

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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FEB 4 2 05 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: _____
 RULE TYPE: Exempt Legislative; CITE AUTHORITY W.Va. Code §§24-1-7, 24-2-1, 24-2-2
 AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Rules and Regulations For the Government of Telephone Utilities, Rules 2.02(2)(6); 2.02(6); 2.03.

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

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON April 5, 1993 AT 4:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Public Service Commission
Howard M. Cunningham,
Executive Secretary
P.O. Box 812
Charleston, WV 25323

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

7.80

P.S.C.
Leg. Rule/Adm. Reg. 24-1
SERIES VI

IN THE MATTER OF amendment to Rules 2.02(2)(b);
2.02(6) and 2.03 of the Commission's Rules and
Regulations for the Government of Telephone
Utilities.

FISCAL NOTE

This is a fiscal note issued pursuant to W.Va. Code §§29-A-3-4,
5, 9, and §24-1-7 relating to the Commission's General Order No.
187.8.

I. OBJECTIVES OF THE RULE

The objective of this rulemaking is to amend Rules 2.02(2)(b);
2.02(6) and 2.03 of the Commission's Rules and Regulations for the
Government of Telephone Utilities to provide customers who have been
notified that telephone service is to be terminated an opportunity to
enter into a reasonable deferred payment plan and to provide certain
procedural rights. The amendment also changes notice requirements
before termination.

II. COSTS OF IMPLEMENTING THE PROPOSED RULE

There will be no significant implementation cost relating to the
amendment to the rule for the State of West Virginia or for persons
affected by the amendment.

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).

None.

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

The rule will allow residents in economic distress to enter into
reasonable deferred payment plans to pay for arrearages on telephone
bills. It will have minimal economic impact on the state as a whole.

DATE: February 4, , 1993

AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE: _____

David D. Cunningham

SUMMARY OF PROPOSED RULES

The amendments to the rules provide the customer who has been notified that telephone service is to be terminated for nonpayment an opportunity to enter into a reasonable deferred payment plan. It provides for the customer to be able to appeal the reasonableness of the plan to the Public Service Commission. It also requires notification before termination in the case a payment is not received on a deferred payment plan. The amendments also change the notice requirements before a utility can terminate service.

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TEXT OF PROPOSED RULES AS AMENDED

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RULE 2.02(2)(b)

1. 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 interval (prescribed by the regulations of the telephone company on file with the Commission) specified in any notification that service will be discontinued for nonpayment, (regardless of whether or not service was discontinued for nonpayment), may be required to pay such bills together with a reasonable reconnection charge and reestablish his credit by depositing the amount prescribed in Section 2.02, paragraph (3) of these Standards. However, residential customers shall be entitled to enter into a deferred payment plan as described in 2.02(6)(e).
2. A customer may be required to reestablish his credit in accordance with Section 2.02, paragraph (3) of these Standards in case the conditions of service or basis on which credit was originally established have changed materially.

RULE 2.02(6)

(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 Standards or for nonpayment 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 Section 2.02, paragraphs (2) and (4), and Section 2.04, paragraph (c), of these Standards.

(b) The telephone company shall give written notice sent first class mail, return postage guaranteed, 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 2.02 (6)(e). The phone company shall also provide notice in person or by telephone at least twenty-four (24) hours prior to the scheduled service termination unless it is reasonably established that the premises are not permanently inhabited. contact the customer prior to disconnect to advise the customer of its intention to disconnect service upon expiration of a specified interval. The advice may be in person, by telephone call, or in writing. Such verbal advice will be confirmed in writing.

Discontinuance of service will not be made on a day preceding a day on which the Business Office is not open to accept payment. Furthermore, discontinuance of service shall not be made earlier than 8:00 a.m., nor later than 4:00 p.m. ~~//on/such/day/~~

(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 tendered, (c) that any information resulting in the utility's decision to terminate is erroneous, or (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, 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. 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.

(d) In the event a customer is backbilled 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 inability to make payment in full. The customer shall be informed at the time a disconnect notice is issued of the availability of a reasonable payment plan. The conditions surrounding the deferred payment agreement shall be as follows:

1. 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

or a reasonable prospective budget amount plus a specific amount per month on the arrearage.

2. Once a deferred payment agreement has been established, if the customer's financial conditions change and the existing payment works a hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 2.02 (6)(e)(1).

3. 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.

4. During the appeal, service may not be terminated, provided, however, that the current bill must be paid by the customer in order to protect his rights under this rule.

5. If the deferred payment is not received, 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 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.

RULE 2.03

2.03 REASONS FOR DENYING SERVICE

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

- (1) Non-payment of any sum due for service and not in bona fide dispute provided that Rule 2.02(6)(e) is complied with for residential customers.
- (2) Making of nuisance calls.
- (3) Abuse of party line service.
- (4) Violation of or non-compliance with Commission regulations of FCC technical requirements.
- (5) Failure to comply with laws applicable to telephone service.
- (6) Failure to permit the company reasonable access to company equipment.

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TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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. -- W.Va. Code §24-1-7, §24-2-1, §§24-2-6 and 8; §24-2C-1, §24-6-1

1.3. Filing Date. -- March 1, 1988

1.4. Effective Date. -- April 29, 1988

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 insure 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 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) 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.

(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.

(3) The adoption of these rules by the Commission reserves 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.

(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 this 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.

(1) "Base Rate Area" -- The portion or portions within each exchange area, as set forth in the telephone utility's filed 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.

(2) "Business Rates" -- 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.

(3) "Busy Hour" -- The hour having the highest

central office traffic load.

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

(5) "Calls" -- Customers' telephone messages attempted

(6) "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.

(7) "Channel" -- Is an electrical path provided by the telephone company between two (2) or more points, furnished in such a manner as the telephone company may elect whether by wire, radio or a combination thereof and whether or not by a single physical facility or route.

(8) "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). Classes of service are usually subdivided into classifications, such as individual line, two (2) party, or four (4) party.

(9) "Commission" -- The Public Service Commission of West Virginia.

(10) "Customer Trouble Report" -- Any oral or written report from a subscriber or user of telecommunication service definitions shall be used, subject to the provisions of each company's applicable tariffs.

(11) "Customer Trouble Report" -- Any oral or written report from a subscriber or user of telecommunication service relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunication 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

(12) "Exchange" -- Is a unit established for the administration of communications 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 service.

(13) "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

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

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

(16) "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

(17) "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 number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

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

(19) "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 subscriber stations 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

(20) "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.

(21) "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.

(22) "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.

(23) "Local Message" -- Is a communication between a calling station and any other station within the local service area of the calling station.

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

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

(26) "Long Distance Service" -- Is that of furnishing facilities for telecommunication between stations in different local service areas in accordance with the regulations and schedule of rates specified in each telephone company's applicable tariffs.

(27) "Main Station" -- A telephone directly connected to a central office by an individual or party 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.

(28) "Message" -- A complete customer telephone call.

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

(30) "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 him to use the number of local messages, as specified in each telephone company's applicable tariffs.

(31) "Message Toll Service" -- Same as long distance service.

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

(33) "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.

(34) "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.

(35) "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.

(36) "Regrade" -- An application for a different class of service.

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

(38) "Subscriber" -- See "Customer" as defined in Section 2, Article 1, Chapter 24 of the West Virginia Code, as amended.

(39) "Tariff" -- The entire body of rates, tolls, rentals, charges, classifications, rules and regula-

tions filed with the Commission by a telephone company.

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

(41) "Traffic" -- Telephone call volume, based on number and duration of messages.

(42) "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.

(43) "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.

(44) "Emergency Services Organization" -- Means the organization established under Article 5 (§§15-5-1 et seq.), Chapter 15 of the West Virginia Code, as amended.

(45) "Public Safety Unit" -- Means a functional division of a public agency which provides fire-fighting, police, medical, rescue or other emergency services.

1.8. Uniform System of Accounts.

(1) Under the authority of the West Virginia Code, Chapter 24, Article 2, Section 8, all local exchange telephone companies 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 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.

(2) Each telephone company will inform the Commission, concurrent with informing the Federal Communications Commission, of its intention to follow new accounting standards prescribed by the Fi-

nanacial 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 notifies the Commission, unless the Commission notifies the company to the contrary.

(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.

(1)

(a) 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 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.

(b) Statements itemizing message toll charges, if applicable, shall be included in bills to customers and shall show 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.).

(2)

(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

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

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

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

(3) 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.

(4) 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) 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.

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

2.2. Credit Considerations.

(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 require-

ment to prevent any undue delay in the furnishing of service. Any applicant who has not established his credit, as provided under this Section, may be required to pay any service 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 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.

1. 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 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 person 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.

2. 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 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 name 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 Section 2.2, paragraph (3) of these Standards.

3. The establishment of credit under the provisions of this Section, or the re-establishment of credit under the provisions of Section 2.2, paragraph (3) of these standards 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 nonpayment of bills due for service furnished.

(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 nonpayment of bills, may be required to reestablish credit in accordance with Section 2.2, paragraph (3) of these Standards. 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 -

1. 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 interval (prescribed by the regulations of the telephone company on file with the Commission) specified in any notification that service will be discontinued for nonpayment, (regardless of whether or not service was discontinued for nonpayment), may be required to pay such bills together with a reasonable reconnection charge and reestablish his credit by depositing the amount prescribed in Section 2.2, paragraph (3) of these Standards. However, residential customers shall be entitled to enter into a deferred payment plan as described in 2.2(6)(c)2.

2. A customer may be required to reestablish his credit in accordance with Section 2.2, paragraph (3) of these Standards in case the conditions of service or basis on which credit was originally established have changed materially.

(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 telephone company shall pay interest at the rate of eight percent (8%). Simple interest on a deposit shall accrue annually, and, where a deposit is retained by the Company for more than twelve (12) months and not used to offset an outstanding delinquent bill, interest on that deposit shall be credited to the customer's bill.

(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 Standards.

(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 Sections 1 or 2 of these Standards.

(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 Section.

(d) 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 nonpayment, and without having had more than two (2) occasions on which a bill was not paid within the period prescribed by Rule 2.1(4), 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 nonpayment, 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 nonpayment, 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.

(e) 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 nonpayment, and without having more than one (1) occasion on which a bill was not paid within the period prescribed by Rule 2.1(4), 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 nonpayment, 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 nonpayment, 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.

(f) 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.

(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.

(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 Standards or for nonpayment 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 Section 2.2, paragraphs (2) and (4), and Section 2.4, paragraph (c), of these Standards.

insert new language
 (b) The telephone company shall ~~advise the customer prior to discontinuing service upon expiration of a specified interval. The advice may be in person, by telephone call, or in writing. Such verbal advice will be considered in writing.~~ *advise the customer of its intention to discontinue service upon expiration of a specified interval. The advice may be in person, by telephone call, or in writing. Such verbal advice will be considered in writing.* Discontinuance of service will not be made on a day preceding a day on which the Business Office is not open to accept payment. Furthermore, discontinuance of service shall not be made earlier than 8:00 a.m., nor later than 4:00 p.m. *on such day*

INSERT NEW (c)

(d) (c) In the event a customer is backbilled 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.

INSERT NEW (e)

(7) Service reconnection charge. Where service has been discontinued pursuant to the terms of the notification provided for in Section 2.2 paragraph (8) herein, the telephone company may charge and collect the reconnection charge set out in its tariff.

(8) All statements of accounts shall carry 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. This provision shall become effective January 1, 1978.

2.3. Reasons for denying service. The telephone company may suspend or terminate the service for the following reasons:

(1) Non-payment of any sum due for service and not in bona fide dispute, *provided that Rule 2.2 (6)(c) is complied with for residential customers.*

(2) Making of nuisance calls.

(3) Abuse of party line service

(4) Violation of or non-compliance with Commission regulations or FCC technical requirements

(5) Failure to comply with laws applicable to telephone service.

(6) 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:

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

(3) Delinquency in payment for business service shall not constitute sufficient cause for refusal of residence service or vice versa except as provided in Section 2.2, paragraph (2)(a).

(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.

2.5. Complaints and appeals.

(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.

(b) The telephone company shall give written notice sent first class mail, return postage guaranteed, 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 2.02 (6)(e). The phone company shall also provide notice in person or by telephone at least twenty-four (24) hours prior to the scheduled service termination unless it is reasonably established that the premises are not permanently inhabited. ~~contact the customer prior to disconnect to advise the customer of its intention to disconnect service upon expiration of a specified interval. The advice may be in person, by telephone call, or in writing. Such verbal advice will be confirmed in writing.~~

New material
R012
2.02(6)(b)

(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 tendered, (c) that any information resulting in the utility's decision to terminate is erroneous, or (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, 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. 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.

New
2.2 (6)(c)

(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 inability to make payment in full. The customer shall be informed at the time a disconnect notice is issued of the availability of a reasonable payment plan. The conditions surrounding the deferred payment agreement shall be as follows:

*New
2.02 (6)(e)*

1. 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

or a reasonable prospective budget amount plus a specific amount per month on the arrearage.

2. Once a deferred payment agreement has been established, if the customer's financial conditions change and the existing payment works a hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 2.02 (6)(e)(1).

3. 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.

4. During the appeal, service may not be terminated, provided, however, that the current bill must be paid by the customer in order to protect his rights under this rule.

5. If the deferred payment is not received, 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 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.

(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 of his 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 Customer Relations Division of the Public Service Commission of West Virginia to be contacted for further review of the problem.

2.6. Directories.

(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.

(2) Telephone directories shall include listings for all local service areas for the exchanges in which this directory is supplied. This provision shall be effective January 1, 1978.

(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 issued on the customers' names and addresses, within one (1) week of establishment of service.

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

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(12) Illustrative service connection and installation charges for residence 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 purchased property from that part of the property which the telephone company retains ownership.

§150-6-3. Engineering.

3.1. Construction. The telecommunication plant shall be designed, constructed, maintained, and operated in accordance with the provisions as outlined in the current National Electric Safety Code or REA Standard, or such other appropriate regulation as may be prescribed.

3.2. Inter-exchange trunks. 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.

3.5. 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 of frequencies that will interfere with other users.

3.6. Emergency operation.

(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.

(2) It is essential that all central offices have some provision for emergency power. 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) In exchange exceeding five thousand (5,000) lines, a permanent auxiliary power unit should be installed.

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

3.7. Construction work near utility facilities

(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, must reasonably be taken to protect or alter telephone facilities in order to protect service to the public and to avoid unnecessary damage, such as identifying in a suitable manner the location of any underground facilities which may be affected by the work.

(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 of the reasonable cost thereof to the telephone company by the property owner or contractor.

(3) The telephone company may, in order to protect its interest, require that the owner or contractor perform certain work upon that part of the service piping or wiring 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.

(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.

4.1. Provisions for testing. The telephone company shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equip-

ment, either for routine maintenance or for fault location.

4.2. Meter reading records. When meters are used in connection with telecommunication service the meter reading data and related customer records from which the customer's bills are prepared shall show

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

(2) Meter readings.

(3) Date of meter reading.

(4) Multiplier or constant, if used.

4.3. Meter reading interval. A nearly as practicable meters shall be read at intervals to correspond to customer billing periods.

4.4. Meter and recording equipment test facilities

(1) The telephone company furnishing telecommunication service, where local exchange billing is based on the number and/or duration of messages, shall provide the necessary facilities, instruments and equipment for testings 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.

(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:

(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.

(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.

(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 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 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.

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. 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.

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

5.5. Management audits.

(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.

(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 charac-

terized 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.

(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.

(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) 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.

(6) Implementation of recommendations.

(a) Draft report-

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

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

(b) Final report-

1. 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.

2. 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 au-

dits.

(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 section upon a showing of good cause for such extension.

§150-6-6. Standards of Quality of Service.

6.1. Basic telephone company obligations.

(1) The telephone company shall provide telecommunications service to the public in its service area in accordance with its rules and tariffs on file with the Commission.

(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.

(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 frequency necessary to determine that sufficient equipment and an adequate operating force are provided.

(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.

(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) 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.

(7) Upon reasonable requests the telephone company shall provide verification of busy lines.

6.2. Service standards.

(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 seventy-five percent (75%) of requests for new service within five (5) working days when no special equipment 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 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 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 rights-of-way, shall be detailed in each telephone company's tariff.

(2) Meeting commitments. The telephone company shall make diligent efforts to 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 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 efforts to inform the customer of the delay and a new appointment made within a reasonable time.

(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.

(b) During such periods of time as the telephone company may not be able to provide initial local exchange service to an applicant or upgrade a customer's existing service within thirty (30) days after the date applicant desires service, 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 of service applied for, together with the reason for the inability to provide the new service or higher grade of service.

(c) 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.

(d) Intervals in excess of thirty (30) days are appropriate in those instances requiring outside plant construction work or installation of additional central office equipment, or when subscriber requests a later date.

(e) Whenever, for any reason, the regrade request cannot be filled on the date requested by the subscriber or within the prescribed interval, the subscriber 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.

(1) The telephone company shall provide operator assistance service twenty-four (24) hours a day for all exchanges.

(2) Adequate forces shall be provided at operator offices with the objective that at least eight-five percent (85%) of toll and assistance calls will be answered within ten (10) seconds.

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

6.4. Local dial service requirements.

(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.

(2) Central office capability and equipment shall be provided to meet the following requirements:

(a) Dial tone 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.

(3) 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 be provided by the telephone company in accordance with the following: Intercept services, either operator or mechanical, shall be provided for non-working and changed numbers until assigned, reassigned, or no longer listed in the directory where equipment permits

6.5. Inter office service requirements. Engineering and maintenance of the trunk and related switching components of the toll network shall be such as to permit the following minimum rates of call completion, during the average of observed days, on properly dialed calls that do not encounter called number busy, no answer, or proper intercept:

(1) DDD Calls (incoming trunks).....ninety-six percent (96%)

6.6. Maintenance Requirements.

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

(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, crosstalk, or poor transmission characteristics, shall be corrected to the extent practicable.

(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.

(4) The telephone company shall keep a record

showing all interruptions affecting service to an entire exchange, and any important portion of the distribution system. This record shall show the time, duration, extent and cause of the interruption.

(5) When interruptions occur, the telephone company shall reestablish service with the shortest possible delay. In general, out-of-service troubles should be cleared within twenty-four (24) hours of the time such troubles are reported, except when such service interruptions are caused by emergency situations or acts of God affecting large numbers of customers.

(6) Whenever the service is interrupted for the purpose of working on the distribution system or central office equipment, this 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, be notified in advance.

(7) Repair service shall be available on weekends and holidays, as well as weekdays, for telephone 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 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 to life, limb, or 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, this trouble report shall be referred to the connecting company.

(c) The telephone company shall provide clearly and list in the directory the telephone number 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.

(8) 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 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.

(9) 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.

6.7. 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. Level of noise and crosstalk shall be such as not to impair communications.

6.8. Miscellaneous service requirements.

(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.

(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.

(3) All coin operated telephones shall by no later than January 1, 1987, be of such a design that will permit a caller 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 postpay design.

§150-6-7. Safety.

7.1. Protective measures.

(1) The telephone company shall exercise rea-

sonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected to by its operations.

(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 ratepayer benefit/utility cost standpoint.

§150-6-9. Local Emergency Telephone System.

9.1. Creation of emergency telephone systems.

(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 multijurisdiction 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.

(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.

(3) The number "911" shall be used as the primary emergency number whenever practicable. If the use of the number "911" is not practicable, the telephone company or companies shall make applica-

tion to this Commission in order to use an alternate emergency telephone number. The Commission encourages the use of "1-911" as the alternate emergency telephone number.

(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.

(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.

(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 "911".

(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 "911", if practicable.

(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.

(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.

(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.

(7) The provision of emergency telephone service shall be made under tariffs approved by this Commission.

(8) In political jurisdictions served by more than one (1) telephone utility, the telephone utilities shall cooperate in establishing an emergency telephone system. The Engineering 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) 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.

§150-6-10. Reduced Telephone Rates for Certain Low-Income Residential Customers.

10.1. Tariff filings. Every 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 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.

(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) 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.

(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 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.

(1) The monthly tel-assistance rate shall be set initially by the Commission at the lower of:

(a) the lowest priced service available to the customer at the time of his/her application, or

(b) seven dollars and fifty cents (\$7.50).

This rate shall allow the customer two dollars (\$2.00) in usage. All usage in excess of two dollars (\$2.00) shall be charged to the customer at the otherwise applicable tariff rate.

(2) 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.

(3) A telephone utility may not impose an order processing charge or line charge in changing a customer to or from tel-assistance service. However, charges for other 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. Utility's responsibility upon application.

(1) 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.

"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 utility is entitled to rely upon the information provided to it directly or indirectly by the West Virginia Department of Human Services pursuant to West Virginia Code §24-2C-4(c).

(2) Each 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.

(3) 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.

(1) On or before the first day of March of each year, each utility offering tel-assistance service may make application to the Commission for a determination and certification of the revenue deficiency which it has experienced during the previous calendar year. Subsequently, the Commission will enter an order certifying the amount of the revenue deficiency.

(2) The 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.

(3) Applications for determination and certification of a utility's revenue deficiency shall be made in the format to be prescribed by the Commission. All information submitted in this application shall be verified by the utility to be true and accurate to the best of its knowledge and information.

10.6. Notice to customers. The 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.

§150-6-11. Customer Owned Coin Operated Telephones.

11.1. Certification requirements.

(1) Each Customer Owned Coin Operated Telephone (COCOT) provider shall be required to obtain a Commission certificate. No COCOT shall be entitled to receive access to local exchange carrier service unless the COCOT provider has received certification from the Public Service Commission. When a COCOT provider applies for a certificate the applicant shall provide the information contained on 11.1 FORM A.

(2) Each COCOT instrument must be registered with the Public Service Commission. COCOT providers must file 11.1 FORM B for each COCOT 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.

11.2. Rates and charges.

(1) COCOTs shall be required to subscribe to one party measured (or message) business service unless such service is not available from the local exchange carrier serving the COCOT.

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

(3) A COCOT shall charge no less than the local exchange carrier which serves the area in which the COCOT is located is currently charging for public telephone service, nor more than the rate ceiling on file with the Commission (11.1 Form B).

(4) A COCOT shall charge no less than the local exchange carrier which serves the area in which the COCOT is located is currently charging for public telephone service, nor more than fifty cents (\$.50) for sent-paid toll calls plus what the call costs the COCOT provider, rounded upward to the nearest five cent (\$.05) increment. Completed calls for special services such as "900" service shall be handled in the same manner as toll calls.

(5) A COCOT shall charge no less than the local exchange carrier which serves the area in which the COCOT is located is currently charging for public telephone service, nor more than fifty cents (\$.50) for toll calls made by means of credit cards, third-number billing or collect calling. A charge shall only be assessed for connected calls.

(6) There shall be no charge for uncompleted calls.

11.3. Operational and maintenance requirements.

(1) All COCOTs shall comply with generally accepted telecommunications industry standards, Commission Rules and Regulations, applicable local ordi-

nances and the current National Electric Code and National Electrical Safety Code.

(2) COCOTs shall be maintained and operated in accordance with generally accepted telecommunications industry standards and Commission Rules and Regulations.

(3) COCOTs shall be hearing aid compatible as defined by the Federal Communications Commission.

(4) COCOTs shall have a telephone directory covering the exchanges which may be called on a local calling basis from the COCOT locale.

(5) A COCOT user shall be able to pay for calls by using coins, credit card numbers, third number billing and collect calling.

(6) COCOTs should enable the user, at a minimum, to use nickel, dime and quarter coins in any combination totalling at least the amount owed, as payment.

(7) COCOTs shall automatically return unused coins, but need not provide change for overpayment due to use of coins of greater denomination than required.

(8) A COCOT shall be capable of receiving incoming calls without charge to the answering party and be equipped with working ringers or equivalent audible signalling devices unless the COCOT is conspicuously marked as being unable to receive incoming calls.

(9) COCOTs shall be equipped with tone signalling.

(10) COCOT instruments shall be registered with the Federal Communication Commission pursuant to the provisions of 47 CFR Part 68.

(11) COCOTs shall fully participate in E911 programs when the COCOT is located in a service area covered by an E911 system.

(12) COCOT users shall be able to reach, without charge or use of a coin,

(a) "0" Operator

(b) "911"

(c) "Local" directory assistance

(d) "800" telephone numbers

(13) All calls to "911" shall automatically route to the 911 center serving the COCOT location. If the COCOT location is not served by a 911 center, calls to "911" shall route to an "0-" type operator

(14) COCOTs shall have the ability to make the following types of calls:

(a) Local (including all EAS and extended LMS exchange.

(b) IntraLATA, both intrastate and interstate.

(c) InterLATA, both intrastate and interstate.

(d) International.

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

11.4. Information to be displayed on a COCOT

(1) The following information shall be conspicuously displayed on each COCOT.

(a) Operating instructions, including how to place toll calls over the facilities of the interexchange carrier serving the COCOT's location.

(b) Rates for various services offered by the COCOT.

(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 COCOT provider's name, address, telephone number and Public Service Commission registration number.

(e) The location of the COCOT.

11.5. Violations and penalties.

Unauthorized COCOT providers and/or COCOT 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.

CERTIFICATE APPLICATION FOR
CUSTOMER OWNED COIN OPERATED TELEPHONES

1. Business Name _____
Business Address _____

Business Telephone Number () _____

2. Please list the toll free telephone number and address to use for complaints and/or refund requests.

Name _____
Address _____
Telephone Number () _____

3. Please list name, address and telephone number of person to be contacted by Public Service Commission for regulatory matters.

Name _____
Address _____
Telephone Number () _____

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

Signature: _____

11.1 Form B

REGISTRATION FORM FOR
CUSTOMER OWNED COIN OPERATED TELEPHONES

A registration form is required for each COCOT instrument.

1. Location of COCOT

Address _____

2. Type of COCOT set:

3. Is the COCOT _____ indoor _____ outdoor

if outdoor, _____ booth _____ open

4. Describe the service(s) provided by this COCOT.

5. List the rate ceilings for each service.

6. Will the services of this COCOT be leased to another entity for resale?

_____ Yes _____ No

If yes, list business name, address and telephone number of leasee.

Business name _____

Business address _____

Business telephone number () _____