

CHAPTER 10

TELEPHONE

Authority

N.J.S.A. 48:2-13.

Source and Effective Date

R.2001 d.307, effective August 1, 2001.
See: 33 N.J.R. 1500(a), 33 N.J.R. 3043(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 10, Telephone, expires on January 28, 2007. See: 38 N.J.R. 3250(a).

Chapter Historical Note

Chapter 10, Telephone, was adopted and became effective prior to September 1, 1969.

Subchapter 4, Regulation for Residential Telephone Underground Extensions, was adopted as R.1971 d.183, effective December 31, 1971. See: 1 N.J.R. 9(a), 3 N.J.R. 227(c).

Subchapter 5, Regulation of InterLATA Telecommunications Carriers, was adopted as R.1986 d.368, effective September 8, 1986. See: 17 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. 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Subchapter 5, Regulation of InterLATA Telecommunications Carriers, was repealed and Subchapter 5, Regulation of Competitive Telecommunication Services, was adopted as new rules by R.1993 d.248, effective June 7, 1993. See: 24 N.J.R. 1868(a), 25 N.J.R. 2492(a).

Subchapter 10, IntraLATA Toll Competition on a Presubscription Basis, was adopted as R.1996 d.346, effective August 5, 1996. See: 28 N.J.R. 250(a), 28 N.J.R. 3824(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Telephone, was readopted as R.1996 d.412, effective August 7, 1996. See: 28 N.J.R. 2832(a), 28 N.J.R. 4107(a).

Chapter 10, Telephone, was readopted as R.2001 d.307, effective August 1, 2001. See: Source and Effective Date. See, also, section annotations.

Subchapter 3, Suggested Formulae for Extension of Telephone Service was repealed; Subchapter 3, Extension of Telephone Service was adopted as new rules; and Subchapter 4, Regulations for Residential Underground Telephone Extensions was repealed by R.2004 d.462, effective December 20, 2004. See: 36 N.J.R. 276(a), 36 N.J.R. 5928(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. SERVICE

- 14:10-1.1 (Reserved)
- 14:10-1.2 Rate and special charges information
- 14:10-1.3 Business offices
- 14:10-1.4 Public information

- 14:10-1.5 Directories
- 14:10-1.6 Held applications
- 14:10-1.7 Customer complaints and trouble reports
- 14:10-1.8 Public telephone
- 14:10-1.9 Adequacy of service
- 14:10-1.10 Service standards
- 14:10-1.11 Measuring devices
- 14:10-1.12 Inspections, tests and maintenance
- 14:10-1.13 Service interruptions
- 14:10-1.14 Construction
- 14:10-1.15 Preservation of records
- 14:10-1.16 Adoption by reference of the Uniform System of Accounts
- 14:10-1.17 Telegraph company registration
- 14:10-1.18 Number reclamation notice
- 14:10-1.19 Reclamation extensions

SUBCHAPTER 2. PAYMENTS FOR SERVICE

- 14:10-2.1 Bills for service
- 14:10-2.2 Itemization of toll charges
- 14:10-2.3 Out of service refund
- 14:10-2.4 Voluntary suspension
- 14:10-2.5 Discontinuance of service to end-users; notice

SUBCHAPTER 3. EXTENSION OF TELEPHONE SERVICE

- 14:10-3.1 Extensions

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. REGULATION OF COMPETITIVE TELECOMMUNICATIONS SERVICES

- 14:10-5.1 Scope
- 14:10-5.2 Definitions
- 14:10-5.3 Informational tariff filings
- 14:10-5.4 Requirements for tariff revisions to existing services which create increased charges to any customer
- 14:10-5.5 Requirements for tariff revisions to existing services which do not create increased charges to any customer
- 14:10-5.6 Requirements for new competitive telecommunications service offerings for existing interexchange carriers
- 14:10-5.7 Initial tariff of competitive local exchange carriers (CLECs) and interexchange carriers (IXCs)
- 14:10-5.8 (Reserved)
- 14:10-5.9 Reporting requirements
- 14:10-5.10 Standards for monitoring the competitiveness of services
- 14:10-5.11 Discontinuance of service offerings

SUBCHAPTER 6. REGULATION OF OPERATOR SERVICE PROVIDERS

- 14:10-6.1 Scope
- 14:10-6.2 Definitions
- 14:10-6.3 Operator service provider requirements
- 14:10-6.4 Access to all operator service providers
- 14:10-6.5 "0-" and emergency call handling
- 14:10-6.6 Penalty for violations
- 14:10-6.7 Alternate operator service informational tariffs
- 14:10-6.8 Customer billing

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

- 14:10-7.1 Scope
- 14:10-7.2 Definitions
- 14:10-7.3 Restrictions on access
- 14:10-7.4 Subscriber requests for service; charges

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. PUBLIC PAY TELEPHONE SERVICE

- 14:10-9.1 Scope
- 14:10-9.2 Definitions
- 14:10-9.3 Public pay telephone service requirements
- 14:10-9.4 Additional regulation of customer provided pay telephone service
- 14:10-9.5 Additional regulation of incumbent local exchange carriers
- 14:10-9.6 Placement of PPTS
- 14:10-9.7 Exemption for inmate pay telephone service
- 14:10-9.8 Complaint handling procedures

SUBCHAPTER 10. INTRALATA TOLL COMPETITION ON A PRESUBSCRIPTION BASIS

- 14:10-10.1 Scope
- 14:10-10.2 Definitions
- 14:10-10.3 Implementation of presubscription
- 14:10-10.4 Cost recovery
- 14:10-10.5 Local exchange safeguards
- 14:10-10.6 Classification of intraLATA toll service as competitive
- 14:10-10.7 Imputation standard

SUBCHAPTER 11. TELECOMMUNICATIONS SERVICE PROVIDERS

- 14:10-11.1 Definitions
- 14:10-11.2 Solicitation of customer's authorization for service termination and transfer
- 14:10-11.3 Verification of change orders for telecommunications service providers
- 14:10-11.4 TSP change order procedures
- 14:10-11.5 Unauthorized service termination and transfer (slamming)
- 14:10-11.6 Primary TSP freezes
- 14:10-11.7 Investigations
- 14:10-11.8 Penalties for violations
- 14:10-11.9 Scope of authority

SUBCHAPTER 1. SERVICE

14:10-1.1 (Reserved)

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.

Repealed by R.2004 d.462, effective December 20, 2004.

See: 36 N.J.R. 276(a), 36 N.J.R. 5928(a).

Section was "Service connections".

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 the customer or applicant to obtain the most economical communications service conforming to the needs of such customer or applicant. The customer or applicant shall be advised as to alternative services available to meet the communications requirements of said customer or applicant 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 customer or applicant of the minimum installation and service connection charge to be applied to the bill of such customer or applicant prior to undertaking any action and shall inform the customer or applicant 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, effective March 10, 1978.

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

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

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

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.

2. Means of communication, including patron's tie-lines, between offices of the telegraph company and offices of recognized general commercial customers.

(d) The list of registrations required in this Section shall be available to the Attorney General, county prosecutors and municipal police departments.

Recodified from N.J.A.C. 14:11-1.14 by R.1998 d.84, effective February 2, 1998.

See: 29 N.J.R. 4250(b), 30 N.J.R. 563(a).

14:10-1.18 Number reclamation notice

(a) The following words and terms, as used in this section and in N.J.A.C. 14:10-1.19, shall have the following meanings:

"Central Office Code" or "NXX code" means the sub-numbering plan area code in a telephone number, consisting of the fourth, fifth, and sixth digits in a 10-digit telephone number.

"Central Office Code (NXX) Assignment Request and Confirmation Form—Part 4" or "Part 4" means that form, under the FCC required Industry Numbering Committee's Central Office Code Assignment Guidelines (Guidelines), and as described in the FCC's First Numbering Resource Optimization Order released on March 31, 2000, that within six months of the requested effective date of newly obtained NXX codes, carriers are required to submit to the North American Numbering Plan Administrator (NANPA) that the code has been placed in service as that term is further defined by the FCC in its March 31, 2000 Order (FCC NRO Order of 3/31/00—P233).

"Reclamation" means the process through which code holders are required to return numbering resources to the NANPA.

(b) When the Board receives from the NANPA the list of central office code holders which have failed to file the Part 4 form within the six month time period following the date the new NXX codes become effective in the Local Exchange Routine Guide (LERG), or the date required by the applicable Guidelines, Board staff shall send written notice to the code holders on the past-due list to again remind them that their Part 4 confirmations are overdue.

(c) Within 14 days of receiving the notice under (b) above, the code holders shall provide the Board with written proof that the delinquent NXX codes have been activated and the delinquent NXX codes are serving end-users. The code holders shall submit to the Board information with the Part 4 form regarding how many end-users have been assigned numbers in the NXX code. Code holders unable to activate the NXX codes subject to reclamation may request an extension by following the procedure set forth in N.J.A.C. 14:10-1.19.

(d) In cases where the Board does not receive a Part 4 confirmation from the code holders or a request for an extension, the NXX codes are subject to immediate reclamation.

(e) Code holders shall ensure that the NANPA and the Board have current contact information on file, including contact name, telephone number, fax number, street address and electronic mail address.

New Rule, R.2001 d.390, effective November 5, 2001.

See: 33 N.J.R. 2040(a), 33 N.J.R. 3753(c).

14:10-1.19 Reclamation extensions

(a) Code holders seeking an extension of the deadline for submission of Part 4 Forms shall submit their requests to the Board in writing. Their request shall:

1. Include the reason for the delay in activating the NXX code;
2. Indicate when the NXX codes will be activated;
3. Specify the duration of the extension being sought;
4. Explain whether any third party has contributed to the code holder's inability to activate the NXX codes within the six months following the date the NXXs were assigned;
5. Specify the relevant NXX codes designated by the NANPA and the rate center;
6. Note whether prior extensions have been granted for the NXX codes;
7. Indicate the current Part 4 deadline; and
8. Explain whether the code holder has additional numbering resources in the same rate center.

(b) Upon having considered the written submissions by the code holder requesting an extension, the Board may grant Part 4 extensions of up to 90 days from the date the Part 4 form was initially due. Such an extension shall only be granted upon verifiable proof that the code was not activated due to reasons beyond the carrier's control, such as delay in interconnection with another carrier or delay by a single customer which is to be assigned a full NXX code. Additional extensions shall not be granted.

(c) Every code holder which receives an extension shall submit a Part 4 confirmation before the end of the extension period. NXX codes are subject to immediate reclamation at the end of the extension period unless the required Part 4 certification is received from the code holder.

New Rule, R.2001 d.390, effective November 5, 2001.

See: 33 N.J.R. 2040(a), 33 N.J.R. 3753(c).

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. 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 on a monthly basis for basic residential local telephone service (BRLTS), as defined at N.J.A.C. 14:3-3.17(a), and a separate line item on a monthly basis for nonbasic residential telephone service, as defined at N.J.A.C. 14:3-3.17(a), if any, supported by statement which reflects amounts due and payable before and after application of payment;
7. A separate line item on a quarterly basis for each optional service provided, if any;
8. Total charges for intraLATA and interLATA toll calls, supported by statement;
9. Total nonrecurring charges for service and equipment, supported by statement;
10. Total United States Federal Excise Tax;
11. Total New Jersey Sales Tax;
12. Total Subscriber Line Charge, Universal Service Fund, Lifeline, Link-Up America or similar charges or credits; and
13. 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.

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).

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.

14:10-2.2 Itemization of toll charges

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

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

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

14:10-2.5 Discontinuance of service to end-users; notice

(a) In the event that a facilities based carrier discontinues service to a non-facilities based carrier whether switched or switchless for reasons of non-payment, slamming, violation of interconnection agreement terms and conditions, or violations of Federal or State law or Federal, State or Board rules, regulations or orders, the facilities-based carrier shall serve notice of such discontinuance on the end-users of the non-facilities-based carrier, if said end-users are known. This requirement shall not alter the obligation of the non-facilities based carrier to provide notice of discontinuance to its customer pursuant to N.J.A.C. 14:3-7.12. A copy of such discontinuance shall be sent to the Board.

(b) The notice required in (a) above shall comply with the provisions of N.J.A.C. 14:3-7.12.

SUBCHAPTER 3. EXTENSION OF TELEPHONE SERVICE

14:10-3.1 Extensions

All extensions of telephone service, including service connections, shall be governed by the provisions for extensions set forth at N.J.A.C. 14:3-8.

Administrative correction.

See: 38 N.J.R. 1225(a).

SUBCHAPTER 4. (RESERVED)

ii. A TSP responsible for the imposition or lifting of primary TSP freezes shall accept a customer's oral authorization stating her or his intent to lift a primary TSP freeze and shall offer a mechanism that allows a submitting TSP to conduct a three-way conference call with the TSP administering the freeze and the customer in order to lift a freeze. When engaged in oral authorization to lift a primary TSP freeze, the TSP administering the freeze shall confirm appropriate verification data (for example, the customer's date of birth or social security number) and the customer's intent to lift the particular freeze for a particular service (for example, intraLATA, interLATA, local).

Amended by R.2003 d.355, effective September 2, 2003.

See: 34 N.J.R. 3200(a), 35 N.J.R. 4126(a).

In (d), inserted "or electronically" preceding "signed authorization" in ii(1), iii and 5i.

14:10-11.7 Investigations

(a) The Board may investigate, upon its own initiative or upon complaint, any allegation of a violation of this subchapter.

(b) The Board may compel the attendance of witnesses, compel the production of documents, and issue subpoenas in connection with any investigation of an alleged violation of this subchapter.

Amended by R.2003 d.355, effective September 2, 2003.

See: 34 N.J.R. 3200(a), 35 N.J.R. 4126(a).

Deleted (c).

14:10-11.8 Penalties for violations

(a) TSPs shall adhere to a standard of due care when submitting and processing changes of primary TSPs. Adherence to this standard means that the TSP has taken all reasonable steps necessary to ensure compliance with this subchapter. There shall be a rebuttable presumption that any violation of this standard is "willfull or intentional." The burden of proof shall be upon the submitting or executing TSP to rebut the presumption.

(b) Any TSP determined by the Board, after notice and hearing, to have violated any rule, regulation or order adopted pursuant to P.L. 1998, c.82, or to have violated any Federal law or rules relating to changes in primary telecommunications service providers, shall be subject to any one or more of the following:

1. Suspension or revocation of the TSP's authority to conduct business in the State;
2. Civil penalties according to the following schedule:
 - i. A penalty not to exceed \$7,500 for the first violation; and
 - ii. A penalty not more than \$15,000 per violation for each subsequent violation associated with a specific access line; and
3. Such other remedies, including, but not limited to, the ordering of restitution to customers as the Board deems appropriate.

(c) In determining the remedies or penalties to be imposed, the Board shall consider: the nature, circumstances and the gravity of the violation; the degree of the TSP's culpability; any history of prior violations; the prospective effect of the penalty on the ability of the TSP to conduct business; any good faith effort on the part of the TSP in attempting to achieve compliance; the TSP's ability to pay the penalty; and any other factors the Board determines to be appropriate. In the event the State owes money to the TSP, the amount of the penalty, when finally determined, may be deducted from any sums due and owing.

(d) All monies recovered from a civil or administrative penalty imposed pursuant to this section shall be paid into the State Treasury to the credit of the General Fund.

(e) In the event that the Board suspends or revokes the authority of a TSP to conduct business in this State, the TSP which controls access and/or the TSP responsible for call completion, shall immediately discontinue the revoked TSP's access to the facilities of any underlying TSP, and the TSP responsible for billing the customers of the revoked TSP shall notify each affected customer advising that each customer has 30 days to choose another TSP.

14:10-11.9 Scope of authority

The rights, remedies, and prohibitions accorded by the provisions of P.L. 1998, c.82 and this subchapter are in addition to and cumulative of any right, remedy or prohibition accorded by the common law or any statute of this State and nothing contained in this subchapter shall be construed to deny, abrogate or impair any such common law or statutory right, remedy or prohibition. Neither P.L. 1998, c.82, nor this subchapter, shall be construed in any way to limit the authority and power of the Attorney General and

the Division to enforce any other sections of the Consumer Fraud Act, P.L. 1960, c.39 (N.J.S.A. 56:8-1 et seq.) or any other applicable law, rule or regulation in connection with the activities of telecommunications service providers, even if such activities involve slamming. Nothing in this subchapter shall be construed in any way to abrogate a customers private right of action, pursuant to N.J.S.A. 56:8-19.

APPENDIX

New Jersey Board of Public Utilities
Division of Customer Assistance
TSP Slamming Activity Report

Name of Reporting TSP _____

Reporting Period _____

Number of Verified Slamming Complaints _____

Number of Slamming Complaints Resolved with Customer ____

Total Number of Slamming Complaint Received by Reporting TSP Identified by Local, Regional or Long Distance TSP Name

Can attach a separate sheet of paper if necessary

Total Number of Customer's Served by Reporting TSP _____