-19-1.2. Letter of agency form and content
- 165:55-19-1.3. Carrier liability for slamming
- 165:55-19-1.4. Procedures for resolution of unauthorized changes in preferred carrier
- 165:55-19-1.5. Absolution procedures where the end-user has not paid charges
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- 165:55-19-1.7. Preferred carrier freezes

**PART 3. CRAMMING**

- 165:55-19-2. [RESERVED]
- 165:55-19-3. Cramming

**PART 1. SLAMMING**

**165:55-19-1. Slamming**

Slamming is prohibited.

[Source: Added at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99; Amended at 18 Ok Reg 2415, eff 7-1-01]

**165:55-19-1.1. Verification of order for telecommunications service**

(a) No telecommunications carrier shall submit or execute a change on the behalf of an end-user in the end-user's selection of a provider of telecommunications service except in accordance with the procedures prescribed in this Part 1 of this Subchapter.

(1) **Requirement for submission of changes of provider.** No submitting carrier shall submit a change on the behalf of an end-user in the end-user's selection of a provider of telecommunications service prior to obtaining:

(A) Authorization from the end-user, and

(B) Verification of that authorization in accordance with the procedures prescribed in this Section. The submitting carrier shall maintain and preserve records of verification of end-user authorization for a minimum period of two years after obtaining such verification.

(2) **Executing carriers shall not verify changes of provider.** An executing carrier shall not verify the submission of a change in an end-user's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures described in Part 1 of this Subchapter shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.

(3) **Exclusion of commercial mobile radio services providers.** Commercial mobile radio services (CMRS) providers shall be excluded from the verification requirements of this Section as long as they are not required to provide equal access to common carriers for the provision of telephone toll services, in accordance with 47 U.S.C. § 332(c)(8).

(b) **Requirement for separate verification for each type of service.** Where a telecommunications carrier is selling more than one type of telecommunications service (*e.g.*, local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) that carrier must obtain separate authorization from the end-user for each service sold, although the authorizations may be made within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in Part 1 of this Subchapter.

(c) **Requirement for confirmation of change order.** No telecommunications carrier shall submit a preferred carrier change order unless and until the order has been confirmed in accordance with one of the following procedures:

(1) **Written authorization.** The telecommunications carrier has obtained the end-user's written authorization in a form that meets the requirements of 165:55-19-1.2; or

(2) **Electronic authorization.** The telecommunications carrier has obtained the end-user's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information in (c)(1) of this Section. Telecommunications carriers electing to confirm sales electronically shall establish one or more toll-free telephone numbers

exclusively for that purpose. Calls to the number(s) will connect an end-user to a voice response unit, or similar mechanism, that records the required information regarding the preferred carrier change, including automatically recording the originating automatic number identification; or

(3) **Third-party authorization.** An appropriately qualified independent third party has obtained the end-user's oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data (*e.g.* the end-user's date of birth or social security number). The independent third party must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the end-user has authorized a preferred carrier change.

(d) **Submission of carrier changes to executing carriers.**

(1) Preferred carrier change orders submitted by IXC's or TSP's to an executing carrier other than through an electronic change order processing system must contain the customer name, telephone number to be changed, and a contact name and number for the submitting carrier. Failure of the submitting carrier to include the above information will relieve the executing carrier from complying with OAC 165:55-19-1.4(a).

(2) Preferred carrier change orders submitted by IXC's or TSP's to executing carriers through an electronic change order processing system must be submitted in the industry recognized standards established by the Alliance for Telecommunications Industry Solution (ATIS) Ordering and Billing Forum (OBF).

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Amended at 19 Ok Reg 1985, eff 7-1-02]

**165:55-19-1.2. Letter of agency form and content**

(a) A telecommunications carrier may use a letter of agency to obtain written authorization and/or verification of an end-user's request to change his or her preferred carrier selection. A letter of agency that does not conform to this Section is invalid for purposes of Part 1 of this Subchapter.

(b) The letter of agency shall be a separate document (or an easily separable document) containing only the authorizing language described in (e) of this Section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the end-user to the telephone line(s) requesting the preferred carrier change.

(c) The letter of agency shall not be combined on the same document with inducements of any kind.

(d) Notwithstanding (b) and (c) of this Section, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in (e) of this Section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the end-user is authorizing a preferred carrier change by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

(e) At a minimum, the letter of agency must be printed with a type of sufficient size and readable

type to be clearly legible and must contain clear and unambiguous language that confirms:

- (1) The end-user's billing name and address and each telephone number to be covered by the preferred carrier change order;
  - (2) The decision to change the preferred carrier from the current telecommunications carrier to the soliciting telecommunications carrier;
  - (3) That the end-user designates the named carrier to act as the end-user's agent for the preferred carrier change;
  - (4) That the end-user understands that only one telecommunications carrier may be designated as the end-user's interstate or interLATA preferred interexchange carrier for any one telephone number. To the extent that a jurisdiction allows the selection of additional preferred carriers (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, or international interexchange) the letter of agency must contain separate statements regarding those choices, although a separate letter of agency for each choice is not necessary; and,
  - (5) That the end-user understands that any preferred carrier selection the end-user chooses may involve a charge to the end-user for changing the end-user's preferred carrier.
- (f) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the end-user.
- (g) Letters of agency shall not suggest or require that an end-user take some action in order to retain the end-user's current telecommunications carrier.
- (h) If any portion of a letter of agency is translated into another language then all portions of the letter of agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Amended at 32 Ok Reg 828, eff 8-27-15]

### **165:55-19-1.3. Carrier liability for slamming**

(a) **Carrier liability for charges.** Any submitting telecommunications carrier that fails to comply with the procedures prescribed in Part 1 of this Subchapter shall be liable to the end-user's properly authorized carrier in an amount equal to one-hundred and fifty percent (150%) of all charges paid to the submitting telecommunications carrier by such end-user after such violation, as well as for additional amounts as prescribed in 165:55-19-1.6. The remedies provided in Part 1 of this Subchapter are in addition to any other remedies available by law.

(b) **End-user liability for charges.** Any end-user whose selection of telecommunications services provider is changed without authorization verified in accordance with the procedures set forth in Part 1 of this Subchapter is liable for charges as follows:

- (1) If the end-user has not already paid charges to the unauthorized carrier, the end-user is absolved of liability for charges imposed by the unauthorized carrier for service provided during the first thirty (30) days after the unauthorized change. Upon being informed by an end-user that an unauthorized change has occurred, the authorized carrier, the unauthorized carrier, or the executing carrier shall inform the end-user of this thirty (30) day absolution period. Any charges imposed by the unauthorized carrier on the end-user for service provided after this thirty (30) day period shall be paid by the end-user to the authorized carrier at the rates the end-user was paying to the authorized carrier at the time of the unauthorized change in accordance with the provisions of 165:55-19-1.5(e).

(2) If the end-user has already paid charges to the unauthorized carrier, and the authorized carrier receives payment from the unauthorized carrier as provided for in 165:55-19-1.2(a), the authorized carrier shall refund or credit to the end-user any amounts determined in accordance with the provisions of 165:55-19-1.6(c).

(3) If the end-user has been absolved of liability as prescribed by this Section, the unauthorized carrier shall also be liable to the end-user for any charge required to return the end-user to his or her properly authorized carrier, if applicable.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-19-1.4. Procedures for resolution of unauthorized changes in preferred carrier**

(a) **Notification of alleged unauthorized carrier change.** Executing carriers who are informed of an unauthorized carrier change by an end-user must immediately notify both the authorized and allegedly unauthorized carrier of the incident. This notification must include the identity of both carriers.

(b) **Referral of complaint.** Any carrier, executing, authorized, or allegedly unauthorized, that is informed by an end-user or an executing carrier of an unauthorized carrier change shall direct that end-user to the Commission for resolution of the complaint.

(c) **Notification of receipt of complaint.** Upon receipt of an unauthorized carrier change complaint, the Commission will notify the allegedly unauthorized carrier of the complaint and order that the carrier remove all unpaid charges for the first 30 days after the slam from the end-user's bill pending a determination of whether an unauthorized change, as defined by 165:55-1-4, has occurred, if it has not already done so.

(d) **Proof of verification.** Not more than thirty (30) days after notification of the complaint, or such lesser time as is required by the Commission, the alleged unauthorized carrier shall provide to the Commission a copy of any valid proof of verification of the carrier change. This proof of verification must contain clear and convincing evidence of a valid authorized carrier change, as that term is defined in 165:55-19-1.4 and 165:55-19-1.5. The Commission will determine whether an unauthorized change, as defined by 165:55-1-4, has occurred using such proof and any evidence supplied by the end-user. Failure by the carrier to respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-19-1.5. Absolution procedures where the end-user has not paid charges**

(a) **Applicability.** This Section shall only apply after an end-user has determined that an unauthorized change, as defined by 165:55-1-4, has occurred and the end-user has not paid charges to the allegedly unauthorized carrier for service provided for thirty (30) days, or a portion thereof, after the unauthorized change occurred.

(b) **Removal of charges for the first 30 days.** An allegedly unauthorized carrier shall remove all charges incurred for service provided during the first thirty (30) days after the alleged unauthorized change occurred, as defined by 165:55-1-4, from an end-user's bill upon notification that such unauthorized change is alleged to have occurred.

(c) **Challenging an end-user's allegation of unauthorized charges.** An allegedly unauthorized carrier may challenge an end-user's allegation that an unauthorized change, as defined by 165:55-1-4, occurred. An allegedly unauthorized carrier choosing to challenge such allegation shall immediately notify the complaining end-user that:

(1) The complaining end-user must file a complaint with the Commission within thirty (30) days of either:

(A) The date of removal of charges from the complaining end-user's bill in accordance with (b) of this Section or

(B) The date the allegedly unauthorized carrier notifies the complaining end-user of the requirements of this Section, whichever is later; and

(2) A failure to file such a complaint within this thirty (30) day time period will result in the charges removed pursuant to (b) of this Section being reinstated on the end-user's bill and, consequently, the complaining end-user's will only be entitled to remedies for the alleged unauthorized change other than those provided for in 165:55-19-1.3(b)(1). No allegedly unauthorized carrier shall reinstate charges to an end-user's bill pursuant to the provisions of this Section without first providing such end-user with a reasonable opportunity to demonstrate that the requisite complaint was timely filed within the 30-day period described in this Section.

(d) **Procedure if thirty (30) days or fewer of unauthorized charges were incurred.** If the Commission determines after reasonable investigation that an unauthorized change, as defined by 165:55-1-4, has occurred, CSD shall issue a factual determination stating that the end-user is entitled to absolution from the charges incurred during the first thirty (30) days after the unauthorized carrier change occurred, and neither the authorized or unauthorized carrier may pursue any collection against the end-user for those charges.

(e) **Procedure if more than thirty (30) days of unauthorized charges were incurred.** If the end-user has incurred charges for more than thirty (30) days after the unauthorized carrier change, the unauthorized carrier must forward the billing information for such services to the authorized carrier, which may bill the end-user for such services using either of the following means:

(1) The amount of the charge may be determined by a re-rating of the services provided based on what the authorized carrier would have charged the end-user for the same services had an unauthorized change, as described in 165:55-1-4, not occurred; or

(2) The amount of the charge may be determined using a fifty percent (50%) Proxy Rate as follows: Upon receipt of billing information from the unauthorized carrier, the authorized carrier may bill the end-user for fifty percent (50%) of the rate the unauthorized carrier would have charged the end-user for the services provided. However, the end-user shall have the right to reject use of this fifty percent (50%) proxy method and require that the authorized carrier perform a re-rating of the services provided, as described in (e)(1) of this Section.

(f) **End-user payments for services provided after the first thirty (30) days.** If the unauthorized carrier received payment from the end-user for services provided after the first thirty (30) days after the unauthorized change occurred, the obligations for payments and refunds provided for in this Section shall apply to those payments.

(g) **Re-billing.** If the Commission determines after reasonable investigation that the carrier change was authorized, the carrier may re-bill the end-user for charges incurred.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]



**165:55-19-1.6. Reimbursement procedures where the end-user has paid charges**

(a) **Applicability.** The procedures in this Section shall only apply after an end-user has determined that an unauthorized change, as defined by 165:55-1-4, has occurred and the end-user has paid charges to an allegedly unauthorized carrier.

(b) **Order requirements.**

(1) If CSD determines after reasonable investigation that an unauthorized change, as defined by OAC 165:55-1-4, has occurred, it shall issue a factual determination requiring the unauthorized carrier to forward to the authorized carrier the following:

(A) An amount equal to one hundred and fifty percent (150%) of all charges paid by the end-user to the unauthorized carrier; and

(B) Copies of any telephone bills issued from the unauthorized carrier to the end-user.

(2) This factual determination shall be sent to the end-user, the unauthorized carrier, and the authorized carrier.

(c) **End-user refund or credit by authorized carrier if payment is received.** Within ten days of receipt of the amount provided for in this Section, the authorized carrier shall provide a refund or credit to the end-user in the amount of fifty percent (50%) of all charges paid by the end-user to the unauthorized carrier. The end-user has the option of asking the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the end-user, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the fifty percent (50%) of all charges paid by the end-user to the unauthorized carrier. The authorized carrier shall also send notice to the Commission that it has given a refund or credit to the end-user.

(d) **Billing and collection charges.** If an authorized carrier incurs billing and collection expenses in collecting charges from the unauthorized carrier, the unauthorized carrier shall reimburse the authorized carrier for reasonable expenses.

(e) **End-user refund or credit by authorized carrier if payment is not received.** If the authorized carrier has not received payment from the unauthorized carrier as required by (c) of this Section, the authorized carrier is not required to provide any refund or credit to the end-user. The authorized carrier must, within forty-five (45) days of receiving a factual determination as described in (b) of this Section, inform the end-user and the Commission if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the end-user of his or her right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier.

(f) **Reinstatement into programs.** Where possible, the properly authorized carrier must reinstate the end-user in any premium program in which that end-user was enrolled prior to the unauthorized change, if the end-user's participation in that program was terminated because of the unauthorized change. If the end-user has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the end-user any premiums to which the end-user would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this Section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the end-user.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-19-1.7. Preferred carrier freezes**

(a) A preferred carrier freeze (or freezes) prevents a change in an end-user's preferred carrier selection for intraLATA/intrastate toll, interLATA/interstate toll, interLATA/intrastate toll, and international toll unless the end-user gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this Section. No local exchange carrier shall impose a preferred carrier freeze on local exchange service.

(b) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all end-users, regardless of the end-user's carrier selections.

(c) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., intraLATA/intrastate toll, interLATA/interstate toll, interLATA/intrastate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.

**(d) Solicitation and imposition of preferred carrier freezes.**

(1) All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:

(A) An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;

(B) A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the Commission's verification rules in 165:55-19-1.4 and 165:55-19-1.5 for changing an end-user's preferred carrier selections; and an explanation that the end-user will be unable to make a change in carrier selection unless he or she lifts the freeze; and

(C) An explanation of any charges associated with the preferred carrier freeze.

(2) No local exchange carrier shall implement a preferred carrier freeze unless the end-user's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(A) The local exchange carrier has obtained the end-user's written and signed authorization in a form that meets the requirements of (d)(3) of this Section; or

(B) The local exchange carrier has obtained the end-user's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the end-user's date of birth or social security number) and the information required in (d)(3)(B) of this Section. Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect an end-user to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or

(C) An appropriately qualified independent third party has obtained the end-user's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the end-user's date of birth or social security number) and the information required in (d)(3)(B) of this Section. The independent third party must not be

owned, managed, or directly controlled by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the end-user has authorized a preferred carrier freeze.

(3) **Written authorization to impose a preferred carrier freeze.** A local exchange carrier may accept an end-user's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this Section is invalid and may not be used to impose a preferred carrier freeze.

(A) The written authorization shall comply with 165:55-19-1.5(b), (c), and (h) concerning the form and content for letters of agency.

(B) At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(i) The end-user's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;

(ii) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for intraLATA/intrastate toll, interLATA/interstate toll service, interLATA/intrastate toll, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;

(iii) That the end-user understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and

(iv) That the end-user understands that any preferred carrier freeze may involve a charge to the end-user.

(e) **Procedures for lifting preferred carrier freezes.** All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer end-users the following procedures for lifting a preferred carrier freeze:

(1) A local exchange carrier administering a preferred carrier freeze must accept an end-user's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and

(2) A local exchange carrier administering a preferred carrier freeze must accept an end-user's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three-way conference call with the carrier administering the freeze and the end-user in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the end-user's date of birth or social security number) and the end-user's intent to lift the particular freeze.

[Source: Added at 18 Ok Reg 2415, eff 7-1-01; Amended at 21 Ok Reg 2114, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

### PART 3. CRAMMING

#### 165:55-19-2. [RESERVED]

[Source: Reserved at 15 Ok Reg 3054, ef 7-15-98]

### **165:55-19-3. Cramming**

- (a) Cramming is prohibited.
- (b) TSPs and IXC, after a complaint of cramming by the customer, shall not disconnect or seek payment of the charge(s) pending resolution of the dispute.
- (c) The telecommunications service provider or IXC shall be subject to a fine, per day per occurrence, for any violation of this Section, on an intrastate basis. The amount of the fine shall be determined pursuant to 17 O.S. § 1 *et seq.*, after notice and hearing.

[Source: Added at 15 Ok Reg 3054, eff 7-15-98; Amended at 16 Ok Reg 2261, eff 7-1-99]

## **SUBCHAPTER 21. PAY-PER-CALL SERVICES**

### **165:55-21-1. Prohibition of certain pay-per-call services or interactive programs**

Each TSP or IXC is prohibited from violating 17 O.S. § 140.1. *et seq.*

[Source: Added at 16 Ok Reg 2261, eff 7-1-99]

## **SUBCHAPTER 22. RESOLUTION DISPUTES**

165:55-22-1.	Resolution procedures arising under interconnection agreements
165:55-22-2.	RESERVED
165:55-22-3.	Facilitation
165:55-22-4.	RESERVED
165:55-22-5.	Formal non-expedited dispute resolution
165:55-22-6.	RESERVED
165:55-22-7.	Formal expedited dispute resolution
165:55-22-8.	RESERVED
165:55-22-9.	Interim relief

### **165:55-22-1. Resolution procedures arising under interconnection agreements**

(a) **Purpose.** This Subchapter establishes procedures for Commission resolution of disputed issues arising under or pertaining to interconnection agreements approved by the Commission pursuant to its authority under the Federal Telecommunications Act of 1996 and Subchapter 17 of this Chapter.

(b) **Type of disputed issues.** The dispute resolution procedures set forth in this Subchapter are intended to resolve disputes concerning:

- (1) Proper interpretation of terms and conditions in the interconnection agreement;
- (2) Implementation of activities explicitly provided for, or implicitly contemplated in, the interconnection agreement;
- (3) Enforcement of terms and conditions in such interconnection agreements; and

(4) Any issue not explicitly addressed in the interconnection agreement that the parties agree to resolve pursuant to this Subchapter; provided the resolution of the issue would facilitate the provisioning of service pursuant to the interconnection agreement.

(c) **Use of this Subchapter.** The procedures described in this Section are not intended to replace the dispute resolution procedures set forth in the Interconnection and Resale Agreements ("Agreements") between the parties. However, the procedures set forth in this Subchapter may be used to resolve disputes arising out of the Agreements.

(d) **Best efforts.** As a prerequisite to utilizing this Subchapter, the parties must be able to demonstrate that they have exhausted the dispute resolution procedures, if any, in accordance with their Agreements.

[Source: Added at 16 Ok Reg 2832, eff 7-15-99]

### 165:55-22-2. [RESERVED]

[Source: Reserved at 16 Ok Reg 2832, eff 7-15-99]

### 165:55-22-3. Facilitation

(a) **Informal process.** Facilitation is an informal, voluntary process wherein both parties to the dispute agree to bring the dispute before the Commission and to be bound by the facilitator's decision.

(b) **Facilitation request.** The request for an informal facilitation conference may be made by a joint written request to the Director of the Public Utility Division. The joint written request should include the following from each party:

- (1) The name, address, telephone number and facsimile number of each party to the interconnection agreement and each party's designated representative;
- (2) A description of the parties' efforts to resolve their differences by negotiation;
- (3) A list of the narrow issues in dispute, with a cross-reference to the area of the agreement applicable or pertaining to the issues in dispute;
- (4) Each party's proposed solution to the dispute; and
- (5) Identification of the agreed upon facilitator.

(c) **Facilitator.** The facilitator may be:

- (1) Any individual agreed to by the parties, including a Commission employee with knowledge regarding telecommunications; or
- (2) An individual selected by the Commission in an open meeting from names submitted by the parties.

(d) **Facilitation conference.** The facilitator shall be responsible for notifying the parties of the time, date, and location of the meeting which shall be held no later than ten (10) business days from the date the request was filed. The parties shall provide the appropriate personnel with settlement authority to discuss and to resolve the disputes at the facilitation conference.

(e) **Procedure.** The facilitation conference shall be conducted as an informal meeting and will not be transcribed. Only parties to the interconnection agreement may participate as parties to the facilitation conference. Interim relief is not applicable for either party to the dispute. Discovery will not be allowed and notice will not be provided concerning the facilitation. At any time during

the facilitation, either party may request that the dispute resolution be moved to one of the formal processes set forth in this Subchapter.

(f) **Results of the facilitation conference.** The informal facilitation conference may result in an agreement on the resolution of the dispute described in the request. If an agreement is reached, the agreement will be binding on the parties. In the event that the parties do not reach an agreement as a result of the informal facilitation conference, the parties agree to have the decision of the Commission appointed facilitator be binding on the parties. The facilitator's decision will be binding on both parties. The decision from the informal facilitation conference shall be rendered within thirty (30) days from the joint written request for facilitator.

[Source: Added at 16 Ok Reg 2832, eff 7-15-99; Amended at 32 Ok Reg 828, eff 8-27-15]

#### 165:55-22-4. [RESERVED]

[Source: Reserved at 16 Ok Reg 2832, eff 7-15-99]

#### 165:55-22-5. Formal non-expedited dispute resolution

(a) **Commencement.** This procedure is a formal proceeding for dispute resolution and will commence when a party ("complainant") files a complaint with the Court Clerk of the Commission and, on the same day, delivers a copy of the complaint either by hand delivery, certified mail, electronic mail or facsimile to the Director of the Public Utility Division, to the other party ("respondent") to the interconnection agreement from which the dispute arises, to the Office of General Counsel, and to the Office of the Attorney General. If facsimile is used, a certificate of service shall be provided.

(b) **Process.** Unless otherwise ordered by the arbitrator, parties shall file with the Commission Court Clerk's office five (5) copies of pleadings. The complaint shall be in a consistent format approved by the Director of the Public Utility Division and shall include:

- (1) The name, address, telephone number, facsimile number of each party to the interconnection agreement, and the complainant's designated representative;
- (2) A description of the parties' efforts to resolve their differences by negotiation;
- (3) A detailed list of the precise issues in dispute, with a cross-reference to the area or areas of agreement applicable or pertaining to the issues in dispute; and
- (4) An identification of pertinent background facts and relevant law or rules applicable to each disputed issue.
- (5) The complainant's proposed solution to the dispute.

(c) **Arbitrator.** Upon receipt of a dispute resolution complaint filed under this Section, an arbitrator shall be selected to act for the Commission, unless two or more of the Commissioners choose to hear the complaint *en banc*. The parties shall be notified of the Commission designated arbitrator, or of the Commissioners' decision to act as arbitrator themselves. The arbitrator may be advised on legal and technical issues by members of the Commission Staff. The Commission staff members selected to advise the arbitrator shall be determined by the Director of the Public Utility Division and shall be identified to the parties. Within five (5) days of the selection of the arbitrator being named, any challenge to the appointment shall be brought forth. No parties to the

dispute resolution process may have *ex parte* discussions with the arbitrator regarding the complaint, except those persons designated by the Director of the Public Utility Division.

(d) **Response to complaint.** The respondent shall file a response to the complaint within twenty (20) days after the filing of the complaint and shall serve a copy of the response on the complainant, the Office of the Attorney General, the Office of General Counsel, and to the Director of the Public Utility Division. The response shall specifically affirm or deny each allegation in the complaint. The response shall include the respondent's position on each issue in dispute, a cross-reference to the area or areas of the contract applicable or pertaining to the issue in dispute, and the respondent's proposed solution on each issue in dispute. In addition, the response also shall stipulate to any undisputed facts and identify relevant law or rules applicable to each disputed issue.

(e) **Reply to response to complaint.** The complainant may file a reply within five (5) business days after the filing of the response to the complaint and serve a copy to the respondent, the Office of the Attorney General, the Office of General Counsel, and to the Director of the Public Utility Division. The reply shall be limited solely to new issues raised in the response to the complaint.

(f) **Notice and hearing.** As soon as possible after his or her selection, the arbitrator shall schedule a prehearing conference with the parties to the arbitration. The arbitrator shall make arrangements for the hearing to address the complaint, which shall commence no later than fifty (50) days after filing of the complaint. The arbitrator shall notify the parties, not less than fifteen (15) days before the hearing of the date, time, and location of the hearing. The hearing shall be held in Oklahoma City unless otherwise ordered by the Commission.

(g) **Transcripts.** The hearing shall be transcribed by a court reporter designated by the arbitrator. Copies of the transcript may be obtained from the designated court reporter at the expense of the requesting party.

(h) **Participation.** Only parties to the interconnection agreement, the Commission Staff, or the Office of the Attorney General, may participate as parties in the dispute resolution process subject to this Subchapter, unless otherwise ordered by the Commission upon a showing of good cause.

(i) **Authority of the arbitrator.** The arbitrator has broad discretion in conducting the dispute resolution proceeding. The arbitrator shall have the authority within the Commission to award remedies or relief deemed necessary by the arbitrator to resolve a dispute subject to the procedures established under this Subchapter.

(j) **Discovery.** Parties may obtain discovery by submitting a discovery request consistent with the Commission's Rules of Practice, OAC 165:5, which include requests for inspection and production of documents, requests for admissions, and depositions by oral examination, as provided by the Commission rules and as allowed within the discretion of the arbitrator.

(k) **Pre-filed evidence and witness list.** The arbitrator may require the parties to file a direct case, under the same deadline, and a joint issues list on or before the commencement of the hearing under the following guidelines:

(1) The prepared direct case shall include all of the party's direct evidence, including written direct testimony of all its witnesses and all exhibits that the party intends to offer. The joint issues list shall identify all issues to be addressed, the witnesses who will be addressing each issue, and a short synopsis of each witness's position on each issue. Confidential information shall be treated in accordance with the Commission's Rules of Practice, OAC 165:5.

(2) Each witness presenting written direct testimony shall be available for cross-examination by the other parties to the complaint. The arbitrator shall judge the credibility of each witness and the weight to be given his or her testimony based upon his or her response to cross-examination. If the arbitrator determines that a witness' responses are evasive or non-

responsive to the questions asked, the arbitrator may disregard the witness' testimony on the basis of lack of credibility.

(3) The arbitrator may ask clarifying questions at any point during the proceeding and may direct a party or witness to provide additional information as needed to fully develop the record of the proceeding. If a party fails to present information requested by the arbitrator, the arbitrator shall render a recommendation on the basis of the best information available from whatever source derived.

(4) The arbitrator may require the parties to submit post-hearing briefs or written summaries of their positions. The arbitrator shall determine the filing deadline and any limitations on the length of such submissions.

(1) **Recommendation.** Timelines and appeals to the arbitrator's recommendation shall be governed by the following guidelines:

(1) The written recommendation of the arbitrator shall be filed with the Commission within fifteen (15) days after the close of the hearing and shall be faxed to all parties of record in the dispute resolution proceeding. The recommendation of the arbitrator shall be based upon the record of the dispute resolution hearing, and shall include a specific ruling on each of the disputed issues presented for resolution by the parties. The recommendation shall include a narrative report explaining the arbitrator's rationale for each of the rulings included in the final decision.

(2) Within ten (10) days from the date of the arbitrator's recommendation is issued, any party may appeal the arbitrator's recommendation to the Commission *en banc* by the filing of a written appeal. The appellant shall serve, concurrent with filing, copies of the appeal and notice of hearing for the appeal to all parties of record and the arbitrator. The appeal shall be heard by the Commission *en banc* within ten (10) days of the filing of such appeal, unless the Commission orders otherwise.

(3) With respect to the recommendation by the arbitrator, the Commission *en banc* may affirm, reverse, or modify the findings of fact or conclusions of law of the arbitrator based on the record, hold additional hearings, or may remand the cause to the arbitrator for further hearing. The Commission shall enter its order on the complaint no later than one hundred (100) days after the filing of the complaint, unless otherwise agreed to by the parties.

[Source: Added at 16 Ok Reg 2832, eff 7-15-99, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-22-6. [RESERVED]**

[Source: Reserved at 16 Ok Reg 2832, eff 7-15-99]

#### **165:55-22-7. Formal expedited dispute resolution**

(a) **Need for expedited resolution.** This procedure is a formal proceeding for dispute resolution with an expedited ruling when the dispute directly affects the ability of a party to provide uninterrupted service to its customers or precludes the provisioning of any service, functionality or network element. The arbitrator has the discretion to determine whether the resolution of the complaint may be expedited based on the complexity of the issues or other factors deemed relevant.



The provisions and procedures relating to OAC 165:55-22-5 apply, except as otherwise specifically set forth in this Section.

(b) **Response to complaint.** The respondent shall file a response to the complaint within five (5) business days after the filing of a complaint and shall serve a copy of the response on the complainant, the Office of the Attorney General, the Office of General Counsel, and to the Director of the Public Utility Division. The response shall specifically affirm or deny each allegation in the complaint.

(c) **Process.** Any request for expedited ruling shall be filed at the same time and in the same document as the complaint filed pursuant OAC 165:55-22-5. The complaint shall be entitled "Complaint and Request for Expedited Ruling." In addition to the requirements listed in section OAC 165:55-22-5, the complaint shall also state specific circumstances that make the dispute eligible for an expedited ruling.

(d) **Notice and hearing.** After reviewing the complaint and the response, the arbitrator will determine whether the complaint warrants an expedited ruling. If so, the arbitrator shall schedule a prehearing conference with the parties to the arbitration. The arbitrator shall make arrangements for the hearing to address the complaint, which shall commence no later than seventeen (17) days after filing of the complaint. The arbitrator shall notify the parties of the date, time, and location of the hearing not less than three (3) days before the hearing. The hearing shall be transcribed by a court reporter designated by the arbitrator. If the arbitrator determines that the complaint is not eligible for an expedited ruling, the arbitrator shall so notify the parties within five (5) days of the filing of the response.

(e) **Recommendation.** Timeliness and appeals to the arbitrator's recommendation shall be governed by the following guidelines:

(1) The oral recommendation of the arbitrator shall be filed with the Commission within three (3) days after the close of the hearing and shall be faxed to all parties of record in the dispute resolution proceeding. The recommendation of the arbitrator shall be based upon the record of the dispute resolution hearing, and shall include a specific ruling on each of the disputed issues presented for resolution by the parties.

(2) Within three (3) days from the date of issuance of the arbitrator's recommendation, any party may appeal the arbitrator's recommendation to the Commission *en banc* by the filing of a written appeal. The appellant shall serve, concurrent with filing, copies of the appeal and notice of hearing for the appeal to all parties of record and the arbitrator. The appeal shall be heard by the Commission *en banc* within five (5) days of the filing of such an appeal.

(3) With respect to the recommendation by the arbitrator, the Commission *en banc* may affirm, reverse, or modify the findings of fact or conclusions of law of the arbitrator based on the record, hold additional hearings, or may remand the cause to the arbitrator for further hearing. The Commission shall enter its order on the complaint no later than one hundred (100) days after the filing of the complaint, unless otherwise agreed to by the parties.

[Source: Added at 16 Ok Reg 2832, eff 7-15-99; Amended at 22 Ok Reg 727, eff 7-1-05; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-22-8. [RESERVED]**

[Source: Reserved at 16 Ok Reg 2832, eff 7-15-99]

**165:55-22-9. Interim relief**

(a) **Need for interim relief.** This Section establishes procedures whereby a party who requests dispute resolution pursuant to OAC 165:55-22-5 or OAC 165:55-22-7 may also request an interim ruling on whether the party is entitled to relief pending the resolution of the merits of the dispute. This relief is intended to provide an interim remedy when the dispute compromises the ability of a party to provide uninterrupted service or precludes the provisioning of scheduled service or as a means to guarantee that funds are available in a billing dispute.

(b) **Filing a request.** Any request for an interim ruling shall be filed at the same time and in the same cause as the complaint filed pursuant to OAC 165:55-22-5 or OAC 165:55-22-7. The heading of the complaint shall include the phrase "Request for Interim Ruling." The complaint shall set forth the specific grounds supporting the request for interim relief pending the resolution of the dispute, as well as a statement of the potential harm that may result if interim relief is not provided. A complaint that includes a request for interim ruling shall be verified by affidavit. Such complaint must list the contact person, address, telephone number, and facsimile number for both the complainant and respondent.

(c) **Service.** The complainant shall serve a copy of the complaint and request for an interim ruling on the respondent, the Office of the Attorney General, the Office of General Counsel, and to the Director of the Public Utility Division by hand-delivery or facsimile on the same day as the pleading is filed with the Commission.

(d) **Hearing.** Within three (3) business days, if feasible, of the filing of a complaint and request for interim ruling, the arbitrator selected under this Subchapter shall conduct a hearing to determine whether interim relief should be granted during the pendency of the dispute resolution process. The arbitrator will notify the parties of the date and time of the hearing by facsimile within one (1) business day of the filing of a complaint and request for interim ruling. The parties should be prepared to present their positions and evidence on factors including but not limited to: the type of service requested; the economic and technical feasibility of providing that service; and the potential harm in providing or not providing the service.

(e) **Ruling.** Based upon the evidence provided at the hearing, the arbitrator shall issue a written ruling on the request within twenty-four (24) hours of the close of the hearing and will notify the parties by facsimile of the ruling. The interim ruling will be effective throughout the dispute resolution proceeding until a final order is issued by the Commission pursuant to this Subchapter. The interim ruling shall have no precedential impact.

[Source: Added at 16 Ok Reg 2832, eff 7-15-99, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

**SUBCHAPTER 23. ELIGIBLE TELECOMMUNICATIONS CARRIERS****PART 1. GENERAL PROVISIONS**

## Section

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### **PART 1. GENERAL PROVISIONS**

#### **165:55-23-1. Requirements**

The requirements of this Subchapter pertain to the designation of Eligible Telecommunications Carriers by the Commission or the Federal Communications Commission pursuant to 47 U.S.C. § 214(e) and the provision of Supported Services by Eligible Telecommunications Carriers (hereinafter referred to as "ETCs"). All ETCs shall comply with federal requirements, the requirements of this Subsection, and, if also eligible for participation in the Oklahoma Lifeline Fund, the requirements of OAC 165:59-9-1 *et seq.*

[Source: Added at 21 Ok Reg 2101, eff 7-1-04; Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

### **165:55-23-2. ETC Designation**

(a) No person shall receive federal Lifeline funds for Oklahoma customers or Connect America Funds for investment in Oklahoma without first being designated an Eligible Telecommunications Carrier ("ETC") by the Commission or as otherwise provided in 47 C.F.R. § 54.201 and § 54.202. A person seeking to be designated an ETC by the Commission shall file an Application with the Commission, meeting the requirements of the Commission's Rules of Practice, OAC 165:5, and shall provide the following additional information in support of the Application:

(1) A description of whether the applicant intends to offer the Supported Services over its own facilities, by resale of another carrier's facilities and/or services, or through a combination of its own facilities and resale of third party facilities and/or services;

(2) A description of the service area for which ETC designation is sought, to include a list of exchanges;

(3) A description of the applicant's proposed Supported Services;

(4) A description of the applicant's plans to advertise the availability of Supported Services within the service area sought;

(5) A complete description of the terms, conditions and rates applicable to the applicant's offering of Supported Services.

(6) Submit a two-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. Each applicant shall estimate the area and population that will be served as a result of the improvements. Except, a common carrier seeking designation as an ETC in order to provide supported services only under 47 C.F.R. Part 54 Subpart E does not need to submit such a five-year plan.

(7) Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

(8) Demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement. Other commitments will be considered on a case-by-case basis.

(9) For common carriers seeking designation as an ETC for purposes of receiving support only under 47 C.F.R. Part 54 Subpart E, demonstrate that it is financially and technically capable of providing the Lifeline service in compliance with 47 C.F.R. Part 54 Subpart E.

(b) Each incumbent LEC is designated as an ETC for the territory for which it was certified on the date of the adoption of the Federal Telecommunications Act of 1996.

(c) For the purpose of eligibility to receive federal universal service support under 47 U.S.C. § 214(e), an ETC shall, throughout its service territory:

(1) Offer the telecommunications services that are supported by Federal universal service support mechanisms under 47 U.S.C. § 254(c), either using its own facilities or a combination of its own facilities and resale of another telecommunications service provider's services, including the services offered by another eligible telecommunications service provider; and,

(2) Advertise the availability of such telecommunications services and the charges thereof using media of general distribution.

[Source: Reserved at 21 Ok Reg 2101, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15; Added at 33 Ok Reg 645, eff 8-25-16; Amended at 34 Ok Reg 989, eff 9-11-2017]

### **165:55-23-3. Records to be provided to the Commission**

(a) **Terms, conditions and rates for Supported Services.** An ETC shall maintain current terms, conditions and rates applicable to its Supported Services in an approved tariff on file with the Commission or pursuant to Terms of Service posted on its website and provided to the Commission. Any modification to an ETC's terms, conditions and rates for Supported Services, shall be submitted to the Director of Public Utility Division prior to the effective date of such modification. Failure to comply with this Section may result in the filing of an application by the Director of the Public Utility Division to revoke the Telecommunication Service Provider's or wireless provider's ETC designation.

(b) **Location of records.** All records including terms, conditions and rates for its Supported Services, required by this Subchapter shall, be kept at the general office of each ETC and shall be made available to the Commission or its designee upon reasonable request. The ETC shall make such records available to the Commission or its designee at reasonable times for examination and inspection at a location designated by the Commission.

(c) **Retention of certification records.** All records, including the Lifeline application form showing proof of eligibility and a report from the third party verification system that shows the identity and address of the Lifeline customer was verified (unless the ETC has obtained a waiver from the requirement to utilize a third party verification system), shall be preserved for a minimum of three (3) years.

(d) **Required information to be reviewed.** Each ETC shall obtain information as follows: At the time a prospective Lifeline subscriber signs up for initial service, each ETC shall obtain:

- (1) a legible copy of the subscriber's Lifeline application or service request form showing the customer's name, physical address and proof of eligibility;
- (2) the subscriber's information necessary to demonstrate eligibility under 47 C.F.R. § 54.410; and
- (3) the subscriber's government issued photo identification unless the ETC utilizes a third party verification system that has been approved by the Director of the Public Utility Division.
- (4) Each ETC shall provide annually to the Director of the Public Utility Division a copy of the ETC's FCC Form 555 as filed with Universal Service Administrative Company ("USAC") and the FCC.

(e) **Contact names.** Each ETC shall notify, in writing, the Director of the Public Utility Division within thirty (30) days of a change in the company-designated contacts for Public Utility Division and CSD issues.

- (1) The update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s).
- (2) The contact name(s) provided pursuant to this subsection shall be the individual(s) primarily responsible for:
  - (A) Providing customer service;
  - (B) Repair and maintenance;

- (C) Answering complaints;
  - (D) Authorizing and/or furnishing refunds to customers; and,
  - (E) Terms, conditions and rates of Supported Services.
- (f) **Other information.** Each ETC shall promptly furnish such other information as the Commission Staff may reasonably request, unless otherwise ordered by the Commission.
- (g) **Supported Services.** Each ETC shall provide confirmation that each Lifeline plan of the ETC provides the Supported Services.
- (h) **Exchanges.** Each ETC shall retain a listing of all of the exchanges within which the ETC has provided Lifeline Service during the preceding twelve (12) months and the addresses of households who requested service and were denied Lifeline service for reasons other than the household did not meet eligibility requirement.
- (i) **Annual report of operations.** No later than May 1 each year, unless otherwise determined by the Commission, each ETC shall provide an annual report of operations for the preceding calendar year, to the Director of the Public Utility Division, in a format approved by the Director of the Public Utility Division. In addition, each ETC shall provide a copy of any annual report required to be filed with any federal regulatory agency(ies). As a component part of the annual report of operations, each ETC shall attach a copy of its Annual Report to Stockholders. All non-publicly available information included in the annual report will be considered confidential by the OCC. On or before July 1, of each year, each ETC shall submit its FCC Form 481 to the Commission, in accordance with FCC regulations.
- (j) **Complaints report.** Each ETC shall maintain a record of customer complaints that it has received regarding Supported Services provided by the ETC, consistent with 47 CFR § 54.313(a)(4) and 47 CFR § 54.422(b)(2).
- (k) **Report attestation.** All reports required by this subchapter to be submitted to the Commission shall be attested to by an officer or authorized agent of the ETC.
- (l) **Due dates of reports.** All periodic reports required by this Commission must be received on or before the due dates unless otherwise agreed to by the Director of the Public Utility Division.
- (m) **Changes affecting Customers or Business Operations.** An ETC proposing changes to operations that affect either customers or business operations in the State, including but not limited to name changes; and additions, modifications or deletions of trade names under which Supported Services will be operated, shall comply with Subchapter 15 of this Chapter.

[Source: Added at 21 Ok Reg 2101, eff 7-1-04; Amended at 22 Ok Reg 712, eff 7-1-05; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-23-4. [RESERVED]**

#### **165:55-23-5. Emergency service reporting requirements**

In areas equipped with E911 emergency service, when the end-user's number is changed due to a change of location or service to the end-user or there is a change in service provider with or without a change to the end-user's number, the ETC shall report such changes to the appropriate E911 emergency number database within two (2) business days, or as required by agreement with the appropriate E911 agencies within the state, after completion of service orders. In the event of

an error report, the ETC shall correct the error within two (2) business days, unless the agreement with the appropriate E911 agency allows otherwise.

[Source: Added at 21 Ok Reg 2117, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-23-6. [RESERVED]**

**165:55-23-7. Content of bills**

Bills of an ETC shall comply with the Federal Truth in Billing Rules, 47 C.F.R. § 64.2401, for each Supported Service.

[Source: Added at 21 Ok Reg 2117, eff 7-1-04; Amended at 22 Ok Reg 729, eff 7-1-05; Amended at 30 Ok Reg 1579, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-23-8. [RESERVED]**

**165:55-23-9. Billing disputes**

(a) In the event of a dispute between an end-user and an ETC, the ETC shall make such investigation as is required by the particular case, and report the results thereof to the end-user.

(b) In the event the dispute is not resolved, the ETC shall inform the end-user that the end-user may utilize the complaint procedures of CSD. The information to be provided to consumers shall be:

(1) The street address of CSD, which is Oklahoma Corporation Commission, Consumer Services Division, 2101 N. Lincoln Blvd. Suite 580, Oklahoma City, OK 73105.

(2) The mailing address of the Consumer Services Division, which is P.O. Box 52000, Oklahoma City, OK 73152-2000.

(3) The telephone numbers of the Consumer Services Division, which are (405) 521-2331 and (800) 522-8154.

(4) The hours of operation of the Consumer Services Division, which are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding State holidays.

(c) When a complaint has been made with CSD, the ETC shall be required to forego disconnect procedures on account of nonpayment of any portion of accumulated disputed charges pending investigation by CSD. The end-user shall be required to pay the undisputed part of the bill and, if not paid, the ETC may discontinue service.

[Source: Added at 21 Ok Reg 2101, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-23-10. [RESERVED]**

**165:55-23-11. Minimum service standards and Supported Services**

(a) The purpose of this Section is to create a uniform standard governing the minimum components of the Supported Services for all end-users of an ETC. Supported Services shall be offered by each ETC pursuant to OAC 165:55-23-15 and OAC 165:55-23-17.

(b) If required by the FCC, each ETC shall make available to each end-user subscribing to its Supported Services within its designated service area voice telephony service with the following functionalities:

- (1) voice grade access to the public switched network or its functional equivalent;
- (2) minutes of use for local service provided at no additional charge to end-users;
- (3) access to the emergency services provided by local government or other public safety organizations;
- (4) toll limitation for qualifying low-income consumers.

(c) In addition to the foregoing voice telephone functionalities applicable to all ETCs, wireless providers shall provide a level of voice service consistent with the minimum service standards detailed at 47 C.F.R. § 54.408(b)(3).

(d) Any plan that is marketed as an unlimited plan that does not contain unlimited local voice minutes must be approved by the Director of the Public Utility Division. If the Director denies the requested unlimited plan, the ETC may seek approval of the plan by Commission Order, after notice and hearing.

[Source: Added at 21 Ok Reg 2101, eff 7-1-04; Amended at 22 Ok Reg 712, eff 7-1-05; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-23-12. Lifeline eligibility requirements**

(a) In order to qualify for the Federal Lifeline Service Program, an applicant for Lifeline service must meet the qualification requirements of 47 CFR § 54.409 and be certified as eligible consistent with 47 CFR § 54.410. Qualification for the Oklahoma Lifeline Fund program is to be in accordance with OAC 165:59-9-3(b).

(b) The Lifeline provider shall also advise each end-user customer enrolled in either the State or Federal Lifeline Service program that in order to continue receiving Lifeline service, the end-user customer must provide the ETC with documentary proof of program eligibility annually, in accordance with the recertification requirements at OAC 165:59-9-5, and that the subscriber has a duty to inform the ETC within thirty (30) calendar days whenever the subscriber ceases to be eligible to receive State or Federal Lifeline service support. The requirement to annually provide documentary proof of program eligibility shall not apply if a Lifeline provider utilizes USAC to conduct its annual recertification, unless such documentation is required by USAC at the time of the annual recertification.

[Source: Reserved at 21 Ok Reg 2101, eff 7-1-04; Added at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-23-13. Service Installation Intervals**

Each ETC, shall meet the following service installation requirements for customer requests for



**Supported Services:**

- (1) Each ETC shall provide a Supported Service to a requesting customer in accordance with such request no later than ninety (90) days from the date of the customer's bona fide reasonable request.
- (2) If the ETC determines that it cannot provide Supported Services within that time frame, it may seek a waiver of this requirement from the Commission, and upon notice and, if necessary, hearing, the Commission shall determine if such waiver shall be granted.

[Source: Added at 21 Ok Reg 2118, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-23-14. [RESERVED]****165:55-23-15. Lifeline program**

- (a) Each telecommunications service provider or wireless provider who has been designated as an ETC shall submit tariffs to the Commission or post informational terms, conditions, and rates on the Company's website and provide to the Commission; implementing a program for which qualifying low-income end-users pay reduced charges as a result of the Lifeline support amount described in (e) below.
- (b) If the ETC has toll services, the ETC shall offer toll restriction to all qualifying low-income end-users at the time such end-user subscribes to Lifeline service. If the end-user elects to receive toll restriction, that service shall become part of that end-user's Lifeline service. ETCs may not collect a deposit in order to initiate Lifeline service if the qualifying low-income end-user voluntarily elects toll restriction, where available, from the ETC. If toll restriction is unavailable, or if it is available and the qualifying low-income end-user does not elect toll restriction, the ETC may charge a deposit as detailed in OAC 165:55-9-14.
- (c) Each ETC shall publicize the availability of Lifeline service throughout their designated ETC service area in a manner reasonably designed to reach those likely to qualify for the service.
- (d) Qualifying end-users must meet the eligibility criteria set out in OAC 165:55-23-12.
- (e) For a qualifying low-income end-user who is not an eligible resident of Tribal lands, the Lifeline support amount shall not exceed the federal support amount at 47 C.F.R. § 54.403(a)(1) and § 54.403(a)(2) plus, when qualified, the state support amount established by Commission order or by 17 O.S. § 139.105. For an eligible low-income end-user who lives on Tribal Land, the Lifeline support amount shall not exceed the federal support amount at 47 CFR § 54.403(a)(1), § 54.403(a)(2) and 47 C.F.R. § 54.403(a)(3) plus, when qualified, the state support amount established by Commission order or by 17 O.S. § 139.105.
- (f) The ETC shall instruct applicants to the Lifeline program to indicate, at the time of application, in writing, all qualifying programs under which the applicant is eligible for or receives assistance or benefits.
- (g) The wireless provider must provide access to its own customer service department by dialing 611 from the wireless handset or have a toll free number for contacting the ETC programmed in the phone and clearly identified.
- (h) Any wireless handset provided in conjunction with the Lifeline Service must clearly identify the provider of the service.
- (i) An ETC may not provide Lifeline Service purely by resale without a Commission order.

- (j) An approved Lifeline product may not be modified without submitting the modification to the Director of the Public Utility Division at least fifteen (15) days prior to the effective date of the proposed change for the purpose of receiving a determination whether the modification is in the public interest. Unless the ETC receives written notification that its modification is NOT IN THE PUBLIC INTEREST within fifteen (15) days after its submission, the submission is deemed to be in the public interest and may be implemented.
- (k) The ETC shall utilize a third party verification system that has been approved by the Director of the Public Utility Division to verify the customer's identity and address, or obtain a waiver from the Director of the Public Utility Division from this requirement.
- (l) The ETC must retain a copy of the signed application for Lifeline Service, and any recertification information for three (3) years.
- (m) The ETC shall maintain a database sufficient to identify any duplicates among all companies affiliated with the ETC.
- (n) Any Lifeline plan offered by a wireless provider must comply with the minimum service standards for voice services detailed at 47 C.F.R. § 54.408.
- (o) In addition to other remedies available to the Commission, violations of the marketing rules may result in a minimum of a thirty (30) days suspension of an ETC's ability to sign up new customers.
- (p) The ETC shall comply with the recordkeeping requirements with respect to records on customer identity and addresses, along with corresponding documentation confirming customer eligibility for either State or Federally supported Lifeline Service, as identified in 17 O.S. § 139.105.
- (q) If there is no usage of the wireless provider's handset for thirty (30) days, the ETC shall de-enroll the customer, according to federal guidelines.

[Source: Added at 21 Ok Reg 2101, eff 7-1-04; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-23-16. Limitations on Marketing of Supported Services by ETCs**

- (a) All marketing efforts, including outdoor mobile marketing and door to door sales, must clearly identify the ETC by its d/b/a name.
- (b) All enrollment in any Lifeline Services from any outdoor mobile location is prohibited unless the following conditions are met:
- (1) There are at least two banners identifying the name of the ETC, in print that is readable from at least thirty (30) feet away;
  - (2) The banners are at least three (3) foot by five (5) foot in size and the identification of the ETC takes up at least fifty percent (50%) of the banner;
  - (3) Employees must wear a shirt that has the ETC's d/b/a name permanently affixed to the shirt;
  - (4) The available terms, conditions and rates for the Lifeline product(s) must be prominently posted at the location where the marketing is taking place;
  - (5) The marketer must have permission from either the owner of the property where the marketing is taking place or from the individual responsible for the property;
  - (6) The marketer must have all required city and county licenses necessary for selling a service at that location; and

- (7) The marketing must be done in a manner that it does not create a traffic hazard or distraction.
- (8) Marketing may only be done from a tent of at least ten (10) foot x ten (10) foot in size or from an enclosed trailer or panel truck that has the name of the ETC permanently affixed on the truck or trailer in letters that are at least eighteen (18) inches in height. If the tent is clearly marked with the name of the ETC on the top of the tent, the tent markings may be considered as one of the two banners required by paragraph (b)(1) of this Section.
- (9) The ETC must provide PUD a list of locations by email where mobile marketing is taking place, including the date, time and location, prior to the mobile marketing taking place, in a format prescribed by the Director of the Public Utility Division. The carrier must also notify PUD of any changes to times or cancellations of previously scheduled events, prior to the change or cancellation. In addition, the ETC shall maintain an active phone number the Commission can call to obtain information regarding past marketing events. The information regarding past marketing events shall be retained by the ETC for a minimum of six (6) months.
- (10) The ETC has obtained a waiver from the Director of the Public Utility Division regarding a specific requirement of this paragraph.
- (c) All enrollment from door to door marketing is prohibited unless the following conditions are met:
- (1) Enrollment forms used for door to door marketing must have clear disclosure that customers will lose any existing landline Lifeline service if they enroll for Lifeline service from the door to door activity;
  - (2) Employees conducting door to door sales must wear a shirt that has the ETC's d/b/a name permanently affixed to the shirt;
  - (3) The customer must be offered a copy of the terms, conditions and rates for the Lifeline product they select;
  - (4) The marketer must have appropriate licenses for door to door sales;
  - (5) The marketer must provide PUD an address range, date and time where door to door marketing will take place, prior to the marketing being initiated.
  - (6) The ETC has obtained a waiver from the Director of the Public Utility Division regarding a specific requirement of this paragraph.

[Source: Added at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-23-17. Link-up program on Tribal Lands**

- (a) Each ETC providing service on Tribal Land and receiving High Cost Support on Tribal lands, pursuant to 47 CFR Part 54, Subpart D, shall file informational tariffs that offer a Link-up assistance program. This program shall offer:
- (1) For an eligible resident living on Tribal Land, a reduction consistent with 47 CFR § 54.413(a)(1). The charge from which the reduction is made shall not exceed the customary charge for commencing telecommunications service for a single telecommunications connection by customers initiating non-Lifeline service with the ETC.
  - (2) A deferred payment schedule consistent with 47 CFR § 54.413(a)(2). The charge assessed for initiating service may include any charges that the ETC customarily assesses to connect end-users, but may not include any security deposit requirements.

(b) A qualifying low-income end-user who resides on Tribal land may choose one or both of the programs set forth in (a)(1) and (a)(2) above of this Section.

(c) An ETC that is receiving federal High-cost support on Tribal land, pursuant to 47 CFR Part 54, Subpart D, shall allow an end-user to receive the benefit of the Link-up program for a second or subsequent time only for service billed at a principal place of residence with an address different from the residence address at which the Link-up assistance was provided previously.

(d) An ETC shall publicize the availability of Link-up support throughout its designated service area, in a manner reasonably designed to reach those likely to qualify for the support.

(e) The end-user qualification criteria for Link-up shall be the same as the criteria established for Lifeline in accordance with 47 C.F.R. § 54.409.

[Source: Added at 21 Ok Reg 2101, eff 7-1-04; Amended at 30 Ok Reg 1565, eff 7-11-13; Amended at 31 Ok Reg 1082, eff 9-12-14; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

#### **165:55-23-18. [RESERVED]**

#### **165:55-23-19. Responsibility for adequate and safe service**

(a) An ETC is responsible for providing adequate and efficient service to every served end-user for which the ETC reports and receives federal or state universal service support.

(b) An ETC that uses its own facilities to provide Supported Service shall install and maintain its system so as to render safe, efficient, and continuous service, and shall keep all of its equipment and facilities in a good state of repair.

[Source: Added at 21 Ok Reg 2119, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-23-20. [RESERVED]**

#### **165:55-23-21. Emergencies**

All ETCs shall make adequate provision for emergencies in order to prevent interruption of Supported Services throughout its designated service area.

[Source: Added at 21 Ok Reg 2119, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-23-22. [RESERVED]**

#### **165:55-23-23. Response to customer complaint inquiries**

An ETC shall respond to the Commission upon written or electronic inquiry from the Commission within the following time periods:

- (1) Inquiries regarding disconnection, suspension or termination of Supported Services - within one (1) business day of receipt of inquiry from the Commission.
- (2) Inquiries other than for disconnection, suspension or termination of Supported Services - within three (3) business days of receipt of inquiry from the Commission.

[Source: Added at 21 Ok Reg 2119, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

### **PART 3. TRANSMISSION OBJECTIVES**

#### **165:55-23-50. Service standards; sufficient operating and maintenance force**

An ETC shall maintain an operating and maintenance force sufficient to meet service objectives and minimum standards for restoration of service after interruption as follows:

- (1) Provisions will be made to receive customer trouble reports at all times, twenty-four (24) hours per day.
- (2) Provision will be made to correct interruptions of service to persons and agencies required to respond to emergencies involving human life and safety at all times, consistent with the bona fide needs of the end-user and the availability and safety of ETC personnel.

[Source: Added at 21 Ok Reg 2119, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-23-51. [RESERVED]**

#### **165:55-23-52. Records of trouble reports**

- (a) Each ETC shall make a full and prompt investigation of every trouble report made to it by its end-users, either directly or through the Commission.
- (b) The ETC shall maintain its network so as to minimize customer trouble reports for Supported Services in an economical manner, but shall not exceed eight (8) reports per one hundred (100) customers per month per service area averaged over a three-month period. An occurrence of a violation of this procedure shall be considered as each day in the month for which the three-month average of trouble reports for that month and the preceding two (2) months exceed this criteria for the service area in question.
- (c) The response of a ETC to customer trouble reports shall be eighty-five percent (85%) of all trouble reports cleared within twenty-four (24) hours.

[Source: Added at 21 Ok Reg 2120, eff 7-1-04; Amended at 30 Ok Reg 1581, eff 7-11-13; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-23-53. [RESERVED]**

#### **165:55-23-54. Notice of service interruptions**

(a) The Commission shall be notified, through the Director of the Public Utility Division and the Commission's Public Information Officer, of all interruptions in Supported Services, which cause a customer to not have access to Supported Services within the designated service area for more than twelve (12) hours; or any interruption which, in the judgment of the ETC, may cause a high degree of public interest or concern.

(b) The Commission notification process required in subsection (a) of this Section, may be accomplished by facsimile, and email twenty-four (24) hours a day, seven (7) days a week; or by phone, during the business hours of 8:00 a.m. through 4:30 p.m., Monday through Friday, and should consist of the following:

- (1) An initial contact to advise of the outage; the cause of such outage; the area affected; and, the estimated time for repair;
- (2) Intermediate contact to provide status reports, as deemed necessary by the telecommunications service provider, or as may be requested by the Commission Staff; and,
- (3) Concluding information detailing the results and completion of the restoration of service.

[Source: Added at 21 Ok Reg 2101, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15; Amended at 34 Ok Reg 989, eff 9-11-2017]

**165:55-23-55. [RESERVED]**

**165:55-23-56. Restoration of service plan**

Each ETC shall have a written restoration of service plan (Plan) to be followed during interruptions in Supported Services. The Plan shall be submitted to the Commission upon request.

[Source: Added at 21 Ok Reg 2120, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-23-57. [RESERVED]**

**165:55-23-58. Customer choice**

(a) Where choices are available, every customer shall have the right to choose his or her telecommunications service provider, whether wireless or wireline.

(b) An ETC shall not enter into a contract with the owner or manager of multi-tenant dwellings to exclusively provide Supported Services to the exclusion of other telecommunications service providers.

[Source: Added at 21 Ok Reg 2120, eff 7-1-04; Amended at 32 Ok Reg 828, eff 8-27-15]

**SUBCHAPTER 25. HOMELAND SECURITY AND CRITICAL  
INFRASTRUCTURE**

## Section

165:55-25-1.	Purpose and scope
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165:55-25-3.	Definitions
165:55-25-4.	[RESERVED]
165:55-25-5.	FBP Security Plan
165:55-25-6.	[RESERVED]
165:55-25-7.	Reporting Requirements
165:55-25-8.	[RESERVED]
165:55-25-9.	Cost Recovery
165:55-25-10.	Commission authorized participation
165:55-25-11.	Confidentiality

[Source: Added at 22 Ok Reg 730, eff 7-1-05]

**165:55-25-1. Purpose and scope**

(a) The purpose of this Subchapter is to encourage facilities-based providers (FBPs) to take all reasonable measures necessary to protect their critical infrastructures from extended interruption of service from all extraordinary events, natural and man-made.

(b) The Corporation Commission encourages FBPs to develop, implement, and maintain Homeland Security and Critical Infrastructure Plans according to the industry standards enumerated in subsection (d) below.

(c) To the extent that a FBP seeks cost recovery for the implementation of Homeland Security and/or Critical Infrastructure protections, the FBP shall comply with all provisions of this Subchapter.

(d) Each FBP serving Oklahoma jurisdictional customers is encouraged to follow the most current Network Reliability and Interoperability Council (NRIC) Best Practices (<http://www.atis.org/bestpractices/Search.aspx>) security guidelines and standards and the National Fire Protection Association's ("NFPA") NFPA 1600 - Standard on Disaster/Emergency Management and Business Continuity Programs (<http://www.nfpa.org/assets/files/PDF/NFPA1600.pdf>), as may be amended from time to time, for use as guidelines for protecting the FBP's Critical Infrastructure from extended service interruption.

(e) Each FBP seeking cost recovery for security measures from Oklahoma jurisdictional customers shall develop, implement, and maintain a Critical Infrastructure and Security Plan in accordance with this Subchapter.

(f) If the FBP has implemented a Security Plan or process in accordance with the applicable industry guidelines but is not seeking or receiving cost recovery for security-related costs, the FBP shall submit the Certification Letter required by OAC 165:55-25-7(f) and the Plan shall be subject to review pursuant to the Authorized Participation and Confidentiality provisions of OAC 165:55-25-10 and OAC 165:55-25-11. The FBP is not otherwise required to comply with the provisions of this Subchapter.

(g) The Commission retains its jurisdictional and supervisory authority to address the reasonableness and/or prudence of any proposed security cost recovery.

(h) Nothing in this Subchapter shall relieve any FBP from any duty otherwise prescribed by the laws of the State of Oklahoma or the Commission's rules.

(i) Nothing in this Subchapter is intended to divest the FBP of its right to object to any discovery requests from intervenors seeking access to "Highly Sensitive Confidential" materials.

(j) If any provision of this Subchapter is held invalid, such invalidity shall not affect other provisions or applications of this Subchapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Subchapter are declared to be severable.

[Source: Added at 22 Ok Reg 730, eff 7-1-05, Amended at 29 Ok Reg 1549, eff 7-12-12; Amended at 32 Ok Reg 828, eff 8-27-15]

### 165:55-25-2. [Reserved]

[Source: Added at 22 Ok Reg 731, eff 7-1-05]

### 165:55-25-3. Definitions

The following words and terms, when used in this Subchapter 25, shall have the following meaning, unless the context clearly indicates otherwise:

**"Annual Report"** means the Annual Report submitted by Commission Staff to the Commission by July 1 of each year, summarizing the results of Staff's review of each FBP's Security Plan (and any Plan Update Reports), along with any recommendations that Staff may have regarding such Plan(s).

**"Authorized Participant"** means those persons authorized by the FBP or as may otherwise be authorized by law and/or ordered by the Commission, to view highly sensitive confidential information. Such authorization shall be granted on a case-by-case basis and may extend to the FBP, state government officials, persons having been granted intervenor status by the Commission and Commission authorized designees of the parties.

**"Certification Letter"** means the written certification to the Director of the Public Utility Division made by March 1 of each year, indicating that the FBP has updated the Plan and/or previous Plan Update Reports, has a Plan but is not seeking cost recovery or has no Plan in place.

**"Critical Infrastructure"** means the property of a FBP located in the State of Oklahoma, comprised of either physical assets or computer software which, if severely damaged or destroyed, would have a significant impact on the ability of the FBP to serve large numbers of customers for an extended period of time, would have a detrimental impact on the reliability or operability of the telecommunications grid, or would cause significant risk to public health and safety.

**"FBP"** or **"Facilities-Based Provider"** means all carriers regulated by the Commission, other than wireless Eligible Telecommunications Carriers, that own, operate or otherwise control facilities, network and /or other physical plant used to provide telecommunications to persons in Oklahoma.

**"Highly Sensitive Confidential"** means that the information is of such a sensitive nature that its public disclosure could be harmful to the security of a FBP's critical infrastructure and as such



it may only be viewed by those persons authorized by the FBP or as may otherwise be ordered by the Commission.

**"NFPA"** means National Fire Protection Association.

**"NRIC"** means Network Reliability and Interoperability Council.

**"Plan"** means a Homeland Security and Critical Infrastructure Plan including any subsequent Plan Update Reports that have been prepared with reference to NRIC and/or NFPA guidelines.

**"Plan Update Report"** means the written redlined changes made by the FBP updating the Plan and/or previous Plan Update Reports. At the FBP's option, changes will either be redlined or a history of changes may be maintained.

**"Security Cost Rider"** means the per billing unit rate mechanism whereby a FBP may, upon approval and Order of the Commission, recover the costs of providing security for its Critical Infrastructure as defined under this Subchapter 25.

[Source: Added at 22 Ok Reg 731, eff 7-1-05; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-25-4. [Reserved]**

[Source: Added at 22 Ok Reg 731, eff 7-1-05]

#### **165:55-25-5. FBP Security Plan**

(a) Each FBP is encouraged to prepare and make available for inspection, a "Homeland Security and Critical Infrastructure Plan" ("Plan") that has been prepared with reference to the NRIC safety guidelines and standards.

(b) The Plan shall be marked as "Highly Sensitive Confidential" and designate those facilities that the FBP considers to be Critical Infrastructure (physical assets and computer software as defined in OAC 165:55-25-3 above), and shall set forth the FBP's measures to secure such facilities from extended service interruption. The Plan shall also include an estimate of the costs necessary to achieve such measures.

(c) The Plan shall remain on site at the FBP's business office in accordance with OAC 165:55-25-7(g) below and shall have the most current version of the redlined Plan Update Report attached to the clean version of the FBP's latest Plan. At the FBP's option, changes will either be redlined or a history of changes may be maintained.

(d) The Plan shall list all locations deemed by the FBP to be critical as well as identification of any subsequently increased security measures. All locations and security measures shall be identified by code known only to the utility and designated state government officials and their designees.

(e) Any subsequent security measures identified in the Plan shall contain an estimate of the cost necessary to implement such measures, a description of the measures necessary to adequately secure each specific location and an estimated schedule for completion of each measure.

(f) All locations identified by the Plan that require additional security measures shall be prioritized by the FBP.

(g) On July 1 of each year, the Commission Staff shall submit an Annual Report marked as "Highly Sensitive Confidential" to the Commission summarizing the results of Staff's review of each FBP's Plan (and any Plan Update Reports), along with any recommendations that Staff may have regarding such Plan(s).

(h) When the Attorney General elects to submit recommendations to the Commission regarding a FBP's Plan, such recommendations shall be marked as "Highly Sensitive Confidential" and shall also be due by July 1 of each subsequent year thereafter.

[Source: Added at 22 Ok Reg 731, eff 7-1-05; Amended at 32 Ok Reg 828, eff 8-27-15]

#### **165:55-25-6. [Reserved]**

[Source: Added at 22 Ok Reg 732, eff 7-1-05]

#### **165:55-25-7. Reporting requirements**

(a) Subsequent to the preparation of the initial Plan prepared under OAC 165:55-25-5(a), each FBP shall prepare a Plan Update Report by March 1 of each succeeding year, following the same format as the initial Plan with redlines of all new changes, marked "Highly Sensitive Confidential" and kept on site at the FBP's business office.

(b) Each subsequent Plan Update Report shall update the previous year's report by indicating for each specific coded location, all costs and completion dates (actual and projected) for all current and prior additional security measures claimed under this Subchapter.

(c) For those security measures previously reported that have not yet been completed, revised estimated costs and estimated completion dates shall be provided.

(d) The Plan Update Report shall also include (by specific location) a description of each proposed security measure that has not been previously reported, the estimated costs for each, as well as the estimated completion date for each measure.

(e) Costs reflected in the initial Plan and in subsequent Plan Update Reports, whether estimated or actual, shall be identified as either capital or expense costs.

(f) By March 1 of every year each FBP shall submit a Certification Letter to the Director of the Public Utility Division, marked as "Highly Sensitive Confidential" and certifying that as of the date of the Certification Letter:

(1) The FBP does not have a Homeland Security and Critical Infrastructure Plan as contemplated and defined by this Subchapter;

(2) The FBP does not have a Homeland Security and Critical Infrastructure Plan as contemplated or defined by this Subchapter but has otherwise taken steps to secure its facilities and Critical Infrastructure and is not seeking cost recovery under this Subchapter;

(3) The FBP does have a Plan but is not seeking cost recovery; or

(4) The FBP has prepared its Plan Update Report updating the Plan and/or previous year's Plan Update Report and that the redlines contained within the current Plan Update Report encompass in the entirety, all of the changes made to the FBP's Plan since the Plan's inception or the previous year's certification and that the Plan is available for Commission and/or Attorney General review at the FBP's local place of business.

(g) A FBP shall not be required to file its initial Plan or any of its subsequent Plan Update Reports with the Commission. Each FBP shall instead, secure and maintain on site, at the FBP's local place of business, its initial Plan and all subsequent Plan Update Reports.

[Source: Added at 22 Ok Reg 732, eff 7-1-05; Amended at 32 Ok Reg 828, eff 8-27-15]

**165:55-25-8. [Reserved]**

[Source: Added at 22 Ok Reg 732, eff 7-1-05]

**165:55-25-9. Cost recovery**

(a) Each FBP seeking cost recovery of expenditures related to securing its Critical Infrastructure shall prepare and make available for inspection, its Plan and any subsequent Plan Update Reports in accordance with this Subchapter.

(b) Each FBP shall file an Application with the Commission for cost recovery as provided for within this Subchapter. Such cost recovery shall only occur to the extent the FBP has incurred all or a portion of its actual security-related costs.

(c) Unless otherwise ordered by the Commission, a FBP shall have the burden of proving compliance with all of the provisions of this Subchapter prior to obtaining cost recovery for security related measures.

(d) The total costs incurred under this Subchapter shall be combined for recovery purposes, for consideration by the Commission.

(e) All costs approved by the Commission for recovery, shall be recovered from the FBP's customers through a "Security Cost Rider" based upon the number of access lines for the FBP and shall be subject to annual true-up.

(f) Unless otherwise ordered by the Commission, A FBP shall immediately discontinue recovery of the "Security Cost Rider" when the earlier of the following occurs: natural expiration due to the full recovery provided for in a Rider granted under this Subchapter or forced expiration pursuant to OAC 165:55-25-9(g). Under no circumstances, shall the FBP be permitted to double recover Homeland Security and Critical Infrastructure related costs. Where a "Security Cost Rider" is utilized, Homeland Security and Critical Infrastructure related costs shall not be recoverable through a rate increase pursuant to 17 O.S. §137 et seq. or from the Oklahoma Universal Service Fund ("OUSF") pursuant to 17 O.S. §139.106.

(g) Unless otherwise ordered by the Commission, all "Security Cost Riders" approved by the Commission, shall expire five years from the initial date of the "Security Cost Rider's" implementation.

(h) Upon the filing of a cost recovery request by a FBP, Commission Staff, the state Attorney General's office (based upon that entity's statutory authority) and all other Authorized Participants shall review the cost recovery proposal submitted by the FBP and file testimony in accordance with:

(1) Any applicable protective orders issued by the Commission in the security-related cost recovery cause;

(2) OAC 165:55-25-11 (below);

(3) The Commission's Rules of Practice (OAC 165:5); and

(4) Any other protective measures or requirements prescribed by law or the Commission.

(i) Testimony of Commission Staff, the state Attorney General and all other Authorized Participants shall detail each of the parties' respective recommendations and any objections to the FBP's Plan and the FBP's request for cost recovery related to the Plan. Also in accordance with the Commission's Rules of Practice, Commission Staff, the state Attorney General and all other Authorized Participants shall provide copies of their respective individual testimonies to one another, with redacted versions of each individual testimony filed with the Court Clerk at the

Commission.

(j) Upon notice and hearing, the Commission shall issue an order regarding any requests for security-related cost recovery.

[Source: Added at 22 Ok Reg 732, eff 7-1-05]

**165:55-25-10. Commission authorized participation**

(a) **Commission Staff.** Only those Commission Staff and Staff's designees authorized by the Commission shall participate in a cause before the Commission regarding a FBP's Plan, and then shall do so only after meeting all applicable requirements for Commission authorization, which shall be determined on a case-by-case basis. All Commission Staff and Staff's designees authorized to participate in a security cause shall comply with the requirements for protecting information obtained under the "Highly Sensitive Confidential" designation.

(b) **Attorney General.** Only those Attorney General personnel who have formally entered an appearance pursuant to Oklahoma Statute and the Commission's Rules of Practice and that entity's Commission authorized designees shall be granted review of a FBP's Plan and/or Plan Update Reports. All Attorney General designees authorized to participate in a security cause shall meet all applicable requirements for Commission authorization, to be determined on a case-by-case basis, and shall comply with the protections afforded information obtained under the "Highly Sensitive Confidential" designation.

(c) **Intervenors.**

(1) For the purposes of this Subchapter, all intervenors, including but not limited to counsel and experts for intervenors, shall be deemed "Authorized Participants" in accordance with OAC 165:55-25-3 above. All Authorized Participants wishing to participate in a security-related cause before the Commission shall meet all applicable requirements for Commission authorization, which shall be determined on a case-by-case basis, and shall comply with the protections afforded information obtained under the "Highly Sensitive Confidential" designation.

(2) In addition to acquiring "Authorized Participant" status from the Commission, each intervenor and its designees desiring to participate in a cause before the Commission regarding a FBP's Plan shall post a bond or other security acceptable to the Commission, in an amount to be determined by the Commission, to protect the utility from harm in the event the Authorized Participant breaches the confidentiality terms established under this Subchapter or as may otherwise be established by the Commission. A copy of such bond or other security shall be filed with the Commission's Court Clerk. This subsection shall not apply to the Attorney General of the State of Oklahoma or the Oklahoma Corporation Commission Commissioners and Staff.

(3) Any Authorized Participant found in violation of a Commission issued Protective Order and Proprietary Agreement, shall be liable for contempt penalties pursuant to the penalty provisions found in Article IX, § 19 of the Oklahoma Constitution, Title 17 of the Oklahoma Statutes and the Commission's Rules of Practice at OAC 165:5. This subsection shall not apply to the Attorney General of the State of Oklahoma or the Oklahoma Corporation Commission Commissioners and Staff.

(4) In addition to the above protections, all Authorized Participants may be required by the Commission to enter into a separate non-disclosure agreement as a pre-requisite to being granted intervention and "Authorized Participant" status.

[Source: Added at 22 Ok Reg 733, eff 7-1-05]

**165:55-25-11. Confidentiality**

(a) Pursuant to the Commission's jurisdiction granted under Article IX, Section 18 of the Oklahoma Constitution, 51 O.S. (2001) §24A.22 of the Oklahoma Statutes and OAC 165:5, the Commission's Rules of Practice; all un-redacted documents related to a FBP's Homeland Security and Critical Infrastructure Plan shall be considered "Highly Sensitive and Confidential," and shall only be admitted into evidence in en camera proceedings.

(b) "Highly Sensitive Confidential" designation and protection shall extend but not be limited to the following: initial Plans (including underlying documents), Plan Update Reports, Certification Letters, Annual Reports made by Commission Staff, recommendations submitted by the Attorney General of the State of Oklahoma and un-redacted documents used in cost recovery proceedings. For all other documents, the "Highly Sensitive Confidential" designation may be granted upon hearing and Final Order of the Commission.

(c) Each FBP Plan and/or Plan Update Report prepared in accordance with this Subchapter, shall be marked "Highly Sensitive Confidential" and shall be kept and maintained on site at the FBP's business office in accordance with OAC 165:55-25-7(g), above. Only those individuals on the Staff of the Corporation Commission and in the State Attorney General's office and their respective experts who have been authorized by the Commission, shall have access to the Plan and Plan Update Reports prepared by each FBP and any related or supporting documentation thereto. All other parties granted authorized intervenor status to a security cause pursuant to OAC 165:55-25-10(c) may also be granted access to the Plan, Plan Update Reports and supporting documentation after notice and hearing.

[Source: Added at 22 Ok Reg 733, eff 7-1-05]

**APPENDIX A. TELECOMMUNICATIONS COMPLAINT REPORT FORM  
[REVOKED]**

**[Source:** Added at 15 Ok Reg 3054, eff 7-15-98; Revoked and reenacted at 21 Ok Reg 2101, eff 7-1-04; Revoked at 29 Ok Reg 1549, eff 7-12-12]

## APPENDIX B. CUSTOMER COMPLAINT CODES

## LIST OF CUSTOMER COMPLAINT CODES

<u>Code</u>	<u>Description</u>	<u>Code</u>	<u>Description</u>
B	Billing, general	SOD	Service order delay
BCRM	Cramming	SOUT	Outage
BDA	Delinquent Account	SREF	Service refusal
BEBM	Miscellaneous	SRG	Better grade of service
BED	Early demand of toll	SRS	Repair service
BIA	Billing in advance	SUDO	Unable to dial out
BIB	Incorrect billing, other	SURC	Unable to receive calls
BLMG	Slamming	TOS	Disconnection of service
BRDB	Reseller-disputed bill		
BRNB	Did not receive a bill		
BSUR	Universal Service Fund Contribution Recovery Fee		
BTNC	Third number calls		
DEPF	Deposit refund		
DEPR	Deposit requested by company		
GP	General business practices		
ORR	Rules & regulations		
PX	Payment extension		
RISC	Installation charges		
RDAC	Directory assistance		
RLP	Late payment charges		
ROUB	Overbilling		
RT	Rates and tariffs		
SEAS	Extended area service		
SLMR	Service Line maintenance		
SNF	No facilities		
SNOL	Noise on the line		

[Source: Added at 15 Ok Reg 3054, eff 7-15-98]

**APPENDIX C. WIRELESS ETC CUSTOMER COMPLAINT CODES**

<b>Code</b>	<b>Description</b>
NETCON	Can't connect to the network
CALPLA	Can't place call
CALREC	Can't receive call
DRSTLK	Cross-talk
CALCUT	Cutting In/Out
DEAAIR	Dead Air
ECHTON	Digital Echo/Tones
DRPCAL	Dropped Call
FBDLAY	Fast busy-delayed
DBIMMD	Fast busy-immediate
FTRISS	Feature issue
LL2MBL	Landline to mobile issue
NPSPCA	No/Poor service – Poorly covered area
NPSWCA	No/Poor service – Well covered area
MSGRCV	Not able to receive message
ONEWAD	One way audio
RMHMAR	Roaming in home area
STATIC	Static
TRNISS	Translation issue
WKSNGL	Weak signal

[Source: Added at 21 Ok Reg 2122, eff 7-1-04]