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RULE PROPOSALS

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITIES

Telecommunications

Proposed Readoption with Amendments: N.J.A.C. 14:10

Authorized By: New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula and Robert Gordon, Commissioners.

Authority: N.J.S.A. 48:2-13, 48:2-21.15 through 21.23, 48:17-1 et seq., and 56:8-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Numbers: TX21040718

Proposal Number:

Comments may be submitted through January 14, 2022, e-filed through the Board's e-filing system or by email **in Microsoft Word format**, or in a format that can be easily converted to Word, to: rule.comments@bpu.nj.gov or by mail to:

Aida Camacho-Welch, Secretary

NJ Board of Public Utilities

44 South Clinton Avenue

PO Box 350

Trenton, NJ 08625-0350

Attn: Docket No. TX21040718

The agency proposal follows:

Summary

The New Jersey Board of Public Utilities (Board) is proposing to readopt with amendments and repeals its rules governing telecommunications service, N.J.A.C. 14:10. These rules pertain to telephone utilities and other telecommunications providers that are subject to the jurisdiction of the Board, in areas such as service standards, payments for service, federal telecommunications carrier regulations and mass migration. The proposed amendments and repeals are aimed at modernizing the current rules to address various industry changes in the evolving telecommunications market, while assuring that basic consumer protections are kept in place.

In developing the rulemaking, the Board conducted stakeholder outreach through public meetings and acceptance of written comments by interested parties. The feedback received was carefully considered and many suggestions were incorporated into the proposed rule readoption.

Pursuant to N.J.S.A. 52:14B-5.1.c(2), the rules are scheduled to expire on January 21, 2022. As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Following is a section-by-section summary of the rules proposed for readoption and the proposed amendments and repeals.

Subchapter 1. General Provisions

N.J.A.C. 14:10-1.1, Applicability, provides for the applicability of this chapter. Amendments are proposed to clarify applicability of rules to include public utilities, telecommunications carriers, aggregators and adult-oriented information access telephone service.

N.J.A.C. 14:10-1.2, Definitions; Amendments are proposed to delete definitions which are obsolete or outdated, and modernize existing definitions to reflect how telecommunications services are delivered today.

N.J.A.C. 14:10-1.3, Recordkeeping, general provisions ; Proposed amendments would clarify that carriers must provide website links to the Board where a complete listing of all of the carrier's rates, terms and conditions are posted, whether listed in a tariff or product guide; Also revised record retention period for verification of authorization of a switch in carriers from three years to two years.

Subchapter 1A. Telephone Utilities

N.J.A.C. 14:10-1A.1, Applicability, is proposed for readoption without amendment.

N.J.A.C. 14:10-1A.2, General provisions, is proposed for readoption without amendment.

N.J.A.C. 14:10-1A.3, Rate and special charges information; Amendments are proposed to clarify the section applies to all of the carrier's rates, terms and conditions, whether listed in a tariff or product guide.

N.J.A.C. 14:10-1A.4, Directories, pertains to the publication, distribution, and content of telephone directories; Amendments are proposed to reflect the current provision of directories online and subsection (g) has been deleted as no longer a required practice.

N.J.A.C. 14:10-1A.5, Held applications, is proposed for readoption without amendment.

N.J.A.C. 14:10-1A.6, Customer complaints and trouble reports; Amendments are proposed to clarify application of exceptions in circumstances beyond the provider's control and affirm providers' obligation to keep customer commitments and notify customers of any changes requiring rescheduling or cancellation of service calls.

N.J.A.C. 14:10-1A.7, Adequacy of service; Amendments are proposed to require submission of annual maintenance plans to the Board.

N.J.A.C. 14:10-1A.8, Service quality standards, establishes minimum standards for various measures of service quality. Proposed amendments specify standards for calls where customer requests a live operator.

N.J.A.C. 14:10-1A.9, Service quality reporting, provides for the measurement of performance in relation to the standards found in N.J.A.C. 14:10-1A.8. Amendments include requiring reporting at the central office level and the assessment of penalties for repeated failure to achieve metrics, with the goal of providing greater accountability for the provision of all services in a safe, adequate and proper manner.

N.J.A.C. 14:10-1A.10, Inspections, tests and maintenance; Amendments proposed would ensure that routine maintenance and repair of plant is performed.

N.J.A.C. 14:10-1A.11, Prevention and reporting of service interruptions, is proposed for readoption without amendment.

N.J.A.C. 14:10-1A.12, Construction, is proposed for readoption without amendment.

N.J.A.C. 14:10-1A.13, Adoption by reference of the uniform system of accounts, is proposed for readoption without amendment.

Subchapter 2. Payments for Service

N.J.A.C. 14:10-2.1, Applicability, is proposed for readoption without amendment.

N.J.A.C. 14:10-2.2, Contents of bills; back billing, is proposed for readoption without amendment.

N.J.A.C. 14:10-2.3, Out of service refund; The proposed amendments would require the provider to apply an appropriate adjustment to the customer's bill within two billing cycles of the date the outage occurred.

N.J.A.C. 14:10-2.4, Voluntary suspension, provides for customers to temporarily suspend their service for certain periods of time, and is proposed for readoption without amendment.

Subchapter 3. Number Reclamation

N.J.A.C. 14:10-3.1, Number reclamation definitions; Definitions would be updated to reflect changes in process as recommended by the industry.

N.J.A.C. 14:10-3.2, General provisions, is updated to reflect changes in nomenclature and procedures, as recommended by the industry. The Pooling Administrator was deleted since the North American Number Plan Administrator (“NANPA”) and the Pooling Administration are no longer separate entities, as they were combined as of December 1, 2020 and are now known only as the NANPA.

N.J.A.C. 14:10-3.3, Extension of Part 4 Form submittal deadline, is updated to provide more than one extension request, as consistent with current NANPA policies.

Subchapter 4. Non-Financial Reporting Requirements

N.J.A.C. 14:10-4.1, General Provisions, is amended to remove paper filing requirements and streamline requirements to electronic filings to the Secretary’s Office.

Subchapter 5. Competitive Telecommunications Services

N.J.A.C. 14:10-5.1, Scope, is proposed for readoption with an amendment to update carriers covered by provision.

N.J.A.C. 14:10-5.2, Informational tariff filings; Proposed amendments would amend the section title to replace “tariff” with “rates, terms and conditions of service.” Proposed amendments would remove the requirement for filing of paper copy of tariffs, and clarify the requirement that carriers provide the Board and Rate Counsel with the link to carriers’ websites, which would be required to provide complete information regarding the carrier’s rates, terms and conditions for all services provided in its tariff or product guide.

N.J.A.C. 14:10-5.3, Tariff revisions that increase charges, describes the process for tariff revisions that increase charges; Proposed amendments would amend the section title to replace “tariff” with “rates, terms and conditions of service.” The proposed amendments clarify that the provisions cover revisions in rates, terms and conditions of service listed in product guides;

eliminates the requirement to publish a newspaper notice of the change in service and removes the requirement for service to Rate Counsel simultaneously with the Board.

N.J.A.C. 14:10-5.4, Tariff revisions that do not increase charges; The amendment would clarify that the provisions cover revisions in rates, terms and conditions of service made in product guides, and deletes subsection (b) which removes the requirement for service to Rate Counsel (formerly known as Public Advocate) simultaneously with the Board.

N.J.A.C. 14:10-5.5, Initial CLEC or IXC tariff, provides the timeframe for tariffs to become effective. The amendment would require applicants filing petitions seeking approval to be designated a competitive local exchange carrier to file a tariff and/or product guide at the same time as their petition, to allow review by the Board simultaneously. The requirement for IXC tariff filing has been eliminated and the title changed to reflect initial CLEC offering of service.

N.J.A.C. 14:10-5.6, Board monitoring of competitiveness, is proposed for readoption without amendment.

N.J.A.C. 14:10-5.7, Withdrawal of a competitive service from subscribers; Proposed amendments would require carriers who withdraw service from their entire customer base within the state, without providing a replacement service, to certify compliance with N.J.A.C. 14:10-12, Mass Migration, prior to withdrawal of service.

N.J.A.C. 14:10-5.8, Discontinuance of a competitive service offering, is amended to add a definition of “Grandfather” and to allow carriers to continue to offer grandfathered services to existing customers despite not offering them to new customers.

Subchapter 6. Operator Service Providers

N.J.A.C. 14:10-6.1, Scope, is proposed for readoption with amendments deleting subsection (d)2 and removing the burden of providing dialing instructions for access to the LEC operator, to reflect the transfer of the responsibility to the alternate operator service provider; and deleting

subsection (g) removing requirement for ILECs to transfer direct “0” dialed calls, avoiding possible delays to reach emergency services.

N.J.A.C. 14:10-6.2, AOS rates for intrastate operator-assisted calls, is proposed for readoption without amendment.

N.J.A.C. 14:10-6.3, Penalties for violations, is proposed for readoption without amendment.

N.J.A.C. 14:10-6.4, Alternate operator service provider contact information, is proposed for readoption without amendment.

N.J.A.C. 14:10-6.5, LEC billing for operator assisted services, is obsolete and is proposed for deletion.

Subchapter 7. Access to Adult-Oriented Information-Access Telephone Service

N.J.A.C. 14:10-7.1, Scope, 7.2 Reserved, 7.3, Restrictions on access to-adult-oriented services, and 7.4, Subscriber requests for service; charges. All are proposed for readoption without amendment.

Subchapter 8 remains reserved.

Subchapter 9. Public Pay Telephone Service

N.J.A.C. 14:10-9.1, Scope, and N.J.A.C. 14:10-9.2, The PPTS instrument, are proposed for readoption without amendment.

Subchapter 10. IntraLATA Toll Competition

N.J.A.C. 14:10-10.1, Scope; general provisions, which states the requirements for presubscription, and N.J.A.C. 14:10-10.2, Imputation standard, which provides that the rates that an LEC charges customers for toll service and/or interexchange private line service shall equal or exceed the total applicable switched access rates set forth in the LEC's tariff, are proposed for deletion, as they are no longer required in the current competitive environment.

Subchapter 11. Anti-Slamming Requirements for TSPs

N.J.A.C. 14:10-11.1, Scope; general provisions, sets forth the scope of the subchapter, and lists the entities and the activities to which it applies, and is proposed for readoption without amendment.

N.J.A.C. 14:10-11.2, Definitions, contains definitions of terms used in the subchapter, and is proposed for readoption without amendment.

N.J.A.C. 14:10-11.3, Solicitation of authorization to change TSPs, sets forth requirements and restrictions for information disclosures during solicitation of TSP switch authorizations, and is proposed for readoption without amendment.

N.J.A.C. 14:10-11.4, Obtaining verified customer authorization; submitting a change order, contains the basic requirement for verification, and lists the three possible ways to verify an authorization for a switch. It also requires compliance with FCC anti-slamming regulations, which are incorporated by reference. This section is proposed for readoption, with amendment to Subsection (f) reducing the requirement for the retention of records of verifications from three years to two years, consistent with FCC rules.

N.J.A.C. 14:10-11.5, Letters of agency, contains provisions for the use of a letter of agency to verify an authorization for a TSP switch. In addition, this section permits authorizations to be obtained by telephone. As the Board's requirements for this type of authorization are the same as those of the FCC at 47 CFR 64.1120, the section contains a cross-reference to the FCC regulation. This section is proposed for readoption without amendment.

N.J.A.C. 14:10-11.6, Third-party verification of authorization, sets forth the requirements for third-party verification of TSP switch authorizations. The section includes requirements governing the independence of third-party verifiers, the content and language of the verification, the use of conference calls and automated systems, recordkeeping, and a submittal deadline. This section is proposed for readoption without amendment.

N.J.A.C. 14:10-11.7, Requirements for the executing TSP, sets forth the requirements for an executing TSP upon receipt of a valid change order, and is proposed for readoption without amendment.

N.J.A.C. 14:10-11.8, Unauthorized service termination and transfer (slamming), contains provisions regarding the determination of whether a slam has occurred, and is proposed for readoption without amendment.

N.J.A.C. 14:10-11.9, TSP freezes, provides for TSP freezes, and is proposed for readoption without amendment.

N.J.A.C. 14:10-11.10, Enforcement, requires due care, and lists the types of remedies for violations that are available to the Board, and is proposed for readoption without amendment.

N.J.A.C. 14:10-11.11, Determination of penalties within statutory ranges, sets forth detailed criteria for the determination of penalties within the ranges authorized by statute, and includes a penalty matrix, which provides a clear understanding of the factors the Board will use in determining penalties, and the range of penalties for each type of violation. This section is proposed for readoption without amendment.

Subchapter 12. Mass Migration Upon TSP Departure from a Service Territory

N.J.A.C. 14:10-12.1, Definitions, which provides the definitions for the subchapter is proposed for readoption excluding the outdated definition for “unbundled network elements”.

N.J.A.C. 14:10-12.2, Purpose and scope, governs the departure of TSPs from the New Jersey service territory. Amendments are proposed to require carriers who withdraw service from their entire customer base within the state, without providing a replacement service, to comply with the provisions of the subchapter.

N.J.A.C. 14:10-12.3, Application to depart a service territory, provides the requirements that a TSP must follow to depart a particular service territory. Amendments are included to clarify that

an exit plan must include a supplement to either cancel or modify the TSP's rates, terms and conditions of service.

N.J.A.C. 14:10-12.4, Board notice to other TSPs, provides that the Board maintain a TSP service list on its website. This section is proposed for readoption without amendment.

N.J.A.C. 14:10-12.5, Notice to end users, requires that TSPs provide notice of its departure to end users 30 days prior to its departure. This section is proposed for readoption without amendment.

N.J.A.C. 14:10-12.6, Mass migration process, provides rules for the appointment of a migration manager. This section is proposed for readoption without amendment.

N.J.A.C. 14:10-12.7, End user lists to be supplied by departing TSP, provides that at least 45 days prior to the projected departure date, the departing TSP shall submit an end-user list to the Board. This section is proposed for readoption without amendment.

N.J.A.C. 14:10-12.8, Progress reports, provides for the timing of the progress reports and the information to be contained in each report. This section is proposed for readoption without amendment.

N.J.A.C. 14:10-12.9, NXX code transfer, requires the departing TSP to make arrangements with the North American numbering plan to transfer any NXX codes and is proposed for readoption with change to delete all references to pooling administrator.

N.J.A.C. 14:10-12.10, E-911 Number unlocking, is proposed for readoption without change.

N.J.A.C. 14:10-12.11, Local service request, requires the acquiring TSP to send a valid local service request (LSR) to the ILEC, the NSP, and/or the departing TSP, and is proposed for readoption without change.

N.J.A.C. 14:10-12.12, Enforcement, is proposed for readoption without amendment.

Subchapter 12 Appendix A

Sample End User Notification Letters #1 and #2, are proposed for readoption without amendment.

Social Impact

The rules proposed for readoption with amendments and repeals reflect advancements in the telecommunications market place. The impact of streamlining the existing rules is to assist utilities in the provision of safe, adequate, and proper service while balancing the interests of the industry and protection of consumers. The social impact of the rules is to benefit the public by implementing measures that remove rules that are no longer relevant to the provision of telecommunications services throughout the State.

Economic Impact

The rules proposed for readoption with amendments and repeals will continue the existing overall beneficial economic impact of these rules. These rules are still instrumental in protecting the public from many types of economic harm that could result from unrestrained markets in the telecommunications industry. The rules impact the operations of telephone utilities and telecommunications service providers through costs for, among other things, inspecting and testing their plant and maintaining and submitting required records or reports and billing information. The benefits of these activities easily outweigh the cost to regulated entities. The Board believes that the compliance costs are reasonable, and are necessary in order to ensure safe, adequate, and proper telecommunications service to New Jersey citizens, and that no significant costs or fees on the regulated entities are expected to result from the proposed rule amendments and repeals.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 through 24 require State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The Federal rules that

correspond to N.J.A.C. 14:10 are promulgated and implemented by the Federal Communications Commission (FCC). The Board has incorporated several FCC rules by reference in N.J.A.C. 14:10, including the FCC Uniform System of Accounts for Telephone Companies, 47 CFR Part 32. The rules proposed for readoption with amendments exceed the FCC's record retention requirements (see 47 CFR Part 42) for retail customers as regards billing. The Board requires a six-year period for retention of records as opposed to 18 months required by the FCC, relating to records necessary to facilitate back billing for retail customers. The Board believes this more stringent requirement is necessary in light of the complexity of bills and the fact that it is now common among customers to have multiple lines. The expanded timeframe for record retention allows customers an opportunity to review their bills and act on any discrepancies discovered in billing.

The non-financial reporting requirements in the rules proposed for readoption with amendments, are consistent with the FCC's reporting requirements at 47 CFR Part 43. The readopted provisions relating to adult-oriented information access telephone service are in some ways more stringent than those of the FCC. At 47 CFR Part 64, the FCC requires that local exchange carriers offer to their subscribers an option to block access to services offered on the 900 access code. Pursuant to N.J.S.A. 48:17-22, the Board in N.J.A.C. 14:10-7 requires blocking not only of 900 number services, but also of 700 NXX adult-oriented lines. Unblocked access to adult oriented 700 NXX and 900 NXX may be obtained by written authorization by the subscriber. Further, customers have the ability to block all 900 calls, consistent with 47 CFR Part 64.

The rules proposed for readoption are consistent with the FCC rules at 47 CFR 64.703, which contain information disclosure requirements for interstate, interexchange, domestic, and 0+ operator assisted calls. The Board's rules permit the same standards to apply to intrastate as

well as other operator service provider calls. The Board's rules contain the substance of the Federal regulations regarding notifying customers of the rates for operator service assisted calls. However, the Federal regulations specifically address interstate calls. The Board lacks the authority to regulate interstate calls, and therefore, has tailored the rules to apply to intrastate calls.

The FCC anti-slamming regulations are found at 47 CFR 64.1100 et seq. The rules proposed for re-adoption at N.J.A.C. 14:10-11 mirror the substance of the FCC rules and only exceed them in a few areas, such as the penalty provisions, and requiring submission of a change order within 60 days. The Board believes, based on its experience with change orders, that this additional stringency is necessary to protect consumers. The Board requires the TSP to provide quarterly reports detailing the status of slamming complaints and authorized primary TSP change orders. This is not required by the FCC. These reports assist the Board and the Division of Consumer Affairs in providing timely and accurate information regarding the resolution of the complaints and to ensure that change orders are processed promptly. This requirement does not pose a burden to the TSPs as they have an internal tracking system for the complaints and change orders.

Jobs Impact

The rules proposed for re-adoption with amendments and repeals should not result in the hiring of additional personnel to ensure compliance with the rules or to carry out the duty of training staff in the contents of the rules.

Agriculture Industry Impact

Under N.J.S.A. 52:14B-4, an evaluation of the impact the rules proposed for re-adoption with amendments, repeals, and new rules have on the agricultural industry must be undertaken. The rules proposed for re-adoption with amendments and repeals will not affect the agriculture

industry since agricultural practices generally do not factor into rules respecting the provision of telecommunications services. Accordingly, the rules proposed for readoption with amendments, and repeals will have no impact on the agricultural industry.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments, repeals, and new rules will impose minimal recordkeeping, reporting, or other compliance requirements on small businesses. A "small business," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees. As discussed in the Summary above, N.J.A.C. 14:10-1 through 9 will impose compliance requirements on telecommunications providers, some of which may be "small businesses." Compliance with these requirements should not require telecommunications providers to employ professional services, as the requirements can be met utilizing personnel necessary for the conduct of their business. As these rules are designed to benefit customers who are provided telecommunications services, and to ensure the quality of such services, no differentiation in requirements or exceptions are provided to small businesses. N.J.A.C. 14:10-10 affects competitive telecommunications carriers, none of which are "small businesses" as that term is defined in the Regulatory Flexibility Act. The carriers affected either employ more than 100 full-time people or are based outside of New Jersey. The majority of the requirements set forth in N.J.A.C. 14:10-11, as described in the Summary above, are the same as the FCC rules regarding slamming. The public interest in assuring that only authorized switches of telephone service providers occurs outweighs any minimal burden placed on TSPs by these rules. Accordingly, exceptions to these requirements for small businesses have not been provided.

Housing Affordability Impact Analysis

The Board does not expect the rules proposed for reoption with amendments and repeals to have an impact on affordable housing in New Jersey and it is not anticipated that the rules would evoke a change in the average cost associated with housing as the rules address the regulation of telecommunications providers.

Smart Growth Development Impact Analysis

The rules proposed for reoption with amendments, repeals, and new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules address the regulation of telecommunications providers.

Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement

The Board evaluated the rulemaking and determined that it will not have an impact on pretrial, detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the rules proposed for reoption may be found in the New Jersey Administrative Code at N.J.A.C. 14:10.

Full text of the proposed reoption with amendments and repeals follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Title 14. TELECOMMUNICATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

14:10-1.1 Applicability

(a) This chapter applies to **all of the following** entities:

1. A public utility, as defined at N.J.S.A. 48:2-13a;
2. A telecommunications carrier, as defined at N.J.A.C. 14:10-1.2;
3. An aggregator; **and**
4. Providers of adult-oriented information access telephone service; [and]
- [5. Any entity that is subject to the numbering guidelines of the FCC. See N.J.A.C. 14:10-3, Number Reclamation.]

(b)-(d) (No change.)

14:10-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

...

"Carrier" or "telecommunications carrier" means a telephone utility, including an ILEC, [an IXC, or] a CLEC, and/or a reseller, as those terms are defined in this section.

...

["Presubscribed OSP" means an OSP that a customer has chosen to provide operator assisted services for intrastate calls from a telephone that the customer owns, so that an end-user can place a call from the telephone using the OSP, without having to dial an access code.]

["Primary interexchange carrier" or "PIC" means an inter- exchange carrier, as defined in this section, that a customer has chosen to provide interexchange service, so that the customer can place a toll call from its landline using the PIC without having to dial an access code.]

...

["Splashing" means the practice of a carrier calculating the charge for a long distance call initiated at a public pay telephone based on the location from which the long distance carrier picks up the call, rather than on the call's point of origin. Splashing typically occurs when a PPTS call is routed to a call center, and the carrier picks up the call from the call center. Then the carrier charges the caller as if the call originated at the call center, rather than at the public pay telephone. If the call center is located at a substantial distance from the PPTS where the call originated, the carrier's charges could be substantially increased by the use of the call center rather than the initiation point of the call.]

"Subscriber" means a [telecommunications service] customer **receiving service from a telecommunications service provider.** [of a LEC or IXC].

...

"Telephone utility" means a public utility, as defined at N.J.A.C. 14:3-1.1, as well as any **entity** [person], as defined at N.J.A.C. 14:3-1.1, that provides telecommunications services to the public [for a fee].

...

14:10-1.3 Recordkeeping, general provisions

(a) Notwithstanding N.J.A.C. 14:3, all records that a telecommunications carrier is required to keep under this chapter shall be preserved for the following minimum periods, as applicable:

1. Eighteen months if the record relates to wholesale customers, unless the carrier has negotiated a contract with the customer that provides otherwise;

2. Six years if the record is necessary to ensure compliance with requirements for back billing of retail customers at N.J.A.C. 14:10-2.2, unless the carrier has negotiated a contract with the customer that provides otherwise;

3. Eighteen months if the record is required under N.J.A.C. 14:10-1A.11, service quality reporting; and

4. [Three] **Two** years if the record is of a verification of a TSP switch authorization in accordance with N.J.A.C. 14:10-11.

(b) No change

(c) Each telecommunications carrier [that maintains a commercial website, which includes the carrier's tariff] shall provide the Board with a link to **the location on its website with a complete listing of the carrier's rates, terms and conditions of service provided in its tariff or product guide.**

(d) No change

14:10-1.4 (Reserved)

14:10-1.5 (Reserved)

14:10-1.6 (Reserved)

14:10-1.7 (Reserved)

14:10-1.8 (Reserved)

14:10-1.9 (Reserved)

14:10-1.10 (Reserved)

14:10-1.11 (Reserved)

14:10-1.12 (Reserved)

14:10-1.13 (Reserved)

14:10-1.14 (Reserved)

14:10-1.15 (Reserved)

14:10-1.16 (Reserved)

14:10-1.17 (Reserved)

14:10-1.18 (Reserved)

14:10-1.19 (Reserved)

SUBCHAPTER 1A TELEPHONE UTILITIES

14:10-1A.1 Applicability

(No change)

14:10-1A.2 General provisions

(No change)

14:10-1A.3 Rate and special charges information

(a) Upon the request of any customer or applicant, each telephone utility shall provide an explanation of all rates, charges and provisions applicable to the service furnished including any special charges not specifically set forth in a telephone utility's **listing of its rates, terms and conditions in its tariff or product guide.**

14:10-1A.4 Directories

(a) ILECs shall [publish] **provide subscribers with access to electronic** telephone directories [regularly,] listing the name, location and telephone number of all customers whose numbers are provided to the ILEC, except [telephone service] **information** not [published] **provided** at customers' request [and public telephones].

(b) Upon **request of a subscriber** [publication], the ILEC **may provide** [shall distribute] a **printed paper** copy of [each] a directory to [all] a customer[s within the service area covered by the directory, and shall furnish a copy of each directory to the Board Secretary].

(c) - (f) No changes

[(g) In the event of either of the following, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service:

1. An error in the listed number of any customer; or
2. A change in a customer's telephone number after a directory is published.]

[(h)] (g)- No change

14:10-1A.5 Held applications

(No change)

14:10-1A.6 Customer complaints and trouble reports

Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. In addition, provisions at N.J.A.C. 14:3 governing receipt and investigation of complaints may apply. Except [when unavoidable] **in instances beyond the company's control**, all commitments to customers shall be kept. Every

reasonable effort shall be made to notify customers of unavoidable changes **requiring rescheduling or cancellation of scheduled service calls in resolution of the complaint.**

14:10-1A.7 Adequacy of service

Each telephone utility shall maintain equipment and facilities as necessary to ensure the provision of safe, adequate, and proper service at all times.

(a) Maintenance and infrastructure improvement plans shall be filed with the Board annually.

14:10-1A.8 Service quality standards

(a) – (b) No change

(c) A telephone utility shall meet the following requirements regarding [operator handled] calls **requesting a live operator:**

1. Eighty-five percent of repair service calls [to 611] shall be answered within 20 seconds;
2. Eighty-five percent of [toll assistance] operator calls (that is, [toll] calls assisted by a[n] **live operator**) shall be answered within 10 seconds; and
3. Seventy-eight percent of directory assistance calls shall be answered within 10 seconds.

(d) – (g) No change

14:10-1A.9 Service quality reporting

(a) - (d) No Change

(e) In addition to the Statewide totals required under (d) above, each telephone utility shall sort and/or aggregate its performance measurements regarding the following service quality standards by the applicable reporting unit described below:

1. [The additional reporting unit for m] **Measurements** relating to the standards for installation of service under N.J.A.C. 14:10-1A.8(b), and for trouble reports under N.J.A.C. 14:10-1A.8(e), shall be **provided for each central office**. [the geographic area for which a second level manager in charge of installation and maintenance is responsible. For the purpose of this section, a second level manager is a person supervising one or more first level managers, where first level managers are supervisors of crews actually performing work on a telephone plant;]

2. The additional reporting unit for measurements relating to the standards for [operator handled] calls **requesting a live operator** at N.J.A.C. 14:10-1A.8(c) shall be the call center. [;]

[3. The additional reporting unit for measurements relating to the standards for dial service at N.J.A.C. 14:10-1A.8(d) shall be the geographic area for which a second level manager in charge of switching is responsible; and]

[4. The number of reporting units described in (e)1, 2, and 3 above shall be no less than three.]

(f) -(h) No change

(i) Repeated failures to achieve metrics may subject providers to penalties assessed at the discretion of the Board.

14:10-1A.10 Inspections, tests and maintenance

Each telephone utility shall perform **inspections of its plant on a regular basis, and file with the Board the inspection schedule(s) on an annual basis. Routine maintenance shall be conducted on all utility** [, keeping all] plant, **poles** and equipment, **with any necessary** [in a good state of] repairs **conducted promptly** consistent with safety and adequate service

performance, and [shall comply] **in compliance** with any inspection and/or maintenance requirements at N.J.A.C. 14:3 **and pursuant to any Board Order. If repairs are not feasible due to weather, or other causes beyond the reasonable control of the utility, repairs shall be completed as soon as practical after the condition blocking the repair is eliminated. Such conditions may include the presence of equipment owned by one or more other entities that must act prior to the telephone utility.**

14:10-1A.11 Prevention and reporting of service interruptions

(No change)

14:10-1A.12 Construction

(No Change)

14:10-1A.13 Adoption by reference of the Uniform System of Accounts

(No change)

14:10-1A.14 (Reserved)

14:10-1A.15 (Reserved)

14:10-1A.16 (Reserved)

SUBCHAPTER 2. PAYMENTS FOR SERVICE

14:10-2.1 Applicability

(No change)

14:10-2.2 Contents of bills: back billing

(No change)

14:10-2.3 Out of service refund

In the event the customer's service is interrupted other than by the negligence or willful act of the customer and it remains out of service for a period of 24 hours or more after being reported to be out of service, appropriate adjustments or refunds shall be made **by the telecommunications provider** upon request of the customer. If the customer's service is interrupted for more than 72 hours after being reported or discovered, the telephone utility shall adjust the customer's bill or provide a refund, regardless of whether the customer makes such a request. However, the Board may, in accordance with N.J.A.C. 14:10-1A.10(a), suspend application of this provision. **Any adjustments or credits shall appear on the customer's bill within two billing cycles from the date on which the outage occurred.**

14:10-2.4 Voluntary suspension

(No change)

14:10-2.5 (Reserved)

SUBCHAPTER 3. NUMBER RECLAMATION

14:10-3.1 Number reclamation definitions

...

"Guidelines" means, [as regards to NXX codes, the [FCC] **Alliance for Telecommunications Industry Solutions (ATIS)** [i]Industry Numbering Committee's **(INC) Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administration Guidelines (TBCOCAG), document number ATIS-0300119** [Central Office Code Assignment Guidelines (COCAG); and as regards to thousands- blocks, the Thousands-Block Pooling Administration

Guide- lines (TBPAG); both of] which [are] is incorporated herein by reference, as amended and supplemented, and [are] available at: www.atis.org/inc [www.atis.org/inc/docs.asp].

"North American Numbering Plan Administrator" or "NANPA" means the entity selected by the FCC to provide assistance to regulatory authorities to ensure that numbering resources are used in the best interests of all participants in the North American Numbering Plan. **The NANPA is responsible for managing the North American Numbering Plan. The NANPA administers NXX codes and the thousands-blocks in an NXX code that are subject to pooling, in accordance with the Guidelines. The NANPA allocates NXX codes and thousands-blocks to serve providers through thousands-block number pooling.**

...

"Part 4 Form" means the [FCC's Central Office Code (NXX) Assignment Request and] **Confirmation of Code In Service – Part 4**[Confirmation Form-Part 4]. It also means the **Confirmation of Thousands-Block In Service – Part 4A.** [TBPAG Thousands-Block Application Form - Part 4.] The FCC requires each service provider to submit the Part 4 Form to the NANPA [or pooling administrator] to confirm that the numbering resources allocated to the service provider have been placed in service. The Part 4 Form is required by the Guidelines.

["Pooling administrator" means an entity or entities selected by the FCC to administer those thousands-blocks in an NXX code that are subject to pooling, in accordance with the Guidelines. The pooling administrator allocates thousands-blocks to service providers through thousands-block number pooling.]

...

"Service provider" means a person, as defined at N.J.A.C. 14:3-1.1, that receives

numbering resources from the NANPA [, the pooling administrator,] or another entity approved by the FCC. Examples of service providers are carriers, and persons who provide wireline or wireless telephone service, voice over internet protocol service, paging service, or similar services.

...

"Thousands-block number pooling" means the process by which the NANPA [pooling administrator] allocates to service providers those thousands-blocks in an NXX code that are subject to pooling.

14:10-3.2 General Provisions

(a) No Change

(b) Each service provider shall ensure that the NANPA [, the pooling administrator,] and Board staff have up-to-date contact information for the service provider at all times, including contact name, telephone number, fax number, street address and electronic mail address.

(c) When the Board receives from NANPA [or a pooling administrator] a list of service providers that have failed to file a Part 4 Form, as defined at N.J.A.C. 14:10-3.1, within the deadline set forth in the Guidelines, Board staff shall send written notice to the listed service providers, requiring submittal of the Part 4 Form to the Board.

(d) - (i) No Change

14:10-3.3 Extension of Part 4 Form submittal deadline

(a) If a service provider meets the requirements of this section, Board staff shall grant an extension to the 14-day deadline set forth in N.J.A.C. 14:10-3.2(d). Board staff shall grant [only one] an extension to the service provider, of up to 90 days from the date the service

provider's Part 4 Form was initially due. **More than one extension may be granted upon a showing of good cause.**

(b) – (d) No Change

SUBCHAPTER 4. NON-FINANCIAL REPORTING REQUIREMENTS

14:10-4.1 General provisions

(a) – (g) No change

(h) The submittals required under this section shall be certified to be accurate by an officer of the carrier, and shall be submitted in [both] electronic form to the Board Secretary[, with a copy sent to the Director of the Division of Telecommunications].

14:10-4.2 (Reserved)

SUBCHAPTER 5. COMPETITIVE TELECOMMUNICATIONS SERVICES

14:10-5.1 Scope

(a) No change

(b) This subchapter applies to the following:

1. Local exchange carriers and intrastate interexchange carriers offering competitive services;
and
2. Competitive services offered by CLECs[, IXCs,] and ILECs.

(c) No change

14:10-5.2 Informational [tariff] filings **of rates, terms and conditions of service**

[Local exchange] **A** [telecommunications companies and interexchange] telecommunications carrier[s] shall make available **its rates, terms and conditions of service and/or product guide**

for [of any] **all of its** retail competitive services for public inspection on **its** website and a printed copy of [those] **its rates, terms and conditions of service and/or product guide** must be provided upon request of a customer. A [local exchange telecommunications company or interexchange] telecommunications carrier providing such services, **shall** [may, in their discretion, file tariffs] **provide** [with] the Board and Rate Counsel [.] with a [A] link to **the** [said local exchange telecommunications company and interexchange] carrier's website[s] **where its rates, terms and conditions of service and/or product guide are located,** [must be provided to the Board] for inclusion on the Board's website.

14:10-5.3 [Tariff r] **Revisions of rates, terms and conditions of service** that increase charges

(a) [Tariff r] **Revisions of rates, terms and conditions of service and/or product guide**

regarding existing competitive telecommunications services[,] which create increased charges to any customer shall become effective no sooner than five business days after notice of the [proposed] revision as described in (b) below, without the requirement of prior Board approval.

(b) The carrier shall notify the public of a [proposed tariff] revision **of rates, terms and conditions of service and/or product guide that increase charges to customers** [described in

(a) above] in one of the following ways **at least 15 days before the increase becomes effective:**

1. By direct mail to all affected customers who already receive the service [within 24 hours after the filing of revised tariff pages with the Board];
2. By invoice message to all affected customers, delivered electronically to those customers with electronic billing [at least 15 days prior to the filing of revised tariff pages];
3. By bill insert or by invoice message through direct mail for those customers with paper invoice billing [at least 15 days prior to the filing of the revised tariff pages; **or**

[4. By publication in newspapers of general circulation throughout the affected service area;
or]

[5]4. By Internet notification, such as posting information on the carrier's web page[, at least 15 days prior to the filing of the revised tariff pages,] for affected customers who have given the carrier prior consent to receive Internet notification of price changes.

[(c) Proposed tariff revisions described in (a) above shall be served on the Division of Rate Counsel in the Department of the Public Advocate within 24 hours of filing with the Board.]

14:10-5.4 [Tariff r] **Revisions of rates, terms and conditions of service** that do not increase charges

(a) [Tariff r] **Revisions of rates terms and conditions and/or product guide** to existing retail competitive telecommunications services that do not increase charges to any customer shall become effective one day after notice of the [proposed] revision as described in N.J.A.C. 14:10-5.3(b), without the requirement of prior Board approval; except that a [tariff] revision for withdrawal of a service offering shall be governed by N.J.A.C. 14:10-5.7.

[(b) Proposed revisions described in (a) above shall be served on the Public Advocate within 24 hours of filing with the Board.]

14:10-5.5 Initial CLEC [or IXC tariff] **Offering of Service**

(a) **A CLEC filing a petition for local exchange authority shall include an initial offering of service, listing the rates, terms and conditions of service. Except for an offering found to be deficient under (c) below, the initial offering shall be effective concurrent with the Board's grant of local exchange authority to the CLEC.** [Initial tariffs for CLECs and IXCs shall be effective 30 days following submittal to the Board, without the requirement of prior Board

approval, except for a tariff covered under (b) below.] The **offering** [tariffs] must be posted on the CLEC [or IXC]'s website as required under N.J.A.C. 14:10-5.2.

[(b) If a CLEC files an initial tariff for a local exchange service concurrently with the CLEC's petition for local exchange authority, the tariff shall become effective 30 days after the Board grants local exchange authority to the CLEC.]

[(c)](b) All initial **offerings** [tariffs] of a CLEC [or IXC] shall be certified to be accurate, and in compliance with existing law, by an officer of the CLEC [or IXC].

[(d)](c) Should an initial **offering** [tariff] be inconsistent with existing laws, Board staff shall forward a letter of deficiency to the submitting CLEC [or IXC]. The deficiency letter shall:

1. List the deficiencies [in the initial tariff as submitted];
2. Identify the submittals required to correct the deficiencies;
3. Provide a deadline for the submittals required under [(d)]2 above; and
4. Notify the submitting CLEC [or IXC] that the **service** [initial tariff] is suspended until the Board receives the necessary submittals required under [(d)](c)2 above.

[(e)](d) If Board staff receive the submittals identified in [(d)](c)2 above within the deadline in [(d)](c) 3 above, the **service** [initial tariff] shall be effective immediately following the Board's receipt of the submittals.

[(f)] (e) If Board staff do not receive the submittals required under [(d)](c)2 above within the deadline, the CLEC [or IXC] petition shall be considered withdrawn. The CLEC [or IXC] may subsequently submit a new [tariff] filing and begin the review process again.

14:10-5.7 Withdrawal of a competitive service from subscribers

Any carrier providing competitive services may withdraw a competitive service from subscribers after 30 days notice to all of its affected customers and the Board. **Where a carrier is withdrawing a service from its entire customer base within New Jersey, and is not offering a replacement service, the carrier must file a certification with the Board that all provisions of N.J.A.C. 14:10-12 for mass migration of customers has been complied, prior to withdrawing the service.**

14:10-5.8 Discontinuance of a competitive service offering

In addition to acting under N.J.A.C. 14:10-5.7 above to withdraw a competitive service, [A]a carrier may [discontinue offering] **withdraw** [a] competitive service **from new customers but grandfather a competitive service** after providing one day notice of the discontinuance to all customers and the Board.

As used in this section, “Grandfather” means offering a service that is no longer available to new customers but is still provided to existing customers.

14:10-5.9 (Reserved)

14:10-5.10 (Reserved)

14:10-5.11 (Reserved)

SUBCHAPTER 6. OPERATOR SERVICE PROVIDERS

14:10-6.1 Scope

(a) – (c) No Change

(d) An alternate operator service provider shall provide:

1. Instructions that detail its dialing procedures;

[2. Dialing instructions for access to the LEC operator;]

[3]2. To the caller prior to connecting any intrastate, 0+ call, instructions on how the caller can obtain the actual, or maximum possible, total cost of the call, including any aggregator surcharge, and/or location specific charges; and

[4]3. The address of the operator service provider and a complaint telephone number.

(e) – (f) No Change

[(g) All "0-" calls, which are calls originated by dialing "0" and no other digits within four seconds, shall be sent promptly and directly to the incumbent LEC operator serving the geographic area where the instrument is located.]

[(h)](g) Board staff may investigate the conduct of any operator service provider or aggregator to evaluate compliance with this subchapter, and may take appropriate enforcement action.

14:10-6.2 AOS rates for intrastate operator-assisted calls

(no change)

14:10-6.3 Penalties for violations

(No change)

14:10-6-4 Alternative operator service provider contact information

(No change)

14:10-6.5 [LEC billing for operator assisted services] **(Reserved)**

[(a) If an LEC provides billing and collection services to other operator service providers, the LEC shall include a statement on the other OSP's portion of each customer's bill advising the customer that the other OSP is not affiliated with the LEC.

(b) If an LEC provides billing and collection services to a billing agent, as defined in N.J.A.C. 14:10-1.2, the LEC shall, in addition to meeting the requirements in (a) above, clearly identify on the bill the name, address and telephone number of the OSP who furnished operator service to the consumer.]

14:10-6.6 (Reserved)

14:10-6.7 (Reserved)

14:10-6.8 (Reserved)

14:10-6.9 (Reserved)

SUBCHAPTER 7. ACCESS TO ADULT-ORIENTED INFORMATION-ACCESS TELEPHONE SERVICE

14:10-7.1 Scope

(No change)

14:10-7.2 (Reserved)

14:10-7.3 Restrictions on access to adult-oriented services

(No change)

14:10-7.4 Subscriber requests for service; charges

(No change)

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. PUBLIC PAY TELEPHONE SERVICE

14:10-9.1 Scope

(No change)

14:10-9.2 The PPTS Instruments

(No change)

SUBCHAPTER 10. [INTRALATA TOLL COMPETITION] Reserved

[14:10-10.1 Scope; general provisions]

[(a) This subchapter applies to any carrier that completes toll calls in New Jersey.]

[(b) LECs that process PIC change orders shall adhere to the following:]

[1. LECs are to process intraLATA PIC change orders within the same time frame as interLATA PIC change orders are processed; and]

[2. LECs shall not engage in any discriminatory or anti-competitive practices when processing PIC service orders.]

[14:10-10.2 Imputation standard]

[The rates that an LEC charges customers for toll service and/or interexchange private line service shall equal or exceed the total applicable switched access rates set forth in the LEC's tariff.]

14:10-10.3 (Reserved)

14:10-10.4 (Reserved)

14:10-10.5 (Reserved)

14:10-10.6 (Reserved)

14:10-10.7 (Reserved)

SUBCHAPTER 11. ANTI-SLAMMING REQUIREMENTS FOR TSPs

14:10-11.1 Scope

(No change)

14:10-11.2 Definitions

(No change)

14:10-11.3 Solicitation of authorization to change TSPs

(No change)

14:10-11.4 Obtaining verified customer authorization; submitting a change order

(a) – (e) (No change)

(f) Notwithstanding N.J.A.C. 14:10-1.3, a submitting TSP shall maintain and preserve records of all verifications of customer authorization for a minimum of [three] **two** years after obtaining the verification.

14:10-11.5 Letters of agency

(No change)

14:10-11.6 Third-party verification of authorization

(No change)

14:10-11.7 Requirements for executing TSP

(No change)

14:10-11.8 Unauthorized service termination and transfer (slamming)

(No change)

14:10-11.9 TSP freezes

(no change)

14:10-11.10 Enforcement

(No change)

14:10-11.11 Determination of penalties within statutory ranges

(No change)

SUBCHAPTER 12. MASS MIGRATION UPON TSP DEPARTURE FROM A SERVICE

Flip TERRITORY

14:10-12.1 Definitions

...

["Unbundled network elements platform" or "UNE-P" means a combination of unbundled network elements which are used by a CLEC to provide local exchange service and associated switched exchange access, consisting of the local loop, transport and switching.]

14:10-12.2 Purpose and scope

(a) This subchapter governs any TSP operating in New Jersey and intending to depart a service territory [therein] **or withdraw a telecommunications service from its entire base pursuant to N.J.A.C. 14:10-5.7 where that TSP does not intend to offer a replacement service.**

(b) (No change)

(c) This subchapter sets forth requirements to ensure the orderly migration and/or transfer of end users from a departing TSP to another TSP **and also applies to transition of customers to another TSP due to withdrawal of a telecommunications service from the State pursuant to N.J.A.C. 14:10-5.7.**

(d) (No change)

14:10-12.3 Application to depart a service territory

(a) (No change)

(b) At least 60 days prior to its planned departure date, a departing TSP shall file an application with the Secretary of the Board that includes all of the following:

1. (No change)

2. An exit plan that explains the steps the TSP will take to help facilitate the transfer of its end users to a new TSP. The exit plan shall include the following:

i. A supplement to either cancel or modify [its tariff] **the TSP's rates, terms and conditions of service.** If the supplement modifies the **TSP's rates, terms and conditions of service**[tariff], the supplement shall contain plans for transferring end users and preventing slamming problems;

ii – xi (No change)

(c) & (d) (No change)

14:10-12.4 Board notice to other TSPs

(No change)

14:10-12.5 Notice to end users

(No change)

14:10-12.6 Mass migration process

(No change)

14:10-12.7 End user lists to be supplied by departing TSP

(No change)

14:10-12.8 Progress reports

(No change)

14:10-12.9 NXX code transfer

(a) If the departing TSP has any NXX codes or thousand number blocks assigned to it, the departing TSP shall make transfer arrangements with the North American Numbering Plan **Administrator** [(]for NXX codes[)], or the National Pooling Administrator (]**and** for one thousand number blocks[)]. The departing TSP shall ensure that the transfer of NXX codes and thousand number blocks occurs at least 66 days prior to the planned departure date.

(b) (No change)

(c) (No change)

14:10-12.10 E-911 Number unlocking

(No change)

14:10-12.11 Local service request

(No change)

14:10-12.12 Enforcement

(No change)

14:10-12.13 (Reserved)

14:10-12 Appendix A

(No change)

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