

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: 150

RULE TYPE: Legislative Exempt; CITE AUTHORITY West Virginia Code §24-1-7

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Rules and Regulations for the
Government of Telephone Utilities

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: May 19, 1998 TIME: 9:30 a.m.

LOCATION OF PUBLIC HEARING: Howard M. Cunningham Hearing Room
Public Service Commission of West Virginia
201 Brooks Street
Charleston, West Virginia

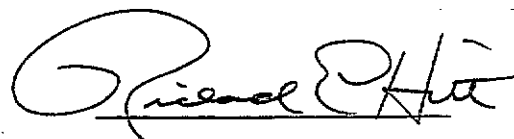
COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH X Initial written comments due May 11, 1998.
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Reply written comments due May 25, 1998

Sandra Neal, Executive Sect.
Public Service Commission
201 Brooks Street
P. O. Box 812
Charleston, WV 25323

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


Authorized Signature

Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0317
FAX: (304) 340-0372

April 2, 1998

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Blvd., East
Charleston, WV 25305-0771

Re: Series 6

Dear Judy:

By letter dated March 31, 1998, I forwarded to you a proposed rulemaking concerning Series 6, Rules and Regulations for the Government of Telephone Utilities. As you have pointed out, that package included a completed Form 5 instead of a completed Form 1, Notice of Public Hearing on a Proposed Rule.

I have enclosed with this letter a completed Form 1 which includes notice of a public hearing and the opportunity to submit written comments. I am sorry for any confusion this error may have caused.

Sincerely,

A handwritten signature in black ink that reads "Richard E. Hitt". The signature is written in a cursive style with a large, looping initial "R".

Richard E. Hitt
General Counsel

REH/cbd

Enclosure

cc: Sandra Neal, Executive Secretary

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Public Service Commission TITLE NUMBER: 150

CITE AUTHORITY: §§24-1-7, 24-6-6b

RULE TYPE: PROCEDURAL Exempt Leg INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§24-1-7

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Rules and Regulations for the
Government of Telephone Utilities

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS June 1, 1998

Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0317
FAX: (304) 340-0372

March 31, 1998

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0771

Re: Series 6

Dear Judy:

Enclosed for filing are proposed amendments to Series 6 of the Public Service Commission's rules and regulations. I have submitted a completed Form 5; a Fiscal Note; a Brief Summary of the Rule; and a Statement of Circumstances Requiring the Rule. As we have discussed previously, those provisions pertaining to emergency telephone service that were moved to Series 25 will be deleted from Series 6 by the proposed amendments.

If there are any problems or questions, please bring them to my attention. Thank you in advance for your attention to this matter.

Sincerely,

Richard E. Hitt/pwz

Richard E. Hitt
General Counsel

REH/cbd
Enclosures

FISCAL NOTE

P.S.C.
Series 6

IN THE MATTER of proposed amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities.

I. OBJECTIVES OF THE RULE

The proposed amendments are intended to implement both the Local Competition Task Force's recommendations in its May 7, 1996 report to the Commission in Case No. 94-1102-T-GI, as well as the Telecommunications Act of 1996, Pub. Law No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§151 et seq. (TA96) and the Commission's rulings in various proceedings implementing TA96.

II. COST OF IMPLEMENTING THE PROPOSED RULES:

There will be no significant implement cost relating to this rulemaking for the State of West Virginia. The Commission does not anticipate significant additional costs to be incurred as a result of this rulemaking.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either house of the Legislature.)

This rulemaking will increase costs for telecommunications carriers to a minor extent. Such costs will primarily be associated with non-refundable filing fees which must accompany all applications to the Commission for certificates of public convenience and necessity, as well as costs of preparing and providing annual financial and statistical reports to be filed with the Commission.

IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

This rulemaking should reduce the costs of telecommunications service in the State by establishing clear rules and procedures whereby competition may be implemented in all telecommunications markets in the State.

DATE: 3-31-98 AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE: Sandra Neal
SANDRA NEAL
Executive Secretary

STATEMENT OF CIRCUMSTANCES REQUIRING RULE

Pursuant to several orders entered in Case No. 94-1102-T-GI, the Commission established a Local Competition Task Force to address issues relating to the implementation of competition in the local telecommunications exchange market in West Virginia. The Local Competition Task Force made numerous recommendations in its May 7, 1996 report to the Commission, advocating amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6, intended to implement competition in the local market. In addition, in February 1996, Congress passed the Telecommunications Act of 1996, Pub. Law No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§151 et seq. (TA96), which is intended to open all telecommunications markets to competition. Among other things, TA96 requires states to remove barriers to entry into any market to provide interstate or intrastate telecommunications service -- including State or local statutes, regulations or other legal requirements that prohibit or have the effect of prohibiting such entry. TA96 also requires state commissions to take certain actions and comply with various standards in allowing carriers to enter telecommunications markets within a state. The proposed amendments are intended to implement both the Local Competition Task Force's recommendations as well as TA96 and the Commission's rulings in other proceedings implementing TA96.

BRIEF SUMMARY OF THE RULE

The proposed amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities adopt numerous recommendations made in the Local Competition Task Force's May 7, 1996 report to the Commission in Case No. 94-1102-T-GI and which were intended to implement competition in the local exchange telecommunications market. The proposed amendments also incorporate various rulings by the Commission in proceedings filed with the Commission pursuant to the Telecommunications Act of 1996, Pub. Law No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§151 et seq. (TA96). The proposed amendments make a number of changes to the rules' definitions. The proposed amendments also require carriers to comply with verification procedures before changing a subscriber's local service provider and prohibits local carriers from interrupting basic service as the result of a reseller's inability to serve customers. In addition, the proposed amendments eliminate the current provisions in the rules dealing with equipment testing. Furthermore, the proposed amendments require all telecommunications carriers -- both interexchange and local -- to file annual financial and statistical reports, though interexchange carriers with less than \$1 million annual gross revenues in West Virginia are exempted from this requirement. The rules' current service standards are also modified by the proposed amendments. Furthermore, the provisions dealing with emergency telephone systems will be removed from the rules, as previously done in the Commission's rulemaking to promulgate 150 C.S.R. Series 25.

The proposed amendments also adopt an accelerated rate filing procedure for interexchange carriers and make several changes to the provisions dealing with tel-assistance. The provisions dealing with customer owned public telephones are removed and replaced with new rules dealing with payphones in the proposed amendments. Moreover, the proposed amendments add a new section 14 to the Commission's rules, dealing with certification requirements applicable to all telecommunications carriers. New section 14 imposes a non-refundable, \$300 filing fee to be submitted with applications for certificates of public convenience and necessity and establishes detailed informational requirements applicable to local carriers' applications for certificates. Section 14, as proposed, also would require certain competitive local carriers to provide ubiquitous service throughout exchanges served. Finally, a new section 15 is proposed, which sets forth specific procedures and requirements applicable to interconnection between local carriers, including procedures relating to Commission arbitration of interconnection agreements between carriers pursuant to TA96. Section 15 also incorporates TA96's protections for rural telephone companies from competition.

150CSR6

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 6
RULES AND REGULATIONS FOR THE GOVERNMENT
OF TELEPHONE UTILITIES

§150-6-1. General.

1.1. Scope -- These rules govern the operation and service of telephone utilities subject to the jurisdiction of the Public Service Commission of West Virginia pursuant to West Virginia Code §24-2-1.

1.2. Authority -- West Virginia Code §24-1-7, §24-2-1, §24-2-6, §24-2-8, §24-2C-1, and §24-6-1.

1.3. Filing Date --

1.4. Effective Date --

1.5. Policy.

The Public Service Commission of West Virginia and the regulated telephone companies have a joint responsibility to the citizens of West Virginia to ensure a quality of adequate communications services that meets the general need requirements of the public, provides the public with a high degree of reliability and convenience, and contributes substantially to the overall economic progress of the State of West Virginia.

~~To accomplish this objective,~~ These telephone service regulations are established which state to meet the objectives needed to provide the best possible telephone service consistent with modern technology.

1.6. Application.

The telephone service rules promulgated herein shall apply to all telephone company operations in the State of West Virginia that are subject to the jurisdiction of the Commission.

1.6.1. The rules promulgated by the Commission shall establish reasonable standards to the end that quality service, i.e., that which is adequate and satisfactory, is rendered to the telephone using public in the transmission of both local and long distance messages.

1.6.2. If unreasonable hardship to a telephone user or telephone subscriber, or to the serving telephone company results from compliance with any Commission rules, application may be made to the Commission for modification of the rule, or for temporary exemption from its requirements.

1.6.3. The adoption of these rules by the Commission preserves the authority of the Commission to grant exceptions and exemptions to and from its regulations under available procedures. The definitions contained herein are an integral part of and are treated as regulations.

1.6.4. The rules promulgated herein shall in no way relieve the telephone company from any of its duties under the laws of the State of West Virginia or from any other rules or directives of the Commission.

1.7. Definitions.

In the interpretation of these rules, the following definitions shall be used, subject to the provisions of each company's applicable tariffs. Unless otherwise specified, terms used in the PSC's telecommunications rules shall have the same meaning as that provided for in the Telecommunications Act of 1996, Pub. Law No. 104-104, 110 Stat. 56 (1996), amending the Communications Act of 1934, 47 U.S.C. §151, et seq. (the Communications Act). Rules otherwise specified, singular terms shall include the plural and plural terms shall include singular.

1.7.1. "Aggregator" -- Any person or business entity who, in the ordinary course of operations, makes telephones (other than COPTs and public telephones) available to the public or to transient users of its premises for intrastate telephone calls using an operator services provider.

1.7.2. "Automatic Dialing and Announcing Device" (ADAD) -- An item of telecommunications terminal equipment which has the ability to randomly, sequentially and/or according to a set of instructions, automatically initiate telephone calls and to, upon ascertaining that the called line has answered the call, play a prerecorded message. Telecommunications devices which, when activated by an alarm mechanism, call a predetermined telephone number to report the alarm's activation, are not ADADs for purposes of this definition.

~~1.7.3. "Base Rate Area" -- The portion or portions within each exchange area, as set forth in the telephone company's tariff, in which base rate area rates for urban grades of lines~~

~~without mileage or zone charges apply. Urban grades of exchange lines within this area are offered at rates that do not vary with the distance from the central office or exchange rate center.~~

1.7.3. Basic Local Exchange Telephone Service: Provision to a subscriber at his or her residence or business location of at least all of the following:

a. Voice-grade, two-way, single-party communications channel capable of reliably carrying data at 14.4 Kbs and with dual-tone multifrequency signaling capability;

b. A telephone number by which the subscriber may be signaled and an optional "White Pages" directory listing or its functional equivalent;

c. A telephone directory which shall be updated at least annually and shall contain, except for "non-published" and "unlisted" telephone listings, all telephone listings on the subscriber's local calling area;

d. Local call switching, signaling, supervision, completion, and transmission, for both outgoing and incoming calls;

e. Access, at all times, to each of the following:

A. Emergency services, including 9-1-1 and Enhanced 9-1-1 where such are utilized by the appropriate governmental body;

B. "O" type operator service;

C. Directory assistance;

D. Telecommunications relay service, excluding provision of associated subscriber premises equipment;

E. Outgoing services offered by long distance carriers which serve the subscriber's exchange, including carrier access code dialing and presubscribed, 1-plus access where authorized;

F. Incoming long-distance calls;

G. A means by which local service problems may be reported;

H. Customer dispute resolution process.

f. Optional blocking of the following:

A. Transmittal of caller's telephone number and/or name to called party (except for calls to Enhanced 9-1-1 answering points);

B. Access to 900, 976 and/or 976-like services;

C. Access to non-local calling

D. Ability to accept collect calls

E. Ability for third-party calls to be charged to customer's telephone number

1.7.4. "Business Rates Service" -- Service is classified and charged for as business service where the use is primarily or substantially of a business, professional, institutional or occupational nature, or where a business directory listing is furnished, except as provided in each telephone company's applicable tariffs. Where the place of business is located on the same premises as a residence and separate telephone service is not installed for the business, the telephone service installed on the premises shall ordinarily be billed at the business rate if the person operating said business is required to obtain a business registration certificate for said business on said premises; and provided that the person is not exempted from paying West Virginia business registration tax.

1.7.5. "Busy Hour" -- The hour having the highest central office traffic load.

1.7.6. "Busy Season" -- That period of the year during which the greatest volume of traffic is handled in the central office.

1.7.7. "Calls" -- Customers' telephone messages attempted.

1.7.8. "Central Office" -- A switching unit in one (1) location of a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks. More than one (1) central office may be located in the same building.

1.7.9. "Channel" -- ~~Is an~~ An electrical path provided by ~~the~~ a telephone company between two (2) or more points, furnished in such a manner as the telephone company may elect

whether by wire, radio, fiber optics or a combination thereof and whether or not by a single physical facility or route.

1.7.10. "Class of Service" -- A description of telecommunications service furnished to a subscriber which denotes such characteristics as nature of use (Business or Residence) or type of rate (Flat Rate, ~~or~~ Message Rate or Measured Rate). ~~Classes of service are usually subdivided into classifications, such as individual line, two (2) party, or four (4) party.~~

~~1.7.11. "Classification of Service" -- The number of parties (main stations) served on a telephone line, such as one (1) party, two (2) party, four (4) party, etc.~~

1.7.11. "Commission" -- The Public Service Commission of West Virginia.

1.7.12. "Customer" -- Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., ~~provided with~~ who purchases telecommunications services ~~by the~~ from a telephone company.

~~1.7.14. "Customer Owned Public Telephone" (COPT) -- Any telephone instrument, operated by an entity other than a Public Service Commission certificated local exchange carrier, or interexchange carrier, which is predominately used by the public and/or inmates of jails, prisons, etc., and for which the telephone instrument user or called party is normally charged for use of the instrument.~~

1.7.13. "Customer Trouble Report" -- Any oral or written report from a subscriber or user of telecommunications service relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunications facilities. One (1) report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one (1) customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

1.7.14. "Direct-Inward-Dial-Number" -- A telephone number which may be used to directly signal a telecommunications device connected to a line extending from a facilities concentrating/switching device or system such as a PBX, key telephone system (KTS), hybrid PBX/KTS, CENTREX system, etc.

~~1.7.17. "Emergency Number" -- Any telephone number,~~

~~including 9-1-1, and any 7 digit or 10 digit number which could access a 9-1-1 line or trunk, which is primarily used for the purpose of reporting emergencies such as fires, the need for law enforcement, rescue and/or medical assistance, actual or imminent disasters, etc. (Former 1.7.17 will be moved to 150 C.S.R. Series 25)~~

~~1.7.18. "Emergency Services Organization" -- Means the organization established under Article 5 (§§15-5-1 et seq.), Chapter 15 of the West Virginia Code, as amended. (Former 1.7.18 will be moved to 150 C.S.R. Series 25)~~

~~1.7.19. "Emergency Telephone System" -- Means a telephone system which through normal telephone service facilities automatically connects a person dialing the primary emergency telephone number to an established public agency answering point. (Former 1.7.19 will be moved to 150 C.S.R. Series 25)~~

1.7.15. "Exchange" -- Is a A unit established for the administration of telecommunications service under the provisions of each telephone company's applicable tariffs. It consists of one (1) or more central offices together with associated plant used in furnishing local service. Its boundaries are specified on documents on file with the Commission. An exchange has one unique rate center which may be used for purposes of calculating rates and charges.

1.7.16. "Extended Area Service" -- A type of telephone service furnished under local tariff provisions whereby subscribers of a given exchange may complete calls to and receive calls from one (1) or more exchanges without the application of long distance message telecommunications charges.

1.7.17. "Held Order" -- An application for establishment of basic exchange service not filled within thirty (30) days of the date on which the prospective customer desires service.

~~1.7.23. "Held Regrade" -- An application for regrade of service not filled within thirty (30) days of the date which the customer desires service.~~

1.7.18. "Individual Line Service" -- A classification of exchange service which provides that only one (1) main station shall be served by the circuit connecting such station with the central office equipment.

1.7.19. "Intercept Service" -- A service arrangement provided by the telephone company whereby calls placed to a

disconnected or discontinued telephone number are intercepted and the calling party informed that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

1.7.20. "Interexchange Telecommunications Carrier" -- A person or entity providing telecommunications service between local calling areas pursuant to a certificate of public convenience and necessity issued under the West Virginia Code §24-2-11.

1.7.21. "Interexchange ~~Trunks~~ Trunk" A transmission path, including the conductor or conductors and associated equipment, connecting two (2) exchanges.

1.7.22. "Line" -- A general term used in communication practice in several different senses, the most important of which are:

a. The conductor or conductors and supporting or containing structures extending between NIDs located at subscriber stations premises and central offices.

b. The conductors and circuit apparatus associated with a particular communication channel.

c. Any communication channel between two (2) points disregarding the method of its derivation.

1.7.23 "Local Call" -- A call between two points both of which are within the same local calling area.

1.7.24. "Local Calling Area" -- The entire area within which are located the stations which a customer may call at the local rates and charges applicable in accordance with each telephone company's applicable tariffs.

~~1.7.29. "Local Exchange Carrier" -- A telecommunications utility regulated by the Public Service Commission of West Virginia which provides dial tone to subscribers over local exchange access lines owned, operated and maintained by the utility.~~

1.7.25. "Local Exchange Carrier" ("LEC")-- A person or entity granted a certificate of public convenience and necessity to provide local exchange services within a defined service area of the state. Incumbent LECs shall be those LECs holding certificates of public convenience and necessity prior to January 1, 1995.

~~1.7.30. "Local Exchange Service" -- The service~~

~~provided in an entire area within which are located the stations which a customer may call at local rates and charges applicable in accordance with each telephone company's applicable tariffs.~~

1.7.26. "Local Exchange Service" -- Telecommunications services that originate and terminate within local service areas in accordance with the general tariffs of the local exchange carriers, regardless of how the call is switched or routed. Local Exchange Services shall include the provision of basic local exchange service.

1.7.27. "Local Message" -- ~~is a~~ A communication between a calling station and any other station within the local service area of the calling station.

1.7.28. "Local Message Charge" -- The charge that applies for a completed telephone call that is made when the calling station and the ~~stations~~ station to which the connection is established are both within the same local calling area, and a local message charge is applicable.

1.7.29. "Local Service Charge" -- The charge for furnishing facilities to enable a subscriber to send or receive telecommunications within the local service calling area.

1.7.30. "Long Distance Service" -- ~~is that of~~ The furnishing of facilities for telecommunications between stations in different local service areas in accordance with the regulations and schedule of rates specified in each telephone company's applicable tariffs.

~~1.7.36. "Main Station" -- A telephone directly connected to a central office by an individual line circuit. In the case of PBX service, each trunk may be considered a main station. For Centrex service, trunk equivalents may be used for determining the number of main stations.~~

1.7.31. "Message" -- A completed customer telephone call.

1.7.32. "Message Rate Service" -- A classification of local service (other than public or semi-public telephone service) under which a customer pays a certain monthly charge entitling the customer ~~him/her~~ to use ~~the~~ a number of local messages, as specified in each telephone company's applicable tariffs.

1.7.33. "Message Toll Service" -- ~~Same as~~ See "long distance service".

1.7.34. "Message Unit" -- A unit used for billing message rate services. ~~and/or measured optional calling plans.~~

1.7.35 "Network Interface Device" or "NID" - The telecommunications facility which serves as the demarcation point between a subscriber's facilities, including customer premise wiring, and the telecommunication's facilities of the telecommunications carrier connecting to the NID.

1.7.36. "Non-basic Services" -- telecommunications services that are not defined as Basic Local Exchange Services.

1.7.37. "Number portability" -- The ability of purchasers of telecommunications services to retain at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

1.7.38. "O" Type Operator Service" -- Provision to a caller, by the use of automated equipment and/or telephone company personnel, in a timely and reliable manner at the request of the caller, of each of the following:

a. Emergency call transfer to the 9-1-1 or Enhanced 9-1-1 answering point serving the caller's location or, when the caller's location is not served by a 9-1-1 or Enhanced 9-1-1 system, to the proper emergency service provider;

b. Assistance, when needed, in completing local calls;

c. Information regarding how to do the following:

A. Report service problems;

B. Contact a specific toll carrier;

C. Contact the caller's local exchange carrier's business office;

D. Contact the telecommunications relay service;

E. Contact the West Virginia Public Service Commission.

1.7.39. "Operator Service Provider" --- A public telecommunications utility regulated by the Public Service Commission of West Virginia which performs any or all of the

following services, by manual and/or mechanized means, for the public:

- a. Receives and handles Zero Plus ("0+") calls.
- b. Receives and handles Zero Minus ("0-") calls.
- c. Handles, wholly or in part:
 - A. Credit card calls.
 - B. Third-number billed calls.
 - C. Collect (reversal of charges) calls.
- d. Provides emergency call routing service.

1.7.40. "Outside Plant" -- The telephone equipment and facilities installed on, along, over, or under streets, alleys, roads, highways, or on public or private rights-of-way between the central office and customers' locations or between central offices.

~~1.7.42. "Party Line Service" -- A classification of exchange service which provides for a number of main stations to be served by the same central office line.~~

1.7.41 "Payphone" - A telephone made available to the general public or inmates of jails, prisons, etc., on a fee-per-call basis; provided, however, that telephones in rooms occupied by guests, residents or patients of hotels, motels, dormitories and hospitals are not considered payphones for purposes of application of the Commission's payphone rules and regulations.

1.7.42 "Payphone Service Provider or "PSP" - Any person or business entity which owns or operates payphones.

1.7.43. "Premises" -- A term used to denote continuous property occupied by a customer either under lease or ownership as administered by each telephone company's applicable tariffs.

~~1.7.47. "Public Agency" -- Means the State, and any municipality, county, public district, or public authority which provides or has authority to provide fire fighting, police, ambulance, medical, rescue or other emergency services. (Former 1.7.47 will be moved to 150 C.S.R. Series 25).~~

~~1.7.48. "Public Safety Unit" -- Means a functional division of a public agency which provides fire fighting, police,~~

~~medical, rescue or other emergency services.~~ (former 1.7049 will be moved to 150 C.S.R. Series 25).

~~1.7.49. "Public Telephone Service" -- Is a main station installed at the telephone company's initiative, or at its option, for furnishing service to the general public. It is an individual line subscriber service usually equipped with a coin collecting telephone instrument.~~

~~1.7.47. "Regrade" -- An application for a different class of service.~~

1.7.44. "Reseller" -- A provider of local exchange and/or long distance telecommunications services that provides such services by reselling services purchased or facilities leased from other telecommunications carriers.

1.7.45. "Residence Service" -- Service be where the primary use of the service is of a domestic nature and where the business use, if any, is merely incidental.

1.7.52. "Rural Telephone Company" or "RTC" -- A local exchange carrier that meets any of the following criteria:

a. Provides common carrier service in any local exchanger carrier study area that does not include either:

A. any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or

B. any territory, incorporated or unincorporated, included in any urbanized area, as defined by the Bureau of the Census as of August 10, 1993.

b. Provides telephone exchange services, including exchange access, to fewer than 50,000 access lines to the extent such entity.

c. Provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines.

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 Telecommunications Act of 1996.

1.7.47. "Serving Local Exchange Carrier" -- The Public Service Commission certificated local exchange carrier ~~telephone company~~ which provides dial tone and local exchange access to a ~~customer owned public telephone~~. subscriber or a payphone.

1.7.48. "Station" -- ~~Is the~~ The network control signaling unit, data set, or other equipment provided by the ~~telephone company~~ customer on the customer's premises which enables ~~the~~ customer to establish ~~the~~ communications connections and to effect communications through such connections.

1.7.49. "Subscriber" -- See "Customer".

1.7.50. "Surcharge" -- Any charge imposed pursuant to the intrastate calling use of an aggregator's facilities which is not contained in a current tariff on file with the Public Service Commission.

1.7.51. "Switching Location" - A telecommunications facility used by a telecommunications carrier to connect and disconnect callers to and from lines and other transmission facilities for the purposes of communicating between points and for terminating such communications. A line concentrating device is not a switching location unless it is used to connect a caller to the caller's destination point without the use of additional switching.

1.7.52. "Tariff" -- ~~The entire body of rates, tolls, rentals, charges, classifications, rules and regulations filed with the Commission by a telephone company. A telephone company's entire body of definitions, descriptions, requirements, penalties, obligations, rates, tolls, charges, fees, classifications, rules, regulations, etc. filed with and approved by the Public Service Commission of West Virginia or allowed to to into effect.~~

1.7.53. "Telecommunications carrier" -- Any provider of telecommunications services.

1.7.54. "Telephone Company" -- Any person, firm, partnership, or corporation engaged in the business of furnishing telephone communications services to the public under the jurisdiction of the Public Service Commission of West Virginia.

1.7.55. "Telecommunications Services" - Any or all of the following, when offered, for purposes of communicating between points, to the public and regulated to any degree by the Commission, shall be considered to be telecommunications services:

a. Access to the public switched

telecommunications network;

b. Signaling capability;

c. Switching;

d. Transmission of electrical, including radio, and/or lightwave signals of a digital and/or analog nature;

e. Control necessary for proper and successful telecommunications.

The actual content of any message communicated between points is not a telecommunications service.

1.7.56. "Telephone Solicitation" -- The initiation, without the called party's prior express invitation or permission, of a telephone call to a party for the purpose of encouraging that party to purchase property, goods and/or services or soliciting donations of money, property, goods and/or services. Telephone solicitation does not include:

a. Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the calling company or organization during a period not longer than twelve (12) months prior to the telephone contact;

b. Calls made for a not-for-profit organization to its own list of bona fide or active members of the organization;

c. Calls limited to polling or soliciting the expression of ideas, opinions or votes;

d. Contacts with telephone subscribers with whom a business and/or credit relationship exists; or

e. Calls utilized for relaying messages for private purposes, including voice messaging services or message delivery services.

1.7.57. "Traffic" -- Telephone call volume, based on the number and duration of messages.

1.7.58. "Transmission Facilities" - The non-switching media necessary to convey communications signals between points. Transmission facilities include, not are not limited to:

a. Wires, cables (including co-axial and fiber

optic), waveguides;

b. Radio receivers, transmitters and antennae;

c. Amplifiers and channel derivation devices:

1.7.59. "Zero Minus (0-) call" -- A call made by the caller dialing the digit "0" and no other digits within five seconds of dialing the digit "0".

1.7.60. "Zero Plus (0+) call" -- A telephone call made by the caller dialing the digit "0" and all of the additional digits necessary to make the call.

1.8. Uniform system of accounts.

1.8.1. Under the authority of the West Virginia Code, Chapter 24, Article 2, Section 8, all local exchange telephone ~~companies~~ carriers shall maintain a "Uniform System of Accounts", as promulgated by the Federal Communications Commission effective ~~January 1, 1988,~~ and contained in Part 32 under Title 47 of the Code of Federal Regulations, as unless subsequently revised by this Commission by rule or decision. Interexchange carriers shall maintain adequate accounting records such that each interexchange carrier will be able to comply with the annual reporting requirements of this Commission.

1.8.2. Each ~~telephone company~~ telecommunications carrier will inform the Commission, concurrent with informing the Federal Communications Commission, of its intention to follow new accounting standards prescribed by the Financial Accounting Standards Board (or successor authoritative accounting standard-setting groups). Changes in accounting standards will automatically take effect ninety (90) days after the ~~telephone company~~ telecommunications carrier the Commission, unless the Commission notifies the ~~company~~ carrier to the contrary.

1.8.3. For the purpose of securing uniformity in the applications of this system, all questions of doubtful interpretation of accounting rules are to be submitted to the Commission for consideration and decision.

§150-6-2. Customer relations.

2.1. Customer billing.

2.1.1. Bills to customers shall be typed or clearly printed, rendered monthly, and shall contain a listing of all charges and the period of time covered by the billing period. ~~Local service charges for residential and commercial customers shall be itemized at initiation of service, whenever a change is made in local service, and once annually. This itemization shall list separately all items such as service options extensions and other items for which a flat monthly charge is made. However, the telephone company is not required to itemize changes made in local commercial service for Centrex and large PBX customers.~~

a. For good cause shown and pursuant to the specific and express approval of the Commission, bills may contain charges for non-telecommunications services or items; Provided, however, that no telecommunications services may be denied, interrupted or discontinued for failure of the billed party to pay any portion of the charges billed for non-telecommunications services or items. Further, in the case of partial payments of bills rendered, such partial payments shall first be applied to amounts owed for telecommunications services.

2.1.2. Bills for Toll Service --

a. Statements itemizing message toll charges, if applicable, shall be included in bills to customers and shall show location of origin of call, location of destination of call, place, date, time, duration, and discount for each such toll charge made. The discount may be shown either as a percentage amount or as a dollar figure: **Provided**, it appears in understandable form. The statement shall further show on which rate schedule the call is being billed. (Direct Dialed, Operator Handled, Person to Person, etc.).

b. All charges for service, whether such charges are flat-rate or usage based, shall appear on a bill rendered not later than sixty (60) calendar days beyond the date on which the charge was incurred.

2.1.3. Statement of Applicable Rates --

a. Each telephone utility shall transmit by mail to each of its basic residential and business customers a clear and concise statement of the existing rate schedule applicable generally to residential and business customers.

b. Such written statement shall first be transmitted by hand or by mail to all such customers upon application for service; and

c. to all customers within sixty (60) days of a final order of the Commission in a general rate case; and, in any event,

d. to all customers not less frequently than once each calendar year.

e. Such written statement may be transmitted together with the customer's billing or in such other manner as the Commission deems appropriate.

2.1.4. Disputed bills --

In the event of a dispute between the customer and the telephone company respecting any bill, the telephone company may require the customer to pay the undisputed portion of the bill and shall make such investigation as may be appropriate to the particular case, and report the result thereof to the customer. In the event the dispute is not reconciled, either party may make application to the Commission for review and disposition of the matter.

2.1.5. Service interruptions --

When the use of service or facilities furnished by the telephone company is interrupted due to any cause other than the negligence or willful act of the customer or the failure of the facilities provided by the customer, a pro rata adjustment of the fixed monthly charges involved will be allowed for the service and facilities rendered useless and inoperative by reason of the interruption whenever said interruption continues for a period of ~~forty-eight (48)~~ twenty-four (24) hours or more from the time it is reported to or known to exist by the telephone company, except as otherwise specified in the telephone company's applicable tariffs. For the purpose of administering this regulation, every month is considered to have thirty (30) days.

2.1.6. Payment shall not be delinquent less than ~~twenty (20)~~ thirty (30) days after such bill is mailed to the customer.

2.2. Credit considerations.

2.2.1. Establishment of credit --

a. Applicants for service -- Before service is rendered, an applicant for service, in addition to complying with all other applicable rules and regulations, may be required to establish satisfactory credit. The applicant shall be notified

promptly of such requirement to prevent any undue delay in the furnishing of service. Any applicant who has not established his credit, as provided under this Rule may be required to pay any service connection charge and make an advance payment on his/her account in an amount equal to one (1) month's estimated average total bill for all services before service is established. An advance payment shall not relieve the applicant of his/her responsibility to establish satisfactory credit. The intent of this regulation is to provide maximum requirements for use to protect revenues from known credit risks and not as a substitute for reasonable business judgment.

A. In the case of an applicant for residential service, credit will be deemed established if:

(a) The applicant owns the premises to be served: **Provided**, the credit of the applicant is not otherwise impaired; or

(b) The applicant demonstrates by appropriate means that his/her credit is acceptable to the telephone company. In determining whether the credit of the applicant is acceptable, the telephone company may request the following information from the applicant and shall consider it: name of employer, place of employment, length of service, the names of credit references; or

(c) The applicant has been a customer of a telephone company for a similar type of service within a period of six (6) consecutive months preceding the date of application unless records of such previous service show that during the last twelve (12) consecutive months of that service period, service was denied or disconnected for non-payment; or

(d) The applicant furnishes a guarantor satisfactory to the telephone company to secure payment of bills for the service requested; or

(e) The applicant makes a cash deposit. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for the residential service: **Provided**, however, That this rule shall not affect residential customer security deposits required by a utility prior to the passage of West Virginia Code §24-3-8 on March 12, 1983.

B. In the case of an applicant for business service, credit will be deemed established if:

(a) The applicant owns the premises to be

served: **Provided**, the credit of the applicant is not otherwise impaired; or

(b) The applicant demonstrates by appropriate means that his/her credit is acceptable to the telephone company. In determining whether the credit of the applicant is acceptable, the telephone company may request the following information from the applicant, and shall consider it: name of the business and the names of its officers or owners; type of organization, e.g., individually owned business, partnership, corporation; nature of the product or service provided; length of time established; other telephone service, present or previous; banking references and other sources of credit information which may be quickly and inexpensively contacted by the telephone company and any other information pertinent to the determination of the credit standing of the applicant; or

(c) The applicant has been a customer of a telephone company for a similar type of service within a period of six (6) consecutive months preceding the date of application unless records of such previous service show that during the last twelve (12) consecutive months of that service period, service was denied or disconnected for non-payment, or the applicant had more than one (1) occasion during such twelve (12) month period in which a bill was not paid within the period prescribed by the reasonable regulations of the telephone company on file with the Commission: **Provided**, That the average total monthly bill for all services rendered during such twelve (12) month period was equal to at least fifty percent (50%) of that estimated as the average total monthly bill for the service being applied for, and: **Provided**, further, That the credit of the applicant is not otherwise impaired; or

(d) The applicant furnishes a guarantor satisfactory to the telephone company to secure payment of bills for the service requested; or

(e) The applicant makes a cash deposit to secure payment of bills for service as prescribed in Rule 2.2.3.

C. The establishment of credit under the provisions of this Rule, or the re-establishment of credit under the provisions of Rule 2.2.3. shall not relieve the applicant for service or customer from compliance with regulations of the telephone company on file with the Commission as to advance payments and the payment of bills, and shall not modify any regulations of the telephone Company in regard to the discontinuance of service for the non-payment of bills due for service furnished.

2.2.2. Reestablishment of credit --

a. Applicant for service - previous customer -- An applicant for service who previously has been a customer of the telephone company and whose most recent period of service was discontinued by the telephone company because of non-payment of bills, may be required to reestablish credit in accordance with Rule 2.2.3. The telephone company may refuse to provide service if the customer still owes a bill for previous service, furnished to him at the same or another location, regardless of amount owing: **Provided**, however, That an applicant for residential service shall not be denied service for failure to pay bills for business service, except where he was the sole owner of or partner in the business formerly served and responsible for charges incurred in connection with such business service.

b. Current customer with service --

A. customer who fails to pay bills before they become past due in accordance with the telephone company's standard billing practices, and who further fails to pay such bills within the time intervals prescribed by Rule 2.2.6. may be required to pay such bills and reestablish his credit by depositing the amount prescribed in Rule 2.2.3. and, when applicable, a reconnection charge. However, residential customers shall be entitled to enter into a deferred payment plan as described in Rule 2.2.6.e.

B. A customer may be required to reestablish his credit in accordance with Rule 2.2.3. in case the conditions of service or basis on which credit was originally established have changed materially.

2.2.3. Deposits: amount, receipt, interest --

a. Computation of amounts for non-residential customers -- The amount of the cash deposit which may be required to establish credit for non-residential customers shall not be in excess of one and one-half (1-1/2) the estimated average total monthly bill for all services, and in the case of seasonal service, in excess of one-half (1/2) of the estimated charges for the service for the season involved. After service has been established and experience demonstrates that the amount of the outstanding deposit is not suitable to safeguard the interests of the telephone company, the telephone company may require an adjustment to the deposit. In certain services which carry a termination liability, such as PBX installations, the amount of the deposit shall be determined by the circumstances involved in each case.

b. Issuance of deposit receipt -- Concurrently with receiving a cash deposit, the telephone company shall provide the applicant for service or customer a receipt showing: the date thereof; the name and billing address of the applicant or customer to be served or served; and the amount of the deposit.

c. Interest rate and method of payment - The simple interest rate to be paid shall be determined as follows: The rate which utilities shall be required to pay shall be the average of the one-year United States Treasury Bill rates for October, November and December of the preceding calendar year. By January 15 of each year, Staff of the Commission shall make the necessary calculations and file with the Commission its calculations. The Commission will issue an order setting the rate to be paid by the utilities until the next annual Commission order.

2.2.4. Refund of deposits --

a. Upon discontinuance of service the telephone company shall apply the customer's deposit, including accrued interest, to the final bill for service. Any amount in excess of the final charges shall be refunded to the customer promptly. A transfer of service from one (1) premise to another within the service area of the telephone company shall not be deemed a discontinuance within the meaning of these Rules.

b. The telephone company shall return the deposit accrued interest at any time upon request, if the customer's credit has been otherwise established in accordance with Rules 2.2.1. or 2.2.2.

c. At the option of the telephone company, a deposit plus accrued interest may be refunded, in whole or in part, at any time earlier than the times hereinabove prescribed in this Rule.

d. No amount deposited as surety for provision of telecommunications service may be applied against any amounts owed for non-telecommunications services or items.

e. Customers with residential service -- After the customer has paid bills for service for nine (9) (or less at the company's discretion) consecutive months without having had service denied or disconnected for non-payment, and without having had more than two (2) occasions on which a bill was not paid within the period prescribed by Rule 2.1.6., and provided the credit of customer is not otherwise impaired, the telephone company shall refund the deposit plus accrued interest. If the customer has had service denied or disconnected for non-payment, or has had more

than two (2) such past due bills during such period, the telephone company shall thereafter review the account every six (6) months and shall refund the deposit plus accrued interest after the customer has not had service denied or disconnected for non-payment, and has not had more than two (2) such past due bills during the six (6) months prior to any such review: **Provided**, That the credit of the customer is not otherwise impaired.

f. Customers with business service -- After the customer has paid bills for service for twenty-four (24) consecutive months without having had service denied or disconnected for non-payment, and without having more than one (1) occasion on which a bill was not paid within the period prescribed by Rule 2.1.6., and: **Provided**, the credit of the customer is not otherwise impaired, the telephone company shall refund the deposit plus accrued interest. If the customer has had service denied or disconnected for non-payment, or has had more than one (1) such past due bill during such period, the telephone company shall thereafter review the account every twelve (12) months and shall refund the deposit plus accrued interest after the customer has not had service denied or disconnected for non-payment, and has not had more than one (1) such past due bill during the twelve (12) months prior to any such review: **Provided**, That the credit of the customer is not otherwise impaired.

g. Upon the customer's meeting the provisions above for refund of deposit, the telephone company shall promptly and automatically refund the deposit plus accrued interest. A receipt or production of proof of payment will not be necessary under these regulations as a condition of the deposit refund.

2.2.5. Record of deposit -- The telephone company shall keep a record of each cash deposit until the deposit is returned. The record shall show: the name and current billing address of the depositor; the amount and date of the deposit; and each transaction concerning the deposit.

2.2.6. Denial or discontinuance of service --

a. The telephone company may refuse, deny, or discontinue service, as appropriate, for failure on the part of the applicant or a customer to establish or reestablish credit in accordance with these Rules or for non-payment of a delinquent bill owed to the telephone company for service furnished. Delinquency under this provision shall apply to previous or existing service, whether at the same or another location and also be in accord with the provisions of Rules 2.2.2. and 2.2.4., and Rule 2.4.3.

b. The telephone company shall give written notice

complying with Form 14-T sent first class mail, address correction requested, at least ten (10) days prior to the scheduled termination. At the time notice is given, a residential customer shall be advised of his rights under Rule 2.2.6.e. Written notice shall become invalid thirty (30) days after the date indicated on the notice for termination. At the time notice is given, a residential customer shall be advised of his rights under Rule 2.2.6.e. Written notice shall become invalid thirty (30) days after the date indicated on the notice for termination. The telephone company shall also make at least two attempts at personal notice by telephone at least twenty-four (24) hours prior to termination. However, the inability of the telephone company to perfect personal notice shall not prevent the telephone company from terminating service. Discontinuance of service will not be made on a day that the business office is closed or on any day immediately preceding a day on which the business office is closed. Furthermore, discontinuance of service shall not be made earlier than 8:00 a.m., nor later than 4:00 p.m.

c. If, prior to termination of service, the utility receives notice from the customer:

A. that any portion of a bill is in dispute,
 B. that he is being charged for service not rendered,

C. that any information resulting in the utility's decision to terminate is erroneous,

D. that he is unable to pay for such service in accordance with the requirements of the utility's billing and that termination or service would be especially dangerous to the health or safety of a member of the customer's household, or

E. that he is able to pay for such service but only in installments, the utility shall provide an opportunity to the customer for presentation of his complaint to a designated managerial employee, who is empowered to resolve the dispute. The hearing shall take place at the business office nearest to the customer's residence: **Provided**, however, That at the option of the customer, the hearing may take place by a telephone conference. The customer shall have seven (7) days from the date of the utility's decision to file an appeal with the Commission. Service may not be terminated from the date the utility receives notice of the customer complaint until the expiration of the seven (7) day appeal period, or during the pendency of an appeal to the Commission. Any amount not in dispute must be paid by the customer in order to protect his rights under this rule except as provided

in Rule 2.2.6.e.

d. In the event a customer is back-billed any amounts, including but not limited to, amounts resulting from misapplication of a rate in any item normally a part of monthly local service charges, service shall be denied or discontinued for failure of the customer to pay such amounts, only if the customer refuses to negotiate, and subsequently meet payment arrangements mutually satisfactory to both parties.

e. Any residential customer who has been notified that telephone service is to be terminated for non-payment of bills shall be given the opportunity to enter into a deferred payment agreement: **Provided**, That the customer has demonstrated an ability to pay but only in installments. The customer shall be informed at the time a disconnect notice is issued of the option of a reasonable payment plan. The conditions surrounding the deferred payment agreement shall be as follows:

A. The details of the deferred payment agreement are to be negotiated between the utility and the customer and may consider several factors, including, but not limited to the following: amount of the bill; ability of the customer to pay; payment history; time the debt has been outstanding; reasons why the debt has been outstanding; and any other relevant factors: **Provided**, That the agreement requires payment of the current bill plus a specific amount per month on the arrearage. A customer's line may be put on a toll-restricted service as a part of a deferred payment agreement.

B. Utilities shall be allowed to collect a carrying charge of six percent (6%) on any outstanding balance subject to a deferred payment agreement: **Provided**, however, That any utility which charges interest on unpaid balances pursuant to tariff shall be precluded from charging additional interest pursuant to this Rule.

C. Once a deferred payment agreement has been established, if the customer's financial conditions significantly change and the existing payment works a hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 2.2.6.e.A. However, during any renegotiation period, the customer must timely pay his current bill and make some payment on the arrearage.

D. The deferred payment agreement shall include language informing the customer of the right to appeal the reasonableness of the proposed payments to the Public Service Commission.

E. During the appeal, service may not be terminated: **Provided**, however, That the current bill must be timely paid by the customer in order to protect his rights under this Rule.

F. If the deferred payment is not received, in accordance with the terms of the agreement, the utility may terminate service only after it has mailed written notice, by first class mail, to the customer at least five (5) calendar days, excluding postal holidays, prior to termination: **Provided**, That at the option of the utility, either personal contact or telephone contact may be substituted for contact by first class mail. If the customer makes the delinquent payment within that notice period, service shall not be terminated.

f. For the purposes of Rule 2.2.6.c.D., a customer is required to provide written certification from a licensed physician that termination would be especially dangerous to the health or safety of a member of the customer's household. Written certification must be renewed every thirty days, except when a licensed physician can state, to a reasonable degree of medical certainty, that the medical condition which makes termination especially dangerous is permanent.

g. Cellular and other wireless service telephone companies telecommunications carriers and interexchange carriers shall be exempt from any requirements of Rules 2.2.6.b., 2.2.6.c., 2.2.6.e., and 2.2.6.f.

h. Any telephone company may cancel, revoke or limit any calling card issued to a customer at any time it deems appropriate notwithstanding the other requirements of these Rules.

2.2.7. Service reconnection charge -- Where service has been discontinued pursuant to the terms of the notification provided for in Rule 2.2.6.b. herein, the telephone company may charge and collect the reconnection charge set out in its tariff.

2.2.8. All statements of accounts shall carry prominently display the following statement: ~~the legend~~ "This Company is a utility regulated by the Public Service Commission of West Virginia". Further, monthly billing statements shall explain in terms familiar to consumers the elements of all local service charges.

2.3. Reasons for denying service.

The telephone company may suspend or terminate the service for the following reasons:

2.3.1. Non-payment of any sum due for service and not in bona fide dispute: **Provided**, That there has been compliance with Rule 2.2.6.e. for residential customers.

2.3.2. Making of nuisance calls.

~~2.3.3. Abuse of party line service.~~

2.3.3. Violation of or non-compliance with Commission regulations or FCC technical requirements.

2.3.4. Failure to comply with laws applicable to telephone service.

2.3.5. Failure to permit the company reasonable access to company equipment.

2.4. Insufficient reasons for denying or discontinuing service.

The following shall not constitute sufficient cause for refusing, denying or discontinuing service to an applicant or present customer:

2.4.1. Delinquency in payment for service by a previous occupant of the premises to be served other than a member of the same household.

2.4.2. Failure to pay directory advertising charges, however, in such case customer's telephone number may be changed.

2.4.3. Delinquency in payment for business service shall not constitute sufficient cause for refusal of residence service or vice versa except as provided in Rule 2.2.2.a.

2.4.4. When the subscriber is of the age sixty-five (65) years or older, and such subscriber is living alone, denial or discontinuance of service shall not be made prior to contact with a near relative, i.e., son, daughter, niece, or nephew, or responsible third party. Where the West Virginia Department of Welfare is a party in interest, they are considered as such third party. This exception shall also apply to any subscriber regardless of age, who is physically and/or emotionally incapacitated, and living alone.

2.4.5 Basic Local Exchange Telephone Service, as defined in 1.7.3. shall be neither disconnected nor interrupted for non-payment of charges rendered for provision of Non-Basic Services, as defined herein, provided the customer pays for and

continues to pay all charges, not in bona fide dispute, related to basic services.

2.5. Complaints and appeals.

2.5.1. The telephone company shall make a full and prompt investigation of all complaints made by its applicants or customers either directly to it or, upon Commission request, to the Commission.

2.5.2. The telephone company shall direct its personnel engaged in initial contact with an applicant or customer in which dissatisfaction with the decision or explanation of such personnel is expressed, to inform him/her of his/her right to have the problem considered and acted upon by supervisory personnel of the telephone company. The telephone company shall further direct such supervisory personnel that the applicant or customer be furnished the address and telephone number of the Utility Complaints Division of the Public Service Commission of West Virginia to be contacted for further review of the problem.

2.6. Directories.

2.6.1. Primary telephone directories of all exchanges shall normally be revised, printed and distributed to customers once each year listing the name, address and telephone number of all customers, except public telephones and numbers unlisted at customer's request. All LECs must either produce their own directories or arrange with another entity such as the incumbent LEC for the provisioning of directories.

2.6.2. Telephone directories shall include listings for all local service areas for the exchanges in which this directory is supplied.

2.6.3. The telephone company shall list its customers in the Directory Assistance Directory necessary for the Directory Assistance operators to provide the requested telephone numbers based on the customers' names and addresses, within one (1) week of establishment of service.

2.6.4. Upon issuance, two (2) copies of each directory shall be furnished to the Commission.

2.6.5. Information pertaining to emergency calls, such as for the police and fire departments, shall appear conspicuously in the front part of directory pages. Also the offices of the West Virginia State Police, Sheriff's Office, and ambulance services shall be listed.

2.6.6. The directory shall contain such instructions concerning placing local and long distance calls, calls to Telephone Repair Service and Directory Assistance Services, and location, office hours and telephone number of telephone company Business Offices as may be appropriate to the area served by the directory.

2.6.7. Directory Assistance or intercept operators shall have access to records of all customers' numbers (except public telephones and telephone numbers unlisted at the customer's request) in the area for which they are responsible for furnishing Directory Assistance Service.

2.6.8. In the event of an error in the listed number of any customer, the telephone company shall, where practicable, intercept all calls to the listed number until the next local directory is issued. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the Directory Assistance or intercept operators and the correct number furnished the calling party either upon request or intercept.

2.6.9. Whenever any customer's telephone number is changed after a directory is published, the telephone company shall intercept all calls to the former number for a reasonable period of time and give the calling party the new number: **Provided**, existing central office equipment will permit and the customer so desires.

2.6.10. When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

2.6.11. Each directory shall contain rate schedules by mileage band for inter and intra state message toll calls. Such listings shall show the rates for direct dial calls and operator handled calls in each applicable time period. In addition each directory may contain representative rate schedules for inter and intra state toll calls.

2.6.12. Illustrative service connection and installation charges for residential service shall be listed in each directory.

2.7. Labeling of station equipment.

Where the telephone company offers for outright sale to the subscriber items of equipment or apparatus to be used in

conjunction with telephone service or accessory thereto, it shall be plainly labeled on the item that this is a product sold by the company. On such services and/or equipment which are comprised both of items sold to the customer and items provided by the telephone company not for sale and intended to remain property of the telephone company, such items shall be clearly marked for identification so that the customer can readily identify his/her purchased property from that part of the property which the telephone company retains ownership.

2.8. Changes in Subscriber Carrier Selections.

a. No telecommunications carrier shall submit or execute a change in a subscriber's selection of a provider of local exchange telephone service or interexchange telecommunication's service except in accordance with the verification procedures stated in this section.

b. In order for a telecommunications carrier to obtain subscriber confirmation of a request for a change in local exchange telephone service or a change of presubscribed interexchange carrier (PIC) providing intrastate toll service, a telecommunications carrier must, from the customer of record:

A. Obtain written authorization through letters of agency; or

B. Obtain electronic authorization through the use of a toll-free telephone number;

Or Must:

C. Orally verify the change of carrier request through an appropriate independent third party; or

D. Send an information package, including a pre-paid, returnable postcard within three days of the subscriber's request for a change of carrier, and wait fourteen (14) days before submitting the subscriber's order to the local exchange carrier.

c. The letter of agency described in subsection 2.8.b.1, above must contain:

A. The subscriber's billing name and address and each telephone number to be covered by the change order;

B. A line stating the subscriber's decision to change from the current local or interexchange carrier to the prospective local or interexchange carrier;

C. A statement that the subscriber designates the local or interexchange carrier to act as the subscriber's agent for the change.

D. A statement that the subscriber understands that any change of carrier may involve a charge to the subscriber.

E. Nothing that conflicts with FCC rules found in Part 64, Subpart K, §64.1150 entitled "Letter of agency form and content".

d. Carriers shall retain, for at least six months, hard copy or electronic documentation of carrier change requests in which they become the requestors' chosen carrier. Such documentation shall be supplied to the Commission upon request.

e. Any telecommunications carrier that violates the verification procedures described in this section and that collects charges for local exchange service or intrastate toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to all charges paid by such subscriber after such violation.

g. The Commission, upon finding that any provision of this section of the Rule has been violated, take any or all of the following action:

A. Lay a fine upon the violator for each violation. Such fine shall not exceed the applicable limits of the West Virginia Code.

B. Revoke the violator's certificate of public convenience and necessity.

f. In the case of an unauthorized change in carrier and/or a change which violates the verification procedures described in this section, subscribers shall be liable only for charges up to an amount that would have been paid to their former, authorized local exchange carrier and/or intrastate interexchange carrier. The remedies provide by this section are in addition to any other remedies available by law.

2.9 Non-Interruption of Basic Telephone Service Due To Reseller Inability to Serve

2.9.1. No Local Exchange Carrier shall discontinue service to a reseller without first providing notice to the reseller and

the Commission. The Commission may take such action as it deems appropriate to protect the public interest.

§150.6-3. Engineering.

3.1. Construction.

~~The telecommunications~~ Telecommunications plant shall be designed, constructed, maintained, and operated in accordance with the provisions ~~as~~ outlined in the current National Electrical Safety Code or ~~REA~~ applicable RUS Standard, or such other appropriate regulation as may be prescribed.

3.2. Switching service.

In order to provide and maintain the best possible service for all telephone customers, the telephone company shall not be required to provide exchange or message toll switching services to lines that introduce energy into the network at levels or frequencies that will interfere with other users.

~~3. Inter-exchange trunks or toll circuits shall be full metallic or equivalent (e.g., microwave, carrier, fiber optic or waveguide).~~

~~3.3. Grounded circuits.~~

~~Grounded circuits will not be permitted except for signalling purposes.~~

~~3.4. Selective ringing.~~

~~In providing new dial central offices, the telephone company shall provide, as a minimum, full selective ringing on all two (2) party and four (4) party lines and semi-selective ringing on all remaining multi-party lines until upgraded.~~

3.3. Emergency operation.

3.3.1 The telephone company shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of personnel, or from fire, storm, or other acts of God, and the telephone company shall inform employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telephone service.

3.3.2. It is essential that all ~~central offices~~ switching locations have adequate provision for emergency power. At switching locations ~~in offices~~ without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected on short notice.

3.3.3. At switching locations service in excess of ~~in~~ exchanges ~~exceeding~~ five thousand (5000) lines, a permanent auxiliary power unit ~~should~~ shall be installed.

3.3.4. Selective interruption of telephone service may be necessary to insure continuance of service to essential users during emergency conditions.

3.4. Construction work near utility facilities.

3.4.1. Upon receipt of written or verbal notification from the property owner, or from a contractor, of work which may affect its facilities used for serving the public, the telephone company shall investigate and decide what action, if any, such as identifying in a suitable manner the location of any underground facilities which may be affected by the work, must reasonably be taken to protect or alter telephone facilities in order to protect service to the public and to avoid unnecessary damage.

3.4.2. The telephone company shall take such action as is reasonably and legally necessary to protect, remove, alter, or reconstruct its facilities, and shall perform such work with reasonable dispatch taking into account the conditions to be met: **Provided**, That nothing in this Rule shall be deemed to affect any right which the telephone company may have to require advance payment or adequate assurance of payment to the telephone company by the property owner or contractor of the reasonable cost thereof.

3.4.3. The telephone company may, in order to protect its interests, require that the owner or contractor perform certain work upon that part of the service facilities on, or being removed from, the property on which the work is being performed. This Rule is not intended to affect the responsibility of the contractor or owner, or the liability or legal rights of any party.

3.4.4. The telephone company shall provide a listing in each of its directories advising the public and contractors of an appropriate office to call for guidance and directions for performing excavations, etc., near telephone facilities.

~~§150-6-4. Metering, inspections and tests.~~ **Testing**

4.1. Provisions for testing.

The telephone company shall provide or have reasonable access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either both for routine maintenance ~~or~~ and for fault location.

~~4.2. Meter reading records.~~

~~When meters are used in connection with telecommunications service the meter reading data and related customer records from which the customer's bills are prepared shall show:~~

~~4.2.1. Identifying number or means to determine readily the customer's name, address and service classification.~~

~~4.2.2. Meter readings.~~

~~4.2.3. Date of meter reading.~~

~~4.2.4. Multiplier or constant, if used.~~

~~4.3. Meter reading interval.~~

~~As nearly as practicable, meters shall be read at intervals to correspond to customer billing periods.~~

~~4.4. Meter and recording equipment test facilities.~~

~~4.4.1. The telephone company furnishing telecommunications service, where local exchange billing is based on the number and/or duration of messages, shall provide the necessary facilities, instruments and equipment for testing its metering or recording equipment. The telephone company may be exempted from this requirement by the Commission: **Provided**, That satisfactory arrangements are made for test of its meters and recording equipment by another telephone company or approved agency.~~

~~4.4.2. The overall accuracy of the test equipment and test procedure shall be sufficient to enable test of meters and recording equipment within the requirements of these Rules.~~

~~4.5. Meter and recording equipment requirements.~~

~~All meters and/or recording devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All meters and/or recording devices shall accurately perform the following:~~

~~4.5.1. For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show the number of completed messages sent by the station which it is measuring.~~

~~4.5.2. Where a meter is associated with the station making the call, the meter shall accumulate the number of message units used for these calls.~~

~~4.5.3. Where the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required and must be provided the Commission on request.~~

~~4.6. Initial test.~~

~~Every telephone meter and/or recording device shall be tested for accuracy when released for service, either by the manufacturer, the telephone company, or an approved organization equipped for such testing.~~

~~4.7. As-found tests.~~

~~All meter and/or recording devices tested in accordance with these Rules for routine testing for complaint purposes shall be tested in their normal operating location and wiring made prior to removal or adjustment.~~

~~4.8. Routine tests.~~

~~The telephone company shall adopt appropriate practices for the periodic testing and maintenance of its controlling trunk equipment associated with the meters and/or recording devices to assure the integrity of their operation.~~

~~4.9. Request tests.~~

~~Upon request of any customer the telephone company shall make a test of any meter and/or recording device related to his/her billing: **Provided**, such request is not made more frequently than once each six (6) months.~~

~~4.10. Referee tests.~~

~~Any customer, by written application to the Commission, may have a test of any meter and/or recording device related to his/her billing, conducted by the telephone company in the presence of a representative of the Commission: **Provided**, such application is not made more frequently than once in six (6) months.~~

~~4.11. Test records.~~

~~A record of all meter and/or recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include: the identifying number of the meter and/or recording device; its type; the date and kind of test; and, the results of each test.~~

§150-6-5. Records and receipts reports.

5.1. Location of records.

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

5.2. Preservation of records.

All records required by these rules shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the Public Service Commission of West Virginia.

5.3. Service Quality Reports.

The telephone company shall submit to the Commission appropriate annual reports describing its performance with respect to the standards of service prescribed herein. All statistics and measurements will normally be reported on a West Virginia operations basis and shall be a product of the normal Company's measurement techniques. These reports shall be due in the Commission's office within forty-five (45) working days after the end of the period to be reported.

As the Company changes or improves its measurement procedures, the comparative data shall also be changed and the Commission apprised of the nature of the change coincident with the first report under the new procedure.

The annual data report to the Public Service Commission shall follow the format shown on P.S.C. Form No. T-1.

5.4. Financial and Statistical Report format.

Telecommunications carriers shall file annually a financial and statistical report upon forms to be furnished by the Commission. Said report shall be based upon the accounts set up in

conformity with the Commission's order and rule as set out in Rule 1.8 of these rules and regulations. This report shall be filed on or before March 31st of each year, or at such date as the Commission may direct. Interexchange carriers with intrastate gross revenue less than \$1 million annually are not required to file financial and statistical reports unless they have been certified as a local exchange carrier. Cellular and wireless service carriers which have not been certified as local exchange carriers are not required to file financial and statistical reports.

5.5. Management audits.

5.5.1. Scope -- To establish a procedure for examination of management practices and policies to determine whether the entity being audited is operating with efficiency and utilizing sound management practices. The purpose of a management audit is to disclose operating areas that are efficient or inefficient, to identify areas for improvement, and to form recommendations for changes. The results of a management audit and the response of the utility to the recommendations and implementation plans developed pursuant to a management audit may be a factor in determining just and reasonable rates, as set out herein.

5.5.2. Types of management audits -- The following types of management audits, which vary in scope, may be directed and utilized by the Commission:

a. Comprehensive -- An investigation characterized by an extensive, detailed analysis of a utility's management and operations.

b. Reconnaissance -- A broad review, similar in scope to a comprehensive audit, but in less detail. The objective of this type of audit is to identify specific areas for more intensive investigation based upon the magnitude of the problem identified or the potential benefits to be derived.

c. Focused -- An in-depth investigation of one (1) or several specific areas of a utility's management and operations.

5.5.3. Frequency -- The Commission shall order a management audit of any utility under its jurisdiction whenever the Commission deems it necessary to investigate the operational efficiency of the utility. Such factors as the cost of the management audit and the potential benefits of such audit may be taken into consideration. The Commission may accept or request a

management audit performed under the rules of another jurisdiction in satisfaction of this rule when that audit is of the scope contemplated by the Commission, conforms to the standards herein set forth and covers the utility's service functions in its West Virginia jurisdiction.

5.5.4. Conduct and control --

a. The Commission may choose to have the audit performed by its Staff or contracted to a qualified outside auditing firm. In the latter case, the Commission may supervise the selection process. If the management audit is to be conducted by an auditing firm, the Commission's order initiating the audit shall include provision for the development of the request for proposal (RFP), the consultant selection process and Staff's assistance and supervision during the audit.

b. The Commission may impose eligibility restrictions upon contractors relating to past, current, and post-audit relationships with the utility.

c. The utility is expected to cooperate to the fullest extent with the performer of a Commission ordered management audit. A responsible employee shall be appointed by the utility as its management audit coordinator, who shall be responsible to assist in the efficient performance of the management audit.

5.5.5. Costs -- It shall be the responsibility of the audited utility to pay for a contracted audit. The Commission shall include the reasonable cost of conducting the contracted management audit in the cost of service of the utility. The Commission may allow such costs to be recovered in the utility's next general rate case following completion of the audit, or the Commission may order such costs to be amortized over a reasonable period of years, considering the impact of these costs on both the utility and its customers.

5.5.6. Implementation of recommendations --

a. Draft report --

A. Upon completion of the audit a draft report shall be submitted to the utility for comments.

B. The auditor and Company representatives shall conduct a draft review meeting subsequent to the distribution of the draft review report.

b. Final report --

A. A final report shall be submitted to the Commission no later than thirty (30) days after the submission of the draft report to the utility.

B. Within thirty (30) days of the final submission of the management audit report, the utility shall file a document detailing its position on each audit recommendation. This document must state which recommendations are acceptable to the utility and the nature of the utility's disagreement with any recommendations.

c. The Commission may, after hearing, issue an order prescribing the recommendations which should be adopted by the utility.

d. The utility shall file detailed implementation plans for the Commission's review and approval within the time specified in the Commission's order prescribing which recommendations the utility should adopt. The utility shall not deviate from an approved implementation plan without prior notice to the Commission which specifically states the utility's reasons for departing from the approved plan.

e. At the direction of the Commission, a follow-up audit may be performed to review the progress of the utility in implementing the approved plans and the results of previously performed management audits.

f. A management audit report and implementation plan adopted pursuant thereto and any follow-up audit may be used by parties in a general rate case subsequent to the management audit. Such audits and implementation plans may be a factor in the determination of just and reasonable rates if introduced as an exhibit and subjected to normal due process procedures.

g. The Commission may grant an extension of the time limits established in this Rule upon a showing of good cause for such extension.

§150-6-6. Standards of quality of service.

6.1. Basic telephone company obligations.

6.1.1. The telephone company shall provide telecommunications service to the public in its service area in accordance with its rules and tariffs approved by and on file with the Commission.

6.1.2. The telephone company shall employ prudent management and engineering practices, including the employment of reliable procedures for forecasting future demand for service, to the end that reasonable margins of facilities and adequate personnel are available to ensure that service will meet the standards of quality described herein.

6.1.3. The telephone company has the obligation of continually reviewing its operations to assure the furnishing of service in accordance with the standards set forth herein. Studies shall be made and records maintained to the extent and with the frequency necessary to determine that sufficient and suitable equipment and an adequate operating force are provided.

6.1.4. The telephone company shall maintain records of its operations in sufficient detail as is necessary to permit review of service quality, and such records shall be made available for inspection by the Commission, upon request, at any time within the period prescribed for retention of such records.

6.1.5. Where a telephone company is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the Commission.

6.1.6. Suitable practices shall be adopted by the telephone company to ensure that employees are courteous, considerate, and efficient in the handling of all calls, and comply with the provisions of all applicable Federal and State laws in maintaining secrecy of communications.

6.1.7. Upon reasonable requests the telephone company shall provide verification of busy lines.

6.2. Service standards.

6.2.1. Request for new service --

a. The telephone company shall endeavor to satisfy requests for the installation of local exchange service within five (5) working days after receipt of application.

b. Installation intervals beyond five (5) working days are appropriate in those instances where a later installation date is requested by the applicant, where special equipment or services are involved, where installation forces are busy restoring services due to interruption caused by emergency situations, where materials cannot be obtained through no fault of the company, and during unusual ~~rush~~ periods caused by seasonal factors or work

stoppage. Normally, the telephone company is expected to complete at least ninety percent (90%) ~~seventy five percent (75%)~~ of requests for new service within five (5) working days when no special equipment or significant construction is involved.

c. Whenever, for any reason, the service installation cannot be made on the day requested by the applicant or within the prescribed interval, the applicant ~~will~~ shall be notified promptly of the delay, the reason therefore, and the approximate date when the installation will take place.

d. When the request for new service requires an unusually large amount of construction outside the Base Rate Area and is on public right-of-way, the customer may be required to pay a portion or all of the costs associated with the required construction. However, these charges are applicable only when the revenue to be received by the telephone company or the immediate prospect of securing sufficient additional revenue, or both, does not justify the necessary investment.

When the construction for which the telephone company has made a cash construction charge is utilized by the telephone company for the purpose of serving additional customers or for supporting other telephone facilities, the telephone company shall refund a portion or all of the amount charged. Refund periods must be consistent with that used to justify the necessary investment. Specific regulations for construction charges and refunds, relating to construction on public and private right-of-way, shall be detailed in each telephone company's tariff.

6.2.2. Meeting commitments -- The telephone company shall make ~~diligent~~ reasonable efforts to fill ~~complete fully~~ by the promised date all regular orders for new or additional service, or for changes in existing services, for which a commitment has been made. Recognizing the many practical factors, such as the need to employ installation forces to restore service interruptions caused by emergency situations, unusual weather conditions or other acts of God, as well as the need to ~~curtail~~ avoid excessive costs, the satisfactory level of performance shall be to meet at least ninety percent (90%) of such commitments. Where the promised date cannot be met, the telephone company shall make ~~diligent~~ reasonable efforts to inform the customer of the delay and a new appointment shall be made within a reasonable time.

6.2.3. ~~Held orders. and held regrades~~

~~a. The telephone company shall have as its objective the satisfaction of requests for regrades of local exchange service inside the Base Rate Area within thirty (30) days~~

~~of the customer's application.~~

a. During such periods of time as the telephone company may not be able to provide initial local exchange service to an applicant or ~~upgrade~~ modify, as requested, a customer's ~~applicant desires service,~~ the applicant or customer requests initial service or service modification, the telephone company shall keep a record, by exchange, showing the name and address of each applicant or customer, the date of application, the desired date for service, the ~~class and grade~~ type of service or service modification applied for, ~~together with~~ and the reason for the ~~inability to provide the new service or higher grade of service~~ modification.

b. When, because of shortage of facilities, the telephone company is unable to provide local exchange service on dates requested by applicants, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the Commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

c. Intervals in excess of thirty (30) days ~~are~~ may be appropriate in those instances requiring significant outside plant construction work or installation of additional switching location ~~central office~~ equipment, or when applicant or subscriber requests a later date, new service or service modification to be provided more than thirty (30) days beyond the date of application.

d. Whenever, for any reason, ~~a~~ the ~~regrade~~ request for service cannot be filled ~~on the date requested by the subscriber or~~ within the prescribed interval or on a date requested by the customer which is beyond the prescribed interval, the subscriber or applicant shall ~~will~~ be notified promptly of the delay, the reason therefore, and the approximate date when the order will be filled.

6.3. Operator service requirements.

6.3.1. The telephone company shall provide operator assistance service twenty-four (24) hours a day for all ~~exchanges.~~ customers it serves.

6.3.2. Adequate forces shall be provided at operator offices with the objective that at least eighty-five percent (85%) of requests for operator ~~toll and~~ assistance ~~ealls~~ will be answered

within ten (10) seconds.

6.3.3. When an operator is notified by a customer that he/she has reached a wrong number, been cut off, or experienced poor transmission, the customer shall be given appropriate credit when the claim has been substantiated.

6.4. Local dial service requirements.

~~6.4.1. The telephone company shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all trunk and equipment groups.~~

6.4.1. Switching location Central office capability and equipment shall be provided to meet the following requirements:

a. Dial tone, or functional equivalent, within three (3) seconds on at least ninety-eight percent (98%) of calls during the average busy season -- busy hour period.

~~b. Complete dialing of called numbers on at least ninety-eight percent (98%) of calls without encountering equipment irregularities and overflows.~~

b. Satisfactory transmission quality on at least 99% of all calls as measured by sampling or test calling procedures.

c. Satisfactory completion of at least 99% of all calls as measured by sampling or test calling procedures.

6.4.2. ~~Where existing central office equipment will permit, and~~ With the exception of numbers that are changed coincident with the issuance of a new directory, intercept service ~~will~~ shall be provided by the telephone company in accordance with the following: intercept services, either operator or mechanical, shall be provided for each non-working and changed telephone numbers until assigned, reassigned, or no longer listed in the main directory ~~where equipment permits, for that telephone number.~~ Such intercept shall, insofar as feasible and appropriate, provide the caller with the replacement telephone number if one exists. In instances where provision of a replacement number is infeasible or inappropriate, the intercept service shall inform the caller that the called number is a non-working number. A reasonable length of time shall separate telephone number reassignments.

~~6.5. Inter-office service requirements.~~

~~Engineering and maintenance of the trunks and related switching components of the toll network shall be such as to permit a minimum rate of 96% call completion for DDD Calls (incoming trunks) during the average of observed days, on properly dialed calls that do not encounter called number busy, no answer, or proper intercept.~~

6.5. Maintenance requirements.

6.5.1. The telephone company shall adopt and pursue a maintenance program aimed at preventing service interruptions so as to achieve adequately reliable and efficient operation of its system.

6.5.2. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with the design capabilities of the plant affected. ~~such as:~~

~~a. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced.~~

~~b. Adjustable apparatus and equipment shall be readjusted as necessary when found to be in an unsatisfactory condition.~~

~~c. Electrical faults, such as leakage or poor insulation, noise induction, cross-talk, or poor transmission characteristics, shall be corrected to the extent practicable.~~

~~6.6.3. Records of various tests and inspections shall be prepared. These records shall show the line or station tested or inspected, the reason for the test, the general result of the test, and such corrections as were made when the test indicated need for same.~~

6.5.3. The telephone company shall keep a record ~~showing all of each~~ interruptions affecting service to an entire exchange, and/or any other important significant portion of the distribution system company's telecommunications network. This record shall show the date, time, duration, extent and cause, and resolution of the interruption. A report shall be made which details how the telephone company plans to prevent recurrence of the service interruption. These records and reports shall be available to the Staff of the Commission upon request.

6.5.4. When interruptions occur, the telephone company shall reestablish service with the shortest possible feasible

delay. In general, out-of-service troubles should be cleared within twenty-four (24) hours of the time such troubles are reported or otherwise noticed by the telephone company, except when such service interruptions are caused by emergency situations or acts of God affecting large such numbers of customers as to make twenty-four (24) hour service restoral unfeasible.

6.5.5. Whenever ~~the service must be is~~ interrupted for the purpose of working on transmission facilities and/or their supporting apparatus and/or switching location ~~the distribution system or central office equipment~~, this such work shall be done at a time which will cause the least inconvenience to subscribers, and those who will be most seriously affected by such interruption shall, so far as possible feasible, be notified adequately in advance.

6.5.6. Repair service shall be available on weekends and holidays, as well as weekdays, for ~~telephones~~ basic service reported to be out of order.

a. Arrangements shall be made to receive customer trouble reports twenty-four (24) hours daily and to clear trouble as soon as feasible and at all hours for customers who express a bona fide emergency need of service if clearing such trouble is consistent with the personal safety of telephone company personnel. An emergency shall consist of an immediate threat or significant potential of such threat, to the life, limb, or property, or health of the customer, or anyone in their household, or to their property.

b. The telephone company shall provide the telephone number to call for repair service, and calls to repair service shall be available without ~~toll or unit charges for calls placed from the exchange in which trouble is experienced.~~ Arrangements shall also be made to ~~take calls for repair service without toll or unit charges from any adjoining exchange in cases where trouble reporting from the adjoining exchange is convenient to the customer.~~ When trouble is apparently located in the connecting company facilities, the this trouble report shall be referred by the telephone company to the connecting company.

c. The telephone company shall provide clearly and list in the directory the telephone number to use to call the business office, and calls to the business office shall be available without toll or unit charges for calls placed from any exchange to the business office for that exchange.

6.5.7. The telephone company shall maintain an accurate record of trouble reports made by its customers. This

record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken to dispose of the report or to satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request during usual business hours within the period prescribed for retention of such records.

~~6.5.8. Service shall be maintained in such a manner that the average rate of all initial customer trouble reports for a report entity does not exceed seven (7) per one hundred (100) telephones per month.~~

6.6. Transmission requirements.

Telephone companies shall furnish and maintain adequate plant, equipment and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross-talk shall be such as not to impair communications.

6.7. Miscellaneous service requirements.

~~6.7.1. In each exchange, at least one (1) public telephone will be available to the public on a twenty four (24) hour basis. This public telephone shall be located in a prominent location, provided with a directory and lighted at night, if practicable.~~

~~6.7.2. The telephone company shall not connect more customers on any line than are contemplated under the grade of service for which the customers on such line are charged.~~

6.7.1. The failure of commercial electrical power service to a location with basic telephone service shall generally not cause the basic telephone service at the location to also fail.

~~6.7.2. All coin operated telephones shall by no later than January 1, 1987, be of such a design that will permit a callers to initiate calls to long distance operators, directory assistance operators, and to the emergency telephone answering point (if one exists in the local area) without first having to insert a coin. The telephones may be of either the dial tone first, or post pay design.~~

§150-6-7. Safety.

7.1. Protective measures.

7.1.1. The telephone company shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected to by its operations.

7.1.2. The telephone company shall give reasonable assistance to the Commission in the investigation of the cause of accidents, and in the determination of suitable means of preventing accidents.

§150-6-8. Promotional practices.

8.1. Declaration of public policy.

In the public interest and pursuant to the powers vested in it, the Commission declares that any utility in designing and implementing any promotional practice or practices shall consider what impact, if any, such promotional practice or practices will have upon the conservation of energy and the efficient use of utility plant; and the utility shall not implement any practice or practices which shall have an adverse effect upon conservation, or which cannot be justified from a rate payer benefit/utility cost standpoint.

§150-6-9. Local emergency telephone system.

[Former Section 9 will be moved to 150 C.S.R. Series 25]

~~9.1. Creation of emergency telephone systems.~~

~~9.1.1. A public agency may establish, consistent with these rules, an emergency telephone system within its respective jurisdiction. Nothing herein contained, however, shall be construed to prohibit or discourage in any way the establishment of multi-jurisdictional or regional systems, and any system established may include only a portion of the territory of a public agency. To the extent feasible, these systems shall be centralized.~~

~~9.1.2. Every system shall provide access to emergency services organizations, police, fire fighting, and emergency medical and ambulance services and may provide access to other emergency services. The system may also provide access to private ambulance services. The system may also provide the necessary mechanical equipment at the established public agency answering point to allow deaf persons access to the system. In those areas in which a public safety unit of the State provides emergency services, the system shall provide access to the public safety unit.~~

~~9.1.3. The number "9-1-1" shall be used as the primary emergency number whenever practicable. If the use of the number "9-1-1" is not practicable, the telephone company or companies shall make application to this Commission in order to use an alternate emergency telephone number. The Commission encourages the use of "1-9-1-1" as the alternate emergency telephone number.~~

~~9.1.4. The telephone utility in the normal course of replacing or making major modifications to its switching equipment shall include the capability of providing for the emergency telephone system and shall bear all costs related thereto. All charges for other services and facilities provided by the telephone utility, including the provision of distribution facilities and station equipment, shall be paid for by the public agency or public safety unit in accordance with the applicable tariff rates then in effect for such services and facilities.~~

~~9.2. Establishment of emergency telephone systems.~~

~~9.2.1. The telephone utility when establishing a new wire center or when replacing the switching equipment for any existing wire center shall insure that the new switching equipment contains the capability of providing emergency telephone system services.~~

~~9.2.2. The telephone utility shall design the switching equipment used in all new wire centers and in the replacement of existing wire centers to be capable of accessing emergency services by using the telephone number "9-1-1".~~

~~9.2.3. The telephone utility when modifying the existing switching equipment in any wire center shall configure the equipment in a manner that will most easily facilitate the implementation of an emergency telephone system in that wire center, using the telephone number "9-1-1", if practicable.~~

~~9.2.4. Under normal circumstances, the telephone utility shall respond within ninety (90) days to any application for emergency telephone service made by a public agency, emergency services organization or public safety unit. This response shall show the projected cost of the system to the maker of the application and the projected date on which emergency telephone service can be established. A copy of this response shall be filed with the Commission.~~

~~9.2.5. Under normal circumstances where equipment is available, the telephone utility shall have as its objective the satisfaction of all requests for the establishment of emergency telephone service within nine (9) months of the date of a firm~~

~~order for such service. Under all circumstances, emergency telephone service should be established within twenty four (24) months of the date of such firm order received by the telephone utility.~~

~~9.2.6. The telephone utility shall report to the Commission emergency telephone service it is unable to satisfy within nine (9) months of any application therefor.~~

~~9.2.7. The provision of emergency telephone service shall be made under tariffs approved by this Commission.~~

~~9.2.8. In political jurisdictions served by more than one (1) telephone utility, the telephone utilities shall cooperate in establishing an emergency telephone system. The Utilities Division of this Commission shall, upon request, assist in the coordination of the different telephone utilities. In these political jurisdictions, the telephone utilities shall have as their objective the satisfaction of all requests for an emergency telephone system within nine (9) months of the date a firm order for such system is received. Under all circumstances, emergency telephone service should be established within twenty four (24) months of the date of such firm order received by the telephone utility.~~

~~9.2.9. The telephone utilities shall report to the Commission any request for emergency telephone systems involving more than one (1) utility which cannot be established within one (1) year of the date a firm order is received.~~

~~9.3. Reporting requirements of the telephone utility.~~

~~The telephone utility before establishing any wire center, replacing any wire center or making major modifications to any wire center, shall furnish the Commission plans showing that it has complied with the requirements of these rules. "Major Modifications" is hereby defined to be a central office modification affecting level assignments, thousands levels or trunking.~~

~~9.4. 9-1-1 rule regarding telephone directory emergency numbers pages.~~

~~9.4.1. Telephone directories shall list, on the inside of the directory front cover or on the front page of the directory, otherwise known as the emergency calling information page, all emergency service providers accessible from the exchanges covered by the directory on a local call and/or 9-1-1 basis: **Provided,** That, if a 9-1-1 system serves any portion of the area covered by~~

~~the directory, the emergency calling information page shall boldly and prominently display the 9-1-1 telephone number. Furthermore, all major public agencies such as, municipal police, fire, ambulance, sheriff and state police, that are accessible by calling 9-1-1 shall be listed in close proximity to the 9-1-1 listing along with the appropriate agency generic symbols.~~

~~9.4.2. Each telephone directory shall have a page immediately following the emergency calling information page which shall clearly list the name and seven (7) digit non-emergency administrative telephone number of each individual emergency services provider which serves any portion of the area covered by the telephone directory. Such listings shall be grouped by service type (e.g., ambulance, fire, law enforcement, rescue, etc.) and the listings shall be arranged alphabetically within the service type grouping. Where appropriate, subgrouping by county may be done. The seven (7) digit non-emergency administrative telephone number of each 9-1-1 Public Safety Answering Point which serves any portion of the area covered by the telephone directory shall be prominently displayed at the top of the page.~~

~~9.4.3. Where an entire directory coverage area is not covered by 9-1-1, the emergency calling information page shall list the seven (7) digit telephone numbers of all directory coverage area Public Safety Units not accessible by calling 9-1-1. The emergency calling information page shall, at least, clearly show which emergency calls should be made to 9-1-1 and which should be made to other emergency telephone numbers listed on the page.~~

~~9.4.4. Additional information regarding emergency calling, as is beneficial to the public interest, may appear on the emergency calling information page.~~

~~9.4.5. Each and every local exchange telephone carrier responsible for a telephone directory emergency calling information page shall submit each emergency calling information page and the page immediately following to the Public Service Commission for review, by informally filing same with the Public Service Commission's Telecommunications Section, before said pages are published. Such submittals shall be sent at least thirty (30) calendar days prior to the deadline for making changes.~~

[Former Section 9 will be moved to 150 C.S.R. Series 25]

§150-6-9. Accelerated Rate Filing Procedures for Interexchange Services.

9.1 This rule sets forth a procedure for telecommunication carriers seeking to implement new interexchange rates, new

interexchange charges, new interexchange service offerings or interexchange service changes.

9.1.1 A telecommunications carrier seeking to implement a new interexchange rate, new interexchange charge, interexchange change of service offering and/or new service interexchange offering shall file a proper tariff with proper tariff notations reflecting such changes.

9.1.2 A telecommunication carrier seeking any of the changes delineated in 9.1.1, above, must provide a notice period of not less than fourteen (14) business days by billing inserts to customers or by Class 1 legal advertisement in the carrier's affected service area.

9.1.3 Absent public protest or protest by the Consumer Advocate Division, correctly filed, legally sufficient and properly noticed tariff changes shall not be docketed by the Executive Secretary's office unless Commission Staff finds that any proposed tariff change violates any of the following conditions:

- a. Rates shall not be geographically deaveraged;
- b. Operator surcharges shall not exceed those of interexchange carriers having at least \$1 million in annual gross revenues.
- c. Surcharges shall not be permitted for carrier access by means of access code dialing.
- d. All rules on terminations and liabilities shall be followed; or
- e. Any other reason Staff finds sufficient other reason to request that the filing be docketed.

9.1.4. When a filing seeking any of the changes delineated in 9.1.1., above, is docketed, the docketing order shall suspend the filing for not longer than allowed by statute.

9.1.5 Promotions of less than 91 days duration which affect interexchange services need not be tarified.

9.1.6. Filings made pursuant to this section shall be accompanied by the following:

- a. A cover letter giving a narrative description of the proposed tariff changes(s);

b. A description of the notice given to the public. If a bill insert is used, it shall be included.

\$150-6-10. Reduced telephone rates for certain low-income residential customers.

10.1. Lifeline Requirement

Every local exchange carrier telephone utility, except cooperative telephone utilities, which provides local exchange dial access line service within the State of West Virginia subject to regulation by the Commission shall, within fifteen (15) days of the adoption of this rule, submit tariff sheets to the Commission for its approval containing a pursuant to tariff, offer Tel-assistance Residential Service rate schedule. The Tel-assistance Residential Service rate schedule shall provide special reduced rates for certain low income residential customers and shall clearly state the availability of service, the eligibility conditions, the type of service to be offered, the restrictions on service, and the applicable rates and charges as set forth in the subsequent sections of this rule and in West Virginia Code, Chapter 24, Article 2C. Such tariffs, once approved, shall not be changed or modified without prior Commission approval.

10.2. Provision of tel-assistance residential service.

10.2.1. Tel-assistance service shall be made available only to qualified low income customers who are:

- a. either disabled or age sixty (60) or older; and
- b. West Virginia Works (or successor program) benefit recipients, social security supplemental security income (SSI) benefit recipients, aid to dependent children (AFDC) benefit recipients, aid to dependent children-unemployed (AFDC-U) benefit recipients, food stamp recipients or whose total household income is at or below the income level established for SSI eligibility.

10.2.2. Tel-assistance residential service shall consist of an individual, residential local exchange dial access line and an allowance for usage. "Usage" means the usage-sensitive charges for all local, extended area service and toll calls provided by the telephone utility furnishing the tel-assistance service. This includes all intraLATA toll calls billed by the local exchange carrier. This service shall be provided through an individual measured or message line at the lowest priced service option available. If measured or messaged line service cannot be provided, the highest grade of multi-party service available (which shall be deemed to be one (1) party service where no multi-party

~~service is available~~ shall be provided at the tel-assistance rate until measured or message service is available. No other local exchange ~~voice~~ telephone service may be provided to the dwelling place of a tel-assistance customer, nor may ~~individual line~~ foreign zone or foreign exchange service be provided.

10.3. Rates and charges.

10.3.1. The monthly tel-assistance rate shall be set initially by the Commission at the lower of:

- a. the lowest priced eligible service available to the customer at the time of his/her application, or
- b. seven dollars and fifty cents (\$7.50).

10.3.2. This rate shall allow the customer two dollars (\$2.00) in usage and free optional toll blocking service. All usage in excess of two dollars (\$2.00) shall be charged to the customer at the otherwise applicable tariff rate.

10.3.3. The Commission may, upon having set the rate initially for tel-assistance, change such rate from time to time upon a finding that it is reasonable to do so, and may, in connection therewith increase or decrease the usage allowance.

10.3.4. A local exchange carrier ~~telephone utility~~ may not impose an order processing charge or line connection charge in changing a customer to or from tel-assistance service. However, charges for other allowed services including those for installing service or for moving a customer's service from one (1) dwelling to another shall be made at the otherwise applicable tariff rate.

10.4. Carrier's ~~Utility's~~ responsibility upon application.

10.4.1. Local exchange carriers ~~Telephone utilities~~ required to offer tel-assistance service shall accept applications for such service from:

- a. any current customer; and
- b. any person who subsequently becomes a customer.

10.4.2. "Customer" shall mean, for the purpose of this Rule, the member of the household in whose name telephone service is provided. In determining whether an applicant is eligible to receive tel-assistance service, a local exchange carrier utility is entitled to rely upon the information provided to it directly or indirectly by the West Virginia Department of Human Resources (or

successor agency) Services pursuant to West Virginia Code. §24-2C-4(e).

10.4.3. Each local exchange carrier utility offering tel-assistance service shall maintain documentation regarding the resolution of individual applications. The information contained in said records shall include names, addresses or other information which adequately identifies the applicant, the application date, the source of eligibility, and the date on which tel-assistance service is approved or denied.

10.4.4. Any customer who ceases to receive service under a Tel-assistance Residential Service rate schedule must reapply in order to receive such service again.

10.5. Certification of revenue deficiency.

10.5.1. On or before the first day of March of each year, each local exchange carrier utility offering tel-assistance service may make application to the Commission for a determination and certification of the revenue deficiency, except that caused by free toll blocking service, which it has experienced during the previous calendar year. Subsequently, the Commission will enter an order certifying the amount of the revenue deficiency.

10.5.2. The local exchange carrier's utility's revenue deficiency shall be calculated as the difference between revenues received from customers participating in tel-assistance service and the revenues which would have been received at full tariff rates for the same service as being provided under tel-assistance.

10.5.3. Applications for determination and certification of a local exchange carrier's utility's revenue deficiency shall be made in the format ~~to be~~ prescribed by the Commission. All information submitted in such this application shall be verified by the local exchange carrier utility to be true and accurate to the best of its knowledge and information.

10.6. Notice to customers.

The local exchange carriers telephone utilities subject to this rule shall adopt policies for providing notice to their customers of the availability of and advantages of the tel-assistance program.

10.7 Additional Lifeline Service Provided by Local Exchange Carriers

10.7.1 In order to qualify for federal lifeline

assistance, a local exchange carrier may offer, pursuant to tariff, the same lifeline service, and at the same rates, to all customers who would qualify for tel-assistance service if tel-assistance service did not have an age or disability requirement. Such service must also include free optional toll blocking service.

10.7.2. Non-certification of Revenue Deficiencies.

a. Revenue deficiencies associated with the service described in 10.7.1, above, shall not be recoverable through Commission certification to the W.Va. Department of Tax and Revenue such shortfall.

b. The Commission may by order, may certify such revenue deficiencies to the West Virginia Tax Dept. for purposes of recovery of the shortfalls pursuant to appropriate legislative action.

10.7.3. In order to increase the amount of federal lifeline assistance it receives, a local exchange carrier may, pursuant to tariff, modify its tel-assistance offering and the offering described in 10.7.1., to increase the benefit to the eligible subscribers; provided, that additional revenue losses incurred pursuant to such action shall not be certified to the West Virginia Department of Tax and Revenue for purposes of recovery by the local exchange carrier of the shortfalls, except as provided in 10.7.2.b., above.

~~§150-6-11. Customer owned public telephones.~~

~~11.1. Certification and Registration requirements.~~

~~11.1.1. Each customer owned public telephone (COPT) provider shall be required to obtain a Commission certificate. No COPT shall be entitled to receive access to local exchange carrier service unless the COPT provider has received certification from the Public Service Commission. When a COPT provider applies for a certificate the applicant shall provide the information contained on 11.1 FORM A.~~

~~11.1.2. Each COPT instrument must be registered with the Public Service Commission prior to being placed into service. COPT providers must file 11.1 FORM B for each COPT instrument it places in service. There shall be an annual non-refundable twelve dollar (\$12.00) fee per instrument, or such amount that the Commission may establish in the future. In order for a local exchange carrier to provide network access to a COPT instrument, the instrument must be registered with the Public Service Commission.~~

~~11.2. Rates and charges.~~

~~11.2.1. Except as otherwise provided in the applicable tariffs of the local exchange carrier serving the COPT, COPTs shall be required to subscribe to one (1) party measured (or message) business service unless such service is not available from the local exchange carrier serving the COPT.~~

~~11.2.2. Where one party measured (or message) business service is not available from the local exchange carrier serving the COPT, the COPT shall subscribe to a one party flat business rate.~~

~~11.2.3. A COPT shall charge no more for any local call than is allowed by the applicable rate ceiling on file with the Public Service Commission (11.1 FORM B). Rate ceilings must be approved by Public Service Commission order.~~

~~11.2.4. No COPT shall charge, for any completed intrastate toll call, more than fifty cents (\$.50) over what the benchmark toll carrier (as determined by Public Service Commission order) would charge for a comparable completed intrastate toll call. The following shall be prominently posted on the COPT instrument: Charges for intrastate long distance (toll) calls shall not exceed \$.50 over the rates currently charged by [NAME OF PSC-DESIGNATED DOMINANT TOLL CARRIER] for similar calls.~~

~~11.2.5. There shall be no charge for uncompleted calls.~~

~~11.3. Operational and maintenance requirements.~~

~~11.3.1. All COPTs shall comply with generally accepted telecommunications industry standards, Public Service Commission Rules and Regulations, applicable local ordinances and the current National Electric Code and National Electrical Safety Code.~~

~~11.3.2. COPTs shall be maintained and operated in accordance with generally accepted telecommunications industry standards and Public Service Commission Rules and Regulations.~~

~~11.3.3. COPTs shall be hearing aid compatible as defined by the Federal Communications Commission.~~

~~11.3.4. Each COPT shall be connected to the serving local exchange carrier's public switched telephone network facilities by means of its own dedicated, non-switched voice grade (or better) landline circuit, or by means of wireless facilities which provide (at least) the same grade of service as do voice grade landline facilities. Where a COPT is connected to the public telephone network by means of wireless facilities, the following~~

~~shall be prominently posted on the COPT instrument: THIS TELEPHONE USES A WIRELESS (RADIO) SIGNAL WHICH MAY BE SUBJECT TO "ELECTRONIC EAVESDROPPING."~~

~~11.3.5. A COPT user shall be able to pay for completed calls by using coins, credit card numbers, third number billing or collect calling.~~

~~11.3.6. COPTs shall automatically return unused coins, but need not provide change for over payment due to use of coins of greater denomination than required.~~

~~11.3.7. A COPT shall be capable of receiving incoming calls without charge to the answering party and be equipped with working ringers or equivalent audible signaling devices unless the COPT is conspicuously marked as being unable to receive incoming calls.~~

~~11.3.8. Calls made to COPTs which disallow incoming calls shall be automatically intercepted by the serving local exchange carrier (or another carrier designated by the local exchange carrier) at no charge to the calling party. The calling party shall be informed that he or she has attempted to reach a public telephone which does not accept incoming calls.~~

~~11.3.9. COPTs shall be equipped with tone signaling.~~

~~11.3.10. COPT instruments shall be registered with the Federal Communications Commission pursuant to the provisions of 47 CFR Part 68.~~

~~11.3.11. COPTs shall fully participate in Enhanced 9-1-1 programs when the COPT is located in a service area covered by an Enhanced 9-1-1 system.~~

~~11.3.12. Each COPT, except those used primarily by inmates of prisons, jails, etc. or those COPTs where other alternative public services are readily available or for good cause shown shall allow free access, without the need to insert a coin, to:~~

~~a. "0" Operator~~

~~b. "9-1-1"~~

~~e. "Local" directory assistance~~

~~d. "800" telephone numbers~~

~~11.3.13. Calls to "9-1-1" unless the COPT station (where~~

~~allowed to do so by Public Service Commission rules or order) does not permit such calls, shall automatically route to the 9-1-1 center serving the COPT location. If the COPT location is not served by a 9-1-1 center, allowed calls to "9-1-1" shall route to an "0-" type operator.~~

~~11.3.14. A non-coin extension telephone station may be connected to a COPT line if, for each such extension telephone station, adequate circuitry is employed at all times in conjunction with the extension such that the extension station may not be used to listen to COPT conversations or to in any way interrupt a COPT call in progress.~~

~~11.4. Information to be displayed on a COPT.~~

~~11.4.1. The following information shall be conspicuously and clearly displayed on each COPT:~~

~~a. Operating instructions, including how to place toll calls, when toll calling is allowed, over the facilities of the inter-exchange carrier serving the COPT's location and how to access local directory assistance, (except inmate COPTs which do not allow access to local directory assistance).~~

~~b. Rates for local calling and directions regarding how to use the COPT to obtain, without charge, other applicable rate information.~~

~~c. The party to contact and the telephone number for refunds and service complaints and language explaining that this is the party to contact for refunds and service complaints.~~

~~d. The COPT provider's name, address, telephone number and the COPT's Public Service Commission registration number.~~

~~e. The location of the COPT.~~

~~11.5. Violations and penalties.~~

~~Unauthorized COPT providers and/or COPT providers who are providing service not in accordance with any of the above prescribed rules and regulations shall be subject to the penalties imposed by State law or Commission Rules and Regulations.~~

\$150-6-11. Payphones

11.1. Registration requirement.

11.1.1 Each payphone service provider (PSP) which

provides public telephone service from more than three noncontiguous locations in West Virginia shall be required to register with the Commission. Registration shall be accomplished by completing form P.S.C. W.Va. 11-1. Any and all changes in the information provided on form P.S.C. W.Va. 11-1 shall be reported to the Commission within thirty (30) calendar days of the change.

11.2. Rates and Charges.

11.2.1. There shall be no charge for calls made to 9-1-1 or to any other bona fide emergency telephone number.

11.2.2. There shall be no charge for uncompleted calls.

11.2.3. There shall be no charge for calls to telephone company operators for dialing instructions and/or rate information.

11.2.4. There shall be no charge for access to the Telecommunications Relay Service.

11.3. Operational and Maintenance Requirements.

11.3.1. All payphones shall comply with generally accepted telecommunications industry standards, Public Service Commission Rules and Regulations, applicable local ordinances and the current National Electric Code and National Electrical Safety Code.

11.3.2. Payphones shall be maintained and operated in accordance with generally accepted telecommunications industry standards, Public Service Commission Rules and Regulations, applicable local ordinances and the current National Electric Code and National Electrical Safety Code.

11.3.3. Payphones shall be hearing aid compatible as such is defined by the Federal Communications Commission.

11.3.4. Payphones shall allow calling via the Telecommunications Relay Service.

11.3.5. Each payphone shall be connected to the serving facilities by means of its own dedicated, non-switched voice grade (or better) landline circuit, or by means of functionally equivalent wireless facilities which provide (at least) the same grade of service as do voice grade landline facilities. Where a payphone is connected to the public telephone network by means of wireless facilities, the following shall be prominently posted on the payphone instrument: "THIS TELEPHONE USES A WIRELESS RADIO SIGNAL WHICH MAY BE SUBJECT TO ELECTRONIC EAVESDROPPING."

11.3.6. Coin-accepting payphones shall automatically return unused coins, but need not provide change for over-payment due to use of coins of greater denomination than required.

11.3.7. Payphones shall be capable of receiving incoming calls and shall be equipped with working ringers or equivalent audible signaling devices unless the payphone is conspicuously marked as being unable to receive incoming calls.

11.3.8. Payphones shall provide access to all inter-exchange carriers which provide service in the exchange in which the payphone is located.

11.3.9. Payphones shall be equipped with tone signaling.

11.3.10. Payphone instruments shall be registered with the Federal Communications Commission pursuant to the provisions of 47 CFR Part 68 or appropriate superceding regulations.

11.3.11. Payphones shall fully participate in the Enhanced 9-1-1 program when the payphone is located in a service area covered by an Enhanced 9-1-1 system.

11.3.12. Each payphone, except those used primarily by inmates of prisons, jails, etc. or those payphones where other alternative public services are readily available or for good cause shown, shall allow free access, without the need to insert a coin or to use any other payment device, to:

- a. "0" Operator;
- b. 9-1-1;
- c. A PSP complaint taker

11.3.13. Calls to "9-1-1", unless the payphone (where allowed to do so by Public Service Commission rules or order) does not permit such calls, shall automatically route to the 9-1-1 center serving the payphone location. If the payphone location is not served by a 9-1-1 center, allowed calls to "9-1-1" shall route to an "0-" type operator as specified in 11.3.15, below.

11.3.14. A non-payphone extension telephone station may be connected to a payphone line if, for each such extension telephone station, adequate circuitry is employed at all times in conjunction with the extension such that the extension station may not be used to listen to payphone conversations or to in any way interrupt a payphone call in progress.

11.3.15. "0-" calls shall be immediately routed to a live operator fully capable of routing emergency calls made from

the payphone's location.

11.4. Information To Be Displayed on Payphones.

11.4.1. The following information shall be conspicuously and clearly displayed on the front of each payphone:

a. Operating instructions including how to place toll calls, when toll calling is allowed, over the facilities of the inter-exchange carrier serving the payphone's location and how to access local directory assistance (except inmate payphones which need not allow access to local directory assistance).

b. Rates for local calling and directions regarding how to use the payphone to obtain, without charge, other applicable rate information.

c. The party to contact and the telephone number to use for refunds and service complaints.

d. The payphone service provider's name, address, telephone number and the Public Service Commission identification number.

e. The location of the payphone.

f. Name of presubscribed inter-exchange carrier.

11.4.2. If the local calling area of the payphone is smaller than the local calling area of the exchange in which the payphone is located, the payphone shall clearly and completely, and in full view of the payphone user, designate the extent of the local calling area.

11.5. Violation and Penalties

Payphone service providers who provide service not in accordance with any of the Commission's payphone rules and regulations shall be subject to the penalties imposed by State law or Commission Rules and Regulations

§150-6-12. Intrastate use of automatic dialing and announcing devices.

12.1. Local exchange telephone carriers shall require that users of automatic dialing and announcing devices (ADADs) at all times meet each and every one of the following requirements.

12.1.1. ADADs may not be used between the hours of 9:00

p.m. and 9:00 a.m.

12.1.2. No ADAD may be used for purposes of telephone solicitation unless the ADAD user has previously registered with the Public Service Commission as an ADAD user.

12.1.3. ADAD telephone solicitation messages must contain a preamble identifying the ADAD user, giving the ADAD user's telephone number and address, stating the purpose of the call and informing the called party that he or she is listening to a prerecorded message.

12.1.4. ADADs must automatically release the called party's line within five (5) seconds of the time the ADAD receives notification that the called party has terminated the call in order to allow the called party's line to be used to make or receive other calls.

12.1.5. ADADs must be programmed to skip emergency numbers, pager numbers, mobile numbers, cellular numbers, unlisted numbers, non-published numbers, toll-free numbers and direct-inward-dial numbers.

12.1.6. ADADs must, wherever such service is available, use measured rate telephone service.

12.2. Local exchange telephone carriers shall take reasonable steps to identify ADAD users who are not in full and strict compliance with Rules 12.1.1. through 12.1.6., above. When any violation of any portion of Rules 12.1.1. through 12.1.6., above, is discovered by a serving local exchange telephone carrier or brought to its attention, the service used by the offending ADAD equipment shall be discontinued after all Public Service Commission requirements regarding service discontinuation are met, until the user of the ADAD equipment can demonstrate that it shall be in compliance with the previously violated rule or rules. Any initial violation of Rule 12.1.1. shall result in a warning being issued to the offender. Any subsequent violation shall result in termination of service for thirty (30) continuous days.

12.3. Any suspected violation of any portion of Rules 12.1.1. through 12.1.6., above, shall be immediately reported to the Telecommunications Section of the Public Service Commission's Utilities Division.

§150-6-13. Alternative Operator Services.

13.1. Responsibilities of operator service providers.

13.1.1. Operator service providers shall require their customers (aggregators) to prominently note, on or near telephone sets in guest rooms, dormitories, hospital rooms, etc. and on public and semi-public telephone sets, the following information:

- a. Name, address and toll-free telephone number of the operator service provider providing "0+" service to the associated telephone line;
- b. Notification that other operator service providers may be used by dialing their carrier access code;
- c. Complaint procedures and methods for requesting refunds;
- d. Emergency calling information;
- e. Dialing instructions for obtaining rate information; and
- f. Amount of surcharge, if any, imposed by the aggregator.

This requirement shall also be in effect for guest room, dormitory, hospital room, public, semi-public, etc., telephone sets owned by operator service providers.

13.1.2. Operator service provider operators shall, upon request and without charge, provide rate information to callers.

13.1.3. Operator service providers shall, upon request and without charge, instruct callers who wish to use another carrier to disconnect and dial the preferred carrier's designated access code. If an operator service provider transfers a caller to his or her preferred carrier, such transfer shall not cause the originating billing point to become anything other than the actual telephone exchange from which the caller is calling.

13.1.4. Operator service providers shall clearly identify themselves to the callers in sufficient time to enable callers to discontinue their attempt to complete a call without charge, whether the calls are handled on a manual or mechanized basis.

13.1.5. Operator service providers shall require, by contract, that their subscribers not block access to local exchange carriers, interexchange carriers or other operator service providers. In the event that an operator service provider believes that blocking at a particular subscriber location is required to

prevent fraudulent use of its facilities, the operator service provider can request a waiver from the Commission to permit blocking at that location. Such request will be considered on a location-by-location basis, and will be granted only for such time as is required to eliminate the technical or other problems which make fraudulent use possible. Any waiver request should be limited to a specific location and should include detailed information concerning the location, the number of telephones involved, the operator service provider who serves it, the volume of operator service calls originating from that location in the most recent month for which data is available, the amount of commissions paid for the traffic, the type of customer premise equipment ("CPE") used at the location, the changes required to unblock the equipment, the anticipated cost of unblocking, and the time period that is expected to elapse before unblocking will occur. If a waiver is granted because CPE lacks blocking capability, the waiver will be limited to that particular CPE and that particular location.

13.1.6. There shall be no charge for any uncompleted call.

13.1.7. Operator service provider operators shall take service complaints from callers and promptly forward the complaints to the appropriate operator service provider personnel for timely resolution. Operator service providers shall have a toll-free telephone number which users may utilize, 24-hours daily, to voice complaints and make inquiries. Operator service providers shall retain billing data for each call for a minimum of 180 days from the date the call is made.

13.1.8. Bills for operator service provider calls shall be sent to the callers or to their designees within 60 calendar days of the date the calls are made.

13.1.9. Each local exchange carrier shall arrange for provision of full-time emergency call routing service to every access line originating in its serving area. Such service may be provided in a telephone exchange by the local exchange carrier serving the exchange or by another operator service provider as designated by the local carrier serving the exchange.

13.1.10. Provision of emergency call routing service shall be subject to all of the following requirements:

a. The provider shall have a complete and current list of all emergency service telephone numbers for each telephone exchange for which emergency call routing service is offered. These lists shall include, but need not be limited to, the

following types of emergency services inasmuch as these services are available:

- A. Local Police;
- B. Fire;
- C. Ambulance;
- D. Rescue;
- E. Sheriff;
- F. State police;
- G. Poison control; and
- H. Bomb squad.

b. The caller shall not be charged for the routing of an emergency call to the appropriate emergency service provider.

c. The operator service provider shall stay on the call until such time that he or she determines that the caller has been connected to the proper emergency services provider.

d. The service shall be provided on a full-time basis.

e. Emergency calls made to an operator service provider on a "0-" basis shall be immediately and directly routed to the appropriate emergency service provider or to the appropriate "911" public safety answering point. Such emergency calls shall not be rerouted to another operator service provider nor shall the operator service provider advise the caller that the caller should hang up and try some other calling method to obtain aid.

13.1.11. An operator service provider shall not receive "0-" calls from a telephone line unless that operator service provider has the capability of providing emergency call routing service for that telephone line's service location.

13.1.12. When a caller seeks to charge a call on a telephone company credit card identifiable as other than that issued by the operator service provider, the caller shall be informed that the operator service provider's rates will apply.

13.1.13. Full toll call detail billing shall not be

required for operator service provider bills issued by entities other than regulated telephone utilities.

13.1.14. No operator service provider shall be allowed to bill a caller for any surcharges levied by the business establishment providing the telephone over which the operator services provider was contacted. Only tariffed charges shall be billed by the operator service provider or the operator service provider's billing entity.

13.1.15. Fraud Prevention:

a. An operator service provider may not bill an aggregator for calls which originated from the aggregator's line through the use of 10XXX+; 10XXX+01; 950-XXX; or 1-800 access codes, or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

b. An operator service provider may not bill a call aggregator for any charges for collect or third number billed calls, if the line to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the call screening service order.

c. Any calls billed through the local exchange carrier in violation of Rules 13.1.15.a and 13.1.15.b. above must be removed from the call aggregator's bill by the local exchange company upon identification. If investigation by the local exchange company determines that the pertinent call screening was operational when the call was made, the local exchange company may return the charges for the call to the operator service provider as not billable.

d. Any call billed directly by an operator services provider, or through a billing method other than the local exchange company, which is billed in violation of Rules 13.1.15.a. and 13.1.15.b. above, must be removed from the call aggregator's bill. The telecommunications company providing the service may request an investigation by the local exchange company. If the local exchange company, after investigation, determines that call screening was subscribed to by the call aggregator, but was not operational at the time the call was placed, the operator service provider shall bill the local exchange company for the call.

13.1.16. Operator service providers shall have the ability to perform line busy verification and call-in-progress interruption services or shall, upon request for such service and

without charge to the caller, transfer the caller to an operator service provider who can perform such services.

§ 150-6-14 Certification Requirements Applicable to All of Intrastate Telecommunications Carriers

14.1. Certificate filing fees.

14.1.1 There shall be due a non-refundable filing fee of three hundred dollars (\$300), or such other amount that the Commission may establish in the future, upon the filing of an application for a certificate of convenience and necessity by any individual or entity seeking authority to provide intrastate telecommunications service in the State of West Virginia.

14.1.2 Applications for certificates of convenience and necessity seeking authority to provide intrastate telecommunications service which are not accompanied by the appropriate filing fee will not be accepted by the Commission until such time as the proper remittance is provided.

14.1.3 The filing fee for applications for a certificate of convenience and necessity seeking authority to provide intrastate telecommunications service shall be paid either in cash or by bank check made payable to the Public Service Commission of West Virginia.

14.2. Additional Requirements Applicable to Local Exchange Carriers.

14.2.1. No telecommunications carrier may provide local exchange service within this state without first obtaining a certificate of public convenience and necessity for such authority from the Commission under this section.

a. All carriers wishing to provide local exchange telecommunications services within the State of West Virginia are required to file with the Commission an original and seven (7) copies of an Application for Certificate of Public Convenience and Necessity. Such applications shall contain all the information and exhibits hereinafter required as specified in Section 14.2.2.

b. Notice of the filing of such an application shall be given by the applicant at the time of filing to each Commission-certificated telephone company that has requested in writing that the Commission provide copies, and to such other entities as may be required by the Commission. Each applicant shall publish notice of the filing of the application in accordance with West Virginia Code §24-2-11.

14.2.2. The application for the certificate of public convenience and necessity required by this section shall include the following information:

a. Applicant's business structure (e.g., corporation, partnership, etc.);

b. Names, addresses and telephone and facsimile numbers of Applicant's principals and contacts;

c. A description of facilities to be constructed, if any, by the Applicant.

d. A description of the services intended to be provided by the Applicant including the geographic area wherein service will be provided;

e. A certification by the Applicant as to the knowledge of, and the willingness to comply with, all applicable rules and regulations of the Commission; provided such certification shall also state Applicant's willingness to:

A. Fully, timely and completely participate, in the reasonable provision of access to emergency services, including, where appropriate, full interface with and support of Basic and Enhanced 9-1-1 services;

B. Before offering service in any area served by an RTC, comply with the requirements set forth in Section 251(f) of the Telecommunications Act of 1996

f. An illustrative tariff setting forth the terms, and conditions, rates, charges, regulations, etc. pursuant to which the Applicant proposes to provide regulated services;

A. An accurate description of the services offered;

B. a statement of the terms and conditions of service;

C. a statement listing the rates and charges for such service;

D. a description of the areas to be served, by exchange;

E. a statement explaining customers' rights and responsibilities;

g. A demonstration of the Applicant's financial and managerial viability to provide service;

h. A demonstration of the Applicant's technical viability to provide service in a manner that will be consistent with the quality standards required by the Commission including, but not limited to assurance that the connectivity of the Applicant's network to other carriers will not impair the statewide public switched network; and

i. A statement that the Applicant will participate to the extent it may be required to do so by the Commission in the support of universally available telephone service at affordable rates.

14.2.3. Except as provided for in Section 15.5.13 below, the Commission shall grant such application if it finds that a grant of such application is in the public interest and is otherwise consistent with the requirements of these rules and all applicable statutes.

14.2.4. A certificated LEC shall not offer local service to the public unless and until it has filed for, and received, Commission approval of a tariff governing the rates, terms and conditions of local service.

a. A certificated LEC's proposed local service tariffs shall be filed with the Commission at least thirty (30) days prior to the date the LEC intends to commence providing local service and shall contain, at a minimum, the following information:

- A. an accurate description of the services offered;
- B. a statement of the terms and conditions of service;
- C. a statement listing the rates and charges for such service;
- D. a description of the areas to be served, by exchange; and
- E. a statement explaining customers' rights and responsibilities.

14.2.5. A certificated LEC shall not offer local service to the public unless and until it has filed for, and

received, Commission approval of, an agreement with an ILEC setting forth rates, terms and conditions for interconnection, service or network elements as set forth in 47 U.S.C. §251.

14.3. Suspension or Revocation of Certificate.

Excessive subscriber complaints against a carrier shall be a basis for suspension or revocation of a carrier's Certificate of Public Convenience and Necessity if, after hearing, the Commission determines such complaints to be meritorious. In all proceedings, the Commission shall give to the carrier notice of the allegations made against it and afford the carrier with an opportunity to be heard concerning those allegations, prior to the suspension or revocation of the carrier's Certificate of Public Convenience and Necessity or other formal action. The burden of establishing the adequate provision of service is upon the carrier.

14.4. Ubiquitous Provision of Service.

14.4.1. Resold Telecommunications Service -- Where an Applicant seeks a certificate to provide local exchange telecommunications service to a class or classes of customers through resale only, or through a combination of resold service and facilities-based service, any certificate granted shall require Applicant to offer telecommunications services to all such customers in an incumbent LEC's exchange area in which the Applicant seeks to offer service.

14.4.2. Facilities-Based Telecommunications Service -- Where an Applicant seeks a certificate to provide facilities-based local telecommunications service, the Applicant shall not be required to offer either resold or facilities-based telecommunications services to all customers in an incumbent LEC's exchange area in which the Applicant seeks to offer such service.

14.5. Regulation of Certificated LECs.

Nothing in these rules alters a certificated telecommunications carrier's status as a public utility subject to regulation under Chapter 24 of the W. Va. Code.

§150-6-15 Interconnection

15.1. General Requirements.

15.1.1. All Local Exchange Carriers shall:

- a. not prohibit, nor impose unreasonable or unduly

discriminatory conditions or limitations on, the resale of its telecommunications services;

b. provide, to the extent technically feasible, number portability in accordance with national standards and with requirements prescribed by the Commission which shall include the establishment of fair and equitable cost recovery mechanisms;

c. provide dialing parity to competing LECs and providers of telephone toll service;

d. permit all competing LECs and providers of toll telephone service to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listings, with no unreasonable dialing delays;

e. afford access to the poles, ducts, conduits, and rights-of-way of such LEC to competing providers of telecommunications services on rates, terms, and conditions that are consistent with federal requirements;

f. establish reciprocal compensation arrangements for the transport and termination of telecommunications services; and

g. comply with all applicable Commission rules and regulations regarding the provision of directory service.

15.2. Additional Requirements for Incumbent LECs.

Subject to the requirements contained in Section 15.5.13 all incumbent LECs shall:

15.2.1. Provide for the interconnection between the facilities and equipment of any requesting telecommunications carrier and the incumbent LEC's network:

a. for the transmission and routing of telephone exchange service and exchange access;

b. at any technically feasible point within the 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 carrier 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 the requirements of this Section and Section 15.4.1;

15.2.2 Provide, to any requesting telecommunications carrier 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 in accordance with the terms and conditions of the agreement and the requirements of this Section and Section 15.4.1. To the extent allowed by Commission order or federal law, an incumbent LEC shall provide such unbundled network elements in a manner that allows requesting carriers to combine such elements in order to provide such telecommunications service;

15.2.3 Offer for resale at wholesale rates any telecommunications service that the incumbent LEC provides at retail to subscribers who are not telecommunications carriers; and not prohibit, nor impose unreasonable or discriminatory conditions or limitations on, the resale of such telecommunications service, provided that the incumbent LEC may prohibit a reseller that obtains at wholesale rates a telecommunications service that is available at retail only to a certain category of subscribers from offering such service to a different category of subscribers;

15.2.4. Provide reasonable public notice of changes in the information necessary for the transmission and routing of services using that incumbent LEC's facilities or networks, as well as of any other changes that would affect the interoperability of those facilities and networks; and

15.2.5 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. Provided, however that the incumbent LEC may provide for virtual collocation where it demonstrates to the Commission that physical collocation is not practical for technical reasons or because of space limitations.

15.3. Good Faith Negotiations.

15.3.1 Any telecommunications carrier may request interconnection with any LEC. A telecommunications carrier requesting interconnection with a LEC must have first applied for or obtained a certificate of public convenience and necessity to provide local exchange services within West Virginia pursuant to Section 14.1. above.

15.3.2. Within fifteen (15) days after receipt of a bona fide request from a telecommunications carrier, a LEC and the requesting carrier shall enter into good faith negotiations seeking to establish the reasonable rates, terms and conditions for such interconnection.

15.3.3. Any agreement reached between a LEC and another telecommunications carrier shall not unreasonably discriminate between similarly situated providers and shall be based on rates, terms and conditions that are just and reasonable.

15.3.4. The negotiating parties shall follow the procedures set forth in Section 15.4.1 herein. In the event that the affected parties are unable to negotiate the rates, terms and conditions for interconnection, either party may seek compulsory arbitration by the Commission by filing a petition that complies with the procedures noted in Section 15.5.

15.3.5 Nothing in this Section shall preclude the modification of the requirements contained in this Section upon mutual agreement between the negotiating parties.

15.4. Procedures for Negotiations

15.4.1. The refusal of any party to the negotiation to participate further in the negotiations 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.

a. The negotiations required by this Section shall conclude within one hundred and thirty five (135) days of the receipt of the bona fide request.

b. Any party negotiating an agreement under this Section may, at any point in the negotiation, ask the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.

c. Within ten (10) days subsequent to the completion of such negotiations, the negotiating parties shall file with the Commission a schedule of itemized charges and conditions for the service, setting forth the facility(ies) or function(s) provided for under the agreement.

15.4.2. A bona fide request for the resale of an incumbent LEC's service shall include the following information:

a. Description of the services or network features

desired to be resold;

b. The geographic coverage area(s) in which the services/application is to be accessible or is to provide access;

c. Switching location(s) involved.

15.4.3 A bona fide request for unbundled network elements shall include the following information:

a. a description of the technical and functional characteristics of the requested capability;

b. the geographic coverage area(s) in which the services/application is to be accessible or is to provide access; and

c. the desired serving address, switching location(s) and NXX(s) involved.

15.4.4. Once the informational obligations have been met, the serving LEC shall provide a written response to the requesting telecommunications carrier within thirty (30) days as to whether or not the request will be met, or whether and what further information is needed. If further information is required, the requesting telecommunications carrier shall be able to refuse to provide any information which it considers competitively sensitive.

15.5. Procedures for Compulsory Arbitration.

15.5.1. The Commission shall establish the rates, terms and conditions of interconnection between an incumbent LEC and a requesting telecommunications carrier only upon the filing of a petition for compulsory arbitration under this subsection. The refusal of any party to cooperate with the Commission in carrying out its function as an arbitrator, or to participate in the arbitration in the presence, or with the assistance, of the Commission shall be considered a failure to act in good faith.

15.5.2. A petition filed pursuant to this subsection shall be filed by one of the negotiating parties no sooner than the 135th day, and no later than the 160th day, after the date the incumbent LEC received the bona fide request described in Sections 15.2. and 15.4.

15.5.3. In resolving by arbitration any open issues or imposing conditions upon the parties to the agreement, the Commission shall:

a. establish any rates for interconnection, services, or unbundled network elements according to the Pricing Standards contained in this subsection; and

b. provide a schedule for implementation of the terms and conditions by the parties to the agreement.

15.5.4. Determinations by the Commission of the just and reasonable rates for interconnection arrangements shall be:

a. Based on a cost methodology consistent with the requirement of the Telecommunication Act of 1996 and any valid FCC rules and requirements promulgated thereunder.

b. nondiscriminatory; and

c. may include a reasonable profit.

15.5.5. Determinations by the Commission for the transport and termination of traffic shall not consider the terms and conditions for reciprocal compensation to be just and reasonable unless:

a. such terms and conditions provide for the mutual and reciprocal recovery by each telecommunications carrier of costs associated with the transport and termination on each telecommunications carrier's network facilities of calls that originate on the network facilities of the other telecommunications carrier; and

b. such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls.

c. These standards shall not be construed:

A. 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

B. to prevent the Commission from engaging in any rate regulation proceeding to establish with particularity the additional costs of transporting or terminating calls, or to require carriers to maintain records with respect to the additional costs of such calls.

15.5.6 Determinations by the Commission for wholesale prices for resold services shall be based on the retail rates

charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided by the incumbent LEC.

15.5.7. A petition for compulsory arbitration filed under this subsection must comply with the requirements of this subsection. Each petition must include:

a. The names, addresses, telephone numbers and facsimile numbers of the representatives of the LECs involved in the negotiations;

b. A definitive list of those issues requiring resolution;

c. The positions of each of the parties with respect to those issues;

d. A demonstration by the petitioning telecommunications carrier, based on the specific facts and circumstances, that:

A. the negotiations entered into were not conducted in good faith;

B. the rates, terms and conditions upon which the desired interconnection arrangement was offered or requested were unjust, unreasonable or unreasonably discriminated between similarly situated providers;

C. the interconnection arrangement sought was or was not technically and economically feasible; or

D. any other demonstration that refusal to offer the requested interconnection arrangement would or would not serve the public interest;

e. A certification made by an authorized representative or officer of the petitioning telecommunications carrier that the allegations set forth within the petition are true and accurate to the best of that individual's knowledge and belief; and

f. A certification that the petition was served upon the other telecommunications carrier party to the negotiations and is otherwise in compliance with the Commission's service rules.

15.5.8. Response to Petition.

a. Within twenty-five (25) days of the filing of a petition filed pursuant to this subsection, the non-petitioning telecommunications carrier involved in the negotiation may file a response admitting or denying in whole or in part the allegations contained in the petition.

b. The responding telecommunications carrier may provide in its response affirmative demonstrations that the allegations set forth in the petition are in error, and/or that a finding in favor of the petitioner would not serve the public interest.

c. The response must include a certification made by an authorized representative or officer of the responding telecommunications carrier that the information set forth within the response is true and accurate to the best of that individual's knowledge and belief.

d. The response must also include a certification that the response was served upon the petitioning telecommunications carrier and is otherwise in compliance with the Commission's service rules.

15.5.9. Commission Action on Petitions for Arbitration.

a. The Commission shall limit its consideration of any petition and of any response to the issues set forth in the petition and in the response to that petition.

b. The Commission may require either party to provide additional information related to the issues raised by the petition. The Commission may institute reasonable procedures in order to develop the record necessary to resolve the petition. The Commission shall make every effort to utilize procedures that minimize the imposition of economic and administrative burdens on the parties and the Commission.

c. The Commission shall resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions as required to implement subsection 15.5.4. 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 LEC received the request under this section.

15.5.10. Rights of Third Persons.

a. The right of third persons to intervene in arbitration proceedings before the Commission shall be limited.

Only the Consumer Advocate Division of the Public Service Commission shall be entitled to intervene in such arbitration proceedings, provided that an appropriate petition to intervene is filed on or before the fourteenth (14th) calendar day following the date the petition requesting Commission arbitration was filed. Commission Staff shall, in all cases, be considered a party to any compulsory arbitration proceeding.

b. Third persons may petition the Commission to be allowed to participate, on a limited basis, in a compulsory arbitration proceeding hereunder. Such petition shall be filed with the Commission on or before the fourteenth (14th) calendar day following the date the petition requesting Commission arbitration was filed, and shall state with specificity the grounds upon which limited participation is sought. If the Commission grants a petition to participate, such participation shall be limited as follows:

A. The petitioner shall not present pre-filed testimony;

B. The petitioner shall not present any witnesses;

C. The petitioner shall not conduct cross-examination of witnesses presented by the parties;

D. The petitioner may file pre-hearing and post-hearing statements regarding the parties' positions and compliance with Section 251 of the Telecommunications Act or, in the event the parties waive a hearing, the petitioner may file such statements on the dates established by the Commission for the parties to pre-file testimony; and

E. The petitioner shall not file exceptions or petitions for reconsideration of the Commission's decision.

15.5.11. Approval of Agreements.

a. Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the Commission. The Commission shall approve or reject the agreement, with written findings as to any deficiencies.

b. The Commission may only reject:

A. an agreement (or any portion thereof) adopted by negotiation if it finds that:

(a) the agreement (or portion thereof) discriminates against a telecommunications carrier 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.

B. an agreement (or any portion thereof) adopted by arbitration if it finds that the agreement does not meet the requirements of this Section, or the Pricing Standards set forth in subsection 15.5.4.

C. If the Commission does not act to approve or reject an agreement adopted by negotiation within ninety (90) days after submission by the parties, the agreement shall be deemed approved.

D. If the Commission does not act to approve or reject an agreement adopted by arbitration within thirty (30) days after submission by the parties, the agreement shall be deemed approved.

15.5.12. Filing Required.

a. The Commission shall make a copy of each interconnection agreement approved by the Commission and any Bell Atlantic-West Virginia statement of generally available terms and conditions approved by the Commission available for public inspection and copying within ten (10) days after the agreement or statement is approved.

b. A LEC shall make available any interconnection, arrangement provided under an agreement approved under Rule Section 15.5.11 to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions provided for in the agreement.

15.5.13. Exemptions, Suspensions, and Modifications for RTCs.

a. Exemption of RTCs.

The requirements of Section 15.3 shall not apply to a RTC until such time as the conditions set forth in Section 251(f) of the Telecommunications Act of 1996 have been satisfied.

b. Termination of RTC Exemption.

A. A party making a bona fide request of a RTC for interconnection arrangements, shall submit a notice of its request to the Commission within ten (10) days after delivering its request to such RTC.

B. Upon receipt of notice of a bona fide request for interconnection the Commission shall conduct an inquiry for the purpose of determining whether to terminate the exemption for such RTC.

C. The Commission shall terminate the RTC's exemption within one-hundred twenty (120) days following receipt of the notice of request, if the Commission determines that the request is not unduly economically burdensome, is technically feasible, and is consistent with Section 254 of the Telecommunications Act of 1996, excluding subsections (b)(7) and (c)(1)(D) thereof.

D. Upon termination of any RTC's exemption, the Commission shall establish an implementation schedule for compliance with the request that is consistent in time and manner with the Commission's rules and regulations.

c. Limitation on Exemption.

The exemption for an RTC shall not apply to a request under Section 15.3 from a cable operator providing video programming, and seeking to provide any telecommunications service, in the area in which the RTC provides video programming. This limitation does not apply to a RTC that is providing video programming on the date of enactment of the Telecommunications Act of 1996.

d. Suspensions and Modifications for Rural LECs.

A. A LEC with fewer than two percent (2%) of the Nation's subscriber lines installed in the aggregate Nationwide may petition the Commission for a suspension or modification of a requirement of Sections 15.1 or 15.3 to telephone exchange service facilities specified in such petition.

B. The Commission shall grant such petition to the extent that, and for such duration as, the Commission determines that such suspension or modification:

(a). Is necessary --

(A) To avoid a significant adverse economic impact on users of telecommunications services generally;

(B) To avoid imposing a requirement that is unduly economically burdensome; or

(C) To avoid imposing a requirement that is technically infeasible.

(b). Is consistent with the public interest, convenience and necessity.

C. The Commission shall act upon any petition for a suspension or modification within one-hundred eighty (180) days after receipt of such petition. The Commission may suspend enforcement of the requirement(s) to which the petition applies, with respect to the petitioner(s), pending a final Commission order.

P.S.C. W.VA. 11-1

PAYPHONE SERVICE PROVIDER (PSP) REGISTRATION

1. PSP Name _____

PSP Headquarters Address _____

Telephone Number (_____) _____

Fax Number (_____) _____

2. List, if different from above, address and telephone and fax numbers to be used for complaints and/or refund requests:

Address _____

Telephone Number (_____) _____

Fax Number (_____) _____

List name and (if different from above) address, telephone and fax numbers of person to be contacted by Public Service Commission for regulatory matters.

Name _____

Address _____

Telephone Number (_____) _____

Fax Number (_____) _____

I certify that I have read Rule 11 of the Public Service Commission's Rules and Regulations for the Government of Telephone Utilities and will comply with all of the requirements of the Payphone Rules.

Signature: _____

Signatory's Name Typed: _____

Date: _____

(For PSC Use) PSP ID Number: _____

SERVICE STANDARDS

COMPANY _____

REPORT PERIOD _____

ITEM	OBJECTIVE RANGE	ACTUAL PERFORMANCE
Service Installations, % Completed Within 5 <u>Working</u> Days (Rule 6.2.1.b.)	75% <u>90%</u> or more	
<u>Service Station</u> Commitments, % Commitments Met (Rule 6.2.2.)	90% or more	
<u>Held Orders over 30 Calendar</u> Days (Rule 6.2.3.a.)		
Held Regrades over 30 Days		
Toll and Assistance Answers <u>Operator Assistance</u> Requests, % Answered Within Ten Seconds (Rule 6.3.2.)	85% or more	
<u>Dial-Tone, or Functional Equivalent,</u> % Within Three Seconds (Rule 6.4.1.a.)	98% or more	
<u>Satisfactory Transmission</u> Quality (Rule 6.4.1.b.)	<u>99% or more of test</u> <u>or sampled calls</u>	
<u>Satisfactory Call</u> Completion (Rule 6.4.1.c.)	<u>99% or more of test</u> <u>or sampled calls</u>	
Local Dial, % without Equipment Irregularities and Overflows (Rule 6.4.2.b.)	98% or more	
DDD Calls (Incoming Trunk), % Without Blockage and Failure (rule 6.5.)	96% or more	

SERVICE STANDARDS

COMPANY _____

REPORT PERIOD _____

ITEM	OBJECTIVE RANGE	ACTUAL PERFORMANCE
Initial Trouble Reports per 100 Telephones Per Month (Rule 6.6.9)	7 or less	

(Insert Company Name Here)

NOTICE OF SCHEDULED TERMINATION OF SERVICE AND CUSTOMER RIGHTS

We have scheduled your _____ service provided at _____ for termination on or _____ (address) after _____ (date).

This action has been taken for the following reason(s): (Include reason and facts resulting in decision to terminate service).

If your service is terminated you may be subject to additional charges involving reconnect fees and deposit requirement in order to restore service.

YOU HAVE THE RIGHT TO CHALLENGE THE TERMINATION IF YOU BELIEVE ANY OF THE FOLLOWING CONDITIONS APPLY TO YOU:

- 1. Any portion of the bill is in dispute.
2. You are being charged for service not received.
3. The information above is incorrect.
4. You are able to pay only in installments.

If the reason for your challenge is 1, 2, or 3 above, you will have to pay any amount not in dispute. If the reason for your challenge is 4, we will attempt to negotiate a deferred payment plan with you.

YOU MUST HAVE NOTIFY US BEFORE THE DATE OF TERMINATION IN ORDER TO PROTECT YOUR RIGHTS UNDER THIS RULE:

(Provide instructions for contact the appropriate utility personnel by telephone and mail, including business hours)

IF YOU ARE NOT SATISFIED WITH OUR DECISION AT THIS MEETING, YOU WILL HAVE SEVEN DAYS IN WHICH TO FILE AN APPEAL WITH THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA. You will be required to pay your current bill while the appeal is pending. There is no charge associated with filing an appeal and you may do so without the assistance of an attorney.

To file an appeal with the PSC, you may call this toll free telephone number 1-800-642-8544 or write to this address:

Utility Appeal
Public Service Commission of West Virginia
P.O. Box 812
Charleston, West Virginia 25323

If you are in need of assistance to pay your bill you should contact the following agencies: (List agencies in service area).

If you desire the assistance of a lawyer with regard to the scheduled termination and are unable to pay for legal counsel, contact one of the following low income legal assistance organizations: (List agencies in service area).

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 31st day of March, 1998.

GENERAL ORDER NO. 187.16

In the matter of promulgating proposed amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6.

COMMISSION ORDER

By Order entered November 23, 1994, the Commission initiated a general investigation to determine whether rules, to be applied in the event of competition in the local exchange, should be developed. This proceeding was docketed as Case No. 94-1102-T-GI. The Commission published statewide notice of its investigation and encouraged interested parties to file initial and reply comments.

Based on the comments filed with the Commission in Case No. 94-1102-T-GI, the Commission decided to attempt a task force approach to address the issues raised in the investigation. By Order entered June 23, 1995 in Case No. 94-1102-T-GI, the Commission established a task force to examine at least forty-four (44) questions related to the implementation of competition in the local exchange and directed the task force to submit the text of proposed local competition rules to the Commission by February 9, 1996.

The Commission subsequently granted several extensions of the February 9, 1996 Local Competition Task Force report deadline. By Order entered April 19, 1996, the Commission required the task force to file its report with the Commission by May 7, 1996.

Among other things, the extensions to the deadline for the Local Competition Task Force's report were intended to allow the task force to consider the implications of passage of the Telecommunications Act of 1996, Pub. Law No. 104-104, 110 Stat. 56, to be codified at 47 U.S.C. §§151 et seq. (TA96). TA96 was signed into law on February 8, 1996, and is intended to provide the benefits of competition to U.S. citizens by opening all telecommunications markets to competition. See H. Rep. 104-204, 104th Cong., 2d Sess. 48, reprinted in 1996 U.S. Code Cong. and Ad. News 11. Under TA96, competitive local exchange carriers (alternately, CLECs or new entrants) desiring to provide local exchange telecommunications service (local service) can seek to enter into agreements with an incumbent local exchange carrier (alternately, ILEC or incumbent) for interconnection with the ILEC's network, the purchase of retail telecommunications services for

resale at wholesale prices, and the purchase of the ILEC's unbundled network elements (UNEs). See 47 U.S.C. §§251(c) and 252(a). In addition, TA96 provides procedures whereby regional Bell operating companies (alternately, RBOCs or BOCs) may seek authority for the Federal Communications Commission (FCC) to provide in-region, interLATA telecommunications service. See 47 U.S.C. §§252(f) and 271(c). Numerous orders implementing TA96's provisions have been issued by the FCC, and substantial portions of those FCC orders have been challenged in federal court.

On May 7, 1996, the Local Competition Task Force filed its report with the Commission (the Local Competition Report). In the Local Competition Report, the task force set forth proposed amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6 (Telephone Rules). The task force's report is a matter of public record and does not need to be discussed in detail here. Suffice to say, the amendments to the Telephone Rules proposed by the Local Competition Task Force primarily were set forth in two new sections to the rules: proposed Section 14 dealt with the requirements for certification of CLECs; proposed Section 15 addressed the terms of interconnection, negotiation, resale, arbitration of agreements, exemptions for small ILECs, and universal service. The Local Competition Report also included a Consensus Statement which, among other things, advocated new entrants' obtaining a certificate of convenience and necessity prior to providing local service and would have allowed small ILECs to elect to prohibit local competition in their service areas for up to three (3) years. Finally, the task force recommended that the Commission establish a separate docket to examine funding requirements, collection methods, disbursement criteria, and administration of a state universal service fund.

The pace of subsequent developments in efforts to introduce competition in the local exchange market overtook the Commission before it could complete its consideration of the Local Competition Report. For example, AT&T Communications of West Virginia, Inc. (AT&T) filed an application for a certificate of convenience and necessity to provide local service with the Commission on February 29, 1996. See Case No. 96-0242-T-CN. Aspects of AT&T's application were opposed by various parties and, by Order entered November 22, 1996, the Commission granted AT&T's certificate -- after discussing a number of issues, such as the proper standard to apply in considering such applications, and whether CLECs should provide ubiquitous service upon receipt of a certificate. Numerous other telecommunications carriers have since sought, and obtained, certificates to provide local service. In addition, on December 11, 1996, Bell Atlantic - West Virginia, Inc. (BA-WV) petitioned the Commission to establish a proceeding for the purpose of approving a statement of generally available terms and conditions of interconnection, etc. (SGAT), pursuant to 47 U.S.C. §252(f) of TA96, as a preliminary step to seeking in-region, interLATA operating authority from the FCC. See Case No. 96-1516-T-PC. Shortly thereafter, on January 2, 1997, AT&T petitioned the Commission, pursuant to 47 U.S.C. §252(b) of TA96, to arbitrate outstanding issues from negotiations between AT&T and BA-WV for an interconnection agreement. See Case No. 96-1561-T-PC. Those proceedings, and others, were consolidated by the Commission and resolved in a series of orders entered on April 21, May 16, and June 26, 1997. Among other

things, the Commission's orders dealt with the wholesale discount applicable to resold local service, prices for UNEs provided by BA-WV to new entrants, reciprocal compensation for transport and termination of local traffic on other carriers' networks, and various obligations applicable to CLECs and ILECs.

Finally, a number of carriers -- including wireless carriers -- have petitioned the Commission to review and approve interconnection agreements among new entrants, on the one hand, and ILECs on the other. See, e.g., BA-WV and 360° Communications Company, Case No. 97-0399-T-PC; BA-WV and Intermedia Communications, Inc., Case No. 97-0629-T-PC. In these proceedings, the Commission has determined the standard to be applied to the review, and approval or rejection, of such agreements.

DISCUSSION

In light of the Local Competition Task Force's proposed revisions to the Telephone Rules, the provisions of TA96 and the FCC orders and regulations implementing TA96, as well as the Commission's decisions in the aforementioned proceedings, the Commission concludes that it is reasonable to propose the following amendments to the Telephone Rules, attached hereto as Appendix A. The Commission further concludes that the Commission's Executive Secretary should cause to be published, statewide, the Public Notice attached hereto as Appendix B and to file proof of publication thereof as soon as possible thereafter, and to establish the following procedural schedule to allow public comment regarding the proposed amendments:

Public Hearing: May 19, 1998; 9:30 a.m.; H.M.
Cunningham Hearing Room, Public
Service Commission, 201 Brooks Street,
Charleston, West Virginia.

Initial Written
Comments Due: May 11, 1998

Reply Written
Comments Due: May 25, 1998

FINDINGS OF FACT

1. By Order entered November 23, 1994, the Commission initiated a general investigation to determine whether rules, to be applied in the event of competition in the local exchange, should be developed. This proceeding was docketed as Case No. 94-1102-T-GI.

2. By Order entered June 23, 1995 in Case No. 94-1102-T-GI, the Commission established a task force to examine at least forty-four (44) questions related to the implementation

of competition in the local exchange and directed the task force to submit the text of proposed local competition rules to the Commission by February 9, 1996.

3. The Commission subsequently granted several extensions of the February 9, 1996 Local Competition Task Force report deadline in order to, among other things, allow the task force to consider the implications of passage of the Telecommunications Act of 1996, Pub. Law No. 104-104, 110 Stat. 56, to be codified at 47 U.S.C. §§151 et seq. (TA96).

4. The Local Competition Task Force filed its report with the Commission on May 7, 1996 (the Local Competition Report). In the Local Competition Report, the task force set forth proposed amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6 (Telephone Rules).

5. Since issuance of the Local Competition Report, the Commission has ruled on numerous issues related to efforts to introduce competition in the local exchange market. See "Commission Order," AT&T Communications of West Virginia, Inc., Case No. 96-0242-T-CN (Nov. 22, 1996)(granting application for a certificate of convenience and necessity to provide local service); "Commission Order," Bell Atlantic - West Virginia, Inc., Case No. 96-1516-T-PC (May 16, 1997)(denying petition to approve statement of generally available terms and conditions of interconnection, etc., pursuant to 47 U.S.C. §252(f) of TA96); "Commission Order," AT&T Communications of West Virginia, Inc., Case No. 96-1561-T-PC (April 24, 1997)(concluding Commission arbitration of outstanding issues from negotiations between AT&T and BA-WV for an interconnection agreement, pursuant to 47 U.S.C. §252(b) of TA96); see also "Commission Order," BA-WV and 360° Communications Company, Case No. 97-0399-T-PC (June 27, 1997) and "Commission Order," BA-WV and Intermedia Communications, Inc., Case No. 97-0629-T-PC (Aug. 7, 1997)(approving interconnection agreements pursuant to 47 U.S.C. §252(b) of TA96).

CONCLUSIONS OF LAW

1. In light of the Local Competition Task Force's proposed revisions to the Telephone Rules, the provisions of TA96 and the FCC orders and regulations implementing TA96, as well as the Commission's decisions in the aforementioned proceedings, the Commission concludes that it is reasonable to propose the following amendments to the Telephone Rules, attached hereto as Appendix A.

2. The Commission's Executive Secretary should cause to be published, statewide, the Public Notice attached hereto as Appendix B and to file proof of publication thereof as soon as possible thereafter.

3. The following procedural schedule to allow public comment regarding the proposed amendments should be established:

Public Hearing: May 19, 1998; 9:30 a.m.; H.M.
Cunningham Hearing Room, Public
Service Commission, 201 Brooks Street,
Charleston, West Virginia.

Initial Written
Comments Due: May 11, 1998

Reply Written
Comments Due: May 25, 1998

ORDER

IT IS, THEREFORE, ORDERED that the following amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6 (Telephone Rules), attached hereto as Appendix A, should be, and hereby are, proposed.

IT IS FURTHER ORDERED that the Commission's Executive Secretary provide notice as soon as practicable upon entry hereof, by publishing a copy of the notice set forth in Appendix B, attached hereto, once, in a newspaper duly qualified by the Secretary of State, published and of general circulation in each of the following cities: Beckley, Bluefield, Charleston, Clarksburg, Elkins, Fairmont, Huntington, Keyser, Lewisburg, Logan, Martinsburg, Morgantown, Moundsville, New Cumberland, Parkersburg, Point Pleasant, Welch, Wheeling and Williamson, and to file proof of publication thereof immediately upon return of same.

IT IS FURTHER ORDERED that the following procedural schedule be adopted:

Public Hearing: May 19, 1998; 9:30 a.m.; H.M.
Cunningham Hearing Room, Public
Service Commission, 201 Brooks Street,
Charleston, West Virginia.

Initial Written
Comments Due: May 11, 1998

Reply Written
Comments Due: May 25, 1998

Comments shall be filed with: Sandra Neal, Executive Secretary, Public Service Commission of West Virginia, 201 Brooks Street, P.O. Box 812, Charleston, WV 25323.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this Order, and the attached proposed rules, upon all members of the Local Competition Task Force established in Case No. 94-1102-T-GI United States First Class Mail and upon Commission Staff by hand delivery.

ARC.

A True Copy, Teste:



Sandra Neal
Executive Secretary

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this Order, and the attached proposed rules, upon all members of the Local Competition Task Force established in Case No. 94-1102-T-GI United States First Class Mail and upon Commission Staff by hand delivery.

ARC.

A True Copy, Teste:



Sandra Neal
Executive Secretary

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

GENERAL ORDER NO. 187.16

APPENDIX B

In the matter of promulgating proposed amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6.

PUBLIC NOTICE

By Order entered March 31, 1998, the Public Service Commission of West Virginia (Commission), proposed amendments to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6. The proposed amendments implement, in part, revisions to the Telephone Rules recommended in the Local Competition Task Force's May 7, 1996 report to the Commission in Case No. 94-1102-T-GI, and codifies various rulings by the Commission in other proceedings related to efforts to introduce competition in the local exchange market. In its March 31, 1998 order, the Commission required interested persons to file written initial comments by May 11, 1998 and written reply comments by May 25, 1998. In addition, the Commission scheduled a May 19, 1998 public hearing, commencing at 9:30 a.m., in the Howard M. Cunningham Hearing Room, Public Service Commission, Charleston, WV, during which interested persons may appear and make comments. Written comments must be filed with: Sandra Neal, Executive Secretary, Public Service Commission of West Virginia, 201 Brooks Street, P.O. Box 812, Charleston, WV 25323.