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Chapter 4901:1-05 Minimum Telephone Service Standards

4901:1-5-01 Definitions.

As used within this chapter, these terms denote the following:

- (A) “Access line” means the facilities and communications path used to make a telecommunications connection from a network interface device to a serving switching center.
- (B) “Act of God” means an occurrence not preventable by reasonable care, skill, or foresight, but resulting from unforeseeable and extraordinary natural causes (e.g., tornado, flood).
- (C) “Advance payment” means a payment that may be required by a local service provider as a means of being compensated for extraordinary expenses, including, but not limited to, special construction costs associated with a particular service installation.
- (D) “Applicant” means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., that applies for telecommunications service, and will be responsible for the payment of charges and compliance with the rules and regulations of the telecommunications provider.
- (E) “Application” means a verbal or written request by an applicant for establishing new service, or by a subscriber for changing existing service.
- (F) “Appointment” means an agreed arrangement between a subscriber and a local service provider to meet at a set time and place.
- (G) “Authorized agent” means any individual or business designated by a telecommunications provider to act as its representative.
- (H) “Base rate” means a uniform rate for local exchange service without regard to mileage from a serving central office. Base rates are provided in a portion of an exchange area set forth in the local service provider’s tariff.
- (I) “Business day” means For purposes of installation, a day when a telecommunications provider performs regularly scheduled installation; for purposes of repair, a day when the provider performs nonemergency repair; and for all other purposes, a day when the provider observes regularly scheduled customer service office hours.
- (J) “Business office” means the location where an applicant or subscriber can interact with the telecommunications provider, either telephonically or in person, on all accounts and matters relating to the subscriber’s telephone service.

(K) "Busy line verification" means a service that ascertains whether a specific subscriber's access line is in use.

(L) "Call" - a completed telephone message. A call shall be considered completed if it encounters a ring-back tone, line busy signal, or intercept facility (except an intercept facility stating that all circuits are busy). A completed call does not necessarily indicate a call for which a subscriber can be charged as in the case of a busy line signal or intercept facility.

(M) "Call characteristics" means detailed information about a completed call, such as the time, duration, and distance of the call.

(N) "Central office" means an independent switching unit that serves local access lines in a telecommunications system providing service to the general public and has the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks, or trunks only. There may be more than one central office in a building.

(O) "Class of service" means a description of local exchange service furnished to a subscriber which denotes the nature of use for the service, either residential or nonresidential.

(P) "Commission" means the public utilities commission of Ohio (PUCO).

(Q) "Commitment" means a promise to complete by a given time and date an outside repair that does not require the presence of the customer.

(R) "Consumer" means one who ultimately uses or consumes a service, also referred to as an end user.

(S) "Deposit" means a payment required as a safeguard to assure the creditworthiness of a customer or service applicant.

(T) "Directory assistance (information)" means an information service providing the published or nonlisted telephone number of a subscriber.

(U) "Disconnection of service" means the intentional interruption of incoming or outgoing service, whether local or toll.

(V) "Emergency service number (9-1-1)" means a service that provides a telephone user with direct access to centralized public safety emergency answering locations from which police, fire, and other emergency assistance services are dispatched.

(W) "Exchange" means a geographical area established by an incumbent local service provider for the provision of telephone service in a specified area which usually embraces

a city, town, or village and a designated surrounding area. It typically encompasses one or more central offices and plant used in furnishing telecommunications service.

(X) “Extended area service (EAS)” means an expansion of a local calling area permitting subscribers of a given exchange to place calls to one or more other exchanges on a flat-rate or usage-sensitive basis without being assessed toll charges for each call.

(Y) “Guarantee” means a mutual agreement by which one subscriber assumes the responsibility for assuring that payment is made for the regulated telecommunications service(s) used by another subscriber.

(Z) “Guarantor” means a subscriber who has made a guarantee arrangement with the local exchange company for the provision of regulated telecommunications service(s) for another subscriber.

(AA) “Intercept service” means a service where calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed of the status of the number (e.g., number is not in service, the number has been changed to another number, provision of the new number, etc.)

(BB) “Intrastate” means within the boundaries of Ohio.

(CC) “LATA” means local access transport area as defined in the Telecommunications Act of 1996.

(DD) “Local calling area” means the geographic area in which an end user may originate and terminate a call without incurring a toll charge.

(EE) “Local exchange service” means service where calls can be originated or received without intraLATA or interLATA toll charges being assessed.

(FF) “Local flat-rate service” means a type of local exchange service that allows unlimited local calling at a fixed recurring monthly charge.

(GG) “Local measured-rate service” means a type of local exchange service for which subscriber message charges are usage sensitive, based on the number, duration, distance, and time of day/day of week of the completed calls, or combinations thereof.

(HH) “Local message service” means a type of local exchange service for which subscriber charges are dependent upon the number of outgoing calls placed by the subscriber to others in the same local calling area without regard to the time of day/day of week, distance, or duration of the calls.

(II) “Local service provider” means any incumbent or competitive telecommunications provider that provides local exchange services to consumers on a common carrier basis.

(JJ) “Negative enrollment” means a situation occurring when a service is to be added to a subscriber’s account without a subscriber’s prior approval and the subscriber must take some action to prevent the service from being added to the account.

(KK) “Network” means the architecture, hardware, software, and communication lines of the local service provider.

(LL) “Nonlisted number” means a telephone number that is, at the customer’s request, not included in the white page directory listings, but provided for directory assistance purposes.

(MM) “Nonpublished service” means a service that functions to ensure that the subscriber’s telephone number will neither be included in the white pages directory listings, nor provided by directory assistance personnel for directory assistance purposes.

(NN) “Nonregulated service” means a service offering not regulated by the commission.

(OO) “Nonresidential service” means a telecommunication service, the use of which is primarily of a business, professional, institutional, or occupational nature.

(PP) “NXX” means the three digits representing a central office code in a telephone number.

(QQ) “Outage” means an interruption of the local, toll, or 9-1-1 service of a substantial number of the local serving area’s subscribers (the smaller of twenty-five per cent or two thousand of the local serving area’s access lines) for a time period in excess of one hour.

(RR) “Out of service” means the inability to communicate via telephonic voice transmission due to service-related interruption.

(SS) “Plant” means all equipment used by a local service provider in providing telecommunications services, usually classified as outside or inside plant.

(TT) “Positive enrollment” means a situation occurring when a subscriber must affirmatively elect to subscribe to a service before it is added to the subscriber’s account.

(UU) “PCF (Preferred carrier freeze)” means a service that prevents a change in a subscriber’s preferred carrier selection, unless the subscriber gives the carrier from whom the freeze was requested his or her express consent.

(VV) “PSAP (public safety answering point)” means a facility to which 9-1-1 system calls for a specific territory are initially routed for response and where subdivision personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider, or transferring the call to the appropriate provider.

(WW) “Regulated service” means a service under the jurisdiction of the public utilities commission of Ohio.

(XX) “Residential service” means a telecommunications service provided to any location where the use is primarily of a domestic nature.

(YY) “Serving area” means the geographic area in which a provider of local services provides originating service to any customer upon request.

(ZZ) “Slamming” means a change in a subscriber’s carrier of local, intraLATA toll, or interLATA toll telecommunications service without the subscriber’s authorization.

(AAA) “Subscriber” also referred to as "customer", means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., which contracts for telecommunications service and is responsible for the payment of charges and compliance with the rules and regulations of the telecommunications provider.

(BBB) “Tariff” means a schedule of rates, tolls, rentals, charges, classifications, and rules applicable to services and equipment provided by a telecommunications provider that has been filed or posted in such places and in such manner as the commission orders.

(CCC) “Telecommunications provider” means a telephone company that provides telecommunications service other than commercial mobile radio service (except fixed wireless service) under the commission’s jurisdiction.

(DDD) “Toll service” means an interexchange service where calls extend beyond the local calling area and generate nonlocal charges.

(EEE) “Trouble report” means a report from a user of telecommunications service to the appropriate company concerning the malfunction, defectiveness, or improper operation of equipment or plant within the control of that company.

(FFF) “Type of service” means a description of telecommunications service furnished to a subscriber which denotes whether the service is flat-, message-, or measured-rate local service.

(GGG) “Usage-sensitive service” means a telecommunications service based on components such as the number, duration, distance, time of day/day of week of the call, or combinations thereof.

(HHH) “White pages” means the telephone directory section(s) or volume provided by a local service provider containing the alphabetical listing and supporting information of residential and nonresidential subscribers.

(III) “Zone charge” means a charge used in tariff calculations to determine rates for subscribers residing in exchange service areas located outside of the base rate area.

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4901:1-5-02 General provisions.

(A) This chapter sets forth the minimum telephone service standards which apply to all telecommunications providers regulated by the commission.

(B) The commission may:

(1) Upon its own motion, or for good cause shown, waive any requirement, standard, or rule set forth in this chapter;

(2) As it deems necessary in any proceeding, prescribe different standards for the provision of any telecommunications service the commission regulates;

(3) Monitor telecommunications service providers' compliance with the provisions of this chapter;

(4) Pursue formal action, at any time, to alter or amend this chapter; and

(5) Upon its own motion, a subscriber complaint, or upon application of any telecommunications provider, require the furnishing of any service(s), equipment, or facilities affecting toll or local exchange service.

(C) Any tariff provision inconsistent with this chapter shall be deemed, under this rule, inoperative and superseded by this chapter, unless and until the commission specifically orders otherwise.

(D) If unreasonable hardship to a telecommunications provider or to a subscriber results from the application of any provision of this chapter, an application may be made to the commission for the temporary or permanent exemption from any such provision. Such application should be accompanied with a memorandum supporting such request.

(E) Nothing in this chapter shall relieve any telecommunications provider from:

(1) Providing adequate service or facilities as prescribed by the commission; or

(2) Meeting any of its duties or responsibilities as prescribed by this chapter or by the laws of the state of Ohio and the federal Communications Act of 1934, as amended by the Telecommunications Act of 1996.

(F) The fact that a telecommunications provider under the commission's jurisdiction fails to comply with any provision(s) within this chapter of the Administrative Code, or with other applicable federal or state telecommunication law does not by itself, constitute inadequate service as a matter of law. Rather, the question as to whether service is legally inadequate requires a formal determination by the commission, preceded by a

hearing pursuant to section 4905.26 of the Revised Code, unless the hearing is waived by the complainant and the respondent.

(G) Unless the terms of a written contract between two local service providers specifically states otherwise, in any situation where an underlying local service provider has contracted to provide a service to a subscriber's local service provider, if the failure of the underlying provider to provide adequate support for that service results in the need for the subscriber's local service provider to pay its own subscriber a credit or waiver of charges in order to comply with Rule 4901:1-5-16 of the Administrative Code, the subscriber's local service provider shall have recourse to the underlying local service provider for the amount of any such credit or waiver paid to its own subscriber.

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4901:1-5-03 Records and reports.

(A) Unless otherwise prescribed by the commission or its authorized representative(s), all records required by this chapter shall be submitted to the commission upon request.

(B) Unless otherwise specified by the commission, all records required by this chapter shall be preserved for the respective periods of time specified in the current edition of the federal communications commission's record retention schedule.

(C) Each local service provider shall maintain and furnish to the commission, at such times and in such form as the commission may require, records of the company's operations. These records shall comply with the following criteria:

(1) Contain sufficient detail to permit review of the company's service performance; and

(2) Include the results of pertinent service-related tests and an analysis of such results.

(D) Each facilities-based, local service provider shall, within two hours of discovery, report to the local area news media serving the affected local serving areas and to the PUCO outage coordinator, pertinent information concerning any specific occurrence or development which disrupts or impairs the local, toll, or 9-1-1 service of a substantial number of the local serving area's subscribers (the smaller of twenty-five per cent or two thousand of the local serving area's access lines) for a time period in excess of one hour. Each company shall report the disruption or impairment to the PUCO outage coordinator by voice mail message, e-mail, or, during normal business hours, by faxing the outage report on a form approved by the PUCO outage coordinator.

(E) Each facilities-based, telecommunications provider shall, within two hours of discovery, report to the PUCO outage coordinator any service disruption that is reported to any federal or state agency or news media.

(F) Each facilities-based, local service provider shall, immediately upon discovery, report to each county 9-1-1 psap serving the affected local serving areas and to the PUCO outage coordinator pertinent information concerning any specific occurrence or development which disrupts or impairs the 9-1-1 service within a given county 9-1-1 system. In addition, each facilities-based, local service provider shall provide the psap and the PUCO outage coordinator with a time estimation on when the repair to the 9-1-1 system will be completed and the 9-1-1 service will be restored.

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4901:1-5-04 Minimum content requirements for local service provider tariffs.

Each local service provider tariff shall contain the following:

(A) The rules and regulations under which service is furnished, including any adjustments or credits made to a subscriber as set forth in rule 4901:1-16 of the Administrative Code.

(B) The conditions under which the company may take any of the following actions:

(1) Disconnect a subscriber's service;

(2) Refuse to provide a subscriber service;

(3) Require a deposit and/or advance payment before providing service; and

(4) Impose toll caps or credit limits.

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4901:1-5-05 Handling of consumer complaints.

(A) For purposes of this rule, a complaint is an informal investigation conducted by the public interest center staff or telecommunications provider at the request of a consumer or as a method for staff to determine the telecommunications provider's compliance with this chapter and other commission policies. Each telecommunications provider shall fully and promptly investigate all complaints. The telecommunications provider shall provide a report of each complaint's resolution within ten business days of the date of receipt of the complaint to:

(1) The subscriber, when investigating a complaint made directly to the telecommunications provider; or

(2) To the subscriber and the commission staff, when investigating a complaint referred to the telecommunications provider by the commission staff.

(B) After ten business days, if the investigation is not complete, the telecommunications provider shall provide an interim report to the subscriber when investigating a complaint made directly to the telecommunications provider or to both the subscriber and the commission staff when investigating a complaint referred to the telecommunications provider by the commission staff. The interim report shall include:

(1) The date when a final resolution is expected to be complete;

(2) A report of the current status of the complaint; and

(3) A report explaining what work or research needs to be completed.

(C) The commission staff may request interim reports at other intervals containing the same or other data due to the nature of the complaint.

(D) The telecommunications provider shall inform the subscriber, or both the subscriber and the commission staff, of the results of the investigation, either orally or in writing. The subscriber, the commission staff, or both may request the final report to be in writing. If the telecommunications provider provides the results of the investigation orally to the subscriber, it shall inform the subscriber of the right to have this final report in writing.

(E) If the subscriber disputes the telecommunications provider's report(s), the telecommunications provider shall inform the subscriber that the commission staff is available to mediate complaints. The telecommunications provider shall provide the subscriber with the address, local/toll-free numbers, and TDD/TTY number of the commission's public interest center.

(F) All telecommunications providers shall provide the commission staff with a name, telephone number, facsimile number, and e-mail address of a contact person who will respond to commission concerns pertaining to consumer complaints. If any of the required information relating to the contact person should change, the telecommunications provider shall provide advance notice of such changes to the commission.

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4901:1-5-06 Consumer information.

(A) Public information.

(1) Upon a consumer's request, the local service provider shall provide:

- (a) Copies of the company's applicable tariffed rules and regulations;
- (b) Maps showing exchange, base rate, and zone rate areas (where applicable) in sufficient size and detail from which all subscriber locations can be determined, and mileage or zone charges, or both, can be quoted; and
- (c) Services and rates as proposed in pending dockets involving tariff or rate change filings, except any information filed under seal.

(2) In the event the local service provider does not maintain the information outlined in paragraph (A)(1) of this rule within the subscriber's local calling area, the local service provider must provide the information, in the format requested by the consumer (i.e., via e-mail, internet website, fax, or first class mail). The local service provider shall provide the requested information within five business days unless another date is agreed to by the parties. Copies of any items requested shall be provided at cost.

(3) Upon request, the local service provider shall provide free of charge a copy of the telephone customer bill of rights, as detailed in appendix A to this rule. The customer shall choose whether the bill of rights shall be provided via the internet, E-mail, fax, or first class mail. Additionally, the telephone customer bill of rights shall accompany each customer's first bill upon establishment of new service or shall otherwise be mailed to the customer. Providing a directory which contains the full text of the bill of rights meets the requirements of this section.

(B) Directories and subscriber listings.

(1) Each local service provider shall ensure that each of its subscribers is annually provided, free of charge, a printed directory(ies), which contains, at a minimum, all of the published telephone numbers within the subscriber's local calling area in accordance with the local service provider's directory distribution practices in place as of May 29, 2001. Upon a subscriber's request, each local service provider shall provide, free of charge, an applicable directory(ies) for all exchanges which are within the subscriber's local calling area, including any exchanges that are within the local calling area as a result of extended area service (EAS).

(2) Alternatively, the local service provider shall distribute a directory which includes, at a minimum, the informational pages required in paragraphs (B)(6) to (B)(8) of rule 4901:1-5-06 of the Administrative Code and shall provide free directory assistance for all published numbers in a subscriber's local calling area.

- (3) Three copies of each directory shall be provided to the commission.
- (4) The directory shall list, at a minimum, in alphabetical order, the names, addresses, and telephone numbers of all subscribers in the local calling area, except information not published at the subscriber's request and payphone numbers. A residential subscriber may request that a post office box number be substituted for a street address listing. Such a request shall be made verbally or in writing and, when made at the time of initiating service, shall be implemented free of charge.
- (5) Where a subscriber's local calling area changes through extended area service or other means, the local service provider shall provide, upon request, a directory of all published telephone numbers for that expanded local calling area. The local service provider shall provide this directory free of charge, within thirty days after the request. The local service provider will not be required to provide such directory if free directory assistance is available for the subscriber's expanded local calling area. In the event a local service provider's local calling area changes, subscribers shall be notified of such change.
- (6) The front cover of the directory shall include an indication of the local calling area(s) included in the directory and the month and year of its issuance.
- (7) The following information shall be listed conspicuously before any other information on the inside front cover and first pages of the directory, and shall be printed using a type size that is larger than the size of subscriber listings:
 - (a) Instructions on the use of the emergency service number 9-1-1, if available;
 - (b) Instructions on how to access the Ohio relay service;
 - (c) The telephone numbers for the state highway patrol, fire department, and county sheriff or local police department appropriate for each subscriber served by the directory;
 - (d) The name of the local service provider(s) and the locations and telephone numbers of business offices as may be appropriate to the area(s) served by the directory immediately following the required emergency information;
 - (e) For each local service provider served by the directory, immediately following the required emergency information, a customer-service, toll-free telephone number, an address, and, if applicable, an e-mail address or website for use to place inquiries or complaints; and
 - (f) Either a listing of company-authorized methods and facility locations available for payment of subscribers' bills in the area served by the directory or a toll-free number to call to obtain such a list. The list shall include information stating that payments made to an unauthorized payment agent may result in the improper or untimely crediting of a subscriber's account.

(8) In addition to the information required in paragraph (B)(7) of this rule, the directory shall also provide pages which contain the following using a type size that is larger than the size of subscriber listings:

- (a) The area code(s) included in the directory;
- (b) Instructions concerning calls to repair and directory assistance services appropriate to the area(s) and to all local service providers served by the directory;
- (c) Clear designation and explanation (which could include a map or matrix) of each local calling area covered by the subscriber's local and extended local calling area or a toll free telephone number to call to obtain such an explanation. The explanation shall clearly delineate flat-rate local calling areas and measured-rate local calling areas;
- (d) Instructions concerning the placing of local, extended area service, and long distance calls, whether provided over a local service provider's facilities or over the facilities of other telecommunications providers;
- (e) A description of any available low-income assistance plans;
- (f) An explanation of both the company's and subscriber's responsibilities regarding inside wiring, consistent with commission orders (See case no. 86-927-TP-COI, entry on rehearing issued November 23, 1994, appendix A);
- (g) Information regarding any automatically available pay-per-use features offered by the local telephone company publishing the directory, including a brief description, instructions on how to use and how to block each feature; a toll-free telephone number to check for current charges for the pay-per-use services offered by (name of local telephone company publishing the directory); and a statement that customers of a local telephone company other than (name of local telephone company publishing the directory) should contact their local telephone company for information on what pay-per-use features are available and the price of each service;
- (h) Information on what subscribers can do if they receive obscene or harassing calls, including details about call trace and annoyance call bureau services, if such services are offered;
- (i) A description of the complaint-handling procedures available through the local service provider, as well as the telephone number of each local service provider's customer complaint hotline, if such a service is offered. Accompanying such description shall be the address, toll free telephone number (including TTY-TDD), and the internet address of the commission's public interest center. This description shall also include a statement that residential customers may contact the Ohio consumers' counsel (OCC), along with OCC's address, toll free telephone number and the internet address; and,

(j) A verbatim synopsis of the telephone customer bill of rights, as detailed in appendix B to this rule, or the complete customer bill of rights, as detailed in appendix A of this rule.

(C) Subscriber payments.

(1) Each telecommunications provider shall ensure the service charge incurred by a subscriber when paying in person at an authorized payment location shall not exceed two times the cost of a first class postage stamp.

(2) All payments shall be credited within one business day of receipt by the telecommunications provider or its authorized agent. When payment is made to an authorized agent, the telecommunications provider shall ensure that the payment is treated in the same manner as if received by the telecommunications provider.

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Appendix A to 4901:1-05-06

The following text shall be provided, verbatim, in the telephone customer bill of rights:

Telephone Customer Bill of Rights

The Public Utilities Commission of Ohio (PUCO) is a state agency that has authority over many aspects of the service provided by your telephone company including rates and quality of service.

This "bill of rights" summarizes some of the PUCO's rules for telephone companies. For more detailed information, please contact your telephone company or the PUCO.

Resolving Problems and Disputes

Informal Complaints

If you have a question about your telephone bill or service, contact the phone company first. You may call or send a letter to the company. The telephone number to your phone company is printed on your bill. It is also in your local telephone directory, along with an address to the company.

If your concern is not resolved after contacting a customer service representative, ask to speak with a supervisor. If your problem is still not resolved, contact the consumer hotline for help. The hotline staff will review rules with you, advise you of your rights, and if needed, will work with you and the company to try to solve your problem.

You may reach the PUCO at:

1-800-686-7826 (toll free) or 1-614-466-3292
or for TDD/TTY at 1-800-686-1570 (toll free) or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays

Internet - www.PUCO.ohio.gov

Mail Address - Public Interest Center
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

Residential customers may contact the Ohio Consumers' Counsel at:

1-877-742-5622 (toll free) or 1-614-466-9467 from 8:30 a.m. to 5:30 p.m. weekdays
Internet - www.pickocc.org
Mail Address - Ohio Consumers' Counsel

10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485

Formal Complaints

If you are not able to reach an agreement with the company through the PUCO informal complaint process, you have the right to file a formal complaint. You can get a formal complaint form from the PUCO by telephone, by writing to the address listed above, or by accessing the PUCO's web page.

If you are a residential consumer, you may represent yourself in the formal complaint proceeding or hire an attorney to represent you. The OCC, as the legal representative for residential customers, may also assist you. Corporations must be represented by an attorney.

After you file a formal complaint form with the PUCO, the company is given an opportunity to respond to your complaint. Provided the PUCO determines that reasonable grounds exist for proceeding with your complaint, the PUCO will mail a notice setting a hearing date and time. The hearing will take place before a PUCO attorney examiner at the PUCO's offices in Columbus. The attorney examiner may set a prehearing conference with both you and the company for one last attempt to resolve the matter informally before a formal hearing begins. The formal hearing is similar to a court hearing with a court reporter recording the proceedings. The hearing examiner will consider the testimony and evidence presented. You have the responsibility to prove the merits of the complaint. The PUCO will then review all the evidence and make a decision on the case.

Ordering Service

When you order local service, your phone company will explain the choices available to you. These choices will include different types of local service and any extra features you might want or need. The company will explain the cost of each option as well as how to use any special features.

If you receive federal or state benefits of any kind, be sure to tell your phone company. You may be eligible for low-income assistance which may include a discount on your basic local service, a waiver of service connection fees, a waiver of your deposit, and/or a special payment plan.

When you order your local service, you will be asked to choose a long-distance carrier. However, you do not have to choose a specific long distance carrier. You may want to have local-only service and to use other long distance options such as prepaid calling cards or a 10-10-xxx carrier. If you don't want anyone to be able to make long distance calls from your phone, you should ask for a long distance block. You may also wish to ask the company if it has any other long distance protection.

You may want to request other blocking options such as blocks to 900 services, collect calls, third-party calls, or pay-per-use features. Some or all of these options are free of charge.

Some charges on your bill, including charges for basic service and some optional services, are approved by the PUCO. These charges are called regulated charges. Basic services are necessary for your telephone to operate. Your phone will work without optional services, such as call waiting, three-way calling, and caller ID.

Other charges on your bill are unregulated and do not require PUCO approval of the rates. Charges in this category are for some services or products that you can get from the phone company or other sources. Examples of unregulated services or products would be voice mail, telephone sets, inside wire maintenance, or internet service.

When you order service and once each year, your phone company will provide you with a free directory(ies), unless the company chooses to provide directory assistance free of charge. The front of your directory will provide information such as: emergency numbers, the phone number of your local phone company, locations where you can pay your bill, an explanation of your local calling area or a phone number to call to get this information, and your responsibilities regarding inside wiring. You have a right to receive, upon request, a directory or directories listing all of the extended area service (EAS) numbers within your local calling areas.

Service Connection Fees

Your local telephone company may charge you an installation or "service connection" fee when you first establish service and each time you transfer service to a new address. You have the right to spread the payment of these charges over three months.

Deposits

Your local or long distance phone company may require you, as a new or existing customer, to pay a cash deposit if you do not pay your bill on time or if you do not have credit established with the company. Your telephone company has a policy to determine your credit status and when you will have to pay a deposit.

The company may look at your credit history when deciding whether or not to require a deposit. However, a deposit may not be based upon where you live, your race, your gender, or your marital status.

A deposit is not required if another person, acceptable to the telephone company, will guarantee payment of your local service.

If you are already a customer, you may be required to pay a deposit if you make two or more late payments in a one-year period. A deposit for local service will be based only

on your local usage. You may also have to pay an additional deposit for long distance service.

After you have paid a deposit, the company must refund your original deposit amount plus simple interest if you pay all your telephone bills on time for the following twelve months. If you pay a deposit, you still have to pay your telephone bill on time. Your deposit cannot be used to pay a current bill. Your deposit will be applied to an outstanding account balance only after you stop service at your current address.

Pay-Per-Use Features

Your local phone company may offer a variety of pay-per-use features, such as automatic callback, three-way calling, name and number delivery, and repeat dialing. Often these are automatically available to you. All you have to do is activate the feature and pay for its use on an as-used basis. Before you use a feature, check with your local phone company to see how much the feature costs for each use. If you wish to block access to pay-per-use telephone features on your line, call your local phone company. Blocking for these features should be free.

Blocking

You have the right to prevent your phone number from appearing on a caller ID device. Two options are available to you. You may block individual phone calls by using per call blocking. You simply dial *67 from your touchtone phone (rotary – dial 1167) before dialing the number you wish to call. Per call blocking is free.

For a monthly fee, you can use per line blocking which blocks all calls automatically. The charge for this service will not be more than the charge for nonpublished number service. Per-line blocking is free to customers with a nonpublished number. If you wish to have per-line blocking, you should contact your local phone company and request it. If you use this service, you can unblock individual calls by dialing *82 (rotary – dial 1182).

Due to technical limitations, either service (per-call or per-line blocking) may not be able to block the appearance of your phone number on caller ID devices when you call an “800” number.

Providing Your Service

Your local phone company must provide adequate service at rates approved by the PUCO. The company must provide you with its rates upon your request.

When you order new service, the company has to install the service within five business days or on a later day if you request. If the company does not provide service within this time frame, you may receive a full or partial waiver of installation charges.

The company will bill you monthly for service. Each bill must show: (1) all charges for regulated and any unregulated services that may appear on your bill; (2) an itemized listing of and charges for long distance calls; (3) an itemized listing for all charges for "900" and other pay-per-call services; (4) the total amount due; and, (5) the date when your payment must be received by the company before the bill is considered past due.

If you disagree with the charges shown on your bill, you should contact your telephone company. If you have a billing dispute, the company will not disconnect your service if you pay the undisputed portion of the bill. While the complaint is being investigated, you must pay all current undisputed bills and continue discussion with the company to settle the complaint.

If your telephone service is not working, call your company's repair office immediately. If the telephone company takes more than twenty-four hours to fix your phone service, you may receive a credit on your bill for that day. If you are without telephone service for more than forty-eight hours, additional service credits may be applied to your account by your local telephone company. If you do not see a credit on your next bill, you should contact the company to see when your bill will be adjusted.

Repairing Out-of-Service Conditions Where Medical or Life-Threatening Conditions Exist

Your local service provider must always act quickly and responsibly in responding to reports of out-of-service conditions. Your local service provider is required to have procedures that prioritize the restoration of service to customers with special needs, including police and fire stations, hospitals, key medical personnel, and subscribers with medical or life-threatening conditions. If a medical or life-threatening situation exists in your household, you should let your local service provider know of your circumstances. You should find out from the company what you need to do to be placed on their priority restoral list. Even if you are placed on the company's priority restoral list, the restoration of your service may take longer than you expect. Therefore, you should consider alternative means of communication during any period you are without service.

Customer Appointments

Your local company must provide you with a four-hour window for scheduling an installation or repair appointment. If you do not need to be present at the premises when the company repairs service, the company will give you a commitment time for having the repair done.

If the company does not show up for your scheduled installation appointment, you may be eligible for an automatic waiver of at least one-half of the installation charges. If the company fails to meet your repair appointment or commitment you may be eligible for an automatic credit on your bill in the amount of one-half months charges for any regulated local services not working as a result of that failure.

Paying for Your Service

Paying Your Bill

You must pay for regulated charges and any required deposit by the due date on your bill. The due date has to be at least fourteen days after the postmark on your bill. If you pay only part of your bill, the telephone company will apply your payment toward your local service charges first. In order to get a final bill, you must tell the company when you are moving and need to have service shut off or transferred to another address.

Undercharges and Refunds

If you have been undercharged, the company will bill you for the difference between what you were actually billed and what you should have been billed. You will be given at least the same number of months to pay as the time period over which the billing error occurred.

If you have been overcharged for phone service, you will get a refund or a credit on your future bills. The company is required to pay interest on any overpayment that was made because of an overcharge.

Service Disconnection

The phone company will send you a bill every month and allow you fourteen days to pay it. If you do not pay it on time, the company may disconnect your service. Before disconnecting your phone, the phone company must send you a disconnection notice at least seven days before the shut-off date.

The disconnection notice will tell you the amount past due of your local service and the date when you must pay that amount to avoid disconnection of your local service. Your local service can be disconnected only for nonpayment of regulated local service charges.

The disconnect notice may also include any amount past due for long distance which must be paid to avoid disconnection of your long distance service. Your long distance service can be disconnected only for failure to pay your regulated long distance charges.

The company does not have to notify you before disconnecting service for safety reasons or if tampering with the company's equipment is discovered.

If your residential service is disconnected for nonpayment, you may have access to emergency services (9-1-1 or "0" for the operator, where 9-1-1 is not available) for at least fourteen days.

Stop Disconnection

You can keep your local and long distance services on if you pay the exact amount shown on the disconnection notice on or before the disconnection date on the notice.

You may keep at least your local service on by paying the exact amount past due for local charges (as shown on the disconnection notice) on or before the disconnection date on the notice.

You may also avoid disconnection by setting up a payment plan with the phone company to pay your past due balance.

If your questions regarding a disconnection notice are not resolved after calling the telephone company:

- residential and business customers can call the PUCO
- residential customers can call the OCC
- residential and business customers can file a formal complaint with the PUCO with a request to delay disconnection of your service until after the formal complaint hearing.

Your service cannot be disconnected between 12:30 p.m. on the last business day of the week and 8 a.m. the following Monday. Should your service be disconnected, contact the company to find out what you need to do to have it restored. The company will have someone available to reconnect service until at least the close of business, Monday through Friday.

Harassing calls

The following are some recommendations on how to deal with obscene or harassing calls:

- say hello only once;
- do not talk or listen;
- hang up gently so as not to let the caller know you are angry or upset; and
- write down the date and time of the call.

If the calls continue, contact your phone company. If you receive a threatening call, report it to the police immediately.

The company may be able to offer you additional tips on how to deal with the harassing calls. The company may place a trace on your line to determine who is placing the calls. The caller may then be warned of potential legal action and possible disconnection of phone service if the calls continue.

Some companies now offer a service that permits you to dial a code to automatically trace the number of a caller. You must follow up with the phone company if you use this

service. Contact your local company to see if it offers other call management tools that can help you deter unwanted calls of any type.

If you do not want to get calls from telemarketers, you can ask to be placed on a “do-not-call” list by writing to:

Telephone Preference Service
Direct Marketing Association
P.O. Box 9014
Farmingdale, NY 11735-9014

You may register with them by sending your name(s), home address, and home telephone number (including area code) and signature in a letter or on a postcard.

If you do not want to get telemarketing calls from your telephone company, contact the company and ask to be placed on a "do not call" list.

Maintenance of Equipment and Service

Local phone companies are responsible for providing and maintaining service leading up to your home or business. You are responsible for maintaining and repairing the wire and equipment inside your home or business. You may contract with the company to maintain or repair your inside wiring and/or equipment, but you are not under any obligation to do so.

When repairs are needed, you can pay the company to service the equipment, hire someone else to do the work, or do the work yourself. If you rent, you should check with your landlord prior to scheduling any repairs.

If you choose an inside wire maintenance plan with the phone company, your company must give you a ten-day "cooling off" period to allow you to change your mind about whether to keep the maintenance contract for inside wiring. You will not be charged for the plan if you cancel during this ten-day period.

Buying or Leasing Your Telephone

You may buy or lease your telephone. Leasing may offer certain benefits such as free replacement or repairs, but you may find that buying your phone is the cheapest alternative for you.

Operator Services

When you place calls from public pay phones as well as from hotels, hospitals, and airports, you may reach an alternative operator service (AOS) provider. AOS services include handling of collect calls, third number billing, and even calls billed to telephone company calling cards. AOS providers pay businesses a fee or commission for each

operator-assisted call placed. As a result, the cost for a call placed through an AOS is often higher than the cost for a call placed through a local telephone company or your long distance company.

Prior to making your call, you have the right to find out which operator service will be placing the call and all charges for that call. If you are not satisfied, hang up and you will not be charged for the call.

If you want to use your own long distance company, call the company directly to find out how to use its service away from home.

Slamming

You have the right to choose your local and long distance providers. No one has the right to change your company without your permission. If this happens, it is called slamming. If you are slammed, you must contact your chosen company to re-establish service with that company. You must also contact the company which slammed you to cancel service with them and to arrange any credits or refunds. If you are not satisfied after these calls, contact the PUCO.

Appendix B to 4901:1-05-06

In accordance with Rule 4901:1-5-6(B)(8)(j) of the Administrative Code, the following language is to be included verbatim in the directory:

TELEPHONE CUSTOMER BILL OF RIGHTS OUTLINE

You, as a telephone customer, have many rights and responsibilities. Explanations of some of these are as follows:

Directories

If the directory you receive from your local telephone company does not include all of the telephone numbers within your local calling area (including any extended area service numbers), you may ask the company to provide you, free of charge, with a directory(ies) which includes these numbers.

Billing Adjustments

Repair

- If your telephone service is not working, call your company's repair office immediately.
- If the telephone company takes more than 24 hours to fix your phone service, you may receive a credit on your bill for all regulated local services not working for that day.
- If the telephone company takes more than 48 hours but less than 72 hours to fix your service, you may receive additional credits of at least 1/3 of one month's charges for all of your regulated local services.
- If the telephone company takes more than 72 hours but less than 96 hours to fix your service, you may receive additional credits of at least 2/3 of one month's charges for all of your regulated local services.
- If you are without telephone service for at least 96 hours, you may receive credit for one month's charges for all regulated local services not working during that time.
- If you do not see a credit on your next bill, you should contact the company to see when your bill will be adjusted.

Installation

- When you order new access line service, the company has to install the service within 5 business days or on a later day if you request.
- If the company does not provide service within this time frame, you may receive a waiver of 1/2 of your nonrecurring installation charges.
- If the company fails to install your new access line service within 10 business days, your local company may waive all of your nonrecurring installation charges.

Customer Appointments

- If the company does not show up for your scheduled installation appointment, you may be eligible for an automatic credit of at least 1/2 of the installation charges.
- If the company fails to meet your repair appointment or commitment, you may be eligible for an automatic waiver on your bill in the amount of 1/2 month's charges for any regulated local services not working during that time.

Disconnection of Service

- If your phone service is in danger of being disconnected for failure to pay, you can keep your local and long distance services on if you pay the exact amount shown on the disconnection notice on or before the disconnection date on the notice.
- You may keep at least your local service on by paying the exact amount past due for local charges (as shown on the disconnection notice) on or before the disconnection date on the notice.
- You may also avoid disconnection by setting up a payment plan with the phone company to pay your past due balance.
- Your service cannot be disconnected between 12:30 p.m. on the last business day of the week and 8 a.m. the following Monday. Should your service be disconnected, contact the company to find out what you need to do to have it restored. The company will have someone available to reconnect service until at least the close of business, Monday through Friday.

Explanations of your other rights and responsibilities can be found in the Telephone Customer Bill of Rights. You may request a copy from your local telephone company. Additional topics covered in the bill of rights are:

- Billing
- Buying or leasing your phone
- Deposits
- Harassing calls
- How to block your number from appearing on caller ID
- How to file informal or formal complaints
- Maintenance of equipment and service
- Operator services
- Ordering service
- Pay-per-use features
- Priority restoral for medical conditions
- Privacy options
- Repair
- Resolving problems and disputes
- Service connection fees
- Slamming

COMPANY-SPECIFIC INFORMATION CAN BE FOUND ELSEWHERE IN YOUR TELEPHONE DIRECTORY.

If you have questions or concerns that your phone company cannot resolve, you may contact the Public Utilities Commission of Ohio at:

1-800-686-7826 (toll free) or 1-614-466-3292

or for TDD/TTY at 1-800-686-1570 (toll free) or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays

Internet - www.PUCO.ohio.gov

Residential customers may contact the Ohio Consumers' Counsel at:

1-877-742-5622 (toll free) or 1-614-466-9467 from 8:30 a.m. to 5:30 p.m. weekdays

Internet - www.pickocc.org

4901:1-5-07 Consumer Safeguards.

(A) No telecommunications service provider shall commit an unfair, deceptive, or unconscionable act or practice in connection with a consumer transaction. Without limiting the scope of this section, the act or practice of a telecommunications service provider is deceptive if the provider:

(1) Fails to clearly highlight, in written or printed advertising or promotional literature, any material exclusions, reservations, limitations, modifications, or conditions associated with special offers or promotions;

(2) Fails to place material exclusions, reservations, limitations, modifications, or conditions within close proximity to the words stating such special offer(s) or promotion(s);

(3) Fails to clearly state all specific exclusions, reservations, limitations, modifications, or conditions when making offers through radio or television advertisement; or

(4) Advertises or offers goods or services as "free" when the cost of the "free" offer is passed on to the consumer by raising the tariffed price of the goods or services that must be purchased in connection with the "free" offer.

(B) Telecommunications service providers shall use positive subscriber enrollment for all services for which a monthly recurring charge would apply.

(C) When an applicant for new access line service or a current subscriber applying for an additional telecommunications service(s) contacts a telecommunications service provider, the provider, during the conversation, shall:

(1) For all regulated telecommunication services, explain the services being offered (including any limitations or restrictions) and the rates for such services, including: all nonrecurring charges; the minimum monthly charge, if applicable; the rates per usage increments; taxes; and surcharges;

(2) for local exchange services, provide all necessary information for the applicant or subscriber to obtain the most economical local service(s) conforming to the customer's stated needs, including:

(a) Immediate disclosure of the price for any basic service offering(s) (e.g., flat rate) suggested by the provider and, if applicable, an offer to explain other basic service offerings and rates;

(b) An estimate of any special charge(s) levied on the basis of actual cost for items such as extraordinary construction, maintenance, replacement costs or expenses, overtime work at the customer's request, and special installations and equipment, as well as the option, if any, to contract with sources other than the provider to perform such work;

(c) An estimate of the initial billing for all monthly local service(s) (including any partial monthly amounts); and,

(d) The option to spread local exchange telephone service installation charges over a period of three months;

(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 subscriber calls a telecommunications provider to request information about a specific local exchange service(s) or features), to report service problems, and/or to make payment arrangements, the provider shall not engage in sales practices until the provider first confirms that it has completely responded to the subscriber's concern(s). Upon a subscriber's request, the provider shall discontinue the sales discussion.

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119.032 Review date: 5/29/06, 5/29/01

Promulgated under R. C. Sec. 111.15

Authorized by R.C. Sec. 4905.231

Rule amplifies R.C. Sec. 4905.231

Prior effective dates: 7/7/97, 12/31/88. 10/17/77

4901:1-5-08 Telecommunications carrier subscription/slamming.

(A) No telecommunications provider shall submit or execute a change on behalf of a subscriber in the subscriber's selection of a provider of telecommunications service prior to obtaining:

- (1) Authorization from the subscriber;
- (2) Verification of that authorization in accordance with the verification procedures prescribed by the federal communications commission (FCC) and in effect at the time of the change. For purposes of the transfer of a subscriber base from one telecommunications provider to another, if the providers comply with the federal communication commission's rules for transfer of customer accounts from one telecommunications provider to another, then they are, unless the commission determines otherwise, exempt from compliance with this rule.

(B) A change of a telecommunications provider may take place immediately upon request. However, within ten business days of verification by the submitting carrier of a subscriber request for a change of a telecommunications provider, the submitting telecommunications provider shall send each new subscriber an information package, by first class mail, containing at least the following information concerning the requested change:

- (1) The information is being sent to confirm an order placed by the subscriber within the last two weeks;
- (2) The name of the submitting telecommunications provider;
- (3) A description of any terms, conditions, and/or charges that will be incurred;
- (4) The name, address, and telephone number of the subscriber;
- (5) A toll-free customer service telephone number, a postal address, and (if applicable) an e-mail address or website address for use to place inquiries or complaints with the submitting telecommunications provider; and
- (6) The address, telephone number, and website address of the commission.

(C) Any telecommunications provider that is informed by a subscriber or the commission of an unauthorized provider change shall follow the informal complaint procedures and remedies prescribed by the federal communication commission for the resolution of informal complaints of unauthorized changes of telecommunications providers.

(D) Any subscriber or telecommunications provider whose complaint cannot be resolved informally may file a formal complaint under section 4905.26 of the Revised Code, regarding any violation of section 4905.72 of the Revised Code, or of this rule. If the commission finds, after notice and hearing, that a telecommunications provider has violated section 4905.72 of the Revised Code or this rule, the telecommunications provider shall be subject to the remedies provided for in section 4905.73 of the Revised Code.

(E) All telecommunications providers that offer a PCF shall be required to do all of the following:

- (1) Offer PCF on a nondiscriminatory basis to all subscribers, regardless of the subscriber's provider selections;
- (2) Unbundle its PCF so that subscribers can request the service for any combination of intraLATA, interLATA, or local services;
- (3) Include, at least twice per year, in the bills of those subscribers who utilize a PCF, information indicating that a PCF applies, and to which services it applies;
- (4) Refrain from attempting to retain a subscriber's account during the process of changing a customer's telecommunications provider selection to another telecommunications provider or otherwise to provide such information to its marketing staff or any affiliate; and
- (5) Allow conference calls, during its normal customer service hours, among a subscriber, a submitting telecommunications provider, and the executing telecommunications provider, in order to effectuate a provider change for a subscriber who has PCF, as long as the subscriber consents.

(F) A PCF change shall be effectuated immediately once verification of the subscriber's intent to request the change is received by any of three methods, i.e., through the three-way conference call, by the customer's written consent, or by the customer's electronically signed authorization.

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4901:1-5-09 Payphone service.

(A) Each payphone provider proposing to do business in the state of Ohio shall file a registration form with the commission's investigation and inspection division, in the form required by the commission, no later than the date of commencement of payphone operations. The payphone provider shall provide the commission's investigation and inspection division an update, on a quarterly basis, of all of its payphone locations in the state.

(B) All payphones in Ohio shall meet the following minimum operating requirements:

- (1) Be connected to a payphone access line and not be connected behind a private branch exchange;
- (2) Provide hearing aid compatible handsets;
- (3) Provide access to dial tone, the local operator, "9-1-1" emergency service (where available), and telecommunications relay service calls free of charge and without the use of a coin;
- (4) Be mounted in accordance with the Americans with Disabilities Act at new or renovated locations (any site where the telephone has been temporarily removed and reinstalled);
- (5) Coin-or-currency-accepting payphones must be able to accept coins of various denominations (i.e., nickels, dimes, and quarters) and to return coins. If the payphone is a paper currency-accepting instrument, it shall be able to return paper currency or coins;
- (6) Provide end-user access to local, long distance, access code, and toll-free service(s);
- (7) Connect "0" minus calls to the underlying local service provider where "9-1-1" emergency service is unavailable;
- (8) Provide access to directory assistance, and provide access to directories at each indoor payphone instrument if the provider charges end users for directory assistance;
- (9) Shall not place time limitations on local and toll-free calls;
- (10) Shall not charge the end user any more for toll service than what is charged by the operator service or toll service provider for completing the call, including, but not limited to, property imposed fees;
- (11) Shall only use operator service and toll service providers that have a certificate to operate in Ohio (failure to utilize certified companies will result in disconnection of service);

(12) No post-pay type instruments or push-to-talk type instruments are permitted in Ohio;

(13) Provide limitless access to keypad dialing (no blocking); and

(14) Shall not utilize letterless keypads.

(C) All payphones shall have posted on the instrument, in clear view, the following:

(1) The telephone number of the instrument;

(2) The payphone provider's name and telephone number;

(3) The commission's consumer services toll-free hotline number;

(4) Clear and concise operating instructions;

(5) A cost-free method for reporting complaints and obtaining refunds;

(6) The price of a local call;

(7) The price for directory assistance, if any;

(8) The directions for reaching local emergency services; and

(9) A notice designating that the instrument is out of order if it cannot be repaired upon the payphone provider's initial repair visit.

(D) All local service providers shall include in their tariffs all of the minimum operating requirements for payphone service. The tariffs shall additionally include a provision authorizing the local service providers to terminate connection to their network if the commission finds a payphone not in compliance with the minimum operating requirements of this rule.

(E) At the written request of the property owner, commercial tenant, subscriber of payphone service, or the municipality, payphones may provide outgoing-only service. Should the instrument be limited to outgoing-only service, prominent notice must be posted on the payphone instrument.

(F) Payphones shall not charge for calls which are not completed. A completed call is a call that is answered by the called party (including calls answered by customer premises equipment such as fax or answering machines, or by customer subscribed services such as call forwarding or voice mail).

(G) The commission's investigation and inspection division will monitor and investigate payphones for compliance with this rule. When a commission investigation is conducted

and any violations are found to exist, the investigation and inspection investigator will notify the relevant payphone provider of such violations. At that time, the payphone provider shall be given fifteen days in which to correct those problems at the particular location(s) where the violation was found. The payphone provider shall be responsible for not only correcting any violation at that location, but also for ensuring that payphones at all of the payphone provider's locations are in compliance. If, after the payphone provider has received notification of violations, the investigation and inspection investigator finds that same violation to still be present either at the original location or at other payphone locations of the payphone provider, grounds for disconnection of those payphones shall exist, and disconnection shall be ordered without further notice to the payphone provider.

(H) The commission shall assess investigatory costs under the following circumstances:

- (1) If, after receiving notice of violations, the payphone provider does not correct the violations at the payphones which were investigated, the payphone provider shall be charged the costs associated with the investigation; or
- (2) If, after receiving notice of a violation at a particular location, the payphone provider fails to bring payphones at other locations into compliance, the payphone provider shall be charged the cost of the investigation of the additional payphones.

Replaces: former 4901:1-5-08

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4901:1-5-10 Local service provider required service offerings.

(A) All local service providers providing local voice service shall, at a minimum, ensure that each customer is provided with the services and access described in Section 4927.01 of the Revised Code, and any other services that the commission may require.

(B) Each local service provider providing local voice service shall provide nonpublished service to any subscriber upon written or verbal request. The subscriber's nonpublished information will not be disclosed by the local service provider except:

- (1) To authorized local service provider personnel, including authorized agents;
- (2) To the subscriber's primary toll service provider for billing purposes only (where permitted by tariff);
- (3) To appropriate authorities for inclusion in the 9-1-1 emergency services network;
- (4) To authorized personnel of public or municipal utilities through the disclosure of information contained within the 9-1-1 emergency service database, for the purpose of handling customer calls in times of public emergencies or service outages (where permitted by tariff); and
- (5) As otherwise authorized by commission order.

Replaces: former 4901:1-5-09

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4901:1-5-11 Directory assistance.

(A) This rule applies to the provision of directory assistance by a local service provider whether the service is furnished directly by the company or indirectly by contract.

(B) Directory assistance and intercept operators shall have access to all telephone numbers in the area(s) for which they are responsible for providing directory assistance. Exceptions to this rule are telephone numbers not published at the subscriber's request.

(C) All new or changed telephone number listings shall be made available to directory assistance within two business days after the date of connection of the new or changed telephone number.

(D) Each local service provider shall list with directory assistance the names, telephone numbers, and service addresses of its subscribers, except for those subscribers with nonpublished listings. Upon written or verbal request, made at the time of initiating service, a subscriber may, at no additional charge, ask that the address listing with directory assistance be different from the service address.

(E) In the event of an error or omission in the directory assistance listing of the name, telephone number, or address of a subscriber, the corrected information shall be placed in the files of directory assistance and intercept operators within two business days.

Replaces: former 4901:1-5-10

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4901:1-5-12 Operator services, intercept service, and busy line verification.

(A) When a subscriber notifies a local or toll operator that the subscriber has reached a wrong number, been accidentally disconnected, or experienced a call with poor transmission quality, the subscriber shall be given appropriate credit for that call.

(B) When local service provider operations or commission order necessitate changing the local seven- or ten-digit telephone numbers for a group of subscribers not related to area code changes, affected residential subscribers shall be given at least ninety days notice and affected nonresidential subscribers shall be given at least six months notice, even though the additions or changes may be coincident with a directory issuance.

(C) Each local service provider shall ensure that changes to a subscriber's local telephone number will be intercepted for not less than ninety days or until the issuance of a new directory containing the subscriber's new telephone number, whichever occurs first. The ninety-day minimum intercept period does not apply where an area code has been placed in jeopardy.

(D) In the event of an error in the directory-listed telephone number of a subscriber, and the incorrect listing is not assigned, the correct telephone number shall be furnished to the calling party by intercept service until the issuance of a new directory containing the subscriber's correct telephone number. Where directory assistance is used to obtain the telephone number of a subscriber who is incorrectly listed in the current directory, any otherwise applicable charge for directory assistance shall, upon subscriber request, be credited.

(E) In the event of an error in a directory-listed telephone number and the incorrect number is already assigned to a subscriber, that subscriber shall be offered a new telephone number free of charge.

(F) Each local service provider shall provide busy line verification of a subscriber's access line. If there is a charge assessed by the local service provider for busy line verification, the provider shall inform the caller of the charge before the verification is performed. When trouble is detected on the called party's access line in the course of conducting a busy line verification, no charge shall be assessed to the calling party.

(G) In an emergency, if the operator interrupts a conversation in progress, at the request of the calling party, the operator shall first notify the caller of any charge for the emergency interruption.

Replaces: part of former 4901:1-5-11, former 4901:1-5-12,
former 4901:1-5-13

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4901:1-5-13 Establishment of service.

(A) Service applicants may be required to establish creditworthiness.

(1) Chapter 4901:1-17 of the Administrative Code pertains, generally, to the manner in which credit may be established by residential utility customers. Except as otherwise indicated in this rule, in each instance where a provision of Chapter 4901:1-17 of the Administrative Code has application to residential telephone service provided by a telecommunications provider, it shall be deemed, under this rule, as also having application to nonresidential telephone service by such companies.

(2) Telecommunications providers may require service applicants to establish financial responsibility as a condition precedent to establishing service. Both may rely on pertinent information obtained from credit reporting bureaus in determining whether creditworthiness need be established. However, a service applicant cannot be denied service, on creditworthiness grounds, unless the service applicant has been provided an opportunity to establish financial responsibility through every means available for doing so provided for in Chapters 4901:1-5 and 4901:1-17 of the Administrative Code.

(3) When a telecommunications provider requires the financial responsibility of a service applicant to be established, it must inform the service applicant of all options available for meeting that requirement.

(a) Paying a deposit must be among the available options, except where unpaid debt for regulated service is already owed by the service applicant to the telecommunications provider with whom the service applicant is seeking to establish service. Where unpaid debt for regulated service is owed, the company may require the applicant to pay such debt pursuant to rule 4901:1-5-13(A)(3)(d) of the Administrative Code.

(b) Telecommunications providers are permitted, but not required, to make use of toll caps as a method of extending limited credit to subscribers or service applicants unable to maintain or establish their creditworthiness through other means, so long as the terms and conditions of the toll cap are set forth in a commission-approved tariff. The terms and conditions under which a toll cap is imposed as well as the steps that the subscriber or service applicant may take to have the toll cap removed must be disclosed, in writing, by the telecommunications service provider at the time a toll cap is imposed.

(c) If an applicant for service owes to a telecommunications service provider an unpaid bill for telecommunications service previously provided but discontinued for nonpayment, where the service applicant is presently seeking to establish or reestablish service with the same provider who previously provided the service, and is presently seeking to establish or reestablish the same class of service as that previously provided, the telecommunications service provider who provided the previous service is not obligated to deem the service applicant's creditworthiness as having been satisfactorily established under the Commission's establishment of credit and establishment of service

rules so long as the bill for previous service remains unpaid. However, in no event, shall local exchange service be denied to any local exchange service applicant on grounds that the service applicant has failed to pay for a type of service other than local exchange service.

(d) An unpaid bill for previous toll service can be considered as a reason to deny service to an applicant seeking a new 1+ presubscription toll service account only when the unpaid bill is owed to the same telecommunications provider with whom the applicant is now seeking to establish or reestablish service and the class of service previously provided is the same as that the applicant is now seeking to establish or reestablish. If the previous unpaid bill is owed to a provider other than that with whom the applicant is seeking to establish service, the subsequent toll provider may not deny service on that basis alone, but may consider the applicant's unpaid debt, as well as any pertinent information obtained from a credit reporting bureau, in determining whether there exists a need to assess a toll deposit or take other measures to assure creditworthiness. Moreover, in no event shall local exchange service be denied to any local exchange service applicant on grounds that the service applicant has failed to pay for a type of service other than local exchange service.

(4) So long as it acts in a just, reasonable, and nondiscriminatory manner, a local service provider may, pursuant to a contract obligating it to do so, enforce the tariff-established credit and deposit policies of another telecommunications provider.

(B) Deposits.

(1) Deposits for local service shall be calculated separately from deposits for toll service.

(2) Telecommunication service providers must choose only one, from between two alternative methods available for calculating deposits. whichever method is chosen must be uniformly applied with respect to all service applicants and customers who are assessed a deposit.

(a) The first method, which may be referred to as "the individual service history method" involves calculating the amount of the deposit based on the known or estimated service history of the individual who is being assessed a deposit.

(i) Under this method, the amount of a deposit assessed for local service shall not exceed two hundred and thirty per cent of the estimated or, where the customer or service applicant has either an existing or a previous local service account billing history with the local service provider, the historic monthly average total charge for all regulated local services provided (or to be provided) to the customer by the company or companies on whose behalf the deposit is assessed.

(ii) Under this method, the amount of a deposit assessed for toll service shall not exceed two hundred and thirty per cent of the estimated or, where the customer or service

applicant has either an existing or a previous toll service account billing history with the toll service provider, the historic monthly average total charge for all regulated toll services provided (or to be provided) to the customer by the company or companies on whose behalf the deposit is assessed.

(b) The second method, which may be referred to as “the uniform statewide deposit amount method”, involves calculating uniform statewide average deposit amounts for each of four categories of service: residence local exchange service, residence toll service, nonresidence local exchange service, and nonresidence toll service.

(i) Under this method, a local service provider shall develop and may apply a tariffed, single, company-specific, statewide deposit amount for residence local service accounts and/or a tariffed, single, company-specific statewide deposit amount for nonresidence local service accounts. Likewise, a toll service provider shall develop and may apply a tariffed, single, company-specific, statewide deposit amount for residence toll service accounts and/or a tariffed, single, company-specific statewide deposit amount for nonresidence toll service accounts.

(ii) Using the second alternative, the toll service provider shall develop and may apply a tariffed, single, company-specific, statewide deposit amount for residence toll service accounts and/or statewide deposit amount for nonresidence toll service accounts.

(iii) The amount of the deposit may not exceed two hundred and thirty per cent of the statewide average bill amount for the class and type of service involved, based on a study of all the provider’s customers in the state of Ohio.

(iv) A subscriber who is assessed a deposit based on the service provider’s statewide average deposit amount may, at any time after the first three months of service and up to the end of the first full year of service, upon request, receive credit on his or her bill for the difference between the amount of the deposit actually paid and an amount equal to two hundred and thirty per cent of the subscriber’s actual monthly average total bill for the type of service on which the deposit was based (where the actual monthly average is based on the subscriber’s average actual monthly usage of that service, dating from the time of the assessment of the statewide deposit to the point at which the request for credit is made). Any amount so credited shall thereafter no longer accrue interest to be refunded with the deposit and, thereafter, be considered as deducted from the amount of the deposit which, along with interest accrued, must be refunded pursuant to rule 4901:1-17-06 of the Administrative Code.

(3) Local service must be provided to local service applicants who are able to meet the deposit requirements for local service regardless of whether the applicant is able to meet the deposit requirements for toll service.

(4) So long as payment of a toll deposit is in no way made a condition precedent to a local service applicant obtaining or maintaining local service, the assessment of a

separately calculated deposit for local service may occur within the same bill as any separately calculated deposit for toll service.

(5) Any initial or additional deposit assessed by a telecommunications provider shall be based only on the credit history for the same class of service as the applicant is seeking to establish.

(C) Toll providers, or local service providers acting on behalf of toll providers subject to billing and collection agreements, may otherwise block access to all toll providers for nonpayment of regulated toll charges, so long as the blocked customer is not, thereby, denied the right to select, through a presubscribed interexchange carrier (PIC) mechanism, any subsequent 1+ toll service provider under the terms of this chapter of the Administrative Code. Any such subsequent toll provider may not deny establishment of 1+ presubscribed toll service on grounds that the customer has failed to establish creditworthiness, if:

(1) The customer is able to establish creditworthiness using one of the means for doing so available under Chapter 4901:1-5 of the Administrative Code; or

(2) The subsequent toll provider, exercising its own discretion, does not require the customer to establish creditworthiness (through any of the means available for doing so under Chapter 4901:1-5 of the Administrative Code); or

(3) The subsequent toll provider attempts to require the customer to establish creditworthiness using credit establishment procedures which do not comport with the commission's credit establishment policies and/or are not set forth within a commission-approved tariff.

(D) When an applicant for 1+ toll service who has previously been universally blocked for nonpayment of toll charges seeks to select, through a PIC mechanism, some subsequent toll provider as the applicant's 1+ carrier of choice, the subsequently PICed toll provider may, subject to its tariffed toll deposit policies and the commission's minimum telephone service standards set forth in Chapter 4901:1-5 of the Administrative Code, require a deposit (or other evidence of creditworthiness) from such applicant for toll service in accordance with rule 4901:1-5-13(B) of the Administrative Code. However, the subsequently PICed toll provider may accept a lower deposit, or no deposit, based upon usage, toll cap provisions in its tariff, or credit information obtained either from a credit bureau or directly from the customer.

(E) Nothing should constrain telecommunications providers from furnishing credit information acquired from their own experiences with their own customers to consumer reporting agencies, within the meaning of the federal Fair Credit Reporting Act. However, if and when telecommunications providers furnish such information to others, they must comply with all of the requirements that consumer reporting agencies must follow in issuing credit reports within the meaning of the federal Fair Credit Reporting Act.

(F) All forms of toll blocking services offered by local service providers to toll service providers must be provided on a nondiscriminatory basis to all toll service providers, regardless of whether the local service provider has established a billing and collection agreement with the toll provider. Any charges for toll blocking service offered by a local service provider to toll service providers must be set forth in a commission-approved tariff.

(G) Changes to local exchange service after initiation of service

(1) Within sixty days of the date of initiation of service, new residential local service subscribers shall be allowed, at a minimum, a one-time change of their type of local exchange service (i.e., flat-rate, message, or measured service) without charge. This does not preclude the company from charging for the original service connection, monthly charges for the period such service was used, or the addition or removal of any optional local service.

(2) Within sixty days of the date of a change in their type of service, existing residential local service subscribers shall be allowed to return to their prior type of local exchange service once without charge. This does not preclude the company from charging for the previous service connection, monthly charges for the period such service was used, or the addition or removal of any optional local service. This does not apply to subscribers who have availed themselves of the relief afforded in paragraph (G)(1) of this rule within the previous six months.

Replaces: former 4901:1-5-14

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4901:1-5-14 Residential service guarantors.

(A) If a local service provider or toll service provider requires a deposit as a condition of providing service, the company must inform an applicant of the option of providing a third-party guarantor in lieu of a deposit.

(B) Each applicant for residential service shall be deemed creditworthy and shall not be required to make a deposit as a precondition of receiving service if the applicant furnishes a written guarantee signed by a third-party guarantor who has a credit rating as defined in paragraph (A)(3) of rule 4901:1-17-03 of the Administrative Code. The terms of the guarantee shall include the following:

(1) The guarantor may terminate the guarantee after thirty day's notice to the company. The subscriber may be required to reestablish creditworthiness when the guarantor terminates the guarantee. The guarantor shall be obligated for charges for the local exchange and/or interexchange services provided to the subscriber through the date of termination of the guarantee; and

(2) The company shall review annually the account history of each subscriber who has provided a guarantor. Once the subscriber satisfies the requirements for the refund of deposits, as stated in rule 4901:1-17-06 of the Administrative Code, the company shall, within thirty days, notify the guarantor in writing that the guarantor is released from all further responsibility for the account.

(C) If a subscriber has provided a guarantor, that guarantor shall be afforded the opportunity to receive all notifications relating to the subscriber's disconnection of service for nonpayment. These notices shall be sent in the same manner and at the same time as those sent to the subscriber.

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4901:1-5-15 Subscriber bills.

(A) All local service providers must render monthly subscriber bills for local charges, unless a different schedule is requested by the subscriber and agreed to by the local service provider. All companies that provide competitive services must render monthly subscriber bills, unless otherwise agreed upon by the subscriber. All subscriber bills must clearly state:

- (1) The billing telecommunications provider's name, toll free telephone number(s), and e-mail address and/or website, if applicable, for subscriber inquiries about the bill;
- (2) The subscriber's name, billing address, telephone and/or account number(s);
- (3) The date of the bill, the beginning and ending dates of the billing period, and the due date of the bill;
- (4) The current month's charges, all credits applied to the account during the current billing period, all unpaid charges from previous bills, and all late payments;
- (5) All charges for regulated competitive telecommunication services;
- (6) All charges for local extended area service calls, including any usage-sensitive charges for such calls, if applicable;
- (7) All nonrecurring, fractional, or nonbasic service charges;
- (8) All charges for nonregulated services or products that appear on the subscriber's bill;
- (9) All applicable taxes and surcharges, including a brief description;
- (10) All 9-1-1 charges in a clearly identifiable manner, if applicable;
- (11) The total amount to be paid, including a statement as to how and where to pay the bill;
- (12) An explanation of codes and abbreviations used; and
- (13) The following statement:

If your questions are not resolved after you have called (name of utility), customers may call the public utilities commission of Ohio (PUCO), toll free at 1-800-686-7826 or 1-614-466-3292, or for TDD/TYY toll free at 1-800-686-1570 or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays, or visit the PUCO website at www.puco.ohio.gov.

Residential customers may call the Ohio consumers' counsel (OCC), toll free at 1-877-742-5622 from 8:30 a.m. to 5:30 p.m. weekdays, or visit the OCC website at www.pickocc.org.

(B) A subscriber's bill for current local service must also include an itemization of all charges, including any usage-sensitive charges within a package. unless local service is part of a bundled service package, the bill must list one of the following, Depending on the subscriber's type of local service:

- (1) The monthly rate for local flat-rate service;
 - (2) The base rate for local message service plus charges for any additional local message calls completed above the number of calls included in the base rate; or,
 - (3) The base rate plus any usage-sensitive charges for local, measured-rate service.
- (a) Upon a subscriber's request, the local service provider shall provide to the subscriber an itemization for each local measured-rate call billed during the requested billing period. The local service provider shall provide such itemization free of charge once every twelve months;
- (b) For any additional months, such itemization shall be provided in accordance with the local service provider's tariffed charges on file at the commission; and,
- (c) The following information shall be provided in such an itemization to the extent that such information is relevant in calculating the charge:
- (i) The date and time of the call;
 - (ii) The telephone number called;
 - (iii) The distance, the duration, and the rate applied per call;
 - (iv) Any other applicable charge related to the call; and
 - (v) The total charge per call.

(C) A subscriber's bill shall include the details of current charges for all toll calls. The detail shall include:

- (1) The date and time of placement;
- (2) The destination, including city and state;
- (3) The telephone number called, including area code;

(4) The total charge per call and any applicable calling code (e.g., day, night/weekend, calling card, etc);

(5) The duration; and

(6) The total toll charges.

(D) A statement that nonpayment of toll charges may result in the disconnection of toll service and may be subject to collection actions, but will not result in the disconnection of local service, must immediately follow the toll section of the bill.

(E) local service providers and toll service providers shall retain detailed customer billing information for at least eighteen months.

(F) Each local service provider must provide the following information annually to all residential and single access line customers, and with each new subscriber's first bill. Multi-line residential customers may also request this information annually free of charge:

(1) An itemized listing of the basic and optional services subscribed to;

(2) Monthly rate of each service; and,

(3) The amount of any security deposit, including interest, being held by the company.

(G) All telecommunications service providers shall clearly highlight on the subscriber's bill any new presubscribed service provider. Such notice shall include the new service provider's name and a toll free telephone number for customer inquiries along with a brief description of the type of service and associated charges.

(H) When a subscriber's bill contains charges for two or more carriers, the charges must be separated by service providers. Each service provider having charges on a subscriber's bill must provide the name of the provider and a toll free telephone number for customer inquiries.

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4901:1-5-16 Subscriber billing adjustments for local exchange service.

(A) The local service provider shall make an adjustment to a subscriber's bill in accordance with paragraph (B) of this rule whenever a subscriber's service is interrupted and remains out of service for more than twenty-four consecutive hours after being reported to the local service provider or after being found by the local service provider to be out of service. The length of the service interruption must be computed on a continuous basis, Saturdays, Sundays, and holidays included. This rule does not apply if the out-of-service condition:

- (1) Occurs as a result of a negligent or willful act on the part of the subscriber;
- (2) Occurs as a result of a malfunction of subscriber-owned telephone equipment or inside wire;
- (3) Occurs as a result of a military action, war, insurrection, riot, or strike; or
- (4) Cannot be repaired due to the subscriber missing a repair appointment.

Each local service provider must justify and document in its records each instance where it applied any of the exceptions listed in this paragraph.

(B) If an out-of-service condition exceeds twenty-four hours but is less than forty-eight hours, the local service provider shall credit the subscriber's bill for at least the pro rata portion of the monthly charge(s) for all regulated local services rendered inoperative during the interruption. Credit for out-of-service conditions lasting longer shall be provided as follows:

- (1) The local service provider shall provide a subscriber who experiences an out-of-service condition of forty-eight hours but less than seventy-two hours a credit equal to at least one-third of one month's charges for any regulated local services rendered inoperative.
- (2) The local service provider shall provide a subscriber who experiences an out-of-service condition of seventy-two hours but less than ninety-six hours a credit equal to at least two-thirds of one month's charges for any regulated local services rendered inoperative.
- (3) The local service provider shall provide a subscriber who experiences an out-of-service condition of at least ninety-six hours a credit equal to at least one month's charges for any regulated local services rendered inoperative.

(C) A local service provider may apply for a waiver to paragraphs (A) and (B) of this rule in the event of a verifiable act of God. One copy of the waiver request shall be filed with the commission's docketing division in the MTSS docket, case no. 00-1265-TP-

ORD, and one copy shall be submitted to the PUCO outage coordinator within two business days of the onset of the claimed act of God. Such waiver request shall state the specific nature of the act of God, the extent and location of damaged facilities, and the number of customers affected. If the commission or its staff takes no action within two business days of the filing of such waiver request, the act of god exception may be invoked by the local service provider. In the event an act of God exception is applied, the provisions of paragraph (B) of this rule will not apply until forty-eight hours after the onset of the verified act of God. Accordingly, forty-eight hours shall be added to each of the time frames established in paragraph (B) of this rule for purposes of determining credits to customer accounts. Each local service provider must justify and document in its records each instance where it has applied an act of God exception.

(D) If the local service provider fails to install new access line service and any associated features within five business days of receiving an application for new service, or by the requested date, when at least five business days notice is given, the provider must waive at least one-half of all regulated nonrecurring installation charges associated with the new service or features. if the local service provider fails to install new access line service and any associated features within ten business days of an application for new service or fails to install such service by the requested installation date, when at least ten business days notice is given, the provider shall waive all regulated nonrecurring installation charges associated with the new service or features. Such credits shall not be required where:

(1) Special equipment or service is involved:

(a) "Cable pairs" are not deemed to be special equipment for purposes of this rule unless the requested service is in a completely undeveloped area where no facilities of any kind exist.

(b) When special equipment or a service exception is invoked, it shall be fully documented. The documentation of the required specific special equipment or service shall be maintained with the application for new service and include a description of the special equipment or service involved.

(2) Applicant or subscriber has not met pertinent tariff requirements;

(3) the installation cannot be completed as a result of a military action, war, insurrection, riot, or strike; or

(4) The installation cannot be completed due to a subscriber missing an installation appointment.

(E) Missed customer appointments.

(1) When the local service provider fails to meet a scheduled installation appointment, the company shall waive at least one-half of the subscriber's regulated nonrecurring installation charges associated with the new service or features.

(2) When the local service provider fails to meet a repair appointment or a repair commitment, the company shall credit the subscriber's bill in the amount of at least one-half of one month's charges for any regulated local services rendered inoperative.

(3) The credits required by paragraph (E)(1) of this rule do not apply when the local service provider provides the subscriber twenty-four hour notice of its inability to meet an installation appointment, or when the effects of a natural disaster prohibit the local service provider from providing such notice. In no event shall the application of rule 4901:1-5-16(E)(3) of the Administrative Code, affect the service installation deadline and credit required under rule 4901:1-5-16(D) of the Administrative Code.

(F) In the event the local service provider omits a subscriber's listing from the white pages of the telephone directory or lists an incorrect telephone number, the company shall issue the subscriber a credit for the equivalent of not less than three months' regulated local service charges. Such credit shall not apply in cases where the subscriber has provided such listing information after the deadline for directory publication. The subscriber shall be given the option of taking the credit or pursuing other remedies.

(G) When it is confirmed that a local service provider has undercharged or overcharged any subscriber as the result of a miscalculation, inaccuracy, billing, or other continuing problem under the service provider's control or under the control of the entity for whom the telecommunications carrier is billing charges:

(1) The maximum portion of the undercharge that may be recovered from the customer in any billing month, based on the appropriate rates, shall be determined by dividing the amount of the undercharge by the number of months of undercharged or unbilled service, unless the customer agrees to alternative payment arrangements.

(2) The total overcharge and accrued interest, at a rate of at least five per cent per annum, shall be reimbursed to the customer within two billing periods after the propriety of the reimbursement is confirmed.

(3) Each local service provider shall state the total amount to be collected for an undercharge by the second bill mailed to the customer after such collection is discovered. This rule shall not affect the local service provider's recovery of regular monthly charges.

(a) No local service provider shall recover any service or billing fee pursuant to this rule; and

(b) No local service provider shall disconnect service to any customer to collect an undercharge under this rule, except for nonpayment of the amount lawfully billed under this rule.

(4) The adjustment for an overcharge shall be in the form of either a direct payment to the subscriber or a credit to the subscriber's account within the next two billing periods.

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4901:1-5-17 Denial or disconnection of local and toll service.

(A) Local service may only be disconnected for subscriber nonpayment of charges for local services regulated by the commission. For purposes of this rule, local service is defined as every regulated service provided by the local service provider other than toll service and 900 and 976-like services.

(B) Toll service may be disconnected for subscriber nonpayment of toll service, subject to the following conditions:

(1) Toll disconnection procedures shall comport with all applicable billing, notice, credit/deposit, and disconnection standards set forth in this chapter of the Administrative Code and shall be tariffed.

(2) A local service provider, including one which also provides toll service, may enforce the commission-approved, tariffed disconnection procedures of a separate provider of toll services pursuant to a contract entered into between the local service provider and the separate toll service provider.

(C) Partial payments applied towards any past due amount on a bill or the balance due on a disconnection notice must be apportioned to past due regulated local service charges, then to any current local charges, before being applied by a telecommunications provider to any toll or nonregulated charges unless the subscriber pays the entire amount past due or more. In that case any amount paid over the amount past due shall be applied first to current local charges.

(D) A telecommunications provider must notify, or attempt to notify through any reasonable means, a subscriber before service is refused or disconnected when any of the following conditions exist:

(1) A violation of or noncompliance with the telecommunications provider's rules or tariffs on file with the commission;

(2) A failure to comply with municipal ordinances or other laws pertaining to telecommunications services; or

(3) A refusal by the subscriber to permit the local service provider access to its facilities.

(E) A telecommunications provider must notify or attempt to notify, through any reasonable means, the subscriber before service is disconnected when the subscriber has committed a fraudulent practice as set forth and defined in its tariffs on file with the commission.

(F) The telecommunications provider may not disconnect the local or toll service of a subscriber who pays the company the total amount due (or an amount agreed upon

between the company and the subscriber) on his/her account by the close of business on the disconnection date listed on the disconnection notice.

(G) No notice is required prior to disconnection when:

(1) An emergency may threaten the health or safety of a person, or the local service provider's distribution system. If service is disconnected, the company shall act promptly to restore service as soon as possible;

(2) A subscriber's use of telecommunications equipment adversely affects the company's equipment, its service to others, or the safety of the company's employees or subscribers; or

(3) A subscriber tampers with facilities or equipment owned by the telecommunications provider.

(H) If a subscriber or a member of the subscriber's household demonstrates that disconnection of service would be especially dangerous to his/her health, the local service provider must consider this circumstance when offering extended payment arrangements to avoid disconnection. Payment arrangements shall be offered regardless of the credit class of the subscriber.

(I) When a residential subscriber's local service is disconnected for nonpayment, the local service provider shall maintain the subscriber's access to emergency services for a period of at least fourteen days following such disconnection.

(J) Local service may not be refused or disconnected to any applicant or subscriber for any of the following reasons:

(1) Failure to pay for service furnished to a former subscriber unless the former subscriber and the new applicant for service continue to be members of the same household;

(2) Failure to pay for a different class of service. Residential service may not be denied or disconnected for nonpayment of a nonresidential account and vice versa;

(3) Failure to pay any amount which is in bona fide dispute. The company may not disconnect service if the subscriber pays either the undisputed portion of the bill or where the disputed amount is in question, the subscriber pays the amount paid for the same billing period in the previous year; or

(4) Failure to pay any nonregulated service charges.

(K) Payment schedule and disconnection procedures for nonpayment.

(1) A subscriber's bill shall not be due earlier than fourteen days from the date of the postmark on the bill. If the bill is not paid by the due date, it then becomes past due.

(2) The company shall not disconnect the service:

(a) Sooner than fourteen days after the due date of the bill; and

(b) Without sending a written notice of disconnection, postmarked at least seven days prior to the date of disconnection of service.

(3) A telecommunications provider may disconnect service during its normal business hours; however, no disconnection for past due bills may be made after twelve-thirty p.m. on the day preceding a day that all services necessary for reconnection are not available.

(L) A notice of disconnection for nonpayment shall state the following:

(1) Failure to pay the amount required at the company's office or to one of its authorized agents by the date specified on the notice may result in the disconnection of local or toll services;

(2) The earliest date when disconnection will occur;

(3) The reason(s) for disconnection and any actions which the subscriber must take in order to avoid the disconnection, including the total amount required to be paid (which shall not be greater than the past due balance);

(4) The total amount due to avoid disconnection of local service as defined in paragraph (A) of this rule, which must be listed separately from charges for regulated toll and charges for unregulated services;

(5) The total amount due for toll charges and a statement that nonpayment of toll charges may result in the disconnection of toll service;

(6) The total amount due for nonregulated charges and a statement that nonpayment of such charges cannot result in the disconnection of local service or regulated toll service;

(7) The address and telephone number of the office of the telecommunications provider that the subscriber may contact in reference to the subscriber's account;

(8) The following statement:

If your questions are not resolved after you have called (name of utility), customers may call the public utilities commission of Ohio (PUCO), toll free at 1-800-686-7826 or 1-614-466-3292 or for TDD/TYY toll free at 1-800-686-1570 or 1-614-466-8180 from 8:00 a.m. to 5:00 p.m. weekdays, or visit the PUCO website at www.puco.ohio.gov.

Residential customers may call the Ohio consumers' counsel (OCC), toll free at 1-877-742-5622 from 8:30 a.m. to 5:30 p.m. weekdays, or visit the OCC website at www.pickocc.org; and

(9) A statement that an additional charge for reconnection may apply if service is disconnected. The statement shall also include a notice that payments to an unauthorized payment agent may result in the untimely or improper crediting of the subscriber's account.

(M) Reconnection of local and toll service.

(1) Unless prevented by circumstances beyond the company's control or unless a subscriber requests otherwise, Each telecommunications provider shall reconnect previously disconnected service by five p.m. on the next business day following either:

(a) Receipt by the company or its authorized agent of the full amount in arrears for which service was disconnected, or upon verification by the company that conditions which warranted disconnection of service have been eliminated; or

(b) Agreement by the company and the subscriber on a deferred payment plan and a payment, if required, under the plan.

(2) Before restoring service under this rule, a telecommunications provider may not insist upon payment of any amount that has not been included on a notice of disconnection.

Replaces: former 4901:1-5-19

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119.032 Review date: 5/29/06, 5/29/01

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4901:1-5-18 Construction and Maintenance of plant and equipment.

The inside and outside plant of each local service provider shall be designed, operated, and maintained in accordance with the provisions of the applicable nationally recognized standards. Upon request, all local service providers must specify the standard utilized.

Replaces: part of former 4901:1-5-21

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4901:1-5-19 Emergency Operation.

(A) All telephone service equipment shall have the following emergency electrical power available:

(1) All central office and associated switching equipment with five thousand access lines or less shall have a permanent power-generating unit or portable generator available to be delivered on site and operating within two hours of lost commercial power.

(2) All central office and associated switching telephone equipment with more than five thousand access lines shall have a permanently installed emergency power-generating unit.

(3) A four-hour battery reserve must be available for all central office and associated switching equipment.

(B) Records shall be maintained for all central office and associated switching equipment that requires battery back-up. Such records shall be maintained at a centralized site and must list all maintenance performed on the batteries, as well as the length of time the batteries will perform under load. All batteries must be able to perform under load, during peak time, for a minimum of four hours.

Emergency generator units shall be tested under load once a month. Records of such tests shall be maintained on site or at a centralized location.

(C) Each local service provider shall maintain and make available for commission inspection its current plans for emergency operation.

(D) Each local service provider shall submit to the PUCO outage coordinator, not later than December first of each year, an emergency contact report which shall contain the following:

(1) The names, business address, and business and home telephone numbers of three emergency contact personnel;

(2) Any available emergency hotline telephone number; and

(3) The fax number(s) of its emergency contact personnel.

(E) Each local service provider shall promptly notify the PUCO outage coordinator of any change in its emergency contact personnel.

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4901:1-5-20 Minimum service, quality and adequacy of service levels for local service providers.

(A) Each local service provider shall investigate and correct any instances of noncompliance with this rule. Each local service provider shall develop and maintain records regarding its compliance with this rule and rule 4901:1-5-16 of the Administrative Code. Such records shall:

- (1) Demonstrate the local service provider's compliance with the provisions of such rules;
- (2) Measure the extent and severity of any noncompliance;
- (3) Document the application of any exceptions on a customer-specific basis. accordingly, any exception applied by the local service provider shall be reflected in the individual customer's installation or repair records; and
- (4) Support any investigations of individual subscriber complaints.

Each local service provider shall, upon request, provide such records to the commission or its staff. Such records shall be retained for a minimum of eighteen months.

(B) Repair.

(1) Each local service provider shall accept subscriber "trouble reports" twenty-four hours a day, seven days a week. Trouble reports shall be classified as either out of service or service affecting. An out of service report shall not be downgraded to a service-affecting report. If conditions indicate, a service affecting report shall be upgraded to an out of service report. In all cases, the company shall notify the subscriber if the company finds that it is the subscriber's responsibility to correct the problem. The company shall attempt to notify the subscriber within twenty-four hours of discovery of the trouble condition.

(2) As measured on a monthly calendar basis, a local service provider's trouble report rate for regulated service shall not exceed three reports per one hundred assigned access lines. This measurement shall exclude subsequent reports and reports relating to nonregulated service. The local service provider shall be prepared to explain the causes for any monthly trouble report rate exceeding the standard and describe any corrective action.

(3) The local service provider shall clear any "out-of-service" trouble of an emergency nature consistent with the needs of subscribers and personal safety of local service provider personnel. Each local service provider shall develop policies and procedures regarding those subscribers who require priority treatment for out-of-service clearance. Such procedures shall include a table of restoration priority, including, but not limited to,

subscribers such as police and fire stations, hospitals, key medical personnel, and other utilities. Subscribers with medical or life-threatening conditions shall receive priority treatment in the event of a telephone service outage subject to the following medical certification procedures:

In order to receive priority treatment based on a medical condition, a subscriber must submit to the local service provider a medical certification signed by a doctor recommending that, in the event of a service outage, a priority in the restoral of telephone service be granted to the subscriber or member of the subscriber's household, due to a medical or life-threatening condition. Such certifications shall include all of the following information:

- (a) The name, address, and telephone number of the subscriber of record;
- (b) The name and address of the person with the medical condition and the person's relationship to the subscriber of record;
- (c) The nature of and the anticipated length of the medical condition; and
- (d) The name, office address, and telephone number of the certifying physician.

Medical certifications, as provided for in this rule, shall be in writing and may be subject to local service provider verification.

(4) The local service provider shall clear out-of-service trouble reports within twenty-four hours, excluding Sundays and holidays, following receipt of the report. The local service provider shall apply credits for out-of-service conditions to subscriber bills in accordance with paragraphs (A) and (B) of rule 4901:1-5-16 of the Administrative Code.

(5) The local service provider shall clear service-affecting trouble within forty-eight hours of receipt of the trouble report, excluding Sundays and holidays.

(6) Each local service provider shall keep all repair commitments and appointments. The local service provider shall specify a "not later than" time for repair commitments. The local service provider shall specify the date and approximate time of day, within a four-hour window, for repair appointments. Whenever a repair appointment or commitment cannot be met, the company shall make reasonable efforts to notify the applicant of the delay and the reason. The local service provider must apply credits for missed repair appointments and commitments to subscriber bills in accordance with paragraph (E)(2) of rule 4901:1-5-16 of the Administrative Code.

(C) Local service installation.

(1) When an applicant for new access line service provides at least five business days notice, the local service provider shall install local service not later than the date requested by the applicant. the local service provider shall apply credits to subscriber bills

in accordance with paragraph (D) of rule 4901:1-5-16 of the Administrative Code, for failure to install new access line service by such requested date. To the extent that credits are not required under paragraph (D)(1) to (D)(4) of Rule 4901:1-5-16 of the Administrative Code, they are likewise not required under this rule. If initial access line service is not installed within fifteen business days after the scheduled installation date, the company shall provide some form of alternative service (e.g., cellular service, voice mail, or remote call forwarding). The alternative service requirement applies only to the installation of the applicant's first access line.

(2) Each local service provider shall keep all of its appointments for on-premise installations. The local service provider shall specify the date and approximate time of day, within a four-hour window, for on-premise installation appointments. Whenever the service installation cannot be made at the appointed time or within the prescribed interval, the local service provider shall notify the applicant of the reason for the delay and the probable date service will be installed. The local service provider shall apply credits for missed installation appointments to subscriber bills in accordance with paragraph (E)(1) of rule 4901:1-5-16 of the Administrative Code.

(D) Answer time.

(1) On a monthly calendar basis and as measured company-wide, calls to the local service provider shall meet the following requirements:

(a) The average speed of answer for calls offered to the local service provider's operator shall not exceed twenty seconds;

(b) The average speed of answer for calls offered to the local service provider's directory assistance shall not exceed thirty seconds;

(c) The average speed of answer for calls placed to the repair service center shall not exceed ninety seconds; and

(d) The average speed of answer for calls placed to the business office shall not exceed ninety seconds.

(2) Notwithstanding paragraphs (D)(1)(c) and (D)(1)(d) of this rule, when a company utilizes a menu driven, automated, interactive answering system (referred to as the 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 system for a time period of not more than ten seconds following any prompt. For the purpose of this paragraph, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of an activated touch-tone keypad.

(3) In accordance with paragraph (D)(2) of this rule, when a menu-driven, automated, interactive answering system is utilized to arrange an appointment or commitment,

provisions shall be included to allow the customer to make an appointment or commitment with either a live attendant or the system. In such circumstances, The subscriber shall also be able to rearrange appointments using the system.

(4) Answer time shall be measured from the point of the first ring at the local service provider's business office or repair office. For those companies that utilize an automatic call distribution system or a voice response unit to answer customer calls, answer time shall be measured from the time a customer begins waiting in the queue.

(5) The terms "answered" as used in paragraphs (D)(1) and (D)(2) of this rule shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the operator, service representative, or automated system is ready to render assistance and/or accept the information necessary to process the call.

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