

Recodified from N.J.A.C. 14:10-1A.11 and amended by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

In (a), (d), and (e)1 through (e)3, updated the N.J.A.C. references throughout; in (e)3, substituted “; and” for a period at the end; added (e)4; deleted former (f)1; and recodified former (f)2 through (f)4 as new (f)1 through (f)3. Former N.J.A.C. 14:10-1A.9, Adequacy of service, recodified to N.J.A.C. 14:10-1A.7.

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

Each telephone utility shall perform regular maintenance, keeping all plant and equipment in a good state of repair consistent with safety and adequate service performance, and shall comply with any inspection and/or maintenance requirements at N.J.A.C. 14:3.

R.1978 d.89, effective March 10, 1978.

See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

Recodified from N.J.A.C. 14:10-1.12 by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Amended by R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Rewrote the section.

Recodified from N.J.A.C. 14:10-1A.13 by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Former N.J.A.C. 14:10-1A.10, Service quality standards, recodified to N.J.A.C. 14:10-1A.8.

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

(a) Each telephone utility shall take all appropriate measures 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, natural disasters, attacks 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, and each remote central office that carries inter-community calls without routing them to the main 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, the telephone utility shall install a source of permanent auxiliary power.

(d) A utility shall inform Board staff on the same business day or if the outage occurs outside the Board's normal business hours, at the beginning of the next business day, of any major service interruption, by telephone at a telephone number posted for that purpose on the Board's website. The utility contact person shall:

1. Explain what it believes to be the cause of the service interruption;
2. Describe the measures the utility is taking to remedy the problem; and

3. Provide Board staff with the telephone number of a utility contact that Board staff can reach at all times in order to monitor the situation.

(e) For purposes of this section, “major service interruption” means any network condition that causes 1,000 or more customers to be out of service for 30 or more minutes, causes an unplanned outage of, or completely isolates, a central office for 30 minutes, or disrupts 911 emergency call processing at Public Service Answering Points for any period.

(f) Each utility shall submit to Board staff all reports submitted to the FCC in accordance with 47 CFR Part 63, Notification of service outage.

R.1978 d.89, effective March 10, 1978.

See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

Recodified from N.J.A.C. 14:10-1.13 and amended by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Section was “Service interruptions”. In (a), substituted “Each telephone utility shall take all appropriate measures” for “Appropriate measures shall be taken” and inserted “, natural disasters, attacks”; in (b), inserted “, and each remote central office that carries inter-community calls without routing them to the main central office,”; in (c), inserted “the telephone utility shall install” and deleted “shall be installed” following “power”; and added (d) and (e).

Amended by R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Rewrote (d); added (e); and recodified former (e) as (f).

Recodified from N.J.A.C. 14:10-1A.14 by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Former N.J.A.C. 14:10-1A.11, Service quality reporting, recodified to N.J.A.C. 14:10-1A.9.

14:10-1A.12 Construction

Each telephone utility shall ensure that all of its plant and facilities are designed, constructed, maintained, and operated in accordance with provisions of the current National Electrical Safety Code, the National Electrical Code, and other applicable laws and standards.

The following annotations apply to N.J.A.C. 14:10-1A.12 prior to its repeal by R.2015 d.028:

R.1978 d.89, effective March 10, 1978.

See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

Recodified from N.J.A.C. 14:10-1.11 by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Amended by R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Rewrote the section.

The following annotations apply to N.J.A.C. 14:10-1A.12 subsequent to its recodification from N.J.A.C. 10:1A.15 by R.2015 d.028:

R.1978 d.89, effective March 10, 1978.

See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

Recodified from N.J.A.C. 14:10-1.14 by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Amended by R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Rewrote the section.

Recodified from N.J.A.C. 14:10-1A.15 by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Former N.J.A.C. 14:10-1A.12, Measuring devices, repealed.

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

All carriers that are required by the FCC to use the Uniform System of Accounts for Telephone Companies found in 47 CFR Part 32 shall use that system of accounts for intrastate reporting purposes. The FCC Uniform System of Accounts for Telephone Companies is incorporated herein by reference, as amended and supplemented.

New Rule, R.1988 d.10, effective January 4, 1988.

See: 19 N.J.R. 1789(a), 20 N.J.R. 103(d).

Recodified from N.J.A.C. 14:10-1.16 and amended by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Rewrote the section.

Recodified from N.J.A.C. 14:10-1A.16 by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Former N.J.A.C. 14:10-1A.13, Inspections, tests and maintenance, recodified to N.J.A.C. 14:10-1A.10.

14:10-1A.14 (Reserved)

Recodified to N.J.A.C. 14:10-1A.11 by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Section was "Prevention and reporting of service interruptions".

14:10-1A.15 (Reserved)

Recodified to N.J.A.C. 14:10-1A.12 by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Section was "Construction".

14:10-1A.16 (Reserved)

Recodified to N.J.A.C. 14:10-1A.13 by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Section was "Adoption by reference of the Uniform System of Accounts".

SUBCHAPTER 2. PAYMENTS FOR SERVICE**14:10-2.1 Applicability**

(a) This subchapter applies to a bill for telecommunications service, whether presented to a customer by a telephone utility or a reseller, absent an individually negotiated contract provision to the contrary.

(b) In addition to the requirements of this subchapter, a telephone utility is subject to requirements for billing set forth in the Board's rules for all utilities at N.J.A.C. 14:3.

New Rule, R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Section was "Reserved".

14:10-2.2 Contents of bills; back billing

(a) The customer's bill shall include the items listed in (a)1-13 below, except if the customer's calling plan or package of services makes an item inapplicable:

1. The telephone number or other numerical or alphabetical designation;
2. The date of the assigned billing period;
3. Clear identification of each service provider;
4. The toll-free number the customer can call with questions;
5. Total recurring charges for service and equipment, and the number and total charge for message units, if any, supported by statement which reflects amounts due and payable before and after application of payment;
6. A separate line item, calculated on a monthly basis, for basic residential local telephone service (BRLTS), as defined at N.J.A.C. 14:3-3A.8(a), and a separate line item, calculated on a monthly basis, for nonbasic residential telephone service, as defined at N.J.A.C. 14:3-3A.8(a), if any. Each line item shall be supported by a statement, which reflects amounts due and payable before and after application of payment;
7. Total charges for intraLATA and interLATA toll calls, supported by an itemized list of the calls;
8. Total nonrecurring charges for service and equipment;
9. Total United States Federal Excise Tax;
10. Total New Jersey Sales Tax;
11. Total Subscriber Line Charge, Universal Service Fund, Lifeline, Link-Up America or similar charges or credits; and
12. Total charge for advertising in telephone directories.

(b) If a CLEC or ILEC has billed a customer at an incorrect rate, or has failed to bill a customer for a charge the ILEC or CLEC claims is owed, the CLEC or ILEC shall adjust the customer's subsequent bills, or "back bill" the customer in accordance with (c) through (e) below.

(c) If the incorrect rate billed was higher than the correct rate, the telephone utility shall credit or refund the customer for the amount overcharged. The CLEC or ILEC shall refund or credit the full amount within the next two billing cycles after the incorrect billing was discovered.

(d) If the incorrect rate billed was lower than the correct rate, or the ILEC or CLEC has failed to bill the customer, the CLEC or ILEC shall allow the customer to repay the amount over a period no shorter than the time period for which the billing was incorrect or absent, or the customer and the CLEC

or ILEC may make other payment arrangements by mutual agreement.

(e) A telephone utility shall neither back bill a customer, nor refund or credit a customer, for incorrect billing that occurred:

1. For a wholesale customer, more than 18 months prior to the month in which the billing error was discovered; and
2. For a retail customer, more than six years prior to the month in which the billing error was discovered.

(f) A telephone utility shall retain all billing records for the time periods set forth in N.J.A.C. 14:10-1.3(a).

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.

Amended by R.1996 d.412, effective September 3, 1996.

See: 28 N.J.R. 2832(a), 28 N.J.R. 4107(a).

Amended by R.2000 d.85, effective March 6, 2000 (operative September 6, 2000).

See: 31 N.J.R. 742(a), 32 N.J.R. 819(a).

Rewrote (a).

Recodified from N.J.A.C. 14:10-2.1 and amended by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Section was "Bills for service".

Former N.J.A.C. 14:10-2.2, Itemization of toll charges, repealed.

Amended by R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Section was "Contents of bills, back billing". In the introductory paragraph of (a), substituted "the items listed in (a)1-13 below, except if the customer's calling plan or package of services makes an item inapplicable:" for "as applicable"; in (a)6, inserted ", calculated" twice, updated the N.J.A.C. references, substituted "any. Each line item shall be" for "any,", and inserted a comma following "statement"; in (a)7, inserted ", calculated" and inserted a comma following "basis"; in (a)8, substituted "an itemized list of the calls" for "statement"; in (a)9, deleted ", supported by statement" following "equipment"; and added (b) through (f).

Amended by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Deleted former (a)7; and recodified former (a)8 through (a)13 as new (a)7 through (a)12.

Case Notes

Customer whose telephone service was transferred to new business entity was liable for telephone charges incurred under name of former business. *Harcord Packard Company v. Bell Atlantic New Jersey, Inc.*, 96 N.J.A.R.2d (BRC) 67.

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 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.

R.1978 d.89, effective March 10, 1978.

See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

Amended by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

In the first sentence, deleted "to the customer's bill" following "refunds" and "or automatically by the telephone utility if out of service beyond 72 hours after being reported or found" from the end; and inserted the last sentence.

Amended by R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Substituted "other" for "otherwise" and inserted the last sentence.

14:10-2.4 Voluntary suspension

Telecommunications 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, effective March 10, 1978.

See: 9 N.J.R. 130(a), 10 N.J.R. 171(b).

Amended by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Substituted "Telecommunications" for "Communications".

14:10-2.5 (Reserved)

Repealed by R.2006 d.368, effective November 6, 2006.

See: 37 N.J.R. 3623(a), 38 N.J.R. 4729(a).

Section was "Discontinuance of service to end-users; notice".

SUBCHAPTER 3. NUMBER RECLAMATION

14:10-3.1 Number reclamation definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this subchapter can be found at N.J.A.C. 14:3-1.1 and 14:10-1.2.

"Guidelines" means, as regards to NXX codes, the FCC industry Numbering Committee's Central Office Code Assignment Guidelines (COCAG); and as regards to thousands-blocks, the Thousands-Block Pooling Administration Guidelines (TBPAG); both of which are incorporated herein by reference, as amended and supplemented, and are available at: 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. NANPA is responsible for managing the North American Numbering Plan.

"NXX code" or "central office code" means the fourth, fifth, and sixth digits in a 10-digit telephone number. This term also means a group of 10,000 sequential telephone numbers, which all share the same fourth, fifth, and sixth digits.

The NXX code denotes the exchange area within an area code. One central office code contains ten thousands-blocks, as defined in this section.

“Part 4 Form” means the FCC’s Central Office Code (NXX) Assignment Request and Confirmation Form-Part 4. It also means the 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.

“Reclamation” means the process through which a service provider is required to return numbering resources in accordance with FCC requirements at 47 CFR §§52.7 through 20, and this subchapter.

“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” means a group of 1,000 sequential telephone numbers, which all share the same central office code, as defined in this section, and which follow that central office code with a number from X000 to X999, where X is a value from 0 to 9.

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

Amended by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

In definition “Guidelines” inserted “to” twice.

14:10-3.2 General provisions

(a) The Board may, in accordance with this section, investigate and determine whether a service provider has complied with FCC requirements regarding the use of numbering resources, set forth at 47 CFR §§52.7 through 20.

(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) Within 14 days after receiving the notice required under (c) above, the listed service providers shall submit to the Board all of the following:

1. A properly completed Part 4 Form;
2. Written proof that the service provider has activated all of its assigned numbering resources, so that the numbers are serving end-users or are programmed and ready to serve end-users. Examples of proof that Board staff may require include, without limitation, a list of telephone numbers assigned, or service orders; and
3. The number of end users to which the service provider has assigned numbers in the NXX code or thousands-block.

(e) A service provider may request an extension of the 14-day deadline in (d) above in accordance with N.J.A.C. 14:10-3.3.

(f) If a service provider does not submit the information required under (d) above, and does not request an extension under (e) above, within the 14-day deadline, the service provider’s numbering resources shall be subject to immediate reclamation, in accordance with the Guidelines.

(g) A service provider’s numbering resources shall be subject to reclamation, after notice to the service provider, if either of the following conditions are met:

1. If Numbering Resources Utilization and Forecast (NRUF) reports provided to Board staff by NANPA show that a service provider has inventories that are greater than a six-month supply; or
2. If NRUF reports show noncompliance with the requirements for sequential number assignments set forth at 47 CFR 52.15(j).

(h) If either of the conditions in (g) above are met, the Board may require the service provider to reduce contamination levels of its numbering resources, in accordance with 47 CFR 52.15i(3), so as to facilitate any reclamation that is required.

(i) If a service provider is unable to comply with any part of this subchapter or any applicable provision in the Guidelines, the service provider will have the opportunity to explain to the Board the reasons it cannot comply, prior to reclamation.

Amended by R.2008 d.304, effective October 20, 2008.

See: 39 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

Added (i).

manager”; and rewrote definition “ ‘Migration manager’ or ‘migration coordinator’ ”.

Case Notes

Approval was granted to a proposed merger that was part of a utility’s multi-state initiative to consolidate in one subsidiary the provision of intrastate regulated telephone services that were previously provided through multiple subsidiaries that operated within the parent company’s corporate structure. The proposed transactions were represented as being entirely internal to the parent company and part of its comprehensive effort to simplify its corporate structure, and it was represented that the merger would result in a more streamlined corporate structure that will enable the parent more efficiently to achieve operational, administrative, and strategic objectives. Approval was proper under N.J.S.A. 48:2-51.1 and N.J.A.C. 14:1-5.14(c) because it would have no negative impact on rates or service quality since the utility’s New Jersey-based customers will continue to receive the same services at the same rates, through the same assets, provided by the same employees, and under the same terms and conditions. Moreover, the related request for a waiver of the anti-slammings regulations in N.J.S.A. 14:10-11.1 et seq., and certain migration regulations found in N.J.A.C. 14:10-12.1 et seq., was also properly granted because invoking those rules was not necessary on these facts. In re Verified Joint Petition of Teleport Commc’ns N.Y. & Teleport Commc’ns America, LLC for Approval of an Internal Merger and a Transfer of License as Part of an Internal Corporate Restructuring, DOCKET NO. TM14030234, 2014 N.J. PUC LEXIS 114, Final Board Decision (April 24, 2014).

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.

(b) This subchapter also governs other TSPs that may acquire the end users who will no longer be served by a departing TSP and ILECs that serve a departing TSP’s end users.

(c) This subchapter sets forth requirements to ensure the orderly migration and/or transfer of end users from a departing TSP to another TSP.

(d) Board staff may, upon request and with good cause shown, waive provisions of this subchapter.

Amended by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Added (d).

14:10-12.3 Application to depart a service territory

(a) A TSP that intends to depart a particular service territory shall comply with the requirements and procedures set forth in this subchapter.

(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. A request for permission to abandon its provision of service; and
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. If the supplement modifies the tariff, the supplement

shall contain plans for transferring end users and preventing slamming problems;

ii. A sample letter to be sent to the departing TSP’s end users in accordance with N.J.A.C. 14:10-12.5(a), informing them of the departure of the TSP and the end users’ option to choose another TSP. The departing TSP’s letter shall contain all the information set forth in the sample letter in Appendix A to this subchapter, incorporated herein by reference;

iii. A proposed final departure date, on which the departing TSP must disconnect, or request that the underlying service provider disconnect, all end user accounts;

iv. The names, e-mail addresses, and telephone numbers of the migration manager for both the departing and acquiring TSP;

v. Any arrangements made by the departing TSP prior to submittal of the application, to switch end users to another TSP;

vi. Steps to be taken by the departing TSP with NANPA to transfer NXX or thousand number blocks (if applicable), while preserving number portability for numbers within the NXX code. These steps shall comply with the Central Office Code (NXX) Assignment Guidelines, document number INC 95-0407-008, issued by the Alliance for Telecommunications Industry Solutions (ATIS), which are incorporated herein by reference, as amended and supplemented, and can be found at www.atis.org;

vii. The departing TSP’s end user-serving arrangements in effect at the time of the application filing, and the type of underlying service provider, for example, UNE-P, resale, UNE-L or full facilities;

viii. The number of end users who will no longer receive service from the departing TSP;

ix. An explanation of any transfer of assets or control of assets that requires Board approval, which is planned by the departing TSP;

x. Plans for dealing with end user deposits, credits, and/or termination liabilities or penalties; and

xi. Plans for unlocking the E-911 database, in accordance with N.J.A.C. 14:10-12.10.

(c) Upon receipt of an application, Board staff will review the application and contact the petitioner regarding any deficiencies.

(d) If the departing TSP believes that 60 days is not feasible for submittal of its application, it may request a modification of the timeline by making a request to Board staff. However, in all cases, the application shall be submitted early enough to provide sufficient time to migrate the departing TSP’s end users to other TSPs.

Amended by R.2007 d.276, effective September 17, 2007.

See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

In (b)2iii, updated the N.J.A.C. reference.

Amended by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

Rewrote (b); and in (d), substituted "60" for "90".

14:10-12.4 Board notice to other TSPs

(a) The Board will maintain a TSP service list on its website. The service list will include all of the full facilities-based TSPs operating within New Jersey and either have a tariff on file with the Board or have it posted on the TSP's website. Each TSP is responsible for providing the Board with up to date information for the service list.

(b) If the Board becomes aware of any issues concerning the processing of the migration, the Board shall notify TSPs operating within the State by posting this information and providing any pertinent information concerning these issues on the Board's website at www.bpu.state.nj.us.

Amended by R.2015 d.028, effective February 17, 2015.

See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).

In (a), inserted "and either have a tariff on file with the Board or have it posted on the TSP's website"; deleted former (b); and recodified (c) as new (b).

14:10-12.5 Notice to end users

(a) A departing TSP shall provide notice of its departure to its end users at least 30 days prior to its planned departure date, through a letter that complies with this section.

(b) If there is an acquiring TSP, the acquiring TSP shall, in accordance with FCC regulations at 47 CFR §64.1120(e)(3), provide 30 days notice to the departing TSP's end users, and also fulfill all of the notice requirements that apply to the departing TSP under this section, regardless of whether the departing TSP fulfills their notice obligations.

(c) The departing TSP shall send a copy of the letter required under (a) above, electronically to Board staff and each ILEC and network service provider that provides service in the area served by the departing TSP, at the same time as the letter is sent to the departing TSP's end-users. In addition, the electronic copy of the letter that is sent to the Board and each ILEC and NSP shall be accompanied by an attestation by an officer of the departing TSP that such notice has been mailed to all end users.

(d) An end user notification letter used to comply with this section shall do the following, at a minimum:

1. Identify the acquiring TSP, if one exists;
2. Inform the end user of its right to choose an alternative TSP (that is, a TSP other than the acquiring TSP);
3. Provide clear instructions to the end user as to how to choose an alternative TSP, which would include the Board's website for a complete list of licensed CLECs and

or other sources of information that would give the end user an impartial choice for selection purposes;

4. If there is no acquiring TSP, inform the end user of the need to take prompt action to ensure continuation of service;

5. Provide a toll-free number for the departing TSP and, if one exists, for the acquiring TSP;

6. Clearly state the deadlines for end user action in accordance with this subchapter;

7. Provide applicable information about long distance service and whether it may be impacted by the migration; and

8. State the end user's responsibility for payment of telephone bills during the migration period.

(e) Subchapter Appendix A contains two sample end user notification letters that may be used to provide notice to end users. Letter #1 is a sample letter, which includes the information that the departing TSP must send to its end users when there is an acquiring TSP 30 days prior to the planned departure date. Letter #2 is a sample letter, which includes the information that the departing TSP must send to its end users when there is no acquiring TSP 30 days prior to the planned departure date. The departing TSP may use these letters or may modify them, provided that the information required in this section is included in the letters.

(f) In the event a departing TSP fails to provide the notice to the Board required under N.J.A.C. 14:10-12.3 or to provide the notice to its end users required under this section, and there is no acquiring TSP, each ILEC that serves the departing TSP's end users shall, upon becoming aware that the departing TSP has failed to provide the notice to its end users of the mass migration as required under N.J.A.C. 14:10-12.5, provide notice of the departing TSP's pending departure to the departing TSP's end users, if these end users are known. The ILEC shall:

1. Notify the departing TSP's end users of the TSP's pending departure twice, using a letter, such as that contained in Subchapter Appendix A. The letters shall be sent 30 days prior to the planned departure date or, if the acquiring TSP or ILEC did not become aware of their obligation until after those dates, as soon as possible; and

2. Notify the Board Secretary that the departing TSP's end users have been sent notice in accordance with (h)1 above. The ILEC shall send the notice to the Board simultaneously with sending the letters required in (h)1 above. The notice to the Board shall include:

i. A copy of the notice sent to the departing TSP's end users; and

ii. A statement sworn to by an officer of the ILEC which attests that the notice required in (h)1 above was

sent to all of the departing TSP's end users if these end users are known to the ILEC.

(i) An ILEC's compliance with the requirements at (h) above shall not relieve the departing TSP from the obligation to provide notice of its departure to its end users in accordance with the requirements of this subchapter.

Amended by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
Rewrote the section.

14:10-12.6 Mass migration process

(a) The departing and acquiring TSP shall designate a migration manager (or migration coordinator), who will be responsible for coordinating end user migrations between the departing TSP and the acquiring TSP.

(b) In accordance with Federal Communications Commission rules, on Preferred Carrier Freezes at 47 CFR 64.1190, incorporated herein by reference, as amended and supplemented, the departing TSP shall lift any existing preferred TSP freezes on a line involved in a mass migration, before the notification letter required under N.J.A.C. 14:10-12.5 is mailed to the departing TSP's end users. Therefore, an end user who wishes to have a preferred TSP freeze after a mass migration must contact their LEC to arrange a new freeze.

(c) The acquiring TSP shall be responsible for any TSP charges associated with the transfer of the departing TSP's end users to it, except the end user shall be responsible for the charges if there is an acquiring TSP but the end user selects an alternative TSP. The end user shall also be responsible for the charges if there is no acquiring TSP.

(d) There may be circumstances under which the requirements in this subchapter will require modification to accommodate unique circumstances. If a departing TSP negotiates special procedures which will provide equivalent or better end user service as the requirements of this subchapter, the parties may request approval from Board staff to utilize these special procedures.

Amended by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
Rewrote the section.

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

(a) At least 45 days prior to the projected departure date, the departing TSP shall submit an end user list to the Board. Board staff may waive this requirement at the departing TSP's request due to competitive reasons.

(b) The end user list shall include:

1. End user name, including both listed name and billing name, where different from the listed name;
2. End user telephone number(s);

3. End user address, including both listed address and billing address, where different from the listed address;

4. End user class of service; and

5. Type of serving arrangements (UNE-P, resale, etc.).

(c) To the extent possible, end user lists shall also include an identification of "priority" end users. A departing TSP or ILEC shall provide additional notice to priority end users, in writing, at least 14 days prior to disconnecting service to a priority end-user and shall send a copy of this notice to the Board. For purposes of this subchapter, "priority" end users are the following:

1. Hospitals;
2. Ambulance services;
3. Police departments;
4. Fire stations;
5. National security facilities;
6. Civil defense facilities; or

7. Any end user who has obtained Telecommunications Service Priority from the Federal Communications Commission. The Telecommunications Service Priority program provides national security and emergency preparedness users priority authorization of telecommunications services that are vital to coordinating and/or responding to crises. The Telecommunications Service Priority program website may be found at <http://tsp.ncs.gov/>.

(d) TSP submission of end user lists and Board staff use of and/or disclosure of end user list information shall be in accordance with the Board's rules implementing the New Jersey Open Public Records Act (OPRA) at N.J.A.C. 14:1-12. A copy of these rules is available on the Board's website at www.bpu.state.nj.us.

Amended by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
Rewrote (a).

14:10-12.8 Progress reports

(a) The departing TSP shall file a progress report with the Board on the departure date, which would include the following:

1. The number of the departing TSP's end users that have been transferred to another TSP;
2. The number of end users that are still with the departing TSP;
3. A list of all end user customer accounts listed as "priority" under N.J.A.C. 14:10-12.7(c), that may be affected by the migration, including whether they have been transferred to another TSP; and

4. A list of any problems that have been encountered in complying with this subchapter, or with conducting the mass migration.

Amended by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
Rewrote the section.

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 (for NXX codes), or the National Pooling Administrator (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) The transfers required under this section shall be accomplished in accordance with the Central Office Code (NXX) Assignment Guidelines issued by the Alliance for Telecommunications Industry Solutions (ATIS), and Thousands-Block (NXX-X) Pooling Administration Guidelines, Document number ATIS-PP-1000004, incorporated herein by reference, as amended and supplemented, developed by ATIS's Industry Numbering Committee, directed by the FCC to develop numbering procedures. These guidelines are available at www.atis.org.

(c) The departing TSP shall not disconnect NXX codes or thousand number blocks if any number within the range of numbers held by the TSP has been ported.

14:10-12.10 E-911 Number unlocking

(a) A TSP that departs a service territory shall unlock all of its telephone numbers in the E-911 database, in accordance with the National Emergency Numbering Association (NENA) standards, so as to provide the acquiring TSP or alternative TSP with access to the departing TSP's end users' E-911 records.

(b) In unlocking its E-911 numbers, the departing TSP shall comply with NENA standards for local number portability, contained in NENA Recommended Data Standards For Local Exchange Carriers, ALI Service Providers & 9-1-1 Jurisdictions - NENA 02-011, which is incorporated herein by reference, as amended and supplemented, and may be obtained at www.nena.org.

(c) In addition, the departing TSP shall submit a letter to the appropriate E-911 service provider, authorizing the E-911 service provider to unlock any remaining E-911 records after the TSP's departure. This letter shall be provided at least 30 days prior to the TSP's planned departure date.

Amended by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
In (a), inserted "(NENA)"; and rewrote (b).

14:10-12.11 Local service request

The acquiring TSP shall send a valid LSR, as defined at N.J.A.C. 14:10-12.1, to the ILEC, NSP, and/or the departing TSP at least 15 days prior to the planned departure date.

Amended by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
Rewrote the section.

14:10-12.12 Enforcement

Failure to comply with any provision of this subchapter shall subject the violator to penalties in accordance with the Board's regulatory and statutory authority.

Recodified from N.J.A.C. 14:10-12.13 by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
Former N.J.A.C. 14:10-12.12, Notice of discrepancies, repealed.

14:10-12.13 (Reserved)

Recodified to N.J.A.C. 14:10-12.12 by R.2015 d.028, effective February 17, 2015.
See: 46 N.J.R.1864(b), 47 N.J.R. 489(a).
Section was "Enforcement".