

## **ARTICLE 7. TELEPHONE UTILITIES**

### **Rule 1. Standards of Service (Repealed)**

*(Repealed by Indiana Utility Regulatory Commission; No. 32928: Standards of Service for Telephone Utilities; filed May 31, 1979, 2:31 pm; 2 IR 811)*

#### **Rule 1.1. Standards of Service**

##### **170 IAC 7-1.1-1 Applicability of standards; variances; scope; severability (Repealed)**

*Sec. 1. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-2 Definitions (Repealed)**

*Sec. 2. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-3 Records and reports (Repealed)**

*Sec. 3. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-4 Applications for service; held applications; records and reports (Repealed)**

*Sec. 4. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-5 Tariffs; maps of service areas (Repealed)**

*Sec. 5. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-6 Design and construction of plant and facilities; safety standards (Repealed)**

*Sec. 6. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-7 Operator services (Repealed)**

*Sec. 7. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-8 Commission staff inquiries; response time (Repealed)**

*Sec. 8. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

##### **170 IAC 7-1.1-9 Directories (Repealed)**

*Sec. 9. (Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-10      Classification of telephone exchanges; scope and application (Repealed)**

Sec. 10. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-11      Service standards (Repealed)**

Sec. 11. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-12      Bills for utility service (Repealed)**

Sec. 12. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-13      Billing adjustments (Repealed)**

Sec. 13. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-14      "Customer" and "applicant" defined (Repealed)**

Sec. 14. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-15      Creditworthiness of customer; deposit; refund (Repealed)**

Sec. 15. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-16      Disconnection of service; prohibited disconnections; reconnection (Repealed)**

Sec. 16. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-17      Customer complaints (Repealed)**

Sec. 17. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-18      Informational pamphlets; explanation of available service; notice of proposed rate change (Repealed)**

Sec. 18. *(Repealed by Indiana Utility Regulatory Commission; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later)*

**170 IAC 7-1.1-19      Unauthorized switching of telecommunications providers; billing for telecommunications or other services added without customer's consent**

Authority: IC 8-1-1-3; IC 8-1-29

Affected: IC 8-1-2-4

Sec. 19. (a) For purposes of this rule, the following definitions apply:

- (1) "Electronic letter of agency" or "ELOA" means an electronically signed written statement that:
  - (A) authorizes a change to the customer's primary interexchange carrier or primary local exchange carrier; and
  - (B) includes the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001(c).
- (2) "Express authorization" means an express, affirmative act by the customer clearly agreeing to the change in PIC or LEC in the form of:
  - (A) a written authorization;
  - (B) a customer-initiated call to the prospective IXC or LEC;
  - (C) an oral authorization verified and recorded by an independent third party;
  - (D) a recorded electronic authorization;
  - (E) some other form of recorded authorization, such as personal identification numbers (PINs) or passwords; or
  - (F) an electronic authorization.
- (3) "Letter of agency" or "LOA" means a written statement that the customer signs that authorizes a change to that customer's primary interexchange carrier or primary local exchange carrier.
- (4) "Local exchange carrier" or "LEC" means a provider of switched telecommunications service that carries calls originating and terminating within the local calling area.
- (5) "Long distance telecommunications service" means service that carries calls to exchanges that are not within the local calling area of the originating number.
- (6) "Primary interexchange carrier" or "PIC" means a provider of presubscribed inter-LATA or intra-LATA long distance telecommunications services. The term includes the following:
  - (A) Presubscribed facilities-based carriers of long distance service.
  - (B) Resellers of long distance service.
  - (C) Local exchange carriers providing long distance service.

In those local exchanges where intra-LATA equal access is available, customers may receive presubscribed long distance service from more than one (1) PIC (one (1) for inter-LATA and one (1) for intra-LATA toll) or may select a single PIC that provides both inter-LATA and intra-LATA toll service.

(7) "Primary local exchange carrier" or "PLEC" means a carrier to which a customer has presubscribed for local exchange service.

(8) "Properly disputed" means the filing of a complaint, either verbally or in writing, with the commission.

(9) "Telemarketing" means the use of telecommunications in marketing campaigns to reach prospective purchasers and sell them goods or services.

(b) No prospective PIC shall submit to a LEC a PIC change order generated by telemarketing unless the prospective PIC has first obtained express authorization from the customer. No prospective LEC shall submit a PLEC change order generated by telemarketing unless the prospective LEC has first obtained express authorization from the customer.

(c) The prospective PIC or prospective LEC shall confirm such express authorization through one (1) of the following three (3) procedures:

- (1) The prospective PIC or prospective LEC shall obtain the customer's written or electronic authorization in a form that meets the requirements of subsections (e) through (n).
- (2) The prospective PIC or prospective LEC shall obtain the customer's electronic authorization, placed from the telephone number or numbers on which the PIC or PLEC is to be changed, to submit a PIC or PLEC change order. The authorization shall include the information described in subsection (i). Prospective PICs or prospective LECs electing to confirm sales electronically shall establish one (1) or more toll-free telephone numbers exclusively for that purpose. A call to the number or numbers will connect a customer to a voice response unit, or similar mechanism, that records the required information regarding the PIC or PLEC change, including automatically recording the automatic number identification (ANI).
- (3) An appropriately qualified and independent third party shall obtain the customer's oral authorization to submit the PIC or PLEC change order. Such authorization shall confirm and include appropriate verification data, for example, the customer's date of birth, mother's maiden name, or Social Security number or part thereof. Such authorization is valid only if the entity that obtained the authorization:
  - (A) is independent of the prospective PIC or prospective LEC or the telemarketing representative of the prospective PIC or prospective LEC;

(B) complies with this section regarding changes to telecommunications carriers;  
(C) has a written policy regarding customer complaints and abides by that policy;  
(D) has a written policy requiring the maintenance and storage of recorded electronic authorizations for a minimum period of one (1) year and abides by that policy;  
(E) has a written script that it uses when obtaining verifications, and the script provides clear and unambiguous notice to the customer:

- (i) that the customer is authorizing a change in primary interexchange or primary local exchange carrier;
- (ii) of the identity of the new primary interexchange or primary local exchange carrier;
- (iii) of a toll-free or local number of the LEC that the customer can call to verify whether the change has occurred;
- (iv) that, for any one (1) telephone number:

(AA) only one (1) prospective PIC may be designated as the subscriber's inter-LATA primary interexchange carrier;

(BB) only one (1) prospective PIC may be designated as the subscriber's intra-LATA primary interexchange carrier; and

(CC) only one (1) intrastate primary LEC may be designated as the subscriber's primary LEC; and

- (v) that the PIC change will automatically apply to both inter-LATA and intra-LATA long distance service offerings unless the customer directs otherwise; and

(F) is in a location that is physically separate from that of the prospective PIC or prospective LEC or the telemarketing representative of the prospective PIC or prospective LEC.

(d) A PIC or PLEC change made in violation of any of the requirements of this section is invalid. A prospective PIC or PLEC must provide all information regarding disputed carrier changes and services billings to the commission within thirty (30) days of a commission request for said information.

(e) If the prospective PIC or prospective LEC utilizes the authorization procedure in subsection (c)(1), the prospective PIC or LEC shall obtain any necessary written authorization from a subscriber for a PIC or PLEC change by using a letter of agency or electronic letter of agency as specified in subsections (f) through (n). Any letter of agency or electronic letter of agency that does not conform to those subsections is invalid.

(f) The letter of agency or electronic letter of agency shall be a separate document (or an easily separable document) or located on a separate screen or Web page containing only the authorizing language described in subsection (i), whose sole purpose is to authorize a prospective PIC or LEC to initiate a primary interexchange carrier or PLEC change. The letter of agency must be signed and dated by the subscriber to the telephone line or lines requesting the primary interexchange carrier or PLEC change. The subscriber (or authorized agent in the case of a business customer) whose name appears on bills for local and interexchange service shall be the only party authorized to execute a letter of agency.

(g) The letter of agency shall not be combined with inducements of any kind on the same document, screen, or Web page.

(h) Notwithstanding subsections (f) and (g), the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in subsection (i) and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain, in easily readable, bold-face type on the front of the check, a notice that the consumer is authorizing a primary interexchange carrier or PLEC change by signing the check. The letter of agency language shall also be placed near the signature line on the back of the check.

(i) At a minimum, the letter of agency must be printed with a typeface of sufficient size and clarity to be clearly legible and must contain clear and unambiguous language that confirms:

(1) the subscriber's billing name and address and each telephone number to be covered by the primary interexchange carrier or PLEC change order;

(2) the subscriber's decision to change the primary interexchange carrier or PLEC from the current interexchange carrier or LEC to the prospective interexchange carrier or prospective LEC;

(3) that the subscriber designates the prospective interexchange carrier or prospective LEC to act as the subscriber's agent for the primary interexchange carrier or PLEC change;

(4) that the subscriber understands that, for any one (1) telephone number:

(A) only one (1) prospective PIC may be designated as the subscriber's inter-LATA primary interexchange carrier;

(B) only one (1) prospective PIC may be designated as the subscriber's intra-LATA primary interexchange carrier; and

(C) only one (1) intrastate primary LEC may be designated as the subscriber's intrastate primary LEC;

(5) that the subscriber understands that any change in primary interexchange carrier or primary LEC may result in a charge to the subscriber; and

(6) the LEC's toll-free or local number that the customer can call to verify whether the change has occurred.

(j) To the extent a customer selects separate carriers for inter-LATA, intra-LATA, and LEC services, the letter of agency must contain separate statements regarding those choices. Any carrier designated as a primary interexchange carrier for inter-LATA service must be the carrier directly setting the inter-LATA service rates for the subscriber. Any carrier designated as a primary interexchange carrier for intra-LATA services must be the carrier directly setting the intra-LATA service rates for the subscriber. Any carrier designated as a primary local exchange carrier must be the LEC directly setting the local exchange service rates for the subscriber. One (1) interexchange carrier can be both a subscriber's inter-LATA primary interexchange carrier and a subscriber's intra-LATA primary interexchange carrier.

(k) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current interexchange carrier or LEC.

(l) If any portion of a letter of agency is translated into a language other than English, then all portions of the letter of agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions, or instructions provided with the letter of agency.

(m) The letter of agency shall provide the toll-free telephone number and mailing address of the consumer affairs division of the Indiana utility regulatory commission and shall inform the customer of his or her right to file a complaint with that division.

(n) Letters of agency submitted with an electronically signed authorization must include the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001(c).

(o) Upon request of the customer, offers to provide telecommunications interexchange or local exchange services shall be sent to the customer in written form describing the terms and conditions of service.

(p) Except for tariff-regulated, customer-initiated, one-time use products, such as collect calling services, optional pay-per-use services (including automatic callback, repeat dialing, and three-way calling), no PIC or LEC or any billing agent acting for said PIC or LEC shall bill a customer for any service unless the PIC, LEC, or billing agent possesses written or electronic documentation that shows:

(1) the name of the customer requesting the service;

(2) a description of the service requested by the customer;

(3) the date on which the customer requested the service;

(4) the means by which the customer requested the service; and

(5) the name, address, and telephone number of all sales agents involved.

(q) No PIC, LEC, or billing agent for any PIC or LEC shall be entitled to any compensation from a customer for services rendered in violation of this rule.

(r) The customer's local exchange company shall not disconnect the customer's phone service for nonpayment where the customer has properly disputed a carrier change or service billing.

(s) A telecommunications carrier shall submit a preferred carrier change order on behalf of a subscriber within no more than sixty (60) days of obtaining a written or electronically signed letter of agency. However, letters of agency for multiline and/or multilocation business customers that have entered into negotiated agreements with carriers to add presubscribed lines to their business locations during the course of a term agreement shall be valid for the period specified in the term agreement.

(t) This rule shall apply only to the extent not preempted by federal law. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.1-19; filed Jan 18, 1999, 1:18 p.m.: 22 IR 1938; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Mar 4, 2002, 2:57 p.m.: 25 IR 2209; filed Jul 14, 2004, 9:45 a.m.: 27 IR 3872; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA*)

## **Rule 1.2. Telecommunications Service Quality Standards; Standards of Service**

### **170 IAC 7-1.2-1 Applicability of standards; variances; scope; severability**

Authority: IC 8-1-1-3

Affected: IC 8-1-2; IC 8-1-2.6

Sec. 1. (a) This rule applies to any local exchange carrier (LEC) that is now, or may hereafter be, engaged in the business of rendering telecommunications services to the public under the jurisdiction of the commission. This rule is intended to result in the provision of reasonable quality telecommunications services to the public and to establish the obligations of both the LEC and the

customer. The standards of service provided in this rule create a minimum level of service that an LEC must meet when providing reasonable quality telecommunications services within Indiana.

(b) Any LEC subject to the service quality standards set forth in this rule that fails to meet such standards shall be subject to all legal remedies provided by law. Upon complaint or its own motion and after notice and a hearing, the commission may order lawful enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this rule. Nothing in this rule shall prevent the commission from exercising any authority it may have under applicable law to enforce this rule in the event any LEC fails to comply.

(c) An LEC may be excused from the service quality measures of this rule when such failure is the direct result of customer-owned equipment, negligent acts of a customer, or acts of God as determined by the commission. A CLEC shall not be held responsible for failure to meet any provision of this rule, including the credit provisions, when such failure is directly related to ILEC-provided services, systems, or facilities. Sections 3(g), 5, 10, 12, 14, 15, and 18 of this rule do not apply to bundled local resellers of local exchange service or LECs that provide local service via the unbundled network element platform (UNE-Platform).

(d) Credits required by this rule do not apply if the violation of a service quality standard:

- (1) occurs as a result of a negligent or willful act on the part of the customer;
- (2) occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;
- (3) occurs as a result of, or is extended by, an emergency situation;
- (4) is extended by the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;
- (5) occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier; or
- (6) occurs as a result of a carrier's right to refuse service to a customer as provided by law.

(e) The commission may, upon petition of an LEC or the utility consumer counselor, upon its own motion, or in response to customer complaints, take any of the following actions in accordance with applicable legal and procedural requirements:

- (1) Alter or amend this rule, in whole or in part.
- (2) Require an LEC to offer any other services.
- (3) Require an LEC to utilize or provide any other equipment or facilities.
- (4) Require an LEC to comply with any other service standards.
- (5) At its sole discretion, grant, in whole or in part, permanent or temporary waivers from this rule on an expedited basis.

(f) When the commission initiates an administrative adjudication under subsection (e), either in response to customer complaints, upon petition of an LEC, the utility consumer counselor, or upon the commission's own motion, it shall consider whether public convenience and necessity will be served by granting the requested relief and whether the requested relief is:

- (1) justified under IC 8-1-2.6;
- (2) necessary to avoid unreasonable hardship to an LEC or its customers; or
- (3) necessary to meet other exceptional conditions.

(g) The adoption of this rule shall not relieve any LEC from any of its duties under the laws of Indiana, applicable federal laws, and applicable commission orders.

(h) If any provision of this rule is determined by a court of competent jurisdiction to be prohibited or otherwise unenforceable under controlling state or federal law, such provision shall be ineffective to the extent of such prohibition or unenforceability, without invalidating the remaining provisions hereof.

(i) If an LEC's tariff on file with the commission contains provisions that conflict with this rule, this rule supersedes any conflicting tariff provisions. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-1; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4053, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-2 Definitions**

Authority: IC 8-1-1-3

Affected: IC 8-1-1.1-2; IC 8-1-2-1; IC 8-1-2-34.5

Sec. 2. The following definitions apply throughout this rule:

- (1) "Access line" means the facilities and transmission path used to create a telecommunications connection from a network interface device to the serving switch center and composing the local loop.

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- (2) "All trunks busy" means any equipment condition in which all trunks (paths) in a given trunk group are busy, causing callers to receive a fast busy signal.
- (3) "Bundled local reseller" means a public utility providing telecommunications services that purchases packages (bundles) of retail local services at wholesale rates from an underlying ILEC for resale to customers. The term does not include carriers that purchase disaggregate local service of an underlying ILEC, such as unbundled network elements, components, functionalities, or facilities to use in its provision of local exchange services.
- (4) "Business days" means all days other than:
- (A) a Saturday;
  - (B) a Sunday;
  - (C) a legal holiday; or
  - (D) a day that the office in which the act is to be done is closed during regular business hours.
- (5) "Busy hour" means the hour of the day during which a telephone system carries the most traffic.
- (6) "Call" means an attempted or completed telephone message.
- (7) "Central office" means a switching unit in a system that provides central office telecommunications services to the general public having the necessary equipment and operating arrangements for terminating and interconnecting access lines and trunks or trunks only. There may be more than one (1) central office in a building.
- (8) "Certificate of territorial authority" or "CTA" means a telecommunications service provider's authorization, as granted by the commission in compliance with IC 8-1-2-88 [*IC 8-1-2-88 was repealed by P.L.27-2006, SECTION 62, effective July 1, 2009.*], to provide service within a designated area.
- (9) "Class of service" means a designation given to an exchange service dependent upon the nature of its use, such as business or residence service.
- (10) "Commission" means the Indiana utility regulatory commission.
- (11) "Competitive local exchange carrier" or "CLEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange and does not qualify as an incumbent local exchange carrier under subdivision (18).
- (12) "Consumer affairs division" means the commission's division that reviews and issues dispositions on informal complaints submitted to the commission by LEC customers under IC 8-1-2-34.5.
- (13) "Customer" means any person, firm, partnership, corporation, municipality, governmental agency, limited liability company, or other entity provided with local exchange carrier telecommunications service and may also be referred to as "end user".
- (14) "Exchange" means a geographic service area established by an incumbent local exchange carrier and approved by the commission, usually embracing a city, town, or village and designated surrounding or adjacent area, that typically encompasses one (1) or more central offices, together with the associated plant used in furnishing telecommunications service to the general public.
- (15) "Extended area service" or "EAS" means telephone service permitting persons in a given exchange to place and receive calls from one (1) or more other exchanges at monthly flat or measured rates without being assessed toll message charges for each message.
- (16) "Facility" means any one (1) or all of the elements of physical plant used to provide telecommunications services, sometimes used synonymously with "transmission path", including all of the physical cables and equipment associated with that path.
- (17) "Grade of service" means the type of service furnished a customer with respect to the functionality and capabilities of the service offering.
- (18) "Incumbent local exchange carrier" or "ILEC" means a local service LEC that provides telephone service to customers in the geographic territory served by the local exchange and that:
- (A) on February 8, 1996, provided telephone exchange service in such area and was deemed to be a member of the exchange carrier association under 47 CFR 69.601(b), 60 FR 19530 (April 19, 1995)\*; or
  - (B) is a person or entity that on or after February 8, 1996, became a successor or assign of a member described in clause (A).
- (19) "Intercept service" means a service arrangement provided by the LEC whereby calls placed to a nonworking, disconnected, or discontinued telephone number are intercepted and the calling party is informed that:
- (A) the called telephone number is not in service or has been changed to another number; or

- (B) the calls are received by another telephone number.
- (20) "Interoffice call" means a telephone call originating in one (1) central office unit or entity but terminating in another central office unit or entity, both of which are in the same designated exchange area.
- (21) "Intraoffice call" means a telephone call originating and terminating within the same central office unit or entity.
- (22) "Legal holiday" means the following:
- (A) New Year's day.
  - (B) Dr. Martin Luther King, Jr. day.
  - (C) Washington's birthday.
  - (D) Memorial day.
  - (E) Independence day.
  - (F) Labor day.
  - (G) Veteran's day.
  - (H) Thanksgiving day.
  - (I) Christmas day.
  - (J) Any other day appointed as a holiday by the President or the Congress of the United States or by the governor of the state of Indiana.
- (23) "Local exchange carrier" or "LEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange under IC 8-1-2-88 [*IC 8-1-2-88 was repealed by P.L.27-2006, SECTION 62, effective July 1, 2009.*] and excluding those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service. The agents of an LEC are deemed to be the LEC for purposes of this rule.
- (24) "Local service" means telephone service furnished to customers under a specific schedule of exchange rates not including toll charges.
- (25) "Local service area" means the area within which telephone service is furnished to customers under a specific schedule of exchange rates and without toll charges, which may include one (1) or more exchange areas or portions of exchange areas.
- (26) "Loop" means the facilities used to connect the customer premises with the central office.
- (27) "Out-of-service trouble report" means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer's access line. As used in this rule, the term shall not include service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages.
- (28) "Primary service" means the initial access line providing local service to a customer.
- (29) "Public safety answering position" or "PSAP" means a person or group of people who answer 9-1-1 emergency calls.
- (30) "Service-affecting trouble report" means any regulated service-related trouble report that does not constitute an out-of-service condition.
- (31) "Service interruption" means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer's access line. As used in this rule, the term shall not include service difficulties, such as:
- (A) slow dial tone;
  - (B) circuits busy; or
  - (C) other network or switching capacity shortages.
- (32) "Speed of answer" means the following:
- (A) For live operator systems, it is the number of seconds required to reach an operator or service representative who is ready to render assistance and accept the information necessary to process the call.
  - (B) For automated, interactive answering systems, it is the number of seconds from the time a customer's call exits the automated system until the call is answered by a live operator, service representative, or automated system ready to render assistance and accept the information necessary to process the call.
- (33) "Tariff" means a schedule of regulated recurring and nonrecurring charges together with the appropriate general rules and regulations applicable to customers of the LEC for services furnished properly filed with and approved by the commission.
- (34) "Toll blocking" means a service that customers may use to block outgoing toll calls from their access lines.
- (35) "Toll message" means a completed telephone call between stations in different exchanges for which toll charges are applicable.
- (36) "Tracking number" means a number that allows the customer to verify that a requested repair or installation order has been received by the LEC.
- (37) "Traffic" means the amount of activity during a given period of time over a circuit, access line, or group of access lines,



or the number of messages handled by a data communications switch.

(38) "Trouble report" means any oral or written report to an appropriate LEC representative from the LEC's customer relating to a physical defect in or difficulty with subscribed network facilities providing regulated telecommunications services. For purposes of this rule, trouble reports are classified as either an out-of-service trouble report or a service-affecting trouble report.

(39) "Trunk" means a common communications line between two (2) switching systems. Information from a variety of users goes through the same trunking facilities.

(40) "Utility" means any public utility as defined in IC 8-1-2-1.

(41) "Utility consumer counselor" means the office established pursuant to IC 8-1-1.1-2.

(42) "Valid number" means a number for a specific telephone terminal in an assigned area code and working central office that is equipped to ring and connect a calling party to such terminal number.

(43) "Wire center" means the location where the LEC terminates customer access lines with the necessary testing facilities to maintain the access lines.

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Utility Regulatory Commission, 302 West Washington Street, Room E306, Indianapolis, Indiana 46204. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-2; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4054, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

### **170 IAC 7-1.2-3 Records and reports**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-52

Sec. 3. (a) The LEC shall furnish the commission with any information concerning the LEC's facilities or operations that the commission may request and require. Each LEC shall also furnish to the commission, at such time and in such form as the commission may require, the results of any required tests and summaries of any required records. All such data, unless otherwise specified, shall be consistent and reconcilable with the LEC's annual report to the commission.

(b) Where an LEC is operated with another business that is not regulated by the commission, data and records of the LEC shall be separate such that the results of the LEC's intrastate telephone operations may be determined at any time at the level of detail prescribed under applicable state and federal law.

(c) Upon the direction of the commission and notification to the LEC, any member of the commission staff may, at any reasonable time during normal business hours, visit the LEC's offices or other places of business within or outside Indiana and inspect any accounts, books, records, and papers of the LEC that may be necessary in the discharge of commission duties.

(d) During such visits by the commission staff, and during comparable visits by the utility consumer counselor's staff, the LEC shall provide staff members with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable to the accommodations the LEC provides for its independent auditors.

(e) Requirements for location and preservation of records are as follows:

(1) All records that an LEC is required to keep, by reason of this rule or other rules prescribed by the commission, shall be kept at the office or offices of the LEC located within Indiana unless otherwise authorized by the commission.

(2) All LECs shall maintain sufficient records necessary to verify and substantiate all requirements of these rules. The failure of an LEC to maintain sufficient records to verify and substantiate the LEC's compliance with a service quality standard shall serve as an admission that the LEC failed to meet that service quality standard.

(3) An LEC that receives commission authorization to keep its required records in another state shall reimburse the commission for all reasonable out-of-state travel expenses incurred to review records kept in another state.

(4) An LEC that receives commission authorization to keep its required records in another state shall reimburse the utility consumer counselor for all reasonable out-of-state travel expenses incurred to review records kept in another state if out-of-state inspection and review of records becomes necessary in order to satisfy a discovery request from the utility consumer counselor in any docketed proceeding.

(5) Unless otherwise directed by the commission, an LEC shall maintain its records in accordance with 47 CFR 42 and the master index maintained pursuant to 47 CFR 42.4, 51 FR 32653 (September 15, 1986)\*. Notwithstanding any other provision of this rule, all records necessary to substantiate an LEC's compliance with the requirements of this rule, including any underlying documentation, shall be maintained for at least eighteen (18) months.

(f) Each LEC shall maintain suitable maps and records to show the location and description of its toll and exchange plant facilities and the extent of area served by the LEC.

(g) Requirements for reports of interruptions are as follows:

(1) Each LEC shall inform the commission's consumer affairs division and the utility consumer counselor of any interruptions to service exceeding one (1) hour affecting an entire exchange or a substantial portion (twenty-five percent (25%) of the LEC's average number of lines per exchange or two thousand (2,000) lines, whichever is fewer) of an exchange or central office within two (2) hours during normal work hours of the business day after the LEC becomes aware of such interruption to service and shall within one (1) business day notify the consumer affairs division and the utility consumer counselor when service has been restored. If the offices of the commission and utility consumer counselor are not open for business when any interruptions to service exceeding one (1) hour and affecting an entire exchange or a substantial portion (twenty-five percent (25%) of the LEC's average number of lines per exchange or two thousand (2,000) lines, whichever is fewer) of an exchange or central office occurs, the LEC shall notify the commission's consumer affairs division and the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(2) In the event of a 9-1-1 service affecting disruption or impairment that affects all or a substantial portion of an exchange, the LEC shall notify the affected PSAP designated contact immediately upon identification and verification of the service affecting disruption or impairment. A status regarding the restoration of the service affecting disruption or impairment shall be provided by the LEC to the affected PSAP every sixty (60) minutes unless otherwise negotiated with the PSAP. The LEC shall inform the commission's consumer affairs division and the utility consumer counselor of such 9-1-1 service affecting disruption or impairment within two (2) hours during normal work hours of the business day and shall within two (2) hours during normal work hours of the business day notify the commission's consumer affairs division and the utility consumer counselor regarding the restoration of the service. If the offices of the commission and the utility consumer counselor are not open for business when a service affecting disruption or impairment or restoration of service occurs, the LEC shall notify the commission's consumer affairs division and the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(h) The commission may require that data be reported by the utilities in order to determine whether an LEC is providing service consistent with this rule. The LEC shall respond to any quality of service survey that is issued by the commission. The commission may revise, as necessary, the quality of service survey to acknowledge technological advances, deployment of advanced services, changes to the set of universally supported services, or other telecommunications related events.

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Utility Regulatory Commission, 302 West Washington Street, Suite E306, Indianapolis, Indiana 46204. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-3; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4055, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-4 Tariffs; maps of service areas**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-38; IC 8-1-2-39

Sec. 4. (a) Each LEC shall maintain on file with the commission tariffs which set forth all rates and charges for customer services, applicable local service areas, any applicable classes and grades of service, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relationship between the LEC and its customers. Such tariff filings shall comply with this rule and with other applicable law.

(b) Each ILEC shall file maps with the commission depicting the ILEC's local exchange service areas. The maps shall cover all territory included in the ILEC's CTA and shall delineate the local exchange service area boundaries in sufficient detail to permit such boundaries to be located in the field. The maps shall be maintained on a current basis, with signatures of concurrence from duly accredited representatives of each affected ILEC for abutting exchanges, where necessary.

(c) Each LEC shall make copies of the following available for public inspection during normal business hours at all of its public service center locations in Indiana:

(1) All current local exchange tariffs.

(2) All intrastate toll rate schedules showing any applicable tariffed rate structure distinctions.

(3) All local exchange service area maps.

The LEC shall provide copies of the items listed in this subsection to the public within twenty-four (24) hours of receiving an oral request or a request in person. The LEC shall provide copies of the items listed in this subsection to the public within seven (7) days of receiving a request by mail or facsimile. If the LEC charges customers for copies of the items listed in this subsection, such charges shall be included in the LEC's approved local exchange service tariffs on file with the commission.

(d)(1) Any LEC having a Web site, or with a parent corporation with a Web site, shall place on that Web site the following information:

(A) The LEC's effective Indiana jurisdictional tariff.

(B) All pending tariff supplements and revisions.

(2) An LEC shall notify the commission of all applicable Web site addresses. If any changes occur in an LEC's Web site address, the LEC shall notify the commission in writing within seven (7) days of such change. An LEC shall direct this correspondence to the commission's consumer affairs division.

(3) An LEC shall certify to the commission that the electronic tariffs are, and will continue to be, accurate electronic representations of the officially filed tariff. However, the electronic tariffs are not the official documents of the commission, and the Web site user assumes responsibility for any reliance placed on them.

(4) Tariff files shall be in a widely used and commercially available format. Tariff files shall be in read-only format to prevent Web site users from modifying the tariff language. Tariffs shall continue to be filed in hard copy format pursuant to applicable law. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-4; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4057, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-5 Safety standards**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 5. (a) The LEC's plant and facilities shall be designed, constructed, installed, maintained, operated, and removed in accordance with applicable provisions of the 2002 edition of the National Electrical Safety Code (copyright 2001), as approved by the American National Standards Institute on June 14, 2001\*, other state and federal workplace safety laws, and generally accepted industry practice to help ensure continuity of service and safety of persons and property.

(b) Each LEC shall use reasonable efforts to properly warn and protect the public from any known dangers caused by the LEC's facilities or operations. Each LEC shall exercise due care to reduce the hazards to employees, customers, or members of the general public caused by the LEC's equipment, facilities, or operations.

\*This document is incorporated by reference. Copies may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, New Jersey 08855-1331 or are available for copying at the Indiana Utility Regulatory Commission, Indiana Government Center-South, 302 West Washington, Room E306, Indianapolis, Indiana 46204. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-5; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4057, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-6 Operator services**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 6. (a) Each LEC that provides operator services shall adopt suitable practices concerning the operating methods used by its telephone operators, with the objective of providing prompt, courteous, accurate, and efficient operator services to each of its customers.

(b) Each LEC that contracts with another entity for the provision of operator services for its customers shall require that the contracting operator service provider adopt suitable practices concerning the operating methods used by the contractor's telephone operators, with the objective of providing prompt, courteous, accurate, and efficient operator services to each customer of the contracting LEC.

(c) Each LEC and contracting provider of operator services shall ensure that the telephone operators and service evaluation personnel used to provide operator services to the LEC's Indiana customers are familiar with and instructed to comply with all

applicable state and federal laws concerning privacy of telecommunications.

(d) Except for those customers who request nonpublished listings, each LEC shall provide access to the following information to the directory assistance and intercept operators used by the LEC:

- (1) The names of all customers.
- (2) The telephone numbers of all customers.
- (3) The service addresses of all customers.

The LEC shall also arrange for new or changed listings to be provided to the LEC's directory assistance and intercept operators within two (2) calendar days after installation of new or changed service, excluding Sundays and legal holidays. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-6; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-7 Response to commission staff inquiries**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-53

Sec. 7. Each LEC shall fully and promptly answer all inquiries received from the commission staff concerning service or any other matters pertaining to this rule. Each LEC shall fully and promptly answer such requests, at the earliest possible date, not to exceed fifteen (15) calendar days after the LEC receives such an inquiry from the commission, unless otherwise directed by the staff. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-7; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-8 Telephone directories; white pages**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 35-45-2-4

Sec. 8. (a) This section applies only to those telephone directories that an LEC publishes for its customers or contracts to provide to its customers in a given area.

(b) Telephone directories shall be revised at least once every fifteen (15) months, except when it is known that impending service changes require the rescheduling of directory revision dates. The commission, upon written application by an LEC, may allow exemptions from this section upon a showing that it is unnecessary or impractical to revise the directory within the normal time limit.

(c) Upon issuance of a directory, each customer served by such directory shall be furnished one (1) copy of that directory at no charge. The telephone directory shall list the name, address, and telephone number of all customers located in the area covered by the directory, excluding:

- (1) information on customers who request unlisted or nonpublished telephone numbers; and
- (2) identifying information concerning public pay phones.

Upon request, additional directories shall be furnished at no charge, not to exceed the total number of access lines, as provided under tariff, if available. Additional or foreign directories shall be provided when available by the LEC to its customers at cost.

(d) Upon customer request, each LEC shall provide, at no charge, a copy of any other telephone directory containing listings that may be dialed as either a local call or extended area service call by the requesting customer. These additional directories shall be furnished when available and shall not exceed the total number of access lines as provided under tariff.

(e) A current copy of all directories shall be furnished to the commission at no charge.

(f) Upon mutual consent of the LEC and the customer, the LEC may provide the customer with a directory in an electronic format, in lieu of a printed directory.

(g) The name of the publisher of the local telephone directory, the general areas included in the directory, and the month and year in which the directory was issued shall appear on the front cover of the directory.

(h) On the directory cover or spine, the primary area codes being served by the directory will be identified. Listings included in the directory from other area codes shall be presented with both the area code and number being shown.

(i) All of the following information shall be listed conspicuously on the first pages of the directory:

- (1) Instructions on the use of 9-1-1 emergency service numbers for all areas covered by the directory where 9-1-1 service is available. For areas covered by the directory that do not have 9-1-1 service, the directory shall list the emergency numbers for

either the sheriff or local police agency and the local fire department. A statement identifying where nonemergency numbers for local police and fire agencies are located shall also be included in the directory.

(2) A statement that the customer should contact its local exchange service provider for local service bills or its long distance service providers for long distance bills and to obtain instructions on how to submit payments to the customer's telecommunications service providers.

(3) A statement that the customer should contact the local exchange service provider for the following:

- (A) Matters relating to local exchange service.
- (B) Instructions on how to place local calls.
- (C) Instructions on how to report local service problems.
- (D) Instructions on how to change service options.
- (E) Instructions on how to access local directory assistance.
- (F) Instructions on how to access local operators.

(4) A statement that the customer should contact the long distance service providers for the following:

- (A) Matters relating to long distance service.
- (B) Instructions on how to place long distance calls.
- (C) Instructions on how to report long distance service problems.
- (D) Instructions on how to change service options.
- (E) Instructions on how to access long distance directory assistance.
- (F) Instructions on how to access long distance operators.

(5) A statement that the LEC's complaint handling process can be obtained by:

- (A) calling the LEC;
- (B) reviewing the terms of the LEC's current tariff on file with the commission; or
- (C) accessing the LEC's Web page at a given Internet address.

(6) A statement that if a customer is not able to resolve billing or service related complaints directly with the serving LEC, after attempting to do so, the customer is invited to contact the commission's consumer affairs division. This statement shall include the name, address, local telephone number, toll-free telephone number, TDD number, and Internet address of the consumer affairs division.

(7) A statement that a company's tariff is available for public inspection at the LEC's public service center and at the offices of the commission.

(8) A statement identifying the existence of low-income telephone assistance programs available in the area covered by the LEC, with instructions to contact the LEC to obtain additional information.

(9) A statement that the commission's:

- (A) service quality rule may be found at 170 IAC 7-1.2; and
- (B) consumer rights rule may be found at 170 IAC 7-1.3.

(10) A statement that is consistent with commission orders explaining both the LEC's and the customer's responsibilities regarding inside wiring.

(11) A copy of the rights and responsibilities of customers of telephone utilities (or a summary that has been approved by the commission for use in telephone directories).

(12) A statement that the federal statute that governs and limits privacy protections for interstate or foreign telecommunications is located at 47 U.S.C. 605 and the Indiana statute that affords protections for intrastate telecommunications is located at IC 35-45-2-4.

(j) If a customer's telephone number is shown incorrectly in an LEC-provided telephone directory, the LEC shall comply with the intercept provisions found in section 17 of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-8; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-9 Availability of service**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 9. (a) Each LEC that provides central office equipment and outside plant facilities shall design and engineer such

equipment and facilities in accordance with the following:

- (1) Recognized industry technical standards.
- (2) The service quality standards and other provisions of this rule.
- (3) Reasonable anticipated customer demand for basic telephone service.
- (4) Applicable commission orders.
- (5) Applicable tariffs.
- (b) Where central office and outside plant facilities are readily available:
  - (1) An LEC shall complete at least ninety-two percent (92%) of all requests for primary service in any month within an interval of five (5) business days after receipt of an application. The following conditions must be met for the standards set forth in this subsection to apply:
    - (A) The customer applicant has complied with all applicable tariff requirements.
    - (B) The customer applicant is prepared to accept the service.
    - (C) The customer applicant has not requested a later installation date.
    - (D) The requested service does not require the installation of special equipment or the provision of special services.
    - (E) For CLECs, all ILEC-provisioned services and network elements that are necessary in order for a CLEC to install primary service to end-user customers have been obtained by and are available to the CLEC.
  - (2) An LEC shall disclose to a customer its obligation to install primary service within an interval of five (5) business days or provide the customer with a credit, except when the LEC offers an installation date of five (5) days or less, or when the customer requests an installation date that exceeds five (5) days.
  - (3) If a customer requests installation of primary service within five (5) business days of the date the request was placed, the following provisions apply:
    - (A) The LEC shall advise the customer applicant of the date and time by which the LEC will be able to provide service and inform the customer of the tracking number assigned to the installation request.
    - (B) If the installation of service requires the customer to be present, the LEC shall fulfill the requirements of subsection (f).
    - (C) If the LEC fails to install primary service within five (5) business days of the date the request was placed, the LEC shall, without the customer's request, credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for the sixth day and each day thereafter until the LEC completes installation of trouble free primary service, provided, however, that the credit for failure to install primary service within five (5) business days shall not exceed the total amount of the installation fee.
    - (D) If the LEC fails to install trouble free primary service within ten (10) business days of the date the request was placed, the LEC shall provide the customer with alternative service free of charge.
  - (4) If a customer requests installation of primary service six (6) or more business days after the date the order was placed, the following provisions apply:
    - (A) The LEC shall advise the customer applicant of the date and time by which the LEC will be able to provide service.
    - (B) If the installation of service requires the customer to be present, the LEC shall fulfill the requirements of subsection (f).
    - (C) If the LEC fails to install service by the customer requested in service date, the LEC shall, without the customer's request, credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for each day after the customer requested installation date, provided, however, that the credit for failure to timely install primary service shall not exceed the total amount of the installation fee.
    - (D) If the LEC fails to install trouble-free primary service within five (5) business days of the customer request in service date, the LEC shall provide the customer with alternative service free of charge.
  - (5) Credits issued pursuant to this section shall be applied as soon as practicable but not later than two (2) billing cycles after the date of the completed installation.
  - (6) This section applies to new primary service installations by LECs and does not apply to service migrations from one (1) LEC to another LEC.
  - (c) Where central office and outside plant facilities are not readily available, the ILEC shall promptly notify the customer applicant of that fact and provide a date and time acceptable to the customer on which the required central office and outside plant facilities will be available for the ILEC to provide the requested services and provide the customer with a tracking number. Even when central office and outside plant facilities are not readily available, each ILEC shall strive to provide primary service to every

customer applicant:

- (1) on or before the requested in-service date, whenever possible; or
- (2) otherwise, as close to the customer-requested in-service date as possible and within thirty (30) days of the application for primary service.

(d) Each LEC shall maintain records reasonably sufficient to show the extent of its compliance with subsections (b) and (c) for the previous eighteen (18) months.

(e) If any ILEC fails to satisfy any primary service request within thirty (30) days of the requested in-service date, the ILEC shall do the following:

(1) File a report of any failure with the commission at the end of each calendar quarter. The report shall include an explanation of relevant circumstances and shall identify any factors outside the ILEC's control that prevented it from providing the requested service within thirty (30) days of the requested in-service date.

(2) Waive the nonrecurring installation charges upon installation of the requested service unless the ILEC requests and the commission grants a waiver for installation beyond thirty (30) days of the requested in-service date.

(f) If it is necessary for the customer to be present during an on-premise installation, the LEC shall make appointments for such installation, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon, or evening). If a service installation appointment cannot be kept, the LEC shall make reasonable efforts to notify the customer applicant by 6:00 p.m. on the day prior to the appointment to explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by 6:00 p.m. on the day prior to the scheduled installation appointment and the LEC fails to keep the installation appointment, the LEC shall, without the customer's request, credit the customer's account twenty-five dollars (\$25). (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-9; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4059, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata filed Oct 8, 2002, 12:36 p.m.: 26 IR 382; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-10      Extension of facilities**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 10. (a) Each LEC shall include in its tariffs filed with the commission a statement of its standard extension policy setting forth the terms and conditions under which its facilities will be extended to provide service to customer applicants located within the LEC's certificated service territory. The LEC's policies for service extensions shall conform to construction charges for extension of facilities required to provide local service and will not apply to facilities located on public rights-of-way, except where:

(1) unusual costs, as defined in tariffs or otherwise determined by the commission, are involved in the establishment of service;

(2) the installation is for a temporary or semipermanent purpose; or

(3) the facilities cannot be used for other general telephone purposes if service to the customer applicant is discontinued.

(b) Provided the type of facilities and method of installation are the type normally used by the LEC to provide the requested service, construction charges for facilities to be located on private rights-of-way in order to satisfy a customer applicant's request for local service shall not apply to the following:

(1) The first one-tenth (0.1) of a mile for business service.

(2) The first two-tenths (0.2) of a mile for residential service.

If a customer applicant requests a type of facility or method of installation that differs from the norm, the LEC shall charge the customer applicant for the difference in cost between the two (2) types of construction. The customer applicant shall also be responsible for providing necessary private rights-of-way if construction is required in areas where the right of eminent domain does not exist. The provision of any facilities beyond the first one-tenth (0.1) of a mile for business service and two-tenths (0.2) of a mile for residential service shall be charged to the customer applicant at cost.

(c) Requirements for new real estate developments are as follows:

(1) If a developer requests the installation of telephone facilities for a new real estate development, the developer shall have the property:

(A) cleared of trees, tree stumps, paving, and other obstructions necessary for installation of the telephone facilities;

(B) staked to show property lines and final grade; and

(C) graded to within six (6) inches of final grade;  
all at no charge to the LEC.

(2) The LEC shall also have the right to require a deposit from the developer to cover the cost of constructing the requested facilities in accordance with applicable rules, regulations, and tariffs approved by the commission. The requirements for charging a deposit are as follows:

(A) Each LEC shall file with the commission for approval, tariff provisions setting forth the conditions under which it will make line extensions to real estate developments.

(B) Such filing shall include line extension procedures, a specific explanation regarding how deposits will be calculated and how cost support will be presented.

(C) Upon application, each LEC shall provide an information sheet to developers describing line extension procedures and providing cost support as approved in the LEC's tariff on file with the commission.

(D) The LEC shall refund the deposit to the developer on a pro rata basis as lots are sold. The developer shall notify and provide documentation to the LEC as lots are sold. Such refunds shall be paid to the developer on a quarterly basis or at longer intervals if the developer and the LEC so agree. The refundable portion of the deposit shall bear interest as prescribed in 170 IAC 7-1.3-3(h).

(3) Any amount that is still owed to the LEC under this subsection or subsection (a) or (b) may be withheld when the deposit is returned to the developer.

(4) Any portion of the deposit that has not been refunded five (5) years from the date that the LEC is first ready to render service from the extension may be retained by the LEC as liquidated damages.

(5) When customers request pole attachments to avoid new construction costs, the LEC may charge the customer all expenses and rental charges associated with the attachments.

(6) Except as provided in filed tariffs, the ownership of all facilities constructed, as herein provided, shall be vested in the LEC.

(7) Except as provided in this subsection, no portion of the expense assessed against the customer shall be subject to later refund.

(d) Nothing in this rule shall be construed as prohibiting any LEC from establishing an extension policy more favorable to customers than that contained herein, provided such policy complies with the following requirements:

(1) No discrimination is practiced between customers.

(2) The policy has been approved and is included in the LEC's tariffs on file with the commission.

*(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-10; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4061, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; filed Apr 26, 2004, 2:00 p.m.: 27 IR 2712; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA)*

#### **170 IAC 7-1.2-11      Grade of service**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 11. The minimum grade of local exchange telecommunications service that may be provided within Indiana shall include the following:

(1) Voice grade access to the public switched network with a minimum bandwidth of three hundred (300) hertz to three thousand (3,000) hertz that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.

(2) All switched voice circuits shall be adequately designed and maintained. Within sixty (60) days of a customer's application therefore, a voice grade access line will be provisioned for connectivity of at least fourteen thousand four hundred (14,400) bits of data per second when connected through an industry standard modem (IT U-T V.32bis, V.34bis, or equivalent) or a facsimile machine (IT U-T V.17bis or equivalent). An LEC that is unable to meet this requirement may petition the commission for waiver of this subdivision.

(3) Local service.

(4) Dual tone multifrequency signaling.

(5) Single-party service or its functional equivalent.



- (6) Access to emergency services, including access to 9-1-1 and enhanced 9-1-1, where such emergency services are provided by local governments through a PSAP.
- (7) Availability of toll blocking services.
- (8) Access to local operator services (O-).
- (9) Access to local directory assistance.
- (10) Access to interexchange services (1+), including access to toll operator services (O+).

*(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-11; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata filed Oct 8, 2002, 12:36 p.m.: 26 IR 382; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA)*

#### **170 IAC 7-1.2-12 Maintenance of plant equipment**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 12. (a) Each LEC shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendition of safe, adequate, and continuous service at all times.

(b) A maintenance program shall include keeping all plant and equipment in a good state of repair consistent with safety, adequate service performance, and industry standards. Broken, damaged, or deteriorated parts shall be promptly repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics shall be corrected to comply with industry standards.

(c) A LEC shall make reasonable attempts to notify customers whose service is expected to be interrupted for more than one (1) hour for scheduled maintenance or facilities upgrades, consistent with safety and security considerations.

(d) When additions or changes to plant or records are scheduled that will necessitate a large group of telephone numbers to change, the serving LEC shall notify all of its affected customers then of record who will be affected by the change at least sixty (60) days in advance of such scheduled additions or changes, regardless of whether the number change is scheduled to occur at approximately the same time that the serving LEC's next local telephone directory is issued.

(e) Anytime a customer premise visit is required for a residential unit or business unit with fewer than four (4) access lines, or upon request by a customer, the LEC shall install a network interface device (NID), if the premise is not already so equipped. The LEC shall notify its customers of their ability to request that a NID be installed through bill inserts, directory information pages, or other cost-efficient means. The LEC shall not charge the customer for the installation of the NID. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-12; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA)*

#### **170 IAC 7-1.2-13 Trouble reports**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 13. (a) Each LEC shall provide for the receipt of customer trouble reports twenty-four (24) hours a day, seven (7) days a week. For purposes of this rule, trouble reports shall be classified as either out-of-service trouble reports or service-affecting trouble reports. An out-of-service trouble report shall not be downgraded to a service-affecting trouble report. However, a service-affecting trouble report shall be upgraded to an out-of-service trouble report if changing conditions so indicate.

(b) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service outages. In at least ninety-two percent (92%) of service outages reported for any given calendar month, service shall be restored within twenty-four (24) hours from the time the LEC receives an out-of-service trouble report. If the LEC fails to restore service to a customer within twenty-four (24) hours, the LEC shall, without the customer's request, issue the customer a bill credit equal to the thirty-three percent (33%) of the recurring monthly service charge. The LEC shall issue the customer additional credits equal to thirty-three percent (33%) of the recurring monthly service charge for each twenty-four (24) hour period after the initial twenty-four (24) hour period until the customer's service is restored.

(c) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service-affecting problems. Ninety

percent (90%) of all service-affecting problems shall be corrected within forty-eight (48) hours from the time the LEC receives the service-affecting trouble report, excluding Saturdays, Sundays, and legal holidays.

(d) Credits shall be in the form of either:

(1) a credit to the customer's account made within the next two (2) billing periods; or

(2) direct payment to the customer made within the next two (2) billing periods if the customer's account is current and the credit exceeds one (1) month's recurring charges.

(e) Priority shall be given to those out-of-service trouble reports and service-affecting trouble reports that adversely affect the public health, safety, or welfare.

(f) If the LEC's investigation reveals that the customer is responsible for correcting the reported service problem, the LEC shall notify the customer of that fact within twenty-four (24) hours.

(g) If it is necessary for the customer to be present during an on-premises repair, the LEC shall make appointments for such repair, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon, or evening). If a repair appointment cannot be kept, the LEC shall notify the customer applicant by 6:00 p.m. on the day prior to the appointment to explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by 6:00 p.m. on the day prior to the scheduled repair appointment and the LEC fails to keep the repair visit, the LEC shall, without the customer's request, credit the customer's account fifty dollars (\$50).

(h) Each LEC shall maintain an accurate record of trouble reports and the disposition of each trouble report and shall maintain service at a level such that the average number of initial customer trouble reports measured on a statewide basis for the LEC's Indiana operations does not exceed five (5) trouble reports per one hundred (100) access lines. For purposes of this section, an initial customer trouble report shall be construed to mean the first trouble report on a station, access line, or other plant item on which all previous customer reports on record for that particular problem have been closed.

(i) If the average number of initial customer trouble reports for any exchange or wire center exceeds five (5) trouble reports per one hundred (100) access lines in each of any three (3) consecutive months, the LEC shall file a written report with the commission within thirty (30) days, explaining relevant circumstances and describing corrective actions taken by the LEC.

(j) Each LEC shall attempt to minimize the occurrence of repeat trouble reports. A repeat trouble report is any report made within thirty (30) days after the closing of another trouble report involving the same type of service problem and the same access line. An LEC shall maintain service at such level that repeat trouble reports result from less than fifteen percent (15%) of all trouble reports.

(k) Each LEC shall be responsible for maintaining the trouble report information required by this section for its Indiana operations and by exchange for at least eighteen (18) months. The records of the LEC shall record, at a minimum for each trouble report, the date and time the report was received, whether the trouble report was for out-of-service or service-affecting, whether the complaint was upgraded to out-of-service, when service was restored (date and time), whether the trouble report was a repeat trouble report, the amount of the credit, and the date the credit was issued. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-13; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-14 Adequacy of service**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 14. (a) Each LEC shall provide or otherwise arrange for the use of switching equipment, trunking, and associated facilities for the handling of that LEC's local traffic within its service territory. Such facilities shall be designed and engineered on the basis of realistic forecasts of growth so as to ensure that at least ninety-seven percent (97%) of all calls offered during the busy hour to any LEC trunk group will not encounter an all-trunk busy condition or a no-circuit condition.

(b) Busy hour calls to valid numbers shall encounter an audible ring-back tone, line busy signal, or nonworking intercept facility for operator or recording after completion of dialing at not less than the following performance standards established for such calls, by category of call:

(1) Ninety-five percent (95%) for intraoffice calls.

(2) Ninety-five percent (95%) for interoffice calls.

(3) Ninety-five percent (95%) for extended area calls.

Noncompletions include all-trunk busy conditions, no-circuit conditions, reorders, and equipment failures. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-14; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4063, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

**170 IAC 7-1.2-15      Transmission requirements**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 15. Local networks shall be designed and operated so as to meet the following service objectives:

(1) For loop loss, transmission loss will vary with the characteristics of the loop and the type of interface used, whether analog or digital. However, the loop loss objective to the end user's network interface device (NID) shall be designed to meet an objective of eight and five-tenths (8.5) decibels, with no loops exceeding ten (10) decibels.

(2) For loop noise, the standard for steady state C-Message loop noise is independent of the characteristics of the loop and the interface to the central office equipment. The weighted loop noise objective measured at the NID shall not exceed thirty (30) decibels at reference noise of one thousand (1,000) hertz (30 dBmC).

(3) The alternating current (AC) power influence (noise to ground) level on a subscriber loop shall be below ninety (90) decibels at reference noise up one thousand (1,000) hertz (90 dBmC).

(4) For loop current, to ensure proper operation of customer premises equipment, sufficient loop current shall be maintained.

The loop current objective, measured at the NID, shall not be less than twenty (20) milliamperes.

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-15; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4064, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

**170 IAC 7-1.2-16      Answering times**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 16. (a) The average speed of answer for an LEC's Indiana operations shall meet the following requirements during normal business hours:

(1) The average speed of answer for calls to the LEC's repair service center shall not exceed sixty (60) seconds.

(2) The average speed of answer for calls to the LEC's business offices shall not exceed sixty (60) seconds.

(3) The average speed of answer for calls to the LEC's local service operators shall not exceed twenty (20) seconds.

(4) The average speed of answer for calls to the LEC's local directory assistance operators shall not exceed twenty (20) seconds.

(5) The average number of calls to each service listed above which are deflected or encounter a busy signal shall not exceed ten percent (10%).

(b) Each LEC shall monitor its Indiana operations' speed of answer in each of the categories set forth in subsection (a) throughout the calendar year to ensure that applicable average speed of answer requirements are met, at least on a quarterly average basis. Where an LEC cannot practically differentiate among the types of calls identified in subsection (a) because it utilizes a single customer service number for all calls, the LEC shall meet an average speed of answer for all calls of sixty (60) seconds and shall monitor its speed of answer of all calls on an undifferentiated basis. If it is not economically feasible for an LEC to purchase or otherwise arrange for the use of an automated answering speed measurement system, the LEC may request a waiver from the commission to conduct manual time studies each calendar quarter, or more frequently if required by the commission, to test the LEC's ongoing compliance with the above average speed of answer requirements. Each LEC shall comply with all requests and directives from the commission concerning testing methodology and frequency to ensure that any time studies conducted by or on behalf of the LEC produce accurate data concerning the LEC's average speed of answer for each of the above types of calls.

(c) When an LEC utilizes a menu driven, automated, interactive answering system (referred to in this subsection as an automated system), the option of transferring to a live attendant shall be included in the initial message. At any time during the call, the customer shall be transferred to a live attendant if the customer fails to interact with the automated system for a time period exceeding ten (10) seconds following any prompt. At that point, the speed of answer of the customer's call shall be governed by subsection (a). For purposes of this subsection, "interaction" means responding to a customer prompt offered by the automated system

by keying a number or character of an activated touch-tone keypad or by providing an audible response, if requested. When an automated system is utilized, instructions shall be provided on how to make or reschedule appointments.

(d) Local service providers, when offering bundled service packages, shall explain that each service or feature within the package may be purchased individually, list each service and/or feature contained in the package, and, upon subscriber request, provide individual rates for each service or feature.

(e) When a customer calls an LEC to request information about a specific local exchange service or feature, to report service trouble, and or to make payment arrangements, the LEC shall not engage in sales practices until the LEC first confirms that it has completely responded to the subscriber's concern or concerns. Upon a customer's request, the LEC shall discontinue the sales discussion. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-16; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4064, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata filed Oct 8, 2002, 12:36 p.m.: 26 IR 382; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-17 Intercept service**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 17. (a) This section does not apply to area code or other commission-authorized telephone number changes. In all other cases, each LEC shall provide the following intercept services for office codes assigned to that LEC:

(1) All nonworking office codes (NXXs), service codes, and numbers shall be routed to a vacant code recorded announcement.

(2) At the customer's request, the LEC shall provide changed number intercept for a maximum of ninety (90) days for residential customers and three hundred sixty (360) days for business customers following a number change.

(3) When an emergency service number other than 9-1-1 is replaced by the universal emergency service number (9-1-1), the number that is being replaced shall be intercepted to an operator, a PSAP, or a changed number recorded announcement for at least one (1) year or until the next local telephone directory is issued, whichever is later.

(4) When an LEC's operations or planned capital improvements necessitate the changing of a customer's telephone number, the serving LEC shall maintain or otherwise arrange for an appropriate intercept on the customer's access line until either:

(A) the old telephone number is permanently reassigned; or

(B) an updated local telephone directory is issued.

(b) Adequate intercept facilities shall be available for routine number changes. When number change volumes are abnormally high, auxiliary intercept facilities shall be utilized.

(c) If a customer's telephone number is shown incorrectly in an LEC-provided telephone directory, within two (2) calendar days after receiving a complaint from the customer, excluding Sundays and legal holidays, the serving LEC shall either:

(1) intercept all calls to the incorrect number; or

(2) arrange for such calls to be intercepted by the serving LEC's intercept operator;

as long as the number is not otherwise required for service. The customer's correct listing and omitted number shall be placed on directory assistance and intercept, and the correct number shall be furnished to the calling party, either upon request or upon interception, until the serving LEC issues its next telephone directory for the affected area. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-17; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA*)

#### **170 IAC 7-1.2-18 Emergency operation**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 18. (a) Each LEC shall make reasonable provisions to meet emergencies resulting from commercial electrical failure and sudden, prolonged increases in traffic due to extraordinary circumstances. Each LEC shall instruct employees on procedures to be followed in the event of such emergencies in order to prevent or mitigate interruption or impairment of telephone service.

(b) All existing central offices shall maintain the following:

(1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.

(2) Central offices without installed emergency power generating equipment shall have a minimum central office battery

capacity of five (5) hours busy-season, busy-hour load. Facilities needed to connect a portable generator shall also be readily available in each central office.

(c) It is essential that all central offices have adequate provision for emergency power. All new central offices, central office replacements, and major additions placed on order after the effective date of this rule and standards shall be designed to meet the following objectives:

(1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.

(2) Central offices without installed emergency power generating equipment shall have a minimum central office battery capacity of eight (8) hours busy-season, busy-hour load. Facilities needed to connect a portable generator shall also be readily available in each central office.

*(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-18; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:05 a.m.: 20091028-IR-170090573RFA)*

### **Rule 1.3. Telecommunications Customer Service Rights and Responsibilities**

#### **170 IAC 7-1.3-1 Purpose and scope**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1; IC 8-1.5-1-10

Sec. 1. (a) This rule applies to any utility that is now, or may hereafter be, engaged in the business of rendering telephone services to the public under the jurisdiction of the commission. Excluded under this rule are those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service. This rule creates the minimum level of service that an LEC is expected to meet when providing reasonable quality telephone services to the public and to establish the obligations of both the utility and the customer. Sections 3 through 7 and 10 through 12 of this rule do not apply to (CLECs) that serve less than five thousand (5,000) access lines.

(b) This rule supersedes 170 IAC 7-1.1-12 through 170 IAC 7-1.1-18.

(c) No utility shall discriminate against or penalize a customer for exercising any right granted by this rule. If an LEC's tariff on file with the commission contains provisions that conflict with this rule, this rule supersedes any conflicting tariff provisions.

(d) Any LEC subject to the telecommunications customer service rights and responsibilities set forth in this rule that fails to meet such standards shall be subject to all legal remedies provided by law. Upon complaint or its own motion and after notice and a hearing, the commission may order lawful enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this rule. Nothing in this rule shall prevent the commission from exercising any authority it may have under applicable law to enforce this rule in the event any LEC fails to comply.

(e) The adoption of this rule shall in no way preclude the commission, upon complaint by a customer, upon its own motion or upon the petition of any utility or the office of the utility consumer counselor, after notice and hearing, from taking any of the following actions:

(1) Altering or amending this rule in whole or in part.

(2) Requiring any other or additional service, equipment, facility, or standard.

(3) Making such modifications with respect to the application of this rule as may be found necessary to meet exceptional conditions.

(4) Require an LEC to comply with any other service standards.

(5) At its sole discretion, grant, in whole or in part, permanent or temporary waivers from this rule on an expedited basis.

(f) The adoption of this rule shall not in any way relieve any utility from any of its duties under the laws of this state.

(g) If any provision of this rule is determined by competent authority to be prohibited or unenforceable, such provision shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-1; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4066, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata filed Oct 8, 2002, 12:54 p.m.: 26 IR 382; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA)*

**170 IAC 7-1.3-2 Definitions**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1; IC 8-1.5-1-10

Sec. 2. The following definitions apply throughout this rule:

- (1) "Applicant" means any person, company, or designated agent who seeks to become a customer for basic residential or small business telephone services.
- (2) "Basic local service" means the provision to a customer of an access line that transmits two-way interactive switched voice or communication within a local calling area.
- (3) "Business days" means all days other than a:
  - (A) Saturday;
  - (B) Sunday;
  - (C) legal holiday as defined by statute; or
  - (D) day that the utility (or service provider) office is closed during regular business hours.
- (4) "Clear and conspicuous notification" means notice that would be apparent to a reasonable consumer.
- (5) "Commission" means the Indiana utility regulatory commission.
- (6) "Competitive local exchange carrier" or "CLEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange and does not qualify as an incumbent local exchange carrier under subdivision (9).
- (7) "Customer" means the following:
  - (A) Any person that requests and obtains telephone service and is responsible for the payment of charges, compliance with filed tariffs, and rules of the utility.
  - (B) Any business or institutional entity, whether an individual, partnership, corporation, association, or other business or institutional form that:
    - (i) does or will operate with four (4) or fewer single access lines;
    - (ii) requests and obtains telephone service for occupational, professional, or institutional purposes; and
    - (iii) is responsible for the payment of charges, compliance with filed tariffs, and rules of the utility.
  - (C) Any customer whose service has been temporarily disconnected shall continue to be a customer for purposes of this rule until such time as service is permanently disconnected and the customer must reapply for new service.
- (8) "Deniable charges" means charges for basic local service. Delinquency in payment of deniable charges may result in disconnection of basic local service.
- (9) "Incumbent local exchange carrier" or "ILEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange and that:
  - (A) on February 8, 1996, provided telephone exchange service in such area and was deemed to be a member of the exchange carrier association under 47 CFR 69.601(b); or
  - (B) is a person or entity that on or after February 8, 1996, became a successor or assignee of a member described in clause (A).
- (10) "Local exchange carrier" or "LEC" means a local serving telephone utility that provides telephone service to customers in the geographic territory served by the local exchange, and excluding those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service.
- (11) "Long distance service" or "toll service" means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis.
- (12) "New service provider" means a service provider that did not bill the customer for service during the service provider's last billing cycle. The term includes only providers that have continuing relationships with the customer that will result in periodic charges on the customer's bill unless the service is subsequently canceled.
- (13) "Nondeniable charges" means charges for toll service and unregulated telecommunications services. Delinquency in payment of nondeniable charges shall not result in disconnection of basic local service.
- (14) "Temporary disconnection" means a disconnection that has not yet resulted in the customer's account being permanently removed from the telephone provider's network.
- (15) "Utility" means any public utility (as defined in IC 8-1-2-1) or municipal utility (as defined in IC 8-1.5-1-10) that furnishes telephone service to the public under the jurisdiction of the commission.

*(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-2; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4066, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata, 26 IR 1565; errata, 26 IR 2375; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA)*

**170 IAC 7-1.3-3 Creditworthiness of residential customer; deposit; refund**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 3. (a) Each LEC shall determine the creditworthiness of applicants or customers in an equitable and nondiscriminatory manner:

(1) without regard to the race, sex, national origin, or marital status of the applicant or customer, or the economic character of the area wherein the applicant or customer resides or operates; and

(2) solely upon the credit risk of the applicant or customer without regard to the collective credit reputation of the area in which the applicant or customer resides or operates.

(b) Each new applicant for residential telephone service shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving basic local service if the applicant satisfies either of the following criteria:

(1) The applicant has been a customer of a public or municipal utility in the United States within the last two (2) years, and the applicant:

(A) owes no outstanding bills for service rendered within the past four (4) years by such utility;

(B) during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills that were delinquent to such utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in such period; and

(C) within the last two (2) years did not have a service disconnected by such utility for nonpayment of a bill for services rendered by that utility.

(2) The applicant has not been a customer of a utility during the previous two (2) years and any of the following criteria are met:

(A) The applicant either has been employed by:

(i) his or her present employer for two (2) years;

(ii) his or her present employer for less than two (2) years, but has been employed by only one (1) other employer during the past two (2) years; or

(iii) the present employer for less than two (2) years and has no previous employment due to recently:

(AA) graduating from a school, university, or vocational program; or

(BB) being discharged from military service.

(B) The applicant either:

(i) owns or is buying his or her home; or

(ii) is renting a home or an apartment and has occupied the premises for more than two (2) years.

(c) If the applicant fails to establish that he or she is creditworthy under subsection (b), the applicant may be required to make a reasonable initial cash deposit. Such initial deposit shall not exceed one-sixth ( $\frac{1}{6}$ ) of the estimated annual billings for local service to the applicant and shall be paid in full before installation of service. Such initial deposit shall be subject to reevaluation upon the request of either the LEC or the customer, based upon actual charges for services rendered, at any time after service has been provided.

(d) The utility may elect to accept a written guarantee, signed by a third party guarantor acceptable to the utility, of payment for all telephone service rendered or to be rendered to the applicant. The guarantor may terminate the guarantee upon thirty (30) days prior written notice. Said guarantee shall be in full force and effect up to and including the date the guarantee shall terminate, and the guarantor shall be obligated, as provided in the written guarantee, respecting the payment of the amount of the applicant's bill on the date of termination. A guarantee shall terminate when the customer submits satisfactory payment for a period of either:

(1) nine (9) consecutive months; or

(2) ten (10) out of any twelve (12) consecutive months.

(e) If the utility requires a cash deposit or a written guarantee as a condition of providing service, the utility shall advise the applicant of the reason upon which it bases its decision and provide the applicant with an opportunity to rebut such facts and show other facts demonstrating creditworthiness.

(f) The LEC may require a present customer to make a reasonable cash deposit, or an additional deposit in cases where a deposit has been made, when the customer has been mailed disconnect notices for two (2) consecutive months or any three (3) months within the preceding twelve (12) month period. In such cases, notice of the need for a deposit shall be in writing, and the customer shall be given ten (10) business days from the mailing date of the notice within which to make said deposit. When the service has been disconnected within the past four (4) years pursuant to section 11 of this rule, the deposit shall be provided before the service will be reconnected. The total amount of all deposits required for local service pursuant to this section may not exceed an amount equal to one-sixth ( $\frac{1}{6}$ ) of the annualized estimated billings for the customer at the address at which service is rendered.

(g) The LEC shall treat customers who have filed bankruptcy under federal law in accordance with the protective provisions of 11 U.S.C. 366.

(h) Requirements for interest upon a deposit shall be as follows:

(1) A deposit held more than thirty (30) days shall earn interest from the date of deposit. Beginning on the effective date of this rule, the rate of interest shall be set by the commission based upon the then-existing rate for one-year United States treasury bills. The interest rate will be rounded to the nearest one-half ( $\frac{1}{2}$ ) of one percent (1%). In December of each year, the commission shall issue a General Administrative Order establishing the interest rate for the next calendar year that shall be paid on all deposits held during all or part of the subsequent year.

(2) The deposit shall not earn interest after the date it is mailed or personally delivered to the customer, or otherwise lawfully disposed of as provided in subsection (i)(6).

(i) Requirements for refunds shall be as follows:

(1) Any deposit and accrued interest shall be promptly refunded to the customer without the customer's request when the customer submits satisfactory payment ten (10) out of any twelve (12) consecutive months without late payment.

(2) A statement of accounting for each transaction affecting the deposit and interest shall accompany refunds of deposits or accrued interest issued under this section.

(3) Following a customer-requested termination of service, the LEC shall:

(A) apply the deposit, plus accrued interest, to the final bill; or

(B) upon specific request from the customer, refund the deposit, plus accrued interest, within fifteen (15) business days after payment of the final bill.

(4) Each LEC shall maintain a record of each applicant or customer making a deposit that shows the following:

(A) The name of the customer.

(B) The current mailing address of the customer.

(C) The amount of the deposit.

(D) The date the deposit was made.

(E) A record of each transaction affecting such deposit.

(5) Each customer shall be provided a written receipt from the LEC at the time the customer's deposit is paid in full or when the customer makes a cash partial payment. The LEC shall provide a reasonable method by which a customer, who is unable to locate his or her receipt, may establish that he or she is entitled to a refund of the deposit and payment of interest thereon.

(6) Any deposit made by the applicant or customer to the LEC (less any lawful deductions to be refunded), or any sum the LEC is ordered to refund for telephone services that has remained unclaimed for one (1) year after the LEC has made a diligent effort to locate the customer who made such deposit or the heirs of such customer, shall be presumed abandoned and treated in accordance with IC 32-34-1-20(c).

(7) A deposit may be used by the LEC to cover any unpaid balances owed the LEC following disconnection of any service under section 11 of this rule, provided, however, that any surplus be returned to the customer as provided in this subsection.

(8) Establishment of credit by cash deposit shall not relieve a customer from complying with the commission's rules for prompt payment of bills.

*(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-3; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4067, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata filed Oct 8, 2002, 12:54 p.m.: 26 IR 382; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA)*

#### **170 IAC 7-1.3-4 Rejection of application for service**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 32-34-1-20



Sec. 4. (a) An application for telephone service may be rejected until remedied for any one (1) or more of the following reasons:

- (1) Misrepresentation of the customer or applicant's identity for the purpose of obtaining telephone service.
- (2) Information provided by the applicant is materially false or materially misrepresentative of the applicant's true status.
- (3) Failure to pay a deposit if required under section 3 of this rule.

(b) In order to obtain service, a customer or applicant may be required to pay a deposit as provided in section 3 of this rule after disconnection of service for the reasons listed in section 11(b) of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-4; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4069, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA*)

#### **170 IAC 7-1.3-5 Explanation of available service; notice of proposed rate change**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-40

Sec. 5. (a) Each utility shall supply to each customer on an annual basis, without charge, a brief summary of the customer's rights and responsibilities contained in this rule. Each utility shall forward a copy to the commission annually to be kept on record with the commission's consumer affairs division.

(b) When a utility representative takes an order for new telephone service, the representative shall describe to the applicant the least expensive telephone service available. Such description shall include lifeline/link-up services for eligible customers.

(c) Each utility shall have a copy of this rule in all of its business offices that shall be available for inspection by applicants and customers.

(d) Each utility shall furnish notice of rate increases to its affected customers that fairly summarizes the nature and extent of the increase within forty-five (45) days of such request and prior to the date of the initial public hearing. If the rate change is one that does not require a hearing, then notice should be included in the first bill where the change is effective. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-5; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4069, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA*)

#### **170 IAC 7-1.3-6 Bills for utility service**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 6. (a) Bills rendered periodically to customers for telephone service shall show at least the following information:

- (1) The customer's name, billing address, telephone number, and date of bill.
- (2) For measured service, details shall include the number of additional local calls, rate, and total amount of charges.
- (3) Itemization of toll calls and charges.
- (4) State and federal taxes.
- (5) Previous balance.
- (6) Explanation of codes and abbreviations.
- (7) The past due date or the date on which the bill becomes delinquent.
- (8) The total amount of bill.
- (9) The name for the service provider associated with each charge shall be clearly identified.
- (10) Where charges for two (2) or more telephone carriers appear on the same telephone bill, the charges shall be separated by service provider, and the billing entity shall provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new service provider has begun providing service. The notification shall describe the nature of the relationship with the customer, including a description of whether the new service provider is the presubscribed:
  - (A) local exchange carrier;
  - (B) intra-LATA interexchange carrier; or
  - (C) inter-LATA interexchange carrier.
- (11) Charges contained on telephone bills shall be accompanied by a brief, clear, nonmisleading, plain language description of the individual service or services rendered. The description shall be sufficiently clear in presentation and specific enough

in content so that:

(A) a customer can accurately assess that the services for which he or she is billed correspond to those that he or she has requested and received; and

(B) the costs assessed for those services conform to the customer's understanding of the price charged.

(12) Telephone bills shall contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges, on the bill. The bill shall contain a clear and conspicuous notice that the customer may dispute charges on the bill prior to payment, including, but not limited to, the following:

(A) A prominent display on each bill of a toll free number of the carrier by which a customer may inquire or dispute any charge contained on the bill.

(B) A carrier may list a toll free number for a billing agent, clearinghouse, or other third party, provided that such party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve consumer complaints on the carrier's behalf. Where the customer does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or Internet, the carrier may comply with this subdivision by providing on the bill an e-mail or Web site address. Each carrier shall make a business address available upon request from a customer.

(b) The billing requirements of subsection (a)(9) through (a)(11) may be waived for business customers if those customers consent in writing to such waiver.

(c) A utility service bill, which has remained unpaid for a period of more than seventeen (17) days following the mailing of the bill, shall be a delinquent bill. A utility service bill shall be rendered as a net bill. If the net bill is not paid within seventeen (17) days after the bill is mailed, the net bill shall become a delinquent bill and a late payment charge may be added in the amount of ten percent (10%) of the first three dollars (\$3) and three percent (3%) of the excess of three dollars (\$3).

(d) The LEC may only change a monthly billing cycle to another periodic form of billing if the customer agrees in writing to such change.

(e) Where a bill contains charges for basic local service in addition to charges for toll service and unregulated services, the bill shall distinguish between deniable and nondeniable charges. The carrier shall:

(1) explain the distinction between nondeniable and deniable charges to the customer; and

(2) clearly and conspicuously identify on the bill those charges for which nonpayment will result in disconnection of basic local service.

(f) If a customer is delinquent in payment of nondeniable charges, the telephone carrier may remove or restrict those services for which there is a nondeniable charge from the customer's account without the customer's consent. If toll service is removed or restricted, the LEC may require a deposit pursuant to section 3 of this rule before restoring those services to the customer's account. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-6; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4069, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA*)

#### **170 IAC 7-1.3-7 Billing adjustments**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5

Sec. 7. (a) Adjustment of a disputed nondeniable charge shall be made in accordance with sections 8 and 9 of this rule.

(b) A billing error, including an incorrect tariff application, may be adjusted to the known date of error or for a period of eighteen (18) months, whichever period is shorter. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-7; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4070, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA*)

#### **170 IAC 7-1.3-8 Customer complaints to the utility**

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 8. (a) A customer may complain at any time to a utility about any bill, security deposit, disconnection notice, or any other matter relating to installation or service and may request a conference with the utility thereon. Such complaints may be made in

person, by telephone, in writing, or by completing a form available from the utility at its business offices. A complaint shall be considered filed upon receipt by the utility, except mailed complaints shall be considered filed two (2) calendar days after the postmark date. In making a complaint or request for conference, the customer shall state, at a minimum, his or her name, service address, telephone number, and the general nature of his or her complaint.

(b) Upon receiving each such complaint or request for conference, the utility shall take the following actions:

(1) Immediately notify a customer that any undisputed portion of a bill shall be paid by the date due in order to avoid disconnection of service in accordance section 11 of this rule.

(2) Promptly, thoroughly, and completely investigate such complaint in good faith, attempt to confer with the customer when requested, and notify the customer of its proposed disposition of the complaint. During the investigation, no collection action shall be taken for items that are being disputed, and there shall be no negative impact on customer's credit rating.

(3) Without the customer's permission, the utility shall not disconnect, remove, or restrict any service that is the subject matter of the complaint while investigating the complaint or making a good faith attempt to resolve the complaint.

(4) Charges that are disputed by the customer shall not be treated as delinquent while an investigation is pending.

(5) After investigation, the utility may rebill the disputed charges in the next billing cycle if the investigation determined that the charges were appropriate.

(6) If the utility's proposed disposition is not in the customer's favor, the utility shall notify the customer of such disposition in writing if the complaint was made in writing. If the utility's proposed disposition is not in the customer's favor, the utility shall notify the customer in writing or orally, if the complaint was made orally. The notification shall advise the customer or applicant that if he or she is dissatisfied with the telephone company's disposition, the customer or applicant may, within twenty-one (21) days, file a complaint with the commission's consumer affairs division (pursuant to section 9 of this rule). Such notification shall include contact information for the commission, including the commission's mailing address, toll free complaint number, and local telephone number.

(c) If at any time the customer files a complaint with the commission regarding a dispute with a utility, the procedures set forth in section 9 of this rule shall apply. Any disconnection of the customer's service shall be governed by section 11 of this rule.

(d) Each utility shall retain a written record of complaints and requests for conferences for at least eighteen (18) months after the complaint or request for conference is made. Such records shall be maintained at the office or branch office of the utility or in the respective department office thereof where such complaints were received or any conferences were subsequently held. Such written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the commission.

(e) Each utility shall, at the request of the commission, submit a report covering the previous twelve (12) month period to the commission that shall state and classify the number of complaints made to the utility pursuant to this rule, the general nature of the subject matter thereof, how the complaint was received, and whether a commission review was conducted thereon. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-8; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4070, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA*)

### **170 IAC 7-1.3-9 Customer complaints to the commission**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5

Sec. 9. (a) An individual or entity may informally complain to the commission's consumer affairs division with respect to any matter within the jurisdiction of the commission. Such complaints may be made in person, by telephone, in writing, or by completing a form available from the consumer affairs division. A complaint shall be considered filed upon receipt by the commission, except mailed complaints shall be considered filed as of the postmark date. In making a complaint, the customer shall state, at a minimum, his or her name, service address, telephone number, and the general nature of his or her complaint.

(b) Without the customer's permission, the utility shall not disconnect, remove, or restrict any service that is the subject matter of the complaint while any commission review or investigation of such complaint is pending. The customer shall continue to pay all undisputed charges. In those instances when the customer and utility cannot agree as to what portion of a bill is undisputed, the customer shall pay on the disputed bill an amount equal to the customer's average bill for the twelve (12) months immediately preceding the disputed bill. In those cases where the customer has received fewer than twelve (12) bills, the customer shall pay an amount equal to one-twelfth ( $\frac{1}{12}$ ) of the estimated annual billing for service to be rendered to the customer.

(c) If the customer is dissatisfied with a utility's notice of its proposed disposition of the complaint as provided in section 8 of this rule, the customer or applicant may, within twenty-one (21) days after the postmark date of the notice, file a consumer complaint with the commission's consumer affairs division.

(d) Upon receiving a consumer complaint, the following actions shall be taken:

(1) The utility shall be notified that a complaint has been made.

(2) The complaint shall be investigated.

(3) The customer and the utility shall be notified of the decision made on the complaint in accordance with applicable law.

(e) Requirements for an informal review are as follows:

(1) The customer or the utility may make a written request that a decision made pursuant to subsection (d) be reviewed informally by the consumer affairs director or designee. Such written request shall be made within fourteen (14) days of the decision. The records of the commission relating to such reviews shall be kept in a systematic order.

(2) Upon receiving a request for an informal review, the consumer affairs director or designee shall provide an informal review within thirty (30) days. The review shall consist of not less than a prompt and thorough investigation of the dispute and shall result in a written decision to be mailed to the customer and the utility within thirty (30) days after its receipt of the customer's request. Upon request by either party or the consumer affairs director or designee, the parties shall be required to meet and confer to the extent and at such place as the consumer affairs director or designee may consider appropriate.

(f) The customer may make a written request that the commission investigate the disposition of the informal review. Such written request shall be made within fourteen (14) days of the consumer affairs division's notice of disposition. Prior to entering an order upon a commission investigation, the commission shall afford the customer and the utility notice and an opportunity to be heard.

(g) Without the customer's permission, the utility shall not disconnect, remove, or restrict any disputed service until at least fourteen (14) days have elapsed from the postmark date of the consumer affairs division's disposition, or the commission's order upon investigation, if any. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-9; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4071, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA*)

#### **170 IAC 7-1.3-10 Customer payments**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 10. (a) When a residential customer cannot pay an undisputed bill or the undisputed portions of a disputed bill in full, the LEC shall continue to serve the customer if the customer and the LEC agree on a reasonable portion of the outstanding bill to be paid immediately. The manner in which the balance of the outstanding bill will be paid in accordance with the following guidelines:

(1) If the customer shows just cause for his or her inability to pay deniable charges (financial hardship shall constitute just cause), and the customer pays a reasonable portion of such amount, not to exceed the greater of either twenty dollars (\$20) or twenty-five percent (25%) of all amounts due for deniable charges.

(2) In deciding on the reasonableness of a particular agreement, the LEC shall consider the following:

(A) The customer's ability to pay.

(B) The size of the unpaid balance.

(C) The customer's payment history and length of service.

(D) The amount of time and reasons why the debt is outstanding.

(E) The customer:

(i) agrees to pay the balance of all amounts due in equal monthly installments;

(ii) agrees to pay all undisputed future bills for local service as they become due; and

(iii) has not breached any similar agreement with the LEC made pursuant to this section in the last twelve (12) months.

The LEC may add to the outstanding bill a late payment charge not to exceed the amount set pursuant to section 6(d) of this rule.

(b) The terms of any payment arrangement made pursuant to this section shall be put in writing by the LEC and sent by mail to the customer.

(c) Only one (1) late payment charge may be assessed against the charges applicable to any given month.

(d) If the customer does not meet any of the conditions in subsection (a), the LEC may, but is not obligated to, enter into

subsequent payment arrangements with the customer.

(e) If a customer makes a partial payment on a bill, the LEC shall first apply that payment to any deniable charges. A partial payment may only be applied to nondeniable charges when all deniable charges have been paid in full. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-10; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4072, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA*)

**170 IAC 7-1.3-11      Disconnection and prohibited disconnections**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 11. (a) This section shall not apply to CLECs that provide service either through resale of the LEC services or through the purchase of unbundled network elements.

(b) Requirements for disconnection upon a customer's request are as follows:

(1) The customer shall notify the LEC at least three (3) business days in advance of the day disconnection is desired. The customer shall remain responsible for all service used and the billing therefore until the date the customer has requested disconnection pursuant to such notice.

(2) Upon request by a customer to an LEC to disconnect service in less than three (3) business days, the LEC shall disconnect the service within three (3) business days of the request. The customer shall not be liable for any service rendered to such address after the expiration of three (3) such days.

(3) The customer shall not charge service or authorize the charging of service to any account that has been disconnected at the customer's request or otherwise. Subdivisions (1) and (2), to the contrary notwithstanding, a customer shall be responsible for any services he or she charges or authorizes charged to such account in violation of the prohibition in this subdivision.

(c) Requirements for disconnection without a customer's request are as follows:

(1) An LEC may disconnect service without request by the customer of the service and without prior notice only:

(A) if a condition dangerous or hazardous to life, physical safety, or property exists;

(B) upon order by any court, the commission or other duly authorized public authority;

(C) if fraudulent or unauthorized use of service is detected and the LEC has reasonable grounds to believe the affected customer is responsible for such use;

(D) if the LEC's equipment has been tampered with and the LEC has reasonable grounds to believe that the affected customer is responsible for such tampering; and

(E) if the LEC's equipment is used in a manner disruptive to the service of other customers.

(2) An LEC may place a toll restriction on a customer's line for nonpayment of toll charges. If the LEC initiates the toll restriction, there shall be no charge for that service.

(3) An LEC may disconnect service to a customer or applicant based on a delinquent account with the same class of service for that customer or applicant.

(4) If a customer files a complaint under section 8 or 9 of this rule, the LEC may disconnect only as provided in those sections.

(5) In all other instances, upon providing the customer with proper notice, as defined in subsection (e), an LEC may disconnect service subject to the other provisions of this section.

(d) Requirements for prohibited disconnections are as follows:

(1) Except as otherwise provided in subsections (a) and (b), an LEC shall postpone the disconnection of local service or the placing of a toll restriction for thirty (30) days if, prior to the disconnect date specified in the disconnect notice, the residential customer provides the LEC with a medical statement from a licensed physician or public health official that states that disconnection would be a serious and immediate threat to the health and safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement.

(2) An LEC may not disconnect basic local service to the customer for any of the following reasons:

(A) For nonpayment of any toll charges or unregulated telecommunications services.

(B) Upon the customer's failure to pay for services to a previous occupant of the premises being served unless the customer is attempting to defraud the LEC by using another name.

(C) On the basis of the delinquent character of an account of any other person, except if such customer is the guarantor of that other person's account for telephone service.

(D) If the customer makes a payment arrangement pursuant to section 10 of this rule.

(E) If a customer is unable to pay a bill that is unusually large due to prior incorrect billing, incorrect application of the rate schedule, or any human or mechanical error of the LEC, and the customer:

(i) makes a payment arrangement in accordance with the guidelines set forth in section 10(a)(2)(E)(ii) and 10(a)(2)(E)(iii) of this rule; and

(ii) agrees to pay all undisputed future bills for basic local service as they become due, provided, however, that the LEC may not add to the outstanding bill any late fee and, provided further, that the payment arrangement agreement in item (i) and this item shall be put in writing by the LEC and sent by mail to the customer.

(e) No LEC may disconnect service unless it is done between the hours of 8 a.m. and 3 p.m. Disconnections pursuant to subsections (a) and (b) are not subject to this limitation. The LEC may not disconnect service for nonpayment:

(1) on any Friday after noon;

(2) on any Saturday;

(3) on any Sunday;

(4) on any other day the LEC's offices are not open for business; or

(5) after noon on any day immediately before a day the LEC's office are not open for business.

(f) Requirements for notice required prior to involuntary disconnection are as follows:

(1) Except as otherwise provided in this section, service to any customer shall not be disconnected for a violation of any rule of the LEC or for nonpayment of a bill, except after seven (7) business days from the postmark date of a written notice sent to such customer at the address shown on the records of the LEC. No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent.

(2) The disconnection notice shall be in language that is clear, concise, and easily understandable to a layman and shall state, in separately numbered large print paragraphs, the following information:

(A) The date of proposed disconnection.

(B) The specific reason for the proposed disconnection.

(C) The telephone number of the LEC office at which the customer may call during regular business hours to question the proposed disconnection or seek information concerning the customer's rights.

(D) The local and toll free telephone numbers and office hours of the commission.

(E) The customer may make a partial payment of a specified amount to cover deniable charges in order to avoid disconnection of basic local service.

(F) Information as to the customer's rights, pursuant to this rule, including, but not limited to, the following:

(i) That the customer may obtain a temporary waiver of disconnection for a serious illness or medical emergency pursuant to subsection (c).

(ii) That the customer may file a complaint with the utility or the commission pursuant to sections 8 and 9 of this rule.

(iii) That the customer may make payment arrangements pursuant to section 10 of this rule.

*(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-11; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4072, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA)*

### **170 IAC 7-1.3-12      Reconnection**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 12. (a) An LEC may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the LEC's filed tariffs. An LEC shall inform its customers of such reconnection fee pursuant to section 5 of this rule.

(b) The LEC shall reconnect service to the customer as soon as reasonably possible after it is requested to do so if the customer has satisfied the requirements of this rule, not to exceed the following time frames:

(1) Within twenty-four (24) hours of identification for disconnections that were not made pursuant to this rule.

(2) One (1) business day for temporary disconnections for nonpayment.

(3) For disconnections for nonpayment after customer has been removed from the network the rules for new installations in sections 3 and 4 of this rule will apply.

*(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-12; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state or January 1, 2003, whichever is later; readopted filed Oct 2, 2009, 11:04 a.m.: 20091028-IR-170090574RFA)*

**Rule 1.4. Customer Notification Required When a Telecommunications Service Provider Communicates with a Residential Customer about Changing from Basic to Nonbasic Telecommunications Services**

**170 IAC 7-1.4-1 Policy and scope**

Authority: IC 8-1-2.6-4.1

Affected: IC 8-1-2-88.5; IC 8-1-2.6; IC 8-1-17-22.5

Sec. 1. (a) This rule is intended to establish a procedure for providing notice to customers when a telecommunications service provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service.

(b) This rule applies to providers of telecommunications services in Indiana, with the exception of providers that:

(1) have withdrawn from commission jurisdiction under:

(A) IC 8-1-17-22.5; or

(B) IC 8-1-2-88.5; or

(2) are subject to provider-specific alternative regulation plans or settlement agreements during the term of that plan or agreement.

(c) This section expires July 1, 2009. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.4-1; filed May 30, 2007, 8:29 a.m.: 20070627-IR-170060429FRA)*

**170 IAC 7-1.4-2 Definitions**

Authority: IC 8-1-2.6-4.1

Affected: IC 8-1-2.6

Sec. 2. (a) The following definitions apply throughout this rule:

(1) "Basic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.1.

(2) "Commission" means the Indiana utility regulatory commission.

(3) "Communicate" or "communication" means any written, verbal, or electronic contact between provider and customer, initiated by either the provider or the customer, but does not include advertising or promotional materials.

(4) "Nonbasic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.3.

(5) "Provider" has the meaning set forth in IC 8-1-2.6-0.4.

(6) "Telecommunications" has the meaning set forth in IC 8-1-2.6-0.6.

(7) "Telecommunications service" has the meaning set forth in IC 8-1-2.6-0.7.

(b) This section expires July 1, 2009. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.4-2; filed May 30, 2007, 8:29 a.m.: 20070627-IR-170060429FRA)*

**170 IAC 7-1.4-3 Notice to customers**

Authority: IC 8-1-2.6-4.1

Affected: IC 8-1-2-88.5; IC 8-1-2.6

Sec. 3. (a) At any time the provider and a residential customer communicate about changing the customer's basic telecommunications service to nonbasic telecommunications service, the provider shall notify the residential customer:

(1) of the option of basic telecommunications service; and

(2) that, by switching to nonbasic telecommunications service, the customer will be forgoing the regulatory protections of:

(A) commission jurisdiction over:

(i) rates and charges; and

(ii) service quality standards; and

(B) access to the commission's consumer complaint procedures and proceedings.

(b) The notice shall be given in the same form and at the same time as the communication.

(c) A provider may determine the exact language of the notice that the provider will use, as long as the notice used complies with subsections (a) and (b).

(d) A provider that uses the following language shall be deemed to be in compliance with this rule: "Through June 30, 2009, basic telecommunications services are under the jurisdiction of the Indiana utility regulatory commission, which provides regulatory protections regarding rates, service quality, and consumer complaints. By switching to nonbasic telecommunications service, which includes subscription to any package, plan, discount, or group of services, you will be forgoing these regulatory protections."

(e) This section expires July 1, 2009. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.4-3; filed May 30, 2007, 8:29 a.m.: 20070627-IR-170060429FRA*)

**Rule 2. Classification of Accounts for Class A, B, and C Telephone Companies (Repealed)**

(*Repealed by Indiana Utility Regulatory Commission; No. 33105: Classification of Accounts for Class A, B and C Telephone Companies; filed Jul 17, 1979, 10:30 am: 2 IR 1199*) NOTE: The repealer which appeared at 2 IR 1199 incorrectly cited No. 17690 promulgated Nov 8, 1945 as the repealed item.

**Rule 2.1. Classification of Accounts for Class A and B Telephone Companies**

**170 IAC 7-2.1-1 Uniform system of accounts for Class A and B companies; adoption by reference**

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 1. (a) The rules and regulations governing the classification of accounts for Class A and B telephone companies operating within the state of Indiana as approved, prescribed, and promulgated by the Federal Communications Commission, as set out in Part 32, 51 Fed. Reg. 43498 (1986) and as amended by 53 Fed. Reg. 30058 (1988), FCC Rules and Regulations are adopted by reference.

(b) Copies of the Uniform System of Accounts prescribed for Class A and B telephone companies, as approved, prescribed, and promulgated by the Federal Communications Commission, as set out in Part 32, 51 Fed. Reg. 43498 (1986) and as amended by 53 Fed. Reg. 30058 (1988) FCC Rules and Regulations, are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (*Indiana Utility Regulatory Commission; No. 35628: Classification of Accounts for Class A and B Telephone Companies; filed Jul 17, 1979, 10:30 a.m.: 2 IR 1199; filed Sep 7, 1989, 11:20 a.m.: 13 IR 269; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA*)

**170 IAC 7-2.1-2 Amendments to uniform system of accounts for class A and B companies**

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 2. (1) Section 31.01-3 is amended by revising paragraph (ee) to read as follows:

§31.01-3 Definitions.

\* \* \* \* \*

(ee) "Service value" means the difference between the original cost and the net salvage as defined in paragraph (u) of this section.

\* \* \* \* \*

(2) §31.02-80 is amended by revising paragraph (c) to read as follows:

§31.02-80 Computation of depreciation rate.

\* \* \* \* \*

(c) The company shall keep such records of property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service life indications by mortality, turnover, or other appropriate methods, and also such records as will reflect the percentage of salvage value, or net salvage value, as appropriate, for property retired from each class of depreciable plant. Further, the station connections—inside wiring subclass of account 232 will be amortized according to the schedule noted in account 232 (b).

(See also accounts 605 and 232 for the accounting for costs incurred in the disconnection and removal of station apparatus.)

(3) §31.02-82 is amended by redesignating the existing note as Note A and adding a new Note B to read as follows:



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§31.02-82 Classes of depreciable telephone plant.

Note A: When depreciable plant carried in account 276, "Telephone plant acquired," is distributed to the appropriate plant accounts, adjusting entries shall be made covering the depreciation charges applicable to such plant for the period during which it was carried in account 276.

Note B: The investment in account 232 shall be maintained in two separate subclasses, "Station connections—inside wiring" and "Station connections—other" (drop, block and protector portion). Depreciation of Station connections—other and the amortization of Station connections—inside wiring shall be maintained in separate subclasses of account 171, "Depreciation reserve."

(4) §31.122 is amended by revising Note E to read as follows:

§31.122 Material and supplies.

\* \* \* \* \*

Note E: This account shall not include items in stock which are includible in account 231, "Station apparatus" or account 124, "Merchandise and material held for sale." Materials in stock that are normally used for station apparatus repair purposes shall be included in account 605, "Installations and repairs of station equipment," if company-held, and in this account if in stock and held by others.

(5) §31.124 is added to read as follows:

§31.124 Merchandise and material held for sale.

This account shall include the cost of all station equipment purchased for resale and the cost of material and supplies held for use in the provision of repair service on customer provided equipment. (Note account 231.) The cost shall include applicable transportation charges, sale and use taxes, cash and other purchase discounts. Inventory shortages and overages shall be charged and credited, respectively, to account 316.

Note: The cost of material used to install and connect station apparatus shall be charged to account 316, "Miscellaneous income."

(6) §31.231 is amended to revise paragraph (a) and Note A to read as follows:

§31.231 Station apparatus.

(a) This account shall include the original cost of station apparatus, including small private branch exchanges and booths, installed either for customers' or the company's use. This account shall also include the cost of materials in stock which are normally used as station apparatus or additions thereto, except for items purchased for sale, as distinguished from items normally used for repair purposes. (Note account 124.) Items included in this account which are normally used as station apparatus shall remain herein until finally disposed of or until in such manner as to be includible in other accounts.

\* \* \* \* \*

Note A: The cost of installation (including cabling, station protectors, and wiring) shall be charged to account 232, "Station connections" and/or account 605, "Installations and repairs of station equipment," as appropriate.

\* \* \* \* \*

(7) §31.232 is amended by revising paragraphs (b), (c), (d) and Notes A and C, and adding new Notes D and E to read as follows:

§31.232 Station connections.

\* \* \* \* \*

(b) Effective no later than October 1, 1981, this account shall be separated into two subclasses, "Station connections—inside wiring" and "Station connections—other." The investment in station connections—inside wiring is to be amortized to account 608, "Depreciation," with a corresponding credit to account 171, "Depreciation reserves" over a ten year period commencing no later than October 1, 1981. In calculating this amortization, the company shall first determine the net book cost of station connections—inside wiring by subtracting the depreciation reserve attributable to station connections—inside wiring from the book cost of station connections—inside wiring. This net book cost shall be divided by the number of months remaining in the ten year amortization period to determine the appropriate amortization for that month. For example, the amortization amount for the first month will be determined by dividing the net book cost by 120. The second month, the net book cost will be divided by 119, the third month by 118, etc. Carriers are to assume that the first month's reserve balance for this subclass is zero. However, if from the studies required by Docket 20188 or the results of the represcription process any reserve is identified as applicable to the station connections—inside wiring, it will be added to the inside wiring reserve and should be deducted from the remaining investment to be amortized. Also, the amounts resulting from the amortization schedule should not be considered in the determination of the separate reserves established for each category of plant. The embedded

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investment on the books up to October 1, 1981, will be fully recovered by October 1, 1991. For carriers who adopt the phase-in approach, the growth in investment in inside wiring between October 1, 1981, and September 30, 1982, shall be specifically identified and amortized according to the schedule noted above over ten years with full amortization completed by October 1, 1992. The growth in investment between October 1, 1982, and September 30, 1983 and between October 1, 1983, and September 30, 1984, shall be handled in the same manner with full amortization on all inside wiring completed by September 30, 1994. Under no circumstances shall the cumulative amortization credits to account 171 exceed the balance of the investment for station connections—inside wiring. The station connections—other subclass will be depreciated in accordance with Section 31.02-80.

(c) Effective no later than October 1, 1981, for carriers who select a phase-in approach, when a station apparatus is installed except as part of a replacement or an inside move, the cost of the inside wiring portion of the installation cost shall be charged to this account (subclass inside wiring) on the following basis: 75% between October 1, 1981, and September 30, 1982; 50% between October 1, 1982, and September 30, 1983; 25% between October 1, 1983, and September 30, 1984; and 0% after September 30, 1984. The remaining cost not chargeable to this account shall be charged to the appropriate subaccount of account 605. Effective no later than October 1, 1981, for carriers who select a flash-cut approach, the otherwise capitalizable amount chargeable to the station connections—inside wiring subclass shall be expensed to the appropriate subaccount of account 605.

(d) When a station connection—inside wiring is physically removed, sold, destroyed, or abandoned, the original cost (actual or estimated average unit cost) carried in this account shall be credited hereto and charged to account 171, "Depreciation reserve"; or if a separate depreciation reserve account or accounts are established for station connections, the debit entry shall be made to the appropriate depreciation reserve account.

\* \* \* \* \*

Note A: Costs charged to this account prior to October 1, 1981, in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account and shall be included in whole or in part in account 232. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial cable."

\* \* \* \* \*

Note C: Provision denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Installations and repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Note D: Any company so desiring may make the above revisions retroactive to an earlier date in calendar year 1981.

Note E: Effective October 1, 1981, to the extent applicable, the items shown above shall be charged to account 605, "Installations and repairs of station equipment."

(8) §31.242:1 is amended by revising note A to read as follows:

§31.242:1 Aerial cable.

\* \* \* \* \*

Note A: House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232 or account 605 (effective October 1, 1981), or the cables for subscribers' private branch exchange switchboards which are included in account 232 or account 605 (effective October 1, 1981) or account 234, as appropriate.

(9) §31.242:2 is amended to revise Notes B and D to read as follows:

§31.242:2 Underground cable.

\* \* \* \* \*

Note B: The cost of small cables used in station installations is included in account 232 or account 605 (effective October 1, 1981). However, the cost of small cables used as drop wires shall be charged to account 232.

\* \* \* \* \*

Note D: House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from

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terminal boxes of house cables to subscribers' stations which are included in account 232 or account 605, or the cables for subscribers' private branch exchange switchboards which are included in account 232, account 605 or account 234, as appropriate.

(10) §31.244 is amended to revise Note B to read as follows:

§31.244 Underground conduit.

\* \* \* \* \*

Note B: The cost of pipes or other protective covering for underground drop and block wires shall be charged to account 232. However, the cost of pipes or other protective covering for inside wiring shall be charged to account 232 or account 605 (effective October 1, 1981).

(11) §31.316 is amended to read as follows:

§31.316 Miscellaneous income.

(a) This account shall include in separate subaccounts revenues from and the cost of and expenses (direct and indirect) associated with the sale and installation of equipment and material initially includible in account 124, "Merchandise and material held for sale." It shall also include in separate subaccounts revenues and expenses associated with the provision of repair service on customer provided equipment.

(b) This account shall also include all other items not provided for elsewhere, properly creditable to income.

ITEMS

(Note §31.01-8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.

Profits from the telephone operations of other companies realized by the company under contract.

Profits realized from customer work performed for others not incident to the company's telephone operations.

Profits realized on the same of temporary cash investments.

Note: Taxes applicable to account 124 shall be charged to account 327, "Other nonoperating taxes."

(12) §31.327 is amended by revising paragraph (b) to read as follows:

§31.327 Other nonoperating taxes.

\* \* \* \* \*

(b) This account shall also include taxes on merchandise and material held for sale, miscellaneous physical property, taxes on wages not applicable to operations or construction and all other taxes not provided for elsewhere. (Note §§31.2-22 (b) (8), 31.124, 31.179, 31.304, 31.307, 31.326, 31.380, 31.402 and 31.413.)

\* \* \* \* \*

(13) §31.6-61 is amended by revising paragraph (a), redesignating paragraph (b) as (d) and adding new paragraphs (b) and (c) to read as follows:

§31.6-61 Cost of repairs.

(a) The cost of repairs chargeable to the various operating expense and clearing accounts includes: Inspecting, testing and reporting on the condition of telephone plant to determine the need for repairs, replacements, rearrangements and changes; testing for, locating and clearing trouble; routine work (note also paragraph (d) of this section) to prevent trouble, such as pulling up slack, tightening guys and raking guy stubs, trimming trees, straightening poles and crossarms, and cleaning and adjusting equipment; replacing minor items of telephone plant (note also §31.2-25); rearranging and changing the location of property not retired; repairing material for reuse; restoring the condition of property damaged by storms, floods, fire or other casualties (note also paragraph (d) of this section); training employees for maintenance work; inspecting and testing after repairs have been made; and an equitable proportion of the cost of local plant administration, general plant supervision and engineering.

(b) The cost of repairs also includes expenses associated with the provision of repair services on customer owned telecommunications equipment. (Note also account 316.)

(c) The cost of repairs also includes the cost of installing, connecting, disconnecting, and removing station apparatus and station connection—inside wiring. (Note also accounts 231 and 605.)

(d) The cost of repairs does not include the cost of replacing items of property designated as "retirement units." (Note also Section 31.2-25.)

(14) §31.6-64 is amended to read as follows:

§31.6-64 Extensive replacements.

When it becomes necessary to replace the majority of station apparatus, inside wires, or drop and block wires, in any given

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central office district, together with any number of such items in contiguous districts, the cost of the replacements chargeable to account 605, "Installations and repairs of station equipment," if so authorized by this Commission upon application to it, shall be charged to account 138, "Extraordinary maintenance and retirements," and cleared to account 605 over the period specified in the authority.

(15) §31.6-65 is amended to read as follows:

§31.6-65 Operating expense accounts to be maintained.

\* \* \* \* \*

Accounts for Class A Companies

\* \* \* \* \*

605 Installations and repairs of station equipment

\* \* \* \* \*

Accounts for Class B Companies

\* \* \* \* \*

605 Installations and repairs of station equipment

(16) §31.605 is amended to revise paragraphs (a) and (b) and add new paragraphs (c) and (d) and revise the items list and Notes A and B to read as follows:

§31.605 Installations and repairs of station equipment.

(a) This account shall include the cost of installing items of station apparatus (included in account 231) and the cost of inside wiring under either the phase-in or flash-cut approach. Under the phase-in approach this installation activity shall be charged to this account on the following basis: 25% between October 1, 1981, and September 30, 1982; 50% between October 1, 1982, and September 30, 1983; 75% between October 1, 1983, and September 30, 1984; and 100% after September 30, 1984. Under the flash-cut approach all costs of this installation activity shall be charged to this account. Carriers shall maintain the cost of installing items of station apparatus (included in account 231) and the cost of inside wiring under either of the above approaches in a separate subaccount. This account shall also include the cost of reconnecting customers' lines at customers' premises (note also account 232 and account 316).

(b) This account shall include also the costs of repairing station apparatus, station connections, and large private branch exchanges. It shall also include the cost of replacing station apparatus (excluding the cost of material other than repair parts and material in account 124) and the cost of replacing station connections.

(c) This account shall include also the cost of disconnecting or removing station apparatus and inside wiring.

(d) This account shall include also amortization of costs of extensive replacements of station apparatus, inside wires, and drop and block wires, which under conditions provided in §31.6-64 have been included in account 138, "Extraordinary maintenance and retirements."

### ITEMS

(Note §31.01-08)

The wires (or small cables) extending from the point of connection with (1) terminal boxes of house cables or (2) protectors or other terminating devices of service wires to station apparatus or customers' terminal equipment.

The wires (or small cables) used to connect station apparatus in the same building, such as main stations and extension stations, and stations of intercommunicating systems.

The wires (or small cables) used to connect small private branch exchange switchboards or their distributing frames (or equivalent distributing panels) with terminal stations in the same building.

The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames (or equivalent distributing panels) to switchboards. The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent or service wires.

Connecting blocks, jacks, ground wires, station protectors, clamps, cleats, nails, screws, and other material used in the installation of station apparatus and inside wiring.

Labor and other costs incurred in connection with station apparatus and wiring installations or additions thereto.

Brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes and other material.

Changing inside wiring and service wires.

Changing type of telephone, such as from nondial to dial or from one color to another.

Cleaning station apparatus and large private branch exchange equipment.

Connecting or installing station apparatus.

Disconnecting customers' lines at customers' premises. If the disconnection is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Disconnecting or removing station apparatus.

House service for public telephones.

Inspecting, testing, and reporting on condition of equipment to determine the need for repairs and replacements. (See also account 603.)

Material normally used as repair parts for station apparatus.

Moves or relocations of items of station apparatus.

Number plate changes.

Plant assignment and related clerical work (e.g., assigning plant facilities, service order dispatch, service order final completion, and assignment record administrative work).

Reconnecting customers' lines at customers' premises. If the reconnecting is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Removing inside wiring.

Removing sediment from and cleaning batteries.

Repainting and other repairs to booths, except those owned by others.

Repairing used station equipment for reuse.

Replacing defective station apparatus.

Replacing dry-cell batteries.

Replacing minor items of large private branch exchanges, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also §31.2-25.)

Replacing one small private branch exchange with another.

Supply expense applicable to station apparatus being reused.

Testing for, locating and clearing trouble in station apparatus and large private branch exchanges. (See also account 603.)

Note A: Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those that run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial Cable."

Note B: Amounts charged customers for moves and changes of station apparatus and large private branch exchanges shall be credited to account 500 or to other revenue accounts appropriate for the class of service involved.

(17) §31.608 is revised to read as follows:

§31.608 Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable telephone plant, except amounts chargeable to clearing accounts. The depreciation charges shall be made in accordance with §§31.02-80 to 31.02-82 and 31.2-23(c). This account shall also include the amount of amortization charges applicable to the accounting period for the amortization of the inside wiring portion of station connections in a separate subaccount. (Note account 232 for amortization schedule; note accounts 315 and 174 for depreciation of miscellaneous physical property.)

*(Indiana Utility Regulatory Commission; Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies; filed Sep 29, 1981, 3:15 pm: 4 IR 2216; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA)*

### **Rule 3. Classification of Accounts for Class D Telephone Companies (Repealed)**

*(Repealed by Indiana Utility Regulatory Commission; filed Sep 7, 1989, 11:20 a.m.: 13 IR 269)*

### **Rule 4. Extended Area Telephone Service**

#### **170 IAC 7-4-1 Policy (Repealed)**

Sec. 1. *(Repealed by Indiana Utility Regulatory Commission; filed Feb 25, 2000, 2:41 p.m.: 23 IR 1617)*

**170 IAC 7-4-2 Definitions (Repealed)**

Sec. 2. *(Repealed by Indiana Utility Regulatory Commission; filed Feb 25, 2000, 2:41 p.m.: 23 IR 1617)*

**170 IAC 7-4-3 Petition for extended area service (Repealed)**

Sec. 3. *(Repealed by Indiana Utility Regulatory Commission; filed Feb 25, 2000, 2:41 p.m.: 23 IR 1617)*

**170 IAC 7-4-4 Calling usage studies; community of interest qualifications (Repealed)**

Sec. 4. *(Repealed by Indiana Utility Regulatory Commission; filed Feb 25, 2000, 2:41 p.m.: 23 IR 1617)*

**170 IAC 7-4-5 Determination of costs (Repealed)**

Sec. 5. *(Repealed by Indiana Utility Regulatory Commission; filed Feb 25, 2000, 2:41 p.m.: 23 IR 1617)*

**170 IAC 7-4-6 Assigned recovery of costs (Repealed)**

Sec. 6. *(Repealed by Indiana Utility Regulatory Commission; filed Feb 25, 2000, 2:41 p.m.: 23 IR 1617)*

**170 IAC 7-4-7 Customer survey (Repealed)**

Sec. 7. *(Repealed by Indiana Utility Regulatory Commission; filed Feb 25, 2000, 2:41 p.m.: 23 IR 1617)*

**170 IAC 7-4-8 Procedure for establishing extended area service (Expired)**

Sec. 8. *(Expired under IC 4-22-2.5, effective January 1, 2008.)*

**Rule 5. Small Local Exchange Carriers**

**170 IAC 7-5-1 Policy**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-2-19

Sec. 1. (a) This rule is to establish a procedure for processing requests for new, revised, or existing depreciation rates by small local exchange carriers (LECs).

(b) This rule applies to an LEC that meets the following requirements:

(1) Uses depreciation rates authorized by the commission under IC 8-1-2-19.

(2) Operates less than fifty thousand one (50,001) total local access lines.

*(Indiana Utility Regulatory Commission; 170 IAC 7-5-1; filed Nov 17, 1994: 18 IR 838; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA)*

**170 IAC 7-5-2 Definitions**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-2

Sec. 2. (a) As used in this rule, "account" means the depreciable plant account or subaccount in the system of accounts as adopted by the Indiana utility regulatory commission (commission) for Indiana telephone utilities at 170 IAC 7-2.1-1 or another system of accounts deemed appropriate by the commission.

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(b) As used in this rule, "average" means the estimated service life or net salvage of a plant account is only coincidentally appropriate to a single unit in the plant account. An average must be obtained through an appropriate mathematical weighting process or based upon bona fide knowledge, for example, engineering judgment, of the items in the plant account.

(c) As used in this rule, "average net salvage" or "ANS" means the composite of the past net salvage and the future net salvage.

(d) As used in this rule, "average net salvage percentage" or "ANS%" means the ANS expressed as a percent of a year end plant account balance and past retirements. This percentage is expressed to the nearest whole percent (1.0%).

(e) As used in this rule, "average remaining life" or "ARL" means the estimated remaining life of the telephone plant in the entire plant account.

(f) As used in this rule, "average service life" or "ASL" means the estimated service life of the telephone plant in the entire plant account.

(g) As used in this rule, "cost of removal" or "COR" means the cost of demolishing, dismantling, removing, or otherwise disposing of the telephone plant.

(h) As used in this rule, "depreciation rates request" or "request for depreciation rates" means a request by an LEC under this rule for approval of new remaining life depreciation rates, revised remaining life depreciation rates, or continuation of depreciation rates previously approved by the commission.

(i) As used in this rule, "depreciation reserve" means the account that reflects the accumulation of the following:

(1) The following credits:

(A) Depreciation expense.

(B) Gross salvage.

(C) Adjustments.

(2) The following debits:

(A) Plant retirements.

(B) Cost of removal.

(C) Adjustments.

(j) As used in this rule, "depreciation reserve ratio" means the ratio of the year end balances of the following two (2) accounts:

(1) Depreciation reserve account.

(2) Plant account.

The dividend in this calculation is the year end depreciation reserve account balance, and the divisor is the year end plant account balance. The quotient resulting from this calculation shall be expressed to the nearest one one-thousandth (0.001).

$$\frac{\text{Year end depreciation reserve account balance}}{\text{Year end plant account balance}} = \text{Depreciation reserve ratio}$$

(k) As used in this rule, "future net salvage" or "FNS" means the net amount expected to be realized (future gross salvage less future cost of removal) from the eventual disposition of all the telephone plant on the books at year end.

(l) As used in this rule, "future net salvage percentage" or "FNS%" means the FNS amount expressed as a percent of the year end plant account balance. This percentage is expressed to the nearest whole percent (1.0%).

(m) As used in this rule, "gross salvage" or "GS" means the amount of money received or the amount of money debited to the inventory account or held for future use account, upon the disposition of the retired telephone plant.

(n) As used in this rule, "local exchange carrier" or "LEC" means a local service telephone utility providing telephone service to a customer in the geographic territory served by a local exchange.

(o) As used in this rule, "past net salvage" means the net amount realized (past gross salvage less past cost of removal) from the telephone plant retired by year end.

(p) As used in this rule, "plant account" means the account that reflects the installed cost, both direct and indirect, of the telephone plant providing service at year end.

(q) As used in this rule, "remaining life" or "remaining service life" means the period between January 1 of the year in which the request for depreciation rates is made and the telephone plant's time of retirement. The remaining life is an estimate and applies only to the telephone plant on the books of a plant account at year end.

(r) As use in this rule, "remaining life depreciation rate" or "average remaining service life depreciation rate" means the book reserve ratio and the FNS% are subtracted from one hundred percent (100%) of the telephone plant account and the result is divided by the ARL. The remaining life depreciation rate is expressed to the nearest one-tenth of one percent (0.1%).

(s) As used in this rule, "telephone plant" means physical property that is used and useful in providing telecommunications services.

(t) As used in this rule, "time of retirement" means the date the telephone plant is removed, sold, abandoned, destroyed, or otherwise withdrawn from service and the telephone plant's installed cost is retired or removed from the books of account.

(u) As used in this rule, "whole life" or "service life" means the period between the time the telephone plant begins service and the plant's time of retirement.

(v) As used in this rule, "whole life depreciation rate" means the ANS% is subtracted from one hundred percent (100%) of the telephone plant account, and the result is divided by the ASL. The whole life depreciation rate is expressed to the nearest one-tenth of one percent (0.1%).

(w) As used in this rule, "year end" means the end of the year immediately preceding the year in which the depreciation rates request is filed. (*Indiana Utility Regulatory Commission; 170 IAC 7-5-2; filed Nov 17, 1994; 18 IR 838; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA*)

### **170 IAC 7-5-3 Request for depreciation rates**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-2

Sec. 3. (a) A depreciation rates request must be filed with the secretary of the Indiana utility regulatory commission (commission) in the form prescribed by this rule. Contemporaneously with the filing of a request for depreciation rates, a copy of a request for depreciation rates must be served on the office of the utility consumer counselor.

(b) A depreciation rates request cannot be filed within twelve (12) months of an LEC's most recently approved depreciation rate order.

(c) The ARL and FNS% estimates proposed in a depreciation rates request for a plant account must be selected from the ARL and FNS% ranges provided in the commission's small LEC depreciation forms. Small LEC depreciation forms may be obtained from the Office of the Secretary, Indiana Utility Regulatory Commission, Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana 46204.

(d) A request for depreciation rates that contains an ARL or FNS% outside the current range for depreciable plant account must include an underlying study detail to support the request.

(e) A request for depreciation rates must contain the following:

(1) The name and address of the LEC making the request.

(2) The name and telephone number of an LEC representative to whom questions, notices, orders, and other correspondence may be sent.

(3) The authority for the LEC's current depreciation rates.

(4) A schedule (Statement A) showing for each depreciable plant account the following:

(A) The account number.

(B) The account name.

(C) The currently approved depreciation rate.

(D) The proposed depreciation rate.

(E) For remaining life depreciation rates, the underlying depreciation reserve percent and ARL and FNS% estimates.

(F) For whole life depreciation rates, the underlying ASL and ANS%, if known.

(5) A schedule (Statement B) showing for each depreciable plant account the following:

(A) The balance of each depreciable plant account at year end.

(B) The total depreciable plant.

(C) The total current accruals, such as the estimated amount of depreciation accruals determined by multiplying the depreciation rate currently approved by the year end plant account balance.

(D) The total proposed accruals, such as the estimated amount of depreciation accruals determined by multiplying the rate proposed to be used by the year end plant account balances.

(E) The difference between the two (2) accruals.

(6) A brief narrative statement describing the LEC's rationale for requesting each depreciable plant account's proposed depreciation rate.

(7) The effective date of the proposed depreciation rates determined under section 5 of this rule.

(8) Proof of publication of the notice required in section 6 of this rule.

(9) Other information the commission deems appropriate.



(f) If an initial application for depreciation rates is an incomplete application, the commission staff shall notify the LEC in writing within fifteen (15) days of the date of the filing of the initial application of the specific elements of the application missing or incomplete.

(g) The commission may dismiss without prejudice an incomplete application which remains on file more than ninety (90) days. (*Indiana Utility Regulatory Commission; 170 IAC 7-5-3; filed Nov 17, 1994: 18 IR 839; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA*)

#### **170 IAC 7-5-4 Remaining life rate development**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-2

Sec. 4. (a) A request for depreciation rates must use the remaining life depreciation rate formula unless an LEC requests continuation of whole life rates previously approved by the commission or other special treatment. The remaining life depreciation formula is defined as follows:

$$\text{Remaining life depreciation rate\%} = \frac{[100\% - \text{FNS\%} - \text{Reserve\%}]}{\text{ARL}}$$

(b) Prior to use of the remaining life depreciation rate formula, an LEC must calculate the depreciation reserve percentage as of year end and estimate the ARL and FNS% of each depreciable plant account. (*Indiana Utility Regulatory Commission; 170 IAC 7-5-4; filed Nov 17, 1994: 18 IR 840; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA*)

#### **170 IAC 7-5-5 Effective date of depreciation rates**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-2

Sec. 5. A request for depreciation rates must contain a proposed effective date of requested depreciation rates. The effective date of the requested depreciation rates is determined as follows:

- (1) The first day of any one (1) of the months of the year in which the request is made; or
- (2) January 1 of the subsequent year.

For example, if a request for depreciation rates is filed on March 20, 1993, the effective date may be the first day of a 1993 month or January 1, 1994. (*Indiana Utility Regulatory Commission; 170 IAC 7-5-5; filed Nov 17, 1994: 18 IR 840; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA*)

#### **170 IAC 7-5-6 Public notice**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-1-8; IC 8-1-2-19

Sec. 6. Publication of a notice of filing of the application for depreciation rates shall be no later than ten (10) days after the filing of the application for depreciation rates pursuant to the publication requirements of IC 8-1-1-8. The notice must contain the following information:

- (1) The date the request for depreciation rates was filed with the Indiana utility regulatory commission (commission).
- (2) A statement that the utility has filed its request for depreciation rates under IC 8-1-2-19 without the necessary costs of a commission hearing; however, a public hearing by the commission may be held if a public or municipal corporation, ten (10) individuals, firms, or associations, or ten (10) complainants of all or any of these classes affected by the proposed depreciation rate change or the utility consumer counselor requests a formal public hearing by filing a written, signed request with the Secretary, Indiana Utility Regulatory Commission, Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana 46204.
- (3) The appropriate change in depreciation rates requested by the utility.
- (4) The written request in subdivision (2) must be received by the commission within forty (40) days of the date the request for depreciation rates was filed with the commission.

(5) A statement that there may be no hearing in the absence of a written request.

*(Indiana Utility Regulatory Commission; 170 IAC 7-5-6; filed Nov 17, 1994: 18 IR 840; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA)*

**170 IAC 7-5-7 Approval of depreciation rates**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-2

Sec. 7. (a) A depreciation rates request filed under this rule shall be reviewed by the Indiana utility regulatory commission (commission).

(b) If, after review of the depreciation rate request filed under this rule, the commission finds that an LEC has complied with this rule and that the requested depreciation rate is appropriate, the commission may issue an order granting the LEC authority to book the requested depreciation rate. The commission may require a formal public hearing on its own motion.

(c) An LEC may withdraw or dismiss its request for depreciation rates.

(d) A depreciation rate approved under this rule shall be considered appropriate for the LEC's accounting and ratemaking purposes until the rate is superseded by the commission. *(Indiana Utility Regulatory Commission; 170 IAC 7-5-7; filed Nov 17, 1994: 18 IR 840; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA)*

**170 IAC 7-5-8 Review of ARL and FNS%**

Authority: IC 8-1-1-3; IC 8-1-2-10; IC 8-1-2-19; IC 8-1-2-20

Affected: IC 8-1-2

Sec. 8. The ARL and FNS% ranges may be reviewed by the Indiana utility regulatory commission (commission) within three (3) years after the effective date of this rule. Thereafter, ARL and FNS% ranges may be reviewed triennially by the commission. *(Indiana Utility Regulatory Commission; 170 IAC 7-5-8; filed Nov 17, 1994: 18 IR 841; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA)*

**Rule 6. Disconnection of a Local Exchange Carrier by Another Local Exchange Carrier; Notice of Bankruptcy; Relinquishment of Service; Revocation of Certificate of Territorial Authority**

**170 IAC 7-6-1 Policy and scope**

Authority: IC 8-1-1-3; IC 8-1-2-5; IC 8-1-2-34.5; IC 8-1-2-88; IC 8-1-32.4; IC 8-1-32.5

Affected: IC 8-1

Sec. 1. (a) This rule is intended to establish a procedure for providing notice to customers when a LEC:

(1) is disconnected from another LEC;

(2) files for bankruptcy; or

(3) relinquishes all or part of its services or operating authority;

with special provisions for a LEC that is a provider of last resort.

(b) This rule supersedes any written contractual provisions that may exist pertaining to disconnection of service between LECs. *(Indiana Utility Regulatory Commission; 170 IAC 7-6-1; filed Nov 29, 1999, 1:57 p.m.: 23 IR 762; readopted filed Jun 29, 2005, 4:39 p.m.: 29 IR 144; filed Jan 30, 2007, 9:40 a.m.: 20070221-IR-170060045FRA)*

**170 IAC 7-6-2 Definitions**

Authority: IC 8-1-1-3; IC 8-1-2-5; IC 8-1-2-34.5; IC 8-1-2-88; IC 8-1-32.4; IC 8-1-32.5

Affected: IC 8-1

Sec. 2. The following definitions apply throughout this rule:

(1) "Local exchange carrier" or "LEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange.

(2) "Provider of last resort" means a provider that:

(A) holds a certificate of territorial authority issued by the commission; and

(B) is required to offer local exchange service throughout a defined geographic area.

*(Indiana Utility Regulatory Commission; 170 IAC 7-6-2; filed Nov 29, 1999, 1:57 p.m.: 23 IR 762; readopted filed Jun 29, 2005, 4:39 p.m.: 29 IR 144; filed Jan 30, 2007, 9:40 a.m.: 20070221-IR-170060045FRA)*

**170 IAC 7-6-3 Notice to the commission; notice to customers**

Authority: IC 8-1-1-3; IC 8-1-2-5; IC 8-1-2-34.5; IC 8-1-2-88; IC 8-1-32.4; IC 8-1-32.5

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 3. (a) When a LEC serves a notice of disconnection upon another LEC, the notice of disconnection shall be served simultaneously upon the following:

(1) the telecommunications division director of the commission via personal service or certified mail, return receipt requested; and

(2) the LEC that is subject to disconnection via certified mail, return receipt requested.

(b) Five (5) business days after the notice from the disconnecting LEC is mailed, the LEC that is subject to disconnection must provide the telecommunications division director of the commission, in writing, with one (1) of the following:

(1) Proof of payment.

(2) The LEC's customer list, including each customer's:

(A) name;

(B) address; and

(C) telephone number.

Absent a showing to the contrary, the LEC's customer list shall be deemed confidential on a preliminary basis by the commission.

(3) Copy of a complaint, regarding:

(A) reasonable grounds for nonpayment to the disconnecting LEC; or

(B) the subject of the disconnection notice;

filed with the commission pursuant to rule 7 of this article [170 IAC 7-7].

(c)(1) If the LEC subject to disconnection fails to provide the commission with:

(A) proof of payment under subsection (b)(1); or

(B) copy of a complaint under subsection (b)(3);

the LEC subject to disconnection must mail notice of disconnection to its customers within ten (10) calendar days after the disconnection notice is sent from the disconnecting LEC.

(2) The LEC subject to disconnection must provide proof of mailing the customer disconnection notice to the commission.

(3) The LEC's notice of disconnection to its customers must include the following:

(A) A statement that the customer must contact the telephone service provider of his or her choice for new service.

(B) The last date of guaranteed service by the LEC.

(C) The address and toll-free number of the:

(i) commission; and

(ii) utility consumer counselor.

(D) A statement notifying the customer that if the customer fails to choose a new LEC on or before the date of disconnection from the LEC, the customer will be without telephone service.

(d) If the LEC subject to disconnection fails to notify its customers or show proof of mailing disconnection notices as required by subsection (c), the commission may do one (1) or more of the following:

(1) Initiate an investigation or other procedure in accordance with:

(A) IC 8-1-2-58;

(B) IC 8-1-2-69; or

(C) other related statutes.

(2) Request the disconnecting LEC to provide any customer identifying information it may have, which shall be treated as confidential on a preliminary basis by the commission.

(3) Initiate customer notification itself based on the information received in subsection (b)(2) and subdivision (2).

(e) A LEC may not disconnect another LEC until thirty (30) calendar days after the disconnection notice is sent under subsection (a).

(f) A LEC shall not be disconnected without adequate notice to its customers, either pursuant to the time frames in this rule or as otherwise determined by the commission.

(g) This rule shall not prohibit a LEC from rescinding its disconnection notice to customers after complying with subsection (c) if the LEC makes payment to the disconnecting LEC before its disconnection. The LEC shall notify the commission immediately if it has rescinded its customer disconnection notice.

(h) This rule shall not apply where the disconnecting LEC is without notice of either of the following:

(1) The provider being disconnected is reselling the retail services of the disconnecting LEC to third parties.

(2) The provider being disconnected is using the retail facilities of the disconnecting LEC to serve customers.

*(Indiana Utility Regulatory Commission; 170 IAC 7-6-3; filed Nov 29, 1999, 1:57 p.m.: 23 IR 762; readopted filed Jun 29, 2005, 4:39 p.m.: 29 IR 144; filed Jan 30, 2007, 9:40 a.m.: 20070221-IR-170060045FRA)*

#### **170 IAC 7-6-4 Notice of bankruptcy**

Authority: IC 8-1-1-3; IC 8-1-2-34.5; IC 8-1-2-88; IC 8-1-32.4; IC 8-1-32.5

Affected: IC 8-1

Sec. 4. (a) If a LEC, the utility holding company of a LEC, or the corporate parent of a LEC is the subject of a bankruptcy proceeding, the LEC shall provide the commission with written notice and a complete copy of the bankruptcy petition within sixty (60) calendar days of the date the bankruptcy petition is filed.

(b) Notice to the commission shall include at least the following:

(1) The number of customers the utility has in Indiana, which shall be deemed confidential on a preliminary basis by the commission.

(2) The types of services provided.

(3) The name, mailing address, e-mail address, and telephone number of any of the following:

(A) A bankruptcy trustee.

(B) An attorney representing the utility in bankruptcy.

(C) A designated contact person at any company proposing to acquire the assets of the utility.

(c) If the LEC seeking bankruptcy protection is a provider of last resort, the LEC must provide the commission and each affected customer and wholesale provider written notice a minimum of sixty (60) calendar days before filing a bankruptcy petition with a court. The written notice to the commission must be provided on the form prescribed by the commission. *(Indiana Utility Regulatory Commission; 170 IAC 7-6-4; filed Jan 30, 2007, 9:40 a.m.: 20070221-IR-170060045FRA)*

#### **170 IAC 7-6-5 Relinquishment of service by a LEC**

Authority: IC 8-1-1-3; IC 8-1-2-5; IC 8-1-2-34.5; IC 8-1-2-88; IC 8-1-32.4; IC 8-1-32.5

Affected: IC 8-1

Sec. 5. A LEC that intends to cease providing services in all or part of its operating area or relinquish some or all of its Indiana certificate of territorial authority shall provide the following:

(1) Written notice to the commission, the utility consumer counselor, and any LEC from which it purchases services for resale, unbundled network elements, or with whose network the LEC that is ceasing operations or relinquishing authority is interconnected, sent at least sixty (60) calendar days before the date of cessation of operations or relinquishment. The notice to the commission shall include a customer list, which shall be deemed confidential on a preliminary basis by the commission. If the LEC that is ceasing operations or relinquishing authority is a provider of last resort, the notice to the commission must be provided on the form prescribed by the commission.

(2) At least sixty (60) calendar days before the date of cessation of operations or relinquishment, a notice to affected customers, which must include the following:

(A) A statement that the customer must contact the telephone service provider of his or her choice for new service.

(B) The last date of guaranteed service by the LEC.

(C) The address and toll-free number of the:

(i) commission; and

(ii) utility consumer counselor.

(D) A statement notifying the customer that if the customer fails to choose a new LEC on or before the date of cessation of operations or relinquishment, the customer will be without telephone service.

(E) At least one (1) toll-free customer service telephone number maintained by the LEC that is ceasing operations or relinquishing authority to facilitate the:

(i) continuation of service; and

(ii) transition of customers to other providers;

if the LEC that is ceasing operations or relinquishing authority is a provider of last resort.

*(Indiana Utility Regulatory Commission; 170 IAC 7-6-5; filed Jan 30, 2007, 9:40 a.m.: 20070221-IR-170060045FRA)*

**170 IAC 7-6-6 Revocation of certificate of territorial authority**

Authority: IC 8-1-1-3; IC 8-1-2-34.5; IC 8-1-32.4; IC 8-1-32.5

Affected: IC 8-1-2-88; IC 8-1-2-113; IC 8-1-6

Sec. 6. (a) A LEC has an affirmative duty to provide the following:

(1) The commission with current contact information.

(2) Notice as required under this rule.

(b) The commission may, after notice and hearing, revoke the certificate of territorial authority of a LEC for the following:

(1) Failure to follow regulatory requirements, including, but not limited to, the following:

(A) Provide notice as required under this rule.

(B) Pay the public utility fee assessed under IC 8-1-6.

(C) Respond to the following:

(i) A commission request for information, including surveys and data requests.

(ii) Inquiries by the commission regarding relinquishment of service, cessation of operation, or service disconnection.

(2) Administrative dissolution of the LEC's corporate authority by the Indiana secretary of state.

(3) Dissolution in bankruptcy.

(4) Cessation of operations or relinquishment of services in Indiana.

(c) Revocation of a LEC's certificate of territorial authority under this section may be initiated by any of the following:

(1) The commission on its own motion.

(2) Upon the request of either of the following:

(A) The office of the utility consumer counselor.

(B) Any other carrier providing services to the LEC.

(3) The voluntary application of the LEC.

(d) The LEC may cure any of the items listed in subsection (b), which, at the commission's discretion, may result in the termination of the revocation proceeding.

(e) In addition to revoking the LEC's certificate of territorial authority, the commission may issue any additional orders it deems necessary to protect the public interest under IC 8-1-2-113. *(Indiana Utility Regulatory Commission; 170 IAC 7-6-6; filed Jan 30, 2007, 9:40 a.m.: 20070221-IR-170060045FRA)*

**Rule 7. Expedited Procedure for Resolving Interconnection Disputes Between Telecommunications Carriers**

**170 IAC 7-7-1 Policy and scope**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-54

Sec. 1. (a) This rule is intended to establish an expedited procedure for resolving interconnection disputes between telecommunications carriers that arise from the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq. Only those disputes that directly affect the ability of a party to provide uninterrupted service to its customers or preclude the provisioning of any service, functionality, or network element are entitled to expedited review.

(b) Expedited review pursuant to this rule shall not be used unless the parties have exhausted all dispute resolution procedures

included in the commission approved interconnection agreement that is the subject of the dispute, if any. Any binding dispute resolution made pursuant to a commission approved interconnection agreement cannot be challenged under this rule.

(c) Expedited review pursuant to this rule shall be granted at the commission's sole discretion. An order dismissing a party's request for expedited review pursuant to this rule will be issued without prejudice for leave to file a formal complaint under IC 8-1-2-54 and related statutes.

(d) To the extent that this rule does not address issues of practice and procedure, 170 IAC 1-1.1 applies. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-1; filed Nov 27, 2000, 9:36 a.m.: 24 IR 949; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

#### **170 IAC 7-7-2 Definitions**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 2. The following definitions apply throughout this rule:

(1) "Complainant" means any telecommunications utility that files a complaint seeking relief from the commission pursuant to this rule.

(2) "Interconnection agreement" means an agreement executed pursuant to 47 U.S.C. §§ 251 and 252, including interconnection agreements, resale agreements, agreements for the purchase or lease of unbundled network elements, or statements of generally available terms and conditions, whether those agreements were entered into through negotiation, settlement, arbitration, or adoption of a prior agreement.

(3) "Respondent" means any telecommunications utility against whom a complaint is filed pursuant to this rule.

(*Indiana Utility Regulatory Commission; 170 IAC 7-7-2; filed Nov 27, 2000, 9:36 a.m.: 24 IR 950; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

#### **170 IAC 7-7-3 Notice**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 3. (a) At least ten (10) business days prior to filing a complaint with the commission, a complainant shall serve written notice upon all parties to the dispute and to the commission's telecommunications division director that the complainant intends to file a complaint alleging a violation of a commission approved interconnection agreement or an interconnection-related commission order.

(b) The written notice to the respondent shall identify the provisions of the order or interconnection agreement that the complainant alleges have been violated by the respondent and the specific acts or omissions causing the violation. The written notice to respondent shall also identify the circumstances that directly affect the complainant's ability to provide uninterrupted service to its customers or preclude the provisioning of any service, functionality, or network element which entitle the dispute to expedited review.

(c) If the complainant fails to serve written notice of its intent to file a complaint as required in subsection (a), the presiding officer may extend any deadline imposed by this rule. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-3; filed Nov 27, 2000, 9:36 a.m.: 24 IR 950; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

#### **170 IAC 7-7-4 Complaint**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 4. (a) The complaint shall contain the following:

(1) A detailed statement of the facts supporting the complainant's position and demonstrating that despite good faith efforts, the complainant was unable to resolve its dispute with the respondent. The statement of facts must be:

(A) supported by testimony or affidavits; and

(B) made by persons with personal knowledge of the relevant facts.

(2) A statement of facts specifying each violation of the commission order or commission approved interconnection agreement

committed by the respondent.

(3) A statement of applicable law, supported by appropriate citations.

(4) A statement indicating whether the remedy sought is consistent with the dispute resolution provisions of any interconnection agreement between the parties or other commission order, if applicable.

(5) An affirmation that the complainant provided the written notice required in section 3(a) of this rule.

(6) The name, address, and telephone number of the complainant's attorney, including local counsel.

(7) A copy of the interconnection agreement or the portion of the interconnection agreement that the complainant contends was or is being violated. If a copy of the entire interconnection agreement is provided, the complainant must specify the provisions at issue. If the interconnection agreement was adopted as a prior agreement or a portion of a prior agreement, the complaint must also indicate the provisions adopted in that agreement.

(b) The complainant may amend its complaint upon discovery of facts or circumstances unknown or unavailable to the complainant at the time the complaint was filed. Upon amendment of a complaint, the procedural schedule shall be adjusted at the discretion of the presiding officer.

(c) A complaint filed pursuant to this rule shall be assigned a cause number that corresponds to the interconnection agreement between the telecommunications carriers followed by the suffix "RD", and a sequential number to designate each dispute. For example, if the complaint involves the first dispute over an interconnection agreement that was approved by the commission in cause number 12345, the cause number for the dispute will be 12345-RD-01. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-4; filed Nov 27, 2000, 9:36 a.m.: 24 IR 950; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

#### **170 IAC 7-7-5 Expedited procedural schedule**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 5. (a) Upon the filing of a complaint pursuant to this rule, the presiding officer shall immediately fix a procedural schedule that includes, but is not limited to, the following:

(1) Deadlines for the filing of all pleadings and briefs.

(2) The date for a settlement conference.

(3) The date for an evidentiary hearing.

(4) The deadline for the issuance of a commission order.

(b) A party may file a request for discovery with a complaint, answer, or motion to intervene. Discovery requests shall be reasonable and limited to matters directly at issue. Parties shall respond to discovery requests within forty-eight (48) hours, unless another time is set by the presiding officer. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-5; filed Nov 27, 2000, 9:36 a.m.: 24 IR 951; errata filed May 4, 2001, 11:09 a.m.: 24 IR 2709; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

#### **170 IAC 7-7-6 Service of complaint**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 6. The complainant shall serve a copy of the complaint to the respondent, the respondent's authorized representative, attorney of record, or designated agent for service of process on the same day the complaint is filed with the commission. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-6; filed Nov 27, 2000, 9:36 a.m.: 24 IR 951; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

#### **170 IAC 7-7-7 Answer**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 7. (a) An answer to the complaint shall be filed within ten (10) business days after service of the complaint.

(b) The answer shall contain the following:

(1) A response to each allegation in the complaint, setting forth any affirmative defenses.

(2) A statement of the facts supporting the respondent's position. The statement of facts must be:

- (A) supported by testimony or affidavits; and
- (B) made by persons with personal knowledge of the relevant facts.
- (3) A statement of applicable law, supported by appropriate citations.
- (4) The name, address, and telephone number of the respondent's attorney, including local counsel.
- (c) A response to any motion filed by the complainant shall be filed as a separate document.
- (d) The respondent may also file motions seeking affirmative relief.
- (e) The respondent may file a motion subsequent to the filing of the answer based upon facts or circumstances unknown or unavailable to the respondent at the time the answer was filed.
- (f) The respondent shall serve a copy of the answer and any other motions or responses on the complainant's attorney, as listed in the complaint, or the person who signed the complaint, if the complainant has no attorney. Service may be made by hand delivery or overnight mail.
- (g) Service to all parties must be made on the same day the answer is filed with the commission.
- (h) Any allegations raised in the complaint but not addressed in the answer shall be deemed admitted. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-7; filed Nov 27, 2000, 9:36 a.m.: 24 IR 951; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

**170 IAC 7-7-8 Reply**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

- Sec. 8. (a) The complainant must reply to an answer that contains affirmative defenses.
- (b) The reply must be filed with the commission no later than ten (10) business days after the answer is filed.
  - (c) The complainant shall serve the reply upon all parties on the same day the reply is filed with the commission.
  - (d) If the reply contains new facts or legal issues not raised in the complaint, the reply shall comply with section 4(a)(2) through 4(a)(4) of this rule. In addition, if the reply contains new facts or legal issues not raised in the original complaint, the presiding officer may set a new procedural schedule pursuant to section 5 of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-8; filed Nov 27, 2000, 9:36 a.m.: 24 IR 951; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670*)

**170 IAC 7-7-9 Settlement conference**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

- Sec. 9. (a) A settlement conference shall be held no later than ten (10) business days from the date the final pleading is filed.
- (b) Representatives of all parties shall attend the settlement conference unless excused by the presiding officer. Parties should be fully prepared to discuss all matters involved in the proceedings, both procedural and substantive, and be fully authorized to make commitments with respect to settlement.
  - (c) Only the complainant and the respondent may participate in the settlement conference; however, at the discretion of the presiding officer, testimonial commission staff may be directed to attend and participate in the settlement conference and to file a report that contains recommendations for resolution of the dispute.
  - (d) The settlement conference shall be conducted as an informal meeting and will not be on the record. Settlement discussions are privileged and confidential and will not be subject to discovery and cross-examination nor be presented as evidence before the commission or any court of competent jurisdiction.
  - (e) If parties reach a settlement agreement in principle, the parties shall memorialize the agreement in writing before ending settlement discussions. If an agreement resolving the dispute is reached at the settlement conference, and if any party to the agreement desires a commission order approving the agreement, the parties are required to jointly file the written settlement agreement with the commission within ten (10) business days of the settlement conference. (*Indiana Utility Regulatory Commission; 170 IAC 7-7-9; filed Nov 27, 2000, 9:36 a.m.: 24 IR 951; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA*)



**170 IAC 7-7-10 Evidentiary hearing**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 10. (a) If no settlement is reached, an evidentiary hearing will begin no later than forty-five (45) business days after the complaint is filed with the commission.

(b) The presiding officer has discretion to decide how a proceeding shall be conducted pursuant to this rule, including, but not limited to, the power to do the following:

- (1) Limit the number of exhibits and witnesses and the time for their presentation.
- (2) Limit the examination of witnesses.
- (3) Require the parties to submit additional information necessary for a fair and expeditious resolution of the case.
- (4) Require the parties to submit a joint statement listing what facts, if any, have been stipulated to, what facts remain in dispute, what legal issues are in dispute, and a brief summary of the position of the parties on each issue.
- (5) Bifurcate the proceeding for more efficient consideration of the issues.
- (6) Consolidate two (2) or more expedited review proceedings filed pursuant to this rule for more efficient consideration of the issues.
- (7) Continue the evidentiary hearing for good cause shown.
- (8) Permit other parties who have a direct interest in the interconnection dispute and the specific facts alleged in the complaint to intervene on a limited basis at the presiding officer's discretion. Petitions to intervene must be received by the commission within seven (7) business days of the filing of the complaint. Upon granting a request for intervention, the expedited procedural schedule may be modified at the presiding officer's discretion in accordance with section 5 of this rule to allow the intervenor to submit evidence and participate in the evidentiary hearing.

*(Indiana Utility Regulatory Commission; 170 IAC 7-7-10; filed Nov 27, 2000, 9:36 a.m.: 24 IR 952; errata filed May 4, 2001, 11:09 a.m.: 24 IR 2709; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670)*

**170 IAC 7-7-11 Order**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-58; IC 8-1-2-69

Sec. 11. The commission shall render a disposition on any complaint filed pursuant to this rule within sixty (60) business days after the complaint is filed. The commission may extend this deadline for good cause. *(Indiana Utility Regulatory Commission; 170 IAC 7-7-11; filed Nov 27, 2000, 9:36 a.m.: 24 IR 952; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670)*

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