

**CHAPTER 10**

**TELEPHONE**

**Authority**

N.J.S.A. 48:2-13 et seq. and 48:17-22.

**Source and Effective Date**

R.1991 d.489, effective September 6, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 10, Telephone, expires on September 6, 1996.

**Chapter Historical Note**

Chapter 10, Telephone, was filed and became effective prior to September 1, 1969. Subchapter 4 became effective December 31, 1971 as R.1971 d.183. See: 1 N.J.R. 9(a), 3 N.J.R. 227(c). Revisions to Subchapter 4 became effective August 14, 1975 as R.1975 d. 243. See: 7 N.J.R. 29(a), 7 N.J.R. 437(b). Subchapter 5 became effective September 8, 1986 as R.1986 d.368. See: 18 N.J.R. 2012(a), 18 N.J.R. 1830(b). Pursuant to Executive Order No. 66(1978), Chapter 10, Telephone, was readopted as R.1986 d.368, effective September 8, 1986. See: 18 N.J.R. 2012(a), 18 N.J.R. 1830(b). Subchapter 6, Regulation of Alternative Operator Service (AOS) Providers, was adopted as R.1989 d.463, effective September 5, 1989. See: 20 N.J.R. 3115(a), 21 N.J.R. 2801(d). Pursuant to Executive Order No. 66(1978) Chapter 10, Telephone, was readopted as R.1991 d.489, effective September 6, 1991 with amendments effective October 7, 1991. See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a). Subchapter 7, Access to Adult-Oriented Information-Access Telephone Service, was adopted as R.1993 d.180, effective May 3, 1993. See: 24 N.J.R. 1238(a), 25 N.J.R. 1882(b). Subchapter 5, Regulation of Competitive Telecommunication services, was adopted as R.1993 d.248, effective June 7, 1993. See: 24 N.J.R. 1868(a), 25 N.J.R. 2492(a).

See section level annotations for specific rulemaking activity.

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## SUBCHAPTER 1. SERVICE

**14:10-1.1 Service connections**

(a) Each telephone utility shall supply, without cost to the customer, at least 150 feet, or more if no pole or structure is involved, of overhead service connection as measured from the curb line nearest to the customer's property to the nearest point of service connection at the customer's building or other structure. Where the customer desires an underground service connection, such facilities shall be provided, installed and maintained at the customer's sole cost and expense.

(b) If the length of service connection exceeds the requirements specified in (a) above, the customer may be required to pay for the cost of such excess.

(c) The provisions of this regulation do not affect "Service Connection Charges" associated with the establishment of telephone service, as provided for in the utility's filed tariff.

Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).

Stylistic revisions.

**14:10-1.2 Rate and special charges information**

(a) Upon the request of any customer or applicant, each telephone utility shall provide an explanation of the rates, charges and provisions applicable to the service furnished or available to such customer or applicant, and shall take reasonable steps to provide any information and assistance necessary to enable him to obtain the most economical communications service conforming to his needs. The customer or applicant shall be advised as to alternative services available to meet his communications requirements in accordance with N.J.A.C. 14:11-7.4. Such information may include printed explanations of alternative services and rates. When requested, the telephone utility shall notify the applicant or customer of the minimum installation and service connection charge to be applied to his bill prior to undertaking any action and shall inform him of the estimated initial bill for local service.

(b) The customer shall be provided with an estimate of the charges where special charges not specifically set forth in a telephone utility's tariff are levied on the basis of actual cost for such items as extraordinary construction, maintenance or replacement costs or expenses, overtime work at the customer's request and special installations, equipment and assemblies for which the tariff does not prescribe a rate. This estimate need not be furnished if the customer specifically requests that the special equipment and services be provided before the charges for those services and equipment are available.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

**14:10-1.3 Business offices**

(a) Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customer's bills, adjust charges made in error and to generally act as the representative of the telephone utility. If one business office serves several communities, toll free calling from such communities will be provided.

(b) Business offices will be open during normal working hours of the telephone utility's normal work week in the area being served and at such other times and such other places as may be warranted by circumstances.

(c) Qualified personnel will be instructed to be courteous, considerate, efficient, and available to promptly serve those who contact the business office.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

**14:10-1.4 Public information**

(a) Access to the following information shall be made available at the business office upon request:

1. Maps showing exchange, base rate area and zone boundaries (if applicable) in sufficient size and detail from which most customer locations can be determined and mileage or zone charges quoted.
2. Information concerning plans for major service changes in the area served by the business office.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

**14:10-1.5 Directories**

(a) Telephone directories shall be published regularly, listing the name, location and telephone number of all customers, except telephone service not published at customer's request and public telephones.

(b) Upon issuance, a copy of each directory shall be distributed to all customers within the service area covered by the directory and a copy of each directory shall be furnished to the board.

(c) The name of the telephone utility, the area included in the directory, and the month and year of issue shall appear on the cover.

(d) Data pertaining to emergency numbers shall be conspicuously listed in the front part of the directory pages which shall include space for the customer to list emergency numbers, including those of gas, electric and water companies.

(e) The opening pages of the directory shall contain a conspicuous notice advising customers that should the company fail to satisfactorily resolve telephone service or billing problems, customers may refer their problems to the board. The address of the board shall be shown.

(f) The directory shall contain instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location and telephone numbers of telephone company business offices as may be appropriate to the area served by the directory. Rate schedules or representative rates for toll calls shall be included.

(g) Directory assistance operators shall maintain records of all telephone listings (except those not published at customer request) in the area for which they are responsible for furnishing directory assistance service.

(h) Each telephone company shall list its customers in the directory assistance directory as necessary for the directory assistance operators to provide the requested telephone numbers (except those not published at customer request) based on customer name and location to minimize "not found" numbers.

(i) In the event of an error in the listed number of any customer, 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. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance or intercept operators and the correct number furnished the calling party either upon request or interception.

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

(k) When telephone utility operations necessitate a large group of number changes, reasonable notice shall be given to all customers so affected even though the addition or changes may be coincident with a directory issue.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.6 Held applications

(a) During such period of time as the telephone utility may not be able to supply regular telephone service to an applicant within five working days or upgrade an existing customer within 30 days or provide special communication service within a reasonable period after the date applicant desires service, the telephone utility shall keep a record by

business office showing the name and address of each applicant for service, the date of application, date service was desired, class and grade of service applied for, together with the reason for the inability to provide the new or higher grade service to the applicant.

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

(c) Where a previously provided date for service installation cannot be met by the telephone utility, every reasonable effort shall be made to advise the customer of the reason for the delay, interim service available, and probable date the requested service will be provided.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### 14:10-1.7 Customer complaints and trouble reports

(a) 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.

(b) Every reasonable effort shall be made to clear line-out-of-service troubles not requiring unusual repairs, such as cable failures, within 24 hours of the time a report is received by the company. When such reports are received during a period when a telephone utility does not have repair personnel scheduled to work, or on Sundays or holidays, every reasonable effort shall be made to clear such line-out-of-service troubles within the same period, provided the service involved is essential to the general public welfare, or the service is required by reason of unusual emergency conditions and demand is made for prompt restoration.

(c) Except when unavoidable, all commitments to customers shall be kept. Every reasonable effort shall be made to notify customers of unavoidable changes. If unusual repairs are required, or other factors preclude cleaning of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.8 Public telephone

In each exchange the telephone utility shall have at least one coin telephone available to the public at all hours,

prominently located and properly maintained, equipped with dialing instructions, and lighted at night.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.9 Adequacy of service

(a) Each telephone utility shall make traffic studies and maintain records as required to determine that sufficient equipment and an adequate operating force are provided at all times.

(b) Each telephone utility shall employ recognized procedures to determine the adequacy of service provided for customers.

(c) Where service is found to be inadequate, the telephone utility shall immediately institute corrective measures to return that service to an adequate condition.

(d) The telephone utility shall employ prudent management and engineering practices, including the employment of reliable procedures for forecasting future demand for service, conduct studies and maintain records to the end that reasonable margins of facilities and adequate personnel are available with the objective that service will meet all standards prescribed by the Board.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### 14:10-1.10 Service standards

(a) These standards establish service levels which should generally be provided by a telephone utility. Failure to attain these levels does not by itself indicate poor service and the liability of the telephone utility to its customers or other persons using its facilities for any such failure shall be governed by the applicable provisions of its tariff. Each telephone utility shall make measurements to determine the level of service for each item included in these standards. Each telephone utility shall provide the Board or its staff with the measurements and summaries thereof for any of the items included herein on request of the Board or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the Board and monthly reports on all service measurements may be required by the Board. When a utility fails to meet any of the minimum service levels listed below in a reporting entity for three consecutive months the service data for the standard not met in that entity shall be reported to the Board.

(b) The following are the minimum service levels referred to in (a) above:

##### 1. Installation of service:

i. Seventy-five percent of regular service installations shall be completed within five working days, unless a later date is requested by the applicant. The interval commences with the receipt of the application.

ii. Eighty-eight percent of the commitments to customers, with the exception of customer-caused delays, as to the date of installation of regular service, shall be met.

iii. A regrade request shall be filled no later than 30 days after the customer has made application for a different grade of service except where the customer requests a later date. In the event the telephone utility is unable to so fill such an order, the customer will be advised and furnished the date or approximate date the order will be filled.

2. Operator handled calls: Each telephone utility shall maintain adequate personnel to provide an average operator answering performance as follows on a monthly basis:

i. Eighty-five percent of repair service calls shall be answered within 20 seconds or equivalent.

ii. Eighty-five percent of toll assistance operator calls shall be answered within 10 seconds or equivalent.

iii. Seventy-eight percent of directory assistance calls shall be answered within 10 seconds or equivalent.

iv. An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept the information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an "answer."

3. Dial service: Sufficient central office capacity and equipment shall be provided to meet the following requirements:

i. Ninety-five percent of dialed local calls shall be completed without encountering an all trunk busy or equipment irregularity.

ii. Ninety-five percent of originating direct distance dialing calls shall reach the toll network without experiencing blockage or failure.

4. Customer trouble reports: The average rate of customer trouble reports shall not be in excess of 8.0 per 100 telephones per month.

5. Transmission requirements: All customer loops shall meet the resistance design standards and trunk facilities shall conform to the transmission design factors required for meeting the objectives of direct distance dialing.

(c) The following refer to reports and records required in (a) above and the standards set forth in (b) above:

1. Record keeping and reporting are to be in accordance with the following table.

Service Measure	Reporting Unit and Minimum Reporting Size
Held Primary Service Orders.....	Plant Installation District or Business Office
Installation Commitments.....	Plant Installation District or Business Office
Held Regrade Service Orders .....	Plant Installation District or Business Office
Toll Assistance Operator Answering Time .....	Traffic Office handling toll assistance calls—average business day call volume of 2,000 or more
Directory Assistance Operator Answering Time .....	Traffic Office handling directory assistance calls—average business day call volume of 2,000 or more.
Dialed Local Calls .....	Central Office entity
Direct Distance Dialing .....	Toll Recording Center or Area
Customer Trouble Reports .....	Plant Maintenance Center—Central Office under 1,000 lines need not be included in performance reports.

2. Reports on all service measures except held orders shall set forth the following:

- i. Reporting unit name and further identification if name does not convey geographic location;
- ii. Service measure, level, and months, being reported;
- iii. Cause of performance at the reported level: For installation commitments and customer trouble reports, indicate locations affected if cause is localized within a reporting unit;
- iv. Corrective action and completion date.

3. Reports on held primary and regrade service orders shall set forth the following:

- i. Reporting unit name and further identification if name does not convey geographic location;
- ii. Number of held orders or stations for each month of the quarter.

4. Data shall be compiled monthly and reported quarterly.

Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### 14:10-1.11 Measuring devices

(a) When mechanical and/or electronic measuring and record keeping devices are used at the telephone utility's premises in connection with telecommunication service, the measured data and related customer records from which the customer's bills are prepared shall show:

1. Identifying number or means to determine readily the customer's name, address and service classification;
2. Measuring device readings;

3. Date of reading;

4. Multiplier or constant, if used.

(b) As nearly as practicable, measuring devices shall be read at intervals to correspond to customer billing periods.

(c) All measuring and/or record keeping devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All such devices shall accurately perform the following:

1. For message rate service, the device shall accumulate the number of message units used.
2. For toll service, when in addition to counting the calls, it is necessary to time the calls, the device shall show the number of calls and the chargeable time involved in each call.
3. Where the measuring equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.12 Inspections, tests and maintenance

(a) Each telephone utility shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system and the rendering of safe, adequate and proper service.

(b) The actual transmission performance of the telephone utility's system shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function consists of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the system.

(c) Each telephone utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities, both for routine maintenance and for trouble location.

(d) Each telephone utility shall maintain or have access to the necessary facilities, instruments, and equipment for testing its measuring and record keeping equipment and shall adopt appropriate practices for the periodic testing of such equipment.

(e) A record of all measuring device tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include the identifying number of the device, its type, the data and kind of test, and the results of each test.

(f) Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and adequate service performance. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross-talk or poor transmission characteristics, shall be corrected to the extent practicable.

(g) A telephone utility shall not connect more customers on any line than are contemplated under the grade of service for which the customers on such line are charged.

(h) Telephone utilities shall, when requested, furnish appropriate information concerning location of underground facilities, in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability, or legal rights of any party under applicable laws or statutes.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.13 Service interruptions

(a) Appropriate measures shall be taken to minimize service interruptions. Each telephone utility shall make provisions to meet emergencies resulting from failure of power, sudden and prolonged increases in traffic, absences of employees or from fire, storm, or similar contingencies. Each telephone utility shall inform its employees as to procedures to be followed in the event of such contingencies in order to prevent or mitigate interruption or impairment of service.

(b) Each central office shall contain sufficient battery reserve to keep the office operational until auxiliary power can be placed into service.

(c) In exchanges exceeding 5,000 lines, a source of permanent auxiliary power shall be installed.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.14 Construction

(a) Telephone plant shall be designed, constructed, maintained, and operated in accordance with provisions of the current National Electrical Safety Code, the National Electrical Code, and such other appropriate regulations as may be prescribed.

(b) Telephone utilities shall not provide switching service to lines or facilities that do not meet standard technical criteria and shall eliminate nonconforming switching services.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.15 Preservation of records

All records required to be kept shall be preserved for the period of time specified in the current edition of Part 42 of the Rules and Regulations of the Federal Communications Commission, entitled "Preservation of Records of Communication Common Carriers".

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

#### 14:10-1.16 Adoption by reference of the Uniform System of Accounts

(a) The Board adopts by reference the Uniform System of Accounts for Telephone Companies that has been promulgated by the Federal Communications Commission in Part 32 of the Commission's Rules and Regulations, as well as all present and subsequent amendments, revisions, deletions and corrections which the Federal Communications Commission may adopt insofar as they relate to telephone utilities subject to the jurisdiction of the Board and are in accordance with the Board's policies and procedures.

(b) For good cause shown, for example, where a telephone company obtains a waiver from the Federal Communications Commission from compliance with that commission's Uniform System of Accounts for Telephone Companies, a telephone company may obtain an exemption from (a) above.

New Rule, R.1988 d.10, effective January 4, 1988.  
See: 19 N.J.R. 1789(a), 20 N.J.R. 103(d).

### SUBCHAPTER 2. PAYMENTS FOR SERVICE

#### 14:10-2.1 Bills for service

(a) The customer's bill shall include as applicable:

1. The telephone number or other numerical or alphabetical designation;
2. The date of the assigned billing period;
3. Total recurring charges for service and equipment, and the number and total charge for message units, if any;
4. Total charge for calls outside local service area supported by statement;
5. Total nonrecurring charges for service and equipment, supported by statement;
6. Total United States Federal Excise Tax; and
7. Total charge for advertising in telephone directories.

Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

**14:10-2.2 Itemization of toll charges**

All toll charges shall be itemized so as to facilitate the customer identifying his calls.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

**14:10-2.3 Out of service refund**

In the event the customer's service is interrupted otherwise 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 upon request of the customer or automatically by the telephone utility if out of service beyond 72 hours after being reported or found.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

**14:10-2.4 Voluntary suspension**

Communications service shall, at the request of a customer, be temporarily suspended. The suspension period may be for any period exceeding one month or such lesser period as specified in the tariff. Each telephone utility's tariff shall provide a suspension of service rate chargeable during such period.

R.1978 d.89, eff. March 10, 1978.  
See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

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### SUBCHAPTER 3. SUGGESTED FORMULAE FOR EXTENSION OF TELEPHONE SERVICE

**14:10-3.1 General provisions**

(a) These formulae shall not be binding on the parties but are suggested as a guide to customers and utilities. Parties are still free to exercise their rights under N.J.S.A. 48:2-27. When an applicant for an extension is dissatisfied with these suggested extension rules, he may petition the Board for a finding that the extension should be made without charge.

(b) An extension shall be construed to mean the extension of facilities located on streets, highways, and/or rights-of-way acquired by the utility for common distribution. The utility may demand that the applicant furnish a bond or other security to insure the use of the services requested, which bond or security will be returned upon the commencement of service.

Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).

**14:10-3.2 Construction on public highways**

(a) Where an extension is necessary in order to serve an applicant for exchange telephone service within the base rate area as defined in the utility's tariff on file with the Board, no charge shall be made for such extension.

(b) Where an extension is required outside the base rate area, up to 1,200 feet of pole line will be constructed for each customer to be served. Where such an extension requires more than 1,200 feet of pole line construction for each customer to be served, the customers involved may be required to deposit the estimated cost of such excess construction and at the completion thereof the utility shall refund any excess of the estimated over the actual cost or the customers shall pay the excess of the actual cost over the estimated cost upon being so billed by the utility. Refunds on the basis of 1,200 feet per customer shall be given to customers who have made a construction deposit, if within a period of five years from the date of establishment of service the poles are used in furnishing exchange service to additional customers. Refunds shall also be made to customers, in whole or in part, if within said five-year period all or a portion of said pole line is used for carrying the utility's toll circuits.

**14:10-3.3 Construction and attachments on private property**

(a) If it is necessary to place poles on private property solely to serve an individual customer, the customer may be required to pay the utility the actual cost of each pole placed.

(b) Where attachment charges are made for the use of poles owned by another utility or individual and located on private property, the full attachment rental may be charged to the customer.

(c) Where a customer for such an extension desires underground installation of cable, he may be required to pay the actual cost of such underground extension. Where a customer for such an extension furnishes installed conduit, the utility will furnish wire connections through the conduit.

**14:10-3.4 Guaranty in lieu of deposit**

Where the cost to the utility for an extension to individual permanent residential customers exceeds the amount which the utility must install without cost to the customer, in accordance with N.J.A.C. 14:10-3.2, the utility and the customer may agree that in lieu of requesting a deposit by the customer equal to the excess cost of the extension, the customer will guarantee a monthly revenue. Such guarantee shall be not more than  $\frac{1}{10}$  of the total cost of the extension.

Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.



## SUBCHAPTER 4. REGULATION FOR RESIDENTIAL TELEPHONE UNDERGROUND EXTENSIONS

### 14:10-4.1 Applicability

(a) Extensions of telephone distribution lines installed after the effective date of this subchapter, and necessary to furnish permanent telephone service to new residential buildings and mobile homes within an approved subdivision having three or more building lots or to new multiple-occupancy buildings, shall be made underground, except for interconnecting points and pedestals.

(b) Such extensions of service shall be made by the utility in accordance with the provisions in this subchapter.

As amended, R.1973 d.335, eff. December 3, 1973.

See: 6 N.J.R. 22(b).

Amended by R.1975 d.243, effective August 14, 1975.

See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).

Amended by R.1991 d.489, effective October 7, 1991.

See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).

Stylistic revisions.

### 14:10-4.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Applicant” means the subdivider, developer, builder or owner applying for the construction of a telephone distribution system in a subdivision.

“Board” means the Board of Public Utilities.

“Building” means a permanent structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for single family or duplex-family occupancy.

Note: A duplex-family building may consist of either a duplex apartment with rooms on two floors and a private interstairway, or a duplex house with two separate family units side by side.

“Cost” means actual expense incurred for materials and labor employed in the installation of an underground residential distribution system, including overheads directly attributable to the work, but excluding overrides or loading factors such as for back-up personnel for mapping, records, clerical, superintendence or general office.

“Existing street” means a public street, road or highway, traversing or abutting the applicant’s subdivision, that was in existence and utilized prior to the approval and establishment of the subdivision.

“Extension” means an extension of facilities located on streets, highways and/or rights-of-way acquired by the utility for common distribution.

“Mobile home” means a dwelling unit constructed for permanent occupancy which is designed for moving along roads and highways by towing with a truck or tractor and which is installed on a permanent foundation.

“Multiple-occupancy building” means a permanent structure enclosed or within exterior walls or fire walls, built, erected and framed of component structural parts and designed to contain three or more individual dwelling units and consisting of not more than four stories.

“New street” means a public street, road or highway, traversing or abutting the applicant’s subdivision, that was or will be constructed subsequent to the approval and establishment of the subdivision.

“Subdivision” means the tract of land which is divided into lots as approved by the appropriate authorities for the construction of new residential buildings or the placement of mobile homes, or the land on which new multiple-occupancy buildings are to be erected.

“Utility” means a “telephone company” as defined in N.J.S.A. 48:2-13.

As amended, R.1973 d.335, eff. December 3, 1973.

See: 6 N.J.R. 22(b).

Amended by R.1975 d.243, effective August 14, 1975.

See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).

Amended by R.1991 d.489, effective October 7, 1991.

See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).

Stylistic revisions.

### 14:10-4.3 Rights-of-way and easements

(a) Within the applicant’s subdivision, the utility shall construct, own, operate and maintain underground distribution lines only along public streets, roads and highways which the utility has the legal right to occupy, and on public lands and private property across which rights-of-way and easements satisfactory to the utility both as to location and legal sufficiency are provided without cost to or condemnation by the utility.

(b) Rights-of-way and easements suitable to the utility must be furnished by the applicant in sufficient time to permit the utility to meet service requirements and at no cost to the utility. The rights-of-way or easements so granted must be cleared of trees, tree stumps and other obstructions above or below grade at no charge to the utility to a width sufficient to permit the use of machinery and equipment, and must be graded to within six inches of final grade by the applicant before the utility will commence construction. Such clearance and grading must be maintained by the applicant during construction by the utility.



(c) The applicant shall supply to the utility the preliminary or tentative subdivision map which has been submitted to and approved by the appropriate authorities, showing the full layout of the subdivision to be developed in order to facilitate planning for the cables.

(d) The applicant shall also supply the final subdivision map of the section of the subdivision, which has received the final approval of the subject appropriate authorities and which said applicant proposes to develop in the immediate future.

(e) The applicant, in addition, shall supply an estimate of the date on which telephone service will initially be required and the time schedule for the full development of the subject section.

Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).

#### **14:10-4.4 Installation of underground communication system within subdivision**

(a) Upon receipt of a proper application the utility shall, after conditions in N.J.A.C. 14:10-4.3(b) have been met and after coordination with other utilities, install along new streets and along existing streets not already served by overhead facilities, using suitable materials, an underground telephone communication system reasonably equivalent to a comparable overhead system which will assure that the applicant will receive safe, adequate and proper service.

(b) Semiannually, each utility may submit a proposed tariff modifying existing undergrounding charges. The proposed tariffs shall be supported by unit costs of construction in a form as required for approval by the Board.

(c) The installation of an underground telephone distribution system in a subdivision shall be made without any charge to the applicant. However, where pavement cutting and restoration, rock removal, blasting, difficult digging conditions and more than two pairs of wires per family unit are involved, the utility may charge the applicant for such work.

(d) Contributions in the form of money or its equivalent toward the construction of telephone plant shall be credited to the accounts charged with the cost of such construction.

As amended, R.1973 d.335, eff. December 3, 1973.  
See: 6 N.J.R. 22(b).  
Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### **14:10-4.5 Connection to existing system**

(a) The connections from the existing telephone distribution system to the underground system installed within the applicant's subdivision shall be made by an extension of existing facilities in the normal method of construction along the established route which will serve the subdivision.

(b) Where an electric utility is permitted to provide overhead extension pursuant to N.J.A.C. 14:5-4.1 et seq., the telephone utility may extend its facilities overhead.

Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).

#### **14:10-4.6 Advances by applicant**

(a) Prior to the start of construction on a section of the subdivision, the utility may require from the applicant a deposit equivalent to the estimated amount of the charges payable to the utility in accordance with the tariff filed by the utility pursuant to N.J.A.C. 14:10-4.4 for the installation of the communication facilities shown on the subdivision map supplied to the utility by the applicant under the provisions of N.J.A.C. 14:10-3(d).

(b) Deposits will not carry interest.

(c) If the amount of the deposit is in excess of the charges under this subchapter as determined from the utility's approved tariff, then the excess amount shall be returned upon completion of the installation of the distribution construction facilities.

(d) Any portion of a deposit remaining unrefunded ten years from the date the utility is first ready to render service from the extension will be retained by the utility and credited to an appropriate account.

(e) When an applicant requests the installation of underground facilities in an area for which there is no planned immediate construction of dwelling units, the utility may require an additional deposit from the applicant. Such a deposit shall not be more than the estimated cost of providing equivalent overhead extension and shall be collected and refunded in accordance with N.J.A.C. 14:3-8.1 et seq.

As amended, R.1973 d.335, eff. December 3, 1973.  
See: 6 N.J.R. 22(b).  
Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### **14:10-4.7 Cooperation by applicant**

(a) The charges specified in this subchapter are based on the premise that each applicant shall agree to cooperate with the utility in accordance with (b) below in an effort to keep the cost of construction and installation of the underground telephone communication system as low as possible. This includes the scheduling of construction to preclude the necessity for trenching in frozen soils or in land fill operations before soils have become stabilized.

(b) Should unusual circumstances arise which unreasonably would delay underground service, temporary wires may be installed in whatever manner is most practical under the circumstances, provided, however, that such temporary wires shall be replaced as soon as practicable with a permanent installation in accordance with the provisions of this subchapter.

(c) Requests for adjustments of charges, specified in the approved tariff of the utility to cover excess cost, if any, due to temporary installations, may be referred to the Board in accordance with N.J.A.C. 14:10-4.10.

As amended, R.1973 d.335, eff. December 3, 1973.  
See: 6 N.J.R. 22(b).  
Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### 14:10-4.8 Construction

(a) Where practicable as determined by the affected utilities, electric cables and communication cables shall be installed in the same trench, care being taken to conform to any applicable codes and regulations.

(b) Where joint use of a trench is practical, a utility will not be obliged to commence work on an underground system unless and until the applicant has satisfied all conditions precedent to the obligation of the electric utility to commence work on its underground system.

(c) Pavement cutting and restoration, rock removal, blasting and difficult digging conditions requiring equipment and methods not generally used by the utility's forces shall be at actual low bid differential cost on a job-by-job basis, with the applicant having the option to have the work done by himself or his agent, if qualified to do this type of work. This provision shall not apply where the utilities have entered into contractual agreements with agents to perform the above work. However, such agreements shall not be effective unless and until filed with and accepted by the Board.

As amended, R.1973 d.335, eff. December 3, 1973.  
See: 6 N.J.R. 22(b).  
Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).

#### 14:10-4.9 Records

(a) Each telephone utility shall maintain on a calendar year basis for periodic review by, or upon request, submission to the Board the following records:

1. The amount of trench which it has shared with electric cables. The record shall also show the contributions per foot by it and by the collaborating electric companies for joint use of trench.
2. The number of subdivisions, the number of lots and the number of buildings of all types, including mobile homes, for which service was made available under this subchapter.

Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### 14:10-4.10 Special conditions or exemptions

When the application of this subchapter will result in extreme hardship or inequity, or be discriminatory to other customers, the utility or applicant may refer the matter to the Board for special exemptions or for approval of special conditions. The applicant invoking the jurisdiction of this Board, pursuant to this Section, may be required to deposit in an escrow account as determined by the Board, prior to hearing, a deposit up to the estimated cost differential between underground and overhead service to be advanced to the utility in the event the Board determines an exemption is not warranted.

As amended, R.1973 d.335, eff. December 3, 1973.  
See: 6 N.J.R. 22(b).  
Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### 14:10-4.11 Prior regulations

Except for N.J.A.C. 14:3-8.1, 14:3-8.2 and 14:3-8.3 as otherwise provided herein, rules, regulations and standards heretofore promulgated with respect to the subject matter encompassed by this subchapter are hereby superseded and revoked.

Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

#### 14:10-4.12 Compliance

(a) This subchapter, having been enacted in the public interest, calls for cooperation by utilities, developers, builders and municipal bodies to achieve the desired underground telephone service in new residential subdivisions at the lowest reasonable cost consistent with system reliability and safety.

(b) Therefore, in accordance with N.J.S.A. 48:2-13, which grants general supervision and regulation of, and jurisdiction and control over, all public utilities to the Board, requirements in conflict with this subchapter which would prevent or interfere with telephone utilities' compliance with this subchapter shall not be imposed through municipal ordinances or regulations.

As amended, R.1973 d.335, eff. December 3, 1973.  
See: 6 N.J.R. 22(b).  
Amended by R.1975 d.243, effective August 14, 1975.  
See: 7 N.J.R. 29(a), 7 N.J.R. 437(b).  
Amended by R.1991 d.489, effective October 7, 1991.  
See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).  
Stylistic revisions.

## SUBCHAPTER 5. REGULATION OF COMPETITIVE TELECOMMUNICATIONS SERVICES

### 14:10-5.1 Scope

The rules in this subchapter govern the provision of competitive telecommunications services, as defined below, subject to the jurisdiction of the New Jersey Board of Regulatory Commissioners. The rules will apply to all local exchange carriers and intrastate interexchange carriers offering competitive services.

### 14:10-5.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context indicates otherwise.

“Competitive telecommunications services” means any telecommunications service determined to be competitive by the Board and/or pursuant to P.L. 1991, c.428.

“Interexchange carrier” means a carrier, other than a local exchange telecommunications company authorized by the Board to provide long-distance telecommunications services.

“Local exchange carrier” means a carrier authorized by the Board to provide local telecommunications services.

### 14:10-5.3 Informational tariff filings

(a) Unless the Board determines otherwise, tariffs shall be filed for all competitive telecommunications services. Such tariffs shall:

1. Contain specific intrastate usage rates;
2. Contain every intrastate service offered;
3. Clearly and sufficiently provide descriptions and terms and conditions for each intrastate service;
4. Be consistent with all provisions of this subchapter; and
5. Be considered public records.

(b) Cross-references to Federal Communications Commission interstate tariffs are permitted for volume discounts, optional features and other provisions not specifically required to be included in intrastate tariffs pursuant to (a) above.

### 14:10-5.4 Requirements for tariff revisions to existing services which create increased charges to any customer

(a) Tariff revisions to existing competitive telecommunications services which create increased charges to any customer shall become effective five business days after notice of the proposed revision as described in (b) below, without the requirement of prior Board approval.

(b) The notice requirement for a tariff revision, as described in (a) above, shall be by direct mail to all affected customers or by publication in newspapers of general circulation throughout the affected service area, within 24 hours of the filing of revised tariff pages with the Board.

(c) Proposed revisions as described in (a) above shall be served on the Division of Rate Counsel within 24 hours of filing with the Board.

### 14:10-5.5 Requirements for tariff revisions to existing services which do not create increased charges to any customer

(a) Tariff revisions to existing competitive telecommunications services which do not create increased charges to any customer shall become effective one day after the filing of revised tariff pages with the Board, without the requirement of prior Board approval.

(b) Proposed revisions as described in (a) above shall be served on the Division of Rate Counsel within 24 hours of filing with the Board.

### 14:10-5.6 Requirements for new competitive telecommunications service offerings for existing interexchange carriers

(a) New competitive telecommunications service offerings of existing interexchange carriers shall become effective five business days after filing with the Board, without the requirement of prior Board approval.

(b) Proposed revisions as described in (a) above shall be served on the Division of Rate Counsel within 24 hours of filing with the Board.

(c) The filing requirements for new competitive telecommunications services of existing interexchange carriers are:

1. Interexchange carriers shall submit a letter containing:
  - i. A description of the new service; and
  - ii. Tariff pages with all terms and conditions.
2. The letter must be supplemented by a written schedule, providing, at a minimum, the following additional information:
  - i. The prospective customer base; and

ii. An indication of other services that are similarly competitive, through the use of tables or charts describing competitive services and/or alternatives, if applicable.

3. If the supplemental written schedule contains sensitive information that would qualify under law for protective treatment as proprietary information, such schedule may be provided to the Board as a proprietary document bearing suitable markings, if accompanied by a motion as described at N.J.A.C. 14:10-5.9(d). Until the Board rules on the motion, the supplemental schedule shall not be disclosed to the public.

4. In addition to the requirements contained in (c)1, 2 and 3 above, interexchange carriers shall:

i. Submit documentation related to intraLATA call completion capability and an agreement by the interexchange carrier to block such calls or submit a statement that intraLATA minutes of use will be reported and compensation will be paid to the affected local exchange carrier where appropriate; and

ii. Submit copies of proposed tariffs to the local exchange carrier to be compensated, inclusive of adequate descriptions of services that complete intraLATA calling, if applicable, within 24 hours of filing with the Board.

(d) The Board shall retain its authority to investigate and suspend, if necessary, all aspects of any competitive service if the filing violates any Board rule or is not otherwise in conformance with law.

#### **14:10-5.7 Requirements for new competitive telecommunications service offerings for local exchange carriers (Reserved)**

#### **14:10-5.8 Requirements for interexchange carriers initial tariff filings**

Initial tariffs of interexchange carriers that have not previously been authorized by the Board to provide intrastate service in New Jersey, shall go into effect on not less than 30 days notice but in no case prior to Board approval. In addition to all filing requirements contained in N.J.A.C. 14:1-5.11, the petition must include the information required in N.J.A.C. 14:10-5.6(c), as well as financial information necessary for the Board to determine the financial stability of the petitioner and whether it is capable of providing safe, proper and adequate service.

#### **14:10-5.9 Reporting requirements**

(a) Every local exchange carrier and interexchange carrier providing competitive intrastate telecommunications services shall provide to the Board information on a quarterly basis which shall include:

1. Total number of customers by service category;
2. Total minutes of use by service category;

3. Total number of calls by service category;

4. A description of each service offering;

5. A summary of complaints by service category; and

6. Any further information deemed necessary by the Board to fulfill the mandates of P.L. 1991, c.428.

(b) In addition to the quarterly information required in (a) above, every local exchange carrier and interexchange carrier providing competitive intrastate telecommunications services shall provide to the Board, on an annual basis, the total change in individual prices for each service category for the preceding 12 month period.

(c) All background and supporting documentation used to develop the information required by (a) above shall be maintained during the pendency of these rules and shall be available for inspection by the Board, its staff or its designees, upon request.

(d) Any carrier is permitted to file with the Board a motion for a protective order to protect any and/or all of the information required by (a) or (b) above from public disclosure. Any such motion shall be supported by affidavit which shall delineate the specific basis for the request for the protective order.

1. In the event the Board issues a protective order, the Board's staff shall take appropriate measures to maintain the confidentiality of the records and access to such records shall be limited to agents, employees, and attorneys of the Board, and, in the discretion of the Board, to any other appropriate governmental agency. All such governmental agencies shall be subject to the confidentiality requirements contained in this subsection. In addition, the Director of the Division of Rate Counsel shall be permitted to receive copies of such reports provided that the Director treats the information contained in the reports in a proprietary and confidential manner.

(e) The annual financial reporting requirement shall remain in full force and effect. Such annual reports shall be filed on or before March 31.

#### **14:10-5.10 Standards for monitoring the competitiveness of services**

(a) In monitoring the competitiveness of services, the Board may:

1. Use information collected pursuant to N.J.A.C. 14:10-5.9 to conduct an analysis as to whether services are becoming more or less competitive; specifically, monitor the market shares of carriers as measured by number of calls, minutes of use, number of customers and customer complaints;

2. Consider using an economic measure of concentration or any other appropriate economic indicator to measure market share and the competitiveness of individual services; or

3. Consider using a customer survey to solicit information related to the perception of the level of competition by actual telecommunications users.

(b) The Board may reclassify a service that had previously been found to be competitive, if, after notice and hearing, the Board finds:

1. That the market concentration for an individual carrier results in a service no longer being sufficiently competitive;

2. That significant barriers to market entry exist;

3. That there is a lack of significant presence of competitors;

4. That there is a lack of like or substitute services in the relevant geographic area; or

5. That a carrier is not providing safe, adequate or proper service.

#### **14:10-5.11 Discontinuance of service offerings**

(a) Any carrier providing competitive services may, upon 30 days notice to the Board and its customers, discontinue any competitive service offering.

(b) Service offerings provided solely by a single carrier, may be discontinued, unless the Board notifies the carrier that it will postpone the discontinuance of the service pending Board review and approval.

### **SUBCHAPTER 6. REGULATION OF ALTERNATIVE OPERATOR SERVICE (AOS) PROVIDERS**

#### **14:10-6.1 Scope**

(a) The rules contained in this subchapter shall apply to the provision of Alternative Operator Service (AOS) as defined in N.J.A.C. 14:10-6.3, for any AOS provider or its agent in New Jersey other than a transmission or distribution facilities-based carrier.

(b) Federal regulatory policy in the telecommunications industry, as evidenced by the AT & T divestiture and other FCC decisions, has fostered competition in many segments of the telecommunications industry. New companies and technologies have arisen which were not contemplated when existing utility statutes and regulations were set in place. The Board has authorized competition in areas where it believes the benefits of competition will be flowed through to customers in New Jersey. A new area in which competi-

tion has recently arisen is in the provision of operator assistance. These rules may allow the benefits of the competitive marketplace to be more quickly flowed to consumers while ensuring that appropriate Board oversight and regulation is maintained.

#### **14:10-6.2 Construction and amendment**

This subchapter shall remain in effect for 24 months. The Board will revisit the matter at the end of 24 months to review and evaluate the effectiveness of these rules to determine if they should be continued, or to make any changes as are deemed necessary, including more stringent regulation.

#### **14:10-6.3 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context indicates otherwise:

“Alternative Operator Service Provider” or “AOS” means any non-traditional telephone company operator service provider. This does not include AT & T, New Jersey Bell or any other tariffed transmission or distribution facilities-based carrier.

“Board” means the New Jersey Board of Public Utilities.

“LEC” means local exchange company.

#### **14:10-6.4 Board regulation of AOS providers**

(a) AOS providers may complete intrastate interLATA operator assisted calls over their network.

(b) AOS providers shall be subject to Board regulation on the basis of complaints from their customers. The Board or its staff may investigate the conduct of any AOS provider and take appropriate action as required.

(c) AOS providers and their agents shall not be considered resellers, except for AOS competitors providing intra-LATA service in accordance with the provisions of this subchapter. In those instances, AOS providers are, in addition to the requirements of this subchapter, also subject to all the provisions contained in the Board’s Orders in Docket Nos. 8112-1051 and 823-242.

(d) The AOS provider or its agent is responsible for conformance with all rules and regulations that apply to the provision of this service and the Board may take action against the AOS provider or its agent as is necessary to rectify any non-conformance with such rules, or to protect the general public interest. The Board’s actions may include any necessary restrictions concerning billing and collection activities subject to its regulation.

(e) The AOS provider must place dialing instructions on instruments to which they provide service which detail AOS dialing procedures. These dialing instructions must include

and be located in close proximity to dialing instructions for access to the local exchange company (LEC) operator.

(f) The AOS provider is responsible for including written notification of the carrier on or in close proximity to the telephone instrument, and branding must be provided at the beginning of all operator assisted calls prior to connecting the call and the implementation of billing.

#### **14:10-6.5 Access to AOS and other operator service providers**

Free access to all other operator service providers must be made available from all instruments connected to an AOS. 10XXX access is to be made available from all Customer Provided Pay Telephone Service (CPPTS) instruments as well as other instruments, where technically capable. Otherwise, other reasonable access codes will be acceptable. The AOS shall have the option of connecting the end user to their carrier of choice at the point of origination of the call, or requesting that the end user hang-up and redial.

#### **14:10-6.6 Emergency call handling**

All "0-" calls, that is, calls originated by dialing "0" and no other digits within 4 seconds, are to be sent promptly and directly to the LEC operator serving that area. End users who reach an AOS operator by inadvertently dialing "00" while attempting to reach an LEC operator for an emergency call shall be instructed to hang-up and dial zero (0). In addition, an AOS provider may petition the Board to provide emergency call completion. If an individual AOS can certify that it is capable of handling emergency calls, following a petition to the Board detailing how the service will be provided, it shall be granted permission to do so. Each petition will be reviewed separately on its merits.

#### **14:10-6.7 Completion of intraLATA calls**

Completion of intraLATA calls is prohibited unless accomplished by a reseller of intraLATA LEC facilities, and completed entirely over resold intraLATA LEC facilities alone.

#### **14:10-6.8 AOS Acknowledgment Forms**

(a) An AOS Acknowledgment Form, similar to that completed by resellers, must be filed with New Jersey Bell (Company). This form shall contain all the rules contained in this subchapter as well as the following statements:

—Authorized Alternate Operator Services (AOS) Provider—Denotes a communications competitor who has applied to the Company, and advises the Company of its intention to provide operator services in the State of New Jersey and via this signed "Letter of Acknowledgment" agrees to abide by the regulations set forth in such "Letter".

—The AOS shall acknowledge that only proper call measurement procedures will be used and that calls will be billed consistent with existing Company practice, that is, calls which are not completed are not billed.

—The AOS shall acknowledge that penalties for violations of the conditions of AOS may result in the imposition of penalties as stated in N.J.S.A. 48:2-42. The law provides that any person who willfully violates a Board of Public Utilities Order shall be guilty of a misdemeanor.

—The AOS shall notify the Company when it is no longer an intrastate AOS provider.

(b) The Company shall formulate an AOS Acknowledgment Form containing all AOS rules contained in this subchapter as outlined in (a) above.

#### **14:10-6.9 Customer billing**

LECs that provide billing and collection services to AOS providers shall include a statement on the AOS portion of each customer's bill advising the customer that the competitive operator service provider is not affiliated with the LEC and the charges contained on the pages are not regulated by the Board.

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

#### **14:10-7.1 Scope**

(a) This subchapter applies only to telephone companies electing to provide a subscriber access to adult-oriented information-access telephone service in the State.

(b) For purposes of this subchapter, telephone companies include local exchange telephone companies (LEC) and interexchange carrier telephone companies (IXC) operating in the State. IXC includes both facilities based carriers and resellers.

(c) The provisions of this subchapter shall apply to both "976" services accessed by a seven digit telephone number of the form NXX-XXXX and "900" or "700" services accessed by a 10 digit telephone number of the form 900-NXX-XXXX or 700-NXX-XXXX as well as any future access arrangement.

#### **14:10-7.2 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Adult-oriented information-access telephone service” means a class of telephone service where for a charge, in addition to the basic exchange charge, sexually explicit messages are furnished.

“IXC” means interexchange carrier telephone companies or other such providers, both facilities based and resellers.

“Information providers” means those entities who utilize LEC or IXC adult-oriented information-access telephone services to provide sexually explicit messages.

“LEC” means local exchange telephone companies, including competitive access providers or other providers of local or toll services.

“Subscriber” means a telephone customer of an LEC or IXC.

#### 14:10-7.3 Restrictions on access

(a) No telephone company operating in the State shall provide a subscriber access to adult-oriented information-access telephone service in the State without written authorization from the subscriber.

(b) LECs offering seven digit adult-oriented information-access telephone service shall assign all lines providing such service to a specific Central Office code, or codes (NXX), and arrange all lines in the code or codes, to be normally blocked. Unblocked access shall be pursuant to N.J.A.C. 14:10-7.4(a).

(c) LECs and IXCs offering 10 digit adult-oriented information-access telephone service shall assign all lines accessing such service to a specific 900-NXX or 700-NXX code or codes and arrange all lines in the code to be normally blocked. Unblocked access shall be pursuant to N.J.A.C. 14:10-7.4(a).

(d) Alternatively, LECs and IXCs may:

1. Require as a condition of service that information providers utilizing the LEC or IXC intrastate adult-oriented information-access telephone service restrict access to the service as indicated in N.J.A.C. 14:10-7.4(a). Such LECs or IXCs shall be responsible for assurance that information providers restrict access in accordance with this rule; or

2. Require as a condition of service that the information provider offering intrastate adult-oriented information-access service scramble its transmissions and supply audio descramblers to ensure that inadvertent or unauthorized access will not result in intelligent transmission.

Descrambler provision shall be pursuant to N.J.A.C. 14:10-7.4(a).

(e) No telephone company operating in the State and offering adult-oriented information-access telephone service originating in the State shall permit access of such service from telephone operators or pay telephones.

(f) Subscribers to local telephone service in the State shall be advised of these rules through inclusion in the informational consumer guide pages in the front of local telephone directories.

#### 14:10-7.4 Subscriber requests for service; charges

(a) Telephone companies or information providers offering intrastate adult-oriented information-access telephone service shall permit access to the service only upon receipt of a written and signed subscriber request.

1. The subscriber request shall include an appropriate means of proof (such as a photocopy of a birth certificate or a valid State driver's license), in the same name as the telephone account of record, that the requesting subscriber is over 18 years of age.

2. The telephone company or information provider offering the adult-oriented information-access telephone service shall maintain the hard copy signed subscriber request with proof of age for the duration that access to the service is unblocked.

(b) The initial subscriber request to unblock access at a given location shall be free of charge to the subscriber.

(c) If an LEC elects to charge for subsequent requests to reblock or unblock, the subscriber shall be charged the then prevailing service order charge for adding service to an existing line and the central office work charge for an existing line.

(d) If an IXC elects to charge for subsequent requests to reblock or unblock, the subscriber shall be charged the then prevailing service order charge for adding service to an existing line and the central office work charge for an existing line charged by the LEC providing the subscriber basic telephone service.

(e) In the event that the serving LEC does not have a tariffed service order charge for adding service to an existing line and for central office work for an existing line, the tariffed charge from the LEC serving the largest number of telephone lines in the State having such a tariffed charge shall be used.