

CHAPTER 10 TELECOMMUNICATIONS

Authority

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

Source and Effective Date

R.2007 d.276, effective July 28, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 10, Telecommunications, expires on January 24, 2015. See: 46 N.J.R. 1864(b).

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Subchapter 5, Regulation of InterLATA Telecommunications Carriers, was repealed and Subchapter 5, Regulation of Competitive Telecommunication Services, was adopted as new rules by R.1993 d.248, effective June 7, 1993.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).

Subchapter 11, Telecommunications Service Providers, was adopted as R.2000 d.257, effective June 19, 2000. See: 31 N.J.R. 1574(b), 32 N.J.R. 2249(a).

Chapter 10, Telephone, was readopted as R.2001 d.307, effective August 1, 2001. See: 33 N.J.R. 1500(a), 33 N.J.R. 3043(a).

Subchapter 3, Suggested Formulae for Extension of Telephone Service was repealed; Subchapter 3, Extension of Telephone Service was adopted as new rules; and Subchapter 4, Regulations for Residential Underground Telephone Extensions was repealed by R.2004 d.462, effective December 20, 2004.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).

Subchapter 12, Mass Migration upon TSP Departure from a Service Territory, was adopted as new rules by R.2006 d.368, effective November 6, 2006. See: 38 N.J.R. 4729(a).

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

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 10, Telephone, was extended by gubernatorial directive from January 28, 2007 to July 28, 2007. See: 39 N.J.R. 498(a).

Chapter 10, Telephone, was readopted as R.2007 d.276, effective July 28, 2007. As a part of R.2007 d.276, Chapter 10, Telephone, was renamed Telecommunications; Subchapter 1, General Provisions, was adopted as new rules; former Subchapter 1, Service, was recodified to Subchapter 1A and renamed Telephone Utilities; Subchapter 3, Extension of Telephone Service, was repealed and Subchapter 3, Number Reclamation, was adopted as new rules; Subchapter 4, Non-Financial Reporting Requirements, was adopted as new rules; Subchapter 5, Regulation of Competitive Telecommunications Services, was renamed Competitive Telecommunications Services; Subchapter 6, Regulation of Operator Service Providers, was renamed Operator Service Providers; Subchapter 10, Intralata Toll Competition on a Prescription Basis, was renamed Intralata Toll Competition; and Subchapter 11, Telecommunications Service Providers, was renamed Anti-Slamming Requirements for TSPs, effective September 17, 2007. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 10, Telecommunications, was scheduled to expire on July 28, 2014. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

14:10-1.1 Applicability

(a) This chapter applies to the following:

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

(b) This chapter applies only to intrastate telecommunications service. Interstate telecommunications service is governed by the Federal Communications Commission.

(c) 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 and N.J.S.A. 48:5A-28.

(d) The act of any person, as defined at N.J.A.C. 14:10-1.2, acting as an agent of an entity that is subject to this chapter, shall be deemed to be the act of that entity.

New Rule, R.2007 d.276, effective September 17, 2007.

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

Former N.J.A.C. 14:10-1.1, (Reserved), recodified to N.J.A.C. 14:10-1A.1.

14:10-1.2 Definitions

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

“Access code” means a sequence of numbers that, when dialed, permits a telephone caller to obtain a connection to the carrier associated with that code. All access codes take the form of 10XXX or 101XXXX, with X meaning any numerical value from 0 to 9.

“Adult-oriented information-access telephone service” means a telephone service to which a customer can subscribe, through which, for a charge, sexually explicit messages are furnished to a caller.

“Agent” means any person, as defined at N.J.A.C. 14:3-1.1, including, but not limited to, employees, servants or marketers, acting on behalf of another person, in order to bring about, modify, affect performance of, or terminate obligations between the other person and a third party.

“Aggregator” means a person, as defined at N.J.A.C. 14:3-1.1, that, in the ordinary course of its business, makes PPTS, as defined in this section, available to the public or to transient users, and that provides operator-assisted services through either automated store and forward technology or through an operator service provider. This term includes but is not limited to hotels, motels, hospitals, and universities.

“Alternate operator service provider” or “AOS” means a carrier that leases lines from a LEC and/or an IXC, and uses the leased lines and its own operators to provide operator-assisted services for intrastate calls. An AOS is a type of OSP, as defined in this section.

“Automated intervention” means automated store and forward technology, through which the placement or charging of a telephone call is provided without human involvement in each call or charge.

“Branding” means verbal identification of the OSP prior to connection of a call and starting the timing of the call for charging purposes.

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

“Clear” means, in regards to a problem or request for assistance with telecommunications service, to resolve the problem or satisfy the request.

“Competitive local exchange carrier” (CLEC) means a local exchange telecommunications carrier, other than an incumbent local exchange carrier, to which the Board has granted authority to provide telecommunications services.

“Competitive telecommunications services” means any telecommunications service that the Board has determined to be competitive pursuant to N.J.S.A. 48:2-21.19.

“Correctional facility” means an institution, including a prison, jail or detention center, operated by a governmental entity, which is dedicated to the treatment, rehabilitation or confinement of criminal offenders.

“Customer provided pay telephone service” or “CPPTS” means telephone service furnished to the public, for a per-use fee, by an individual, business or partnership or corporation that is a reseller.

“Customer provided pay telephone service provider” or “CPPTS provider” means the customer of record that purchases a CPPTS line and is responsible for the pay telephone instrument.

“Exchange access” means the provision of exchange services for the purpose of originating or terminating interexchange telecommunications. Such services are provided by facilities in an exchange area for the transmission, switching or routing of interexchange telecommunications that originate or terminate within the exchange area.

“FCC” means the Federal Communications Commission, which is a United States government agency.

“Facilities-based carrier” means a carrier or TSP that owns some portions of the telephone system, and that uses its own facilities for some portion of its provision of telecommunications service. Examples of facilities are local loop, transport and switches.

“Incumbent local exchange carrier” (ILEC) means a facilities-based telecommunications carrier with a Board-approved tariff in effect prior to February 8, 1996, which authorizes the carrier to provide telecommunications services in New Jersey. An ILEC may also operate as an OSP.

“Information provider” means an entity that uses LEC or IXC telecommunications services to provide information to callers for a fee, for example, adult-oriented information-access telephone services to provide sexually explicit messages.

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

“InterLATA toll call” means a toll call that originates in one LATA and terminates in another.

“IntraLATA toll call” means a toll call that originates and terminates in a single LATA.

“Intrastate telecommunications service” means a telecommunications service which remains within the boundaries of New Jersey, regardless of the specific routing of the call.

“Local Access Transport Area” or “LATA” means a geographic area, outside of which a Bell Operating Company does not carry telephone calls. (See *United States v. Western Electric*, 569 F. Supp. 990 (D.D.C. 1983).)

“Local call” means a call within a local calling area, as defined in this section.

“Local calling area” is a group of exchange areas in which an end-user can call without an extra fee, over and above the

monthly local calling fee. The local calling area is delineated in an ILEC's tariff. A local calling area is a subset of a LATAs.

"Local exchange carrier" or "LEC" means an ILEC or a CLEC, as defined in this section.

"Operator-assisted services" means services that assist callers in placing or charging a telephone call, either through live intervention or automated intervention.

"Operator service provider" or "OSP" means a facilities-based telecommunications carrier that provides operator-assisted services.

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

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

"Public pay telephone service" or "PPTS" means telephone service provided in an area used by the transient public, for public use for a per-use fee. This term includes customer provided pay telephone service, as defined in this section.

"Public pay telephone service provider" or "PPTS provider" means a person, as defined at N.J.A.C. 14:3-1.1, that provides PPTS.

"Reseller" means a non facilities-based carrier that leases lines or other physical infrastructure from a facilities-based carrier for use in providing telecommunications services to customers.

"Retail customer" is an end user that purchases telecommunications services for their own use and not for resale.

"Slamming" means an unauthorized change of a customer's primary interexchange carrier or the failure to execute an authorized change in a customer's primary interexchange carrier.

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

"Subscriber" means a telecommunications service customer of a LEC or IXC.

"Telecommunications" means the transmission, between or among points specified by the user, or information of the user's choosing, without change in the form or content of the information as sent and received.

"Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

"Telecommunications service provider" or "TSP" has the same meaning as "carrier," as defined in this section.

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

"Toll call" means a call that terminates outside the local calling area in which the call originated. The local calling area is defined in the ILEC's tariffs filed with and approved by the Board.

"Toll service" means the provision of toll calls.

"Type of service" means the category of telephone services provided to customers by telecommunications carriers. Examples of such types of service include, but are not limited to, toll, wide area telephone service, toll free, operator services, channel services, virtual private networks and optional services.

"Wholesale customer" means a person that purchases telecommunications services for resale to others.

New Rule, R.2007 d.276, effective September 17, 2007.

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

Former N.J.A.C. 14:10-1.2, Rate and special charges information, recodified to N.J.A.C. 14:10-1A.3.

14:10-1.3 Recordkeeping, general provisions

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

1. Eighteen months if the record relates to wholesale customers, unless the carrier has negotiated a contract with the customer that provides otherwise;
2. Six years if the record is necessary to ensure compliance with requirements for back billing of retail customers at N.J.A.C. 14:10-2.2, unless the carrier has negotiated a contract with the customer that provides otherwise;
3. Eighteen months if the record is required under N.J.A.C. 14:10-1A.11, service quality reporting; and

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

(b) Each telecommunications carrier shall make all records required under this chapter available to Board staff upon request.

(c) Each telecommunications carrier that maintains a commercial website, which includes the carrier's tariff shall provide the Board with a link to its website.

(d) Board staff may investigate a carrier's compliance with this chapter and/or with its tariff at any time, and may recommend that the Board suspend a tariff if it finds non-compliance with any Board order or rule, or any other applicable law.

New Rule, R.2008 d.304, effective October 20, 2008.
See: 38 N.J.R. 3880(a), 39 N.J.R. 5058(a), 40 N.J.R. 6211(a).

14:10-1.4 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Public information".

14:10-1.5 (Reserved)

Recodified to N.J.A.C. 14:10-1A.5 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Directories".

14:10-1.6 (Reserved)

Recodified to N.J.A.C. 14:10-1A.6 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Held applications".

14:10-1.7 (Reserved)

Recodified to N.J.A.C. 14:10-1A.7 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Customer complaints and trouble reports".

14:10-1.8 (Reserved)

Recodified to N.J.A.C. 14:10-1A.8 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Public telephone".

14:10-1.9 (Reserved)

Recodified to N.J.A.C. 14:10-1A.9 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Adequacy of service".

14:10-1.10 (Reserved)

Recodified to N.J.A.C. 14:10-1A.10 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 standards".

14:10-1.11 (Reserved)

Recodified to N.J.A.C. 14:10-1A.12 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Measuring devices".

14:10-1.12 (Reserved)

Recodified to N.J.A.C. 14:10-1A.13 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Inspections, tests and maintenance".

14:10-1.13 (Reserved)

Recodified to N.J.A.C. 14:10-1A.14 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".

14:10-1.14 (Reserved)

Recodified to N.J.A.C. 14:10-1A.15 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Construction".

14:10-1.15 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Preservation of records".

14:10-1.16 (Reserved)

Recodified to N.J.A.C. 14:10-1A.16 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Adoption by reference of the Uniform System of Accounts".

14:10-1.17 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Telegraph company registration".

14:10-1.18 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Number reclamation notice".

14:10-1.19 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Reclamation extensions".

SUBCHAPTER 1A. TELEPHONE UTILITIES

14:10-1A.1 Applicability

This subchapter applies to telephone utilities, as defined at N.J.A.C. 14:10-1.2.

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".

Recodified from N.J.A.C. 14:10-1.1 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 "(Reserved)".

14:10-1A.2 General provisions

(a) In addition to the requirements in this chapter, telephone utilities are subject to all applicable requirements of the Board's rules for all utilities at N.J.A.C. 14:3.

(b) A telephone utility shall provide to Board staff, upon request, maps of sufficient size and detail so that most customer locations can be determined, and mileage or zone charges quoted.

(c) A telephone utility shall, when requested, furnish appropriate information concerning location of underground facilities, as necessary to comply with the Board's rules for protection of underground facilities at N.J.A.C. 14:2.

New Rule, 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), 40 N.J.R. 6211(a).

Rewrote (b).

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

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

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).

Recodified from N.J.A.C. 14:10-1.2 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 (a); and deleted (b).

14:10-1A.4 (Reserved)

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. 14:10-1.3 by R.2007 d.276, effective September 17, 2007.

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

Repealed 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 "Business offices".

14:10-1A.5 Directories

(a) ILECs shall publish telephone directories regularly, listing the name, location and telephone number of all cus-

tomers whose numbers are provided to the ILEC, except telephone service not published at customers' request and public telephones.

(b) Upon publication, the ILEC shall distribute a copy of each directory to all customers within the service area covered by the directory, and shall furnish a copy of each directory to the Board Secretary.

(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 they may refer service or billing problems to the Board. The address, customer service telephone number and the website for 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.

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

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

(j) The informational consumer pages in the front of each local telephone directory shall include information regarding restrictions on access to adult-oriented services, in accordance with N.J.A.C. 14:10-7.

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. 14:10-1.5 and amended by R.2007 d.276, effective September 17, 2007.

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

Added (l).

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 (a), (b), (e), (f), and (i); in (h), substituted "utility" for "company"; deleted (j) and (k); and recodified former (l) as (j).

14:10-1A.6 Held applications

(a) When, because of shortage of facilities, a telephone utility is unable to supply telephone service on dates requested by applicants, priority shall be given to furnishing those services which are essential to public health and safety.

(b) 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, any interim service available, and the probable date the requested service will be provided.

R.1978 d.89, effective 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.
Recodified from N.J.A.C. 14:10-1.6 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).
Deleted (a); recodified former (b) and (c) as (a) and (b); in (a), deleted "main" preceding "telephone service" and deleted the last sentence; and in (b), inserted "any" and "the" preceding "probable".

14:10-1A.7 Customer complaints and trouble reports

Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. In addition, provisions at N.J.A.C. 14:3 governing receipt and investigation of complaints may apply. Except when unavoidable, all commitments to customers shall be kept. Every reasonable effort shall be made to notify customers of unavoidable changes.

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. 14:10-1.7 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).
Recodified (a) as an undesignated paragraph and inserted the second and third sentences; and deleted former (b) and (c).

14:10-1A.8 (Reserved)

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. 14:10-1.8 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Repealed 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 "Public telephone".

14:10-1A.9 Adequacy of service

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

R.1978 d.89, effective 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.
Recodified from N.J.A.C. 14:10-1.9 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).
Recodified former (a) as an undesignated paragraph; rewrote former (a); and deleted former (b) through (d).

14:10-1A.10 Service quality standards

(a) This section establishes service quality standards that a telephone utility shall meet. These standards apply without exception, regardless of seasonality, weather, work stoppage, accident, sabotage, acts of God or nature, or any other reason. The Board may, however, after investigation, suspend application of any provision of this chapter for periods of emergency, catastrophe, natural disaster, severe storm or other extraordinary events beyond the control of a utility.

(b) A telephone utility shall meet the following minimum service quality standards regarding installations of service:

1. Seventy-five percent of regular service installations shall be completed within five working days after the utility receives the request for service, unless a later date is requested by the applicant;
2. Eighty-eight percent of the commitments made to customers, as to the date of installation of regular service, shall be met, unless the customer causes a delay; and
3. An application for a regrade (that is, a change to a different grade of service) shall be filled within 30 days after the utility receives the regrade request, except where the customer requests a later date. In the event the telephone utility is unable to meet this deadline, the utility shall notify the customer of the date or approximate date the order will be filled.

(c) A telephone utility shall meet the following requirements regarding operator handled calls:

1. Eighty-five percent of repair service calls shall be answered within 20 seconds;
2. Eighty-five percent of toll assistance operator calls (that is, toll calls assisted by an operator) shall be answered within 10 seconds; and
3. Seventy-eight percent of directory assistance calls shall be answered within 10 seconds.

(d) An "answer" under (c) above 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."

(e) A telephone utility shall meet the following requirements regarding dial service, measured as Statewide monthly averages:

1. Ninety-five percent of dialed local calls shall be completed without encountering an all trunk busy or equipment irregularity; and
2. Ninety-five percent of originating direct-dialed toll calls shall reach the toll network without experiencing blockage or failure.

(f) Each telephone utility shall ensure that its Statewide average rate of customer trouble reports to the utility shall not exceed eight per 100 lines per month.

(g) 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.

(h) Customer complaints to the Board concerning a telephone utility's service shall not exceed eight complaints per 10,000 lines per month, Statewide.

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.

Recodified from N.J.A.C. 14:10-1.10 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 standards". In (a), inserted a comma following the first instance of "levels"; recodified (c)2 through (c)4 to N.J.A.C. 14:10-1A.11(f)1-4.

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.

14:10-1A.11 Service quality reporting

(a) Each telephone utility shall take measurements of its performance in relation to the standards in N.J.A.C. 14:10-1A.10, and shall compile summaries of the measurements.

(b) Each telephone utility shall retain records of the measurements and summaries required under this section for 18 months, and shall provide the measurements and summaries in a report to Board staff as follows:

1. Upon request of Board staff; or
2. If a telephone utility fails to meet a service standard in this chapter for three consecutive months.

(c) Each telephone utility shall report its performance in relation to these standards on a monthly average (arithmetic mean) basis.

(d) For the purpose of reports submitted under this section, each telephone utility shall provide Statewide totals of its performance measurements relating to all quality service standards set forth at N.J.A.C. 14:10-1A.10.

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

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

2. The additional reporting unit for measurements relating to the standards for operator handled calls at N.J.A.C. 14:10-1A.10(c)1 through 3 shall be the call center; and

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

(f) All reports submitted under this section shall set forth the following:

1. Reporting unit name, and further identification if name does not convey geographic location;
2. Service quality standard being measured;
3. Results of measurements, and summaries of the results; and
4. Months being reported on.

(g) If any service quality standard set forth in this subchapter has not been met, the report shall include, in addition to the information required in (f) above, the following information:

1. The cause of performance at the reported level;
2. If the standard not met involved an installation commitment or customer trouble report, the specific reporting units affected;
3. Corrective action taken by the utility; and
4. Completion date, or expected completion date, of the corrective action.

(h) Reports shall be submitted no later than 30 calendar days after the end of the third consecutive month of non-compliance, or 30 days after requested by Board staff, whichever comes first.

New Rule, 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 (b) and (e); and added (h).

14:10-1A.12 Measuring devices

All measuring and/or record keeping devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, and shall accurately count the item being measured.

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.

14:10-1A.13 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.

14:10-1A.14 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).

14:10-1A.15 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.

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.

14:10-1A.16 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.

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. A separate line item, calculated on a quarterly basis, for each optional service provided, if any;
8. Total charges for intraLATA and interLATA toll calls, supported by an itemized list of the calls;
9. Total nonrecurring charges for service and equipment;
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.

(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).

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 NXX codes, the FCC Industry Numbering Committee's Central Office Code Assignment Guidelines (COCAG); and as regards 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.

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).

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

(a) If a service provider meets the requirements of this section, Board staff shall grant an extension to the 14-day deadline set forth in N.J.A.C. 14:10-3.2(d). Board staff shall grant only one extension to the service provider, of up to 90 days from the date the service provider's Part 4 Form was initially due.

(b) To obtain an extension under this section, a service provider shall submit an extension request to Board staff in writing. The request shall include all of the following:

1. The reason for the delay in activating the service provider's numbering resources;
2. The projected date upon which the service provider will activate the numbering resources;
3. The duration of the extension requested;
4. The role played in causing the delay, if any, of the act or omission of a person other than the service provider during the six months after the service provider was assigned the numbering resources;

5. A list of the numbering resources that are the subject of the extension request;

6. A list of all of the numbering resources assigned to the service provider in the same exchange area as those that are the subject of the extension;

7. A copy of any prior extensions that the service provider has obtained from the Board; and

8. The service provider's current deadline under the Guidelines for placing the numbering resources that are the subject of the extension in service.

(c) Board staff shall grant an extension only upon a determination that the subject numbering resources were not placed in service due to reasons beyond the service provider's control. The Board shall not grant additional extensions to that service provider for the thousands-block that is the subject of the extension.

(d) If a service provider receives an extension and fails to file the information required under N.J.A.C. 14:10-3.2(d) by the end of the extension period, the service provider's numbering resources are subject to immediate reclamation at the end of the extension period.

SUBCHAPTER 4. NON-FINANCIAL REPORTING REQUIREMENTS

14:10-4.1 General provisions

(a) This section sets forth the non-financial reporting requirements for ILECs and CLECs that provide intrastate telecommunications services to end-users in New Jersey.

(b) Each carrier shall submit to the Board an unredacted copy of its semi-annual FCC Local Telephone and Competition and Broadband Reporting Form 477, with the modifications detailed in this subchapter. The carrier shall submit the form to the Board annually, within five days after the carrier files the form with the FCC.

(c) Each carrier shall retain all background and supporting documentation used to develop the information required by this subchapter, and shall make the documentation and information available for inspection by Board staff upon request.

(d) A carrier may submit a confidentiality claim with regard to any information required under this subchapter, in accordance with the Board's OPRA rules at N.J.A.C. 14:1-12.

(e) Board staff may require an audit of some or all of the data collected from carriers on an annual basis.

(f) (Reserved)

(g) The submittal to the Board shall include all proprietary data required and provided to the FCC with respect to Wireline and Fixed Wireless Local Telephone service.

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

(i) If a carrier is unable to obtain detailed actual data in order to fully comply with this section, or if compiling the required data would place an undue burden on the carrier, the carrier may instead submit detailed, statistically valid estimates of the required data, together with a request for an exemption from the actual data requirements for future filings. A request for an exemption shall contain a detailed description of the methodology used to estimate the data, and a comprehensive explanation of why actual data is not currently available, and why future collection of actual data would result in an undue burden to the carrier. If the actual data becomes available the carrier must notify the Board that estimated data is no longer required for future filings.

(j) If a carrier obtains an exemption under (i) above, and then revises its estimation methodology in a later filing, Board staff may, if necessary require the carrier to restate all previously estimated data using the revised estimation methodology in order to provide a valid comparison.

14:10-4.2 State-specific data for reports

(a) In place of Parts II and V of the carrier's FCC Form 477, the carrier shall submit the data required in this section.

(b) Voice telephone service provided to end users: The following data are required from ILECs and CLECs regarding voice telephone service provided to end users:

1. Total number of lines and channels that the ILEC or CLEC or its affiliate provides to end users:

i. Total number of voice-grade equivalent lines and voice grade equivalent wireless channels in service in each zip code;

ii. Of the lines and channels described in (b)i above:

(1) Total number of residential lines by zip code;

(2) Total number of single line business lines by zip code; and

(3) Total number of lines for which each of the following is provided:

(A) Interstate long distance service without also providing intrastate long distance service;

(B) Intrastate long distance service without also providing interstate long distance service; and

(C) Both interstate and intrastate long distance service;

2. Total number of residential lines for which each of the following is provided:

- i. Interstate long distance service without also providing intrastate long distance service;
- ii. Intrastate long distance service without also providing interstate long distance service; and
- iii. Both interstate and intrastate long distance service;

3. Total number of single line business lines for which each of the following is provided:

- i. Interstate long distance service without also providing intrastate long distance service;
- ii. Intrastate long distance service without also providing interstate long distance service; and
- iii. Both interstate and intrastate long distance service;

4. For the lines and line equivalents described in (b)1i above, provide the total number provided over UNE loops that are obtained without switching;

5. For the lines and line equivalents described in (b)1i above, provide the total number provided with switching;

6. For the lines and line equivalents described in (b)1i above, provide the total number provided by reselling another carrier's service (including Centrex or channelized special access service);

7. For the lines and line equivalents described in (b)1i above, provide the total number provided over coaxial cable, fiber optic or any other facility type using VoIP or cable telephony; and

8. For the lines and line equivalents described in (b)1i above, provide the total number provided over fixed wireless at the end user premises.

(c) Voice telephone service provided to carriers that are not affiliated with the reporting ILEC or CLEC: The following data are required:

1. Total number of lines and channels provided under Total Service Resale arrangements;

2. Of the lines and channels listed in (c)1 above provide the following:

- i. Total residential lines by zip code;
- ii. Total single line business lines by zip code; and

3. Total number of lines and channels, by zip code, provided under other resale arrangements, such as resold Centrex or resold channelized special access service.

(d) UNE loops: Each wholesale telecommunications provider shall provide the following data regarding UNE loops that it provides to carriers that are not affiliated with it:

1. The total number of lines and channels provided under a UNE loop arrangement under which switching for the line is not provided, sorted by zip code; and

2. The total number of lines and channels provided under a UNE loop arrangement under which switching for the line is also provided.

(e) In addition to other information required in this section, the ILEC or CLEC shall submit any further information that Board staff deems necessary to fulfill the mandates of N.J.S.A. 48:2-21.16.

SUBCHAPTER 5. COMPETITIVE TELECOMMUNICATIONS SERVICES

14:10-5.1 Scope

(a) This subchapter governs the provision of competitive telecommunications services, as defined in N.J.A.C. 14:10-1.2, that are subject to the jurisdiction of the New Jersey Board of Public Utilities.

(b) This subchapter applies to the following:

1. Local exchange carriers and intrastate interexchange carriers offering competitive services;

2. Competitive services offered by CLECs, IXCs and ILECs; and

3. Non-competitive services offered by CLECs under N.J.A.C. 14:10-5.7.

(c) The subchapter also applies to tariff revisions, for existing non-competitive services offered by CLECs, which do not increase rates.

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.2002 d.90, effective March 18, 2002.

See: 33 N.J.R. 2041(a), 34 N.J.R. 1275(b).

Rewrote the section.

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.

14:10-5.2 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 service offered to intrastate customers;

4. Be consistent with all provisions of this subchapter; and

5. Be considered public records.

(b) A carrier may include in its tariff cross-references to Federal Communications Commission interstate tariffs for volume discounts, optional features and other provisions not specifically required to be included in intrastate tariffs pursuant to (a) above.

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

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

Recodified from N.J.A.C. 14:10-5.3 by R.2007 d.276, effective September 17, 2007.

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

Former N.J.A.C. 14:10-5.2, Definitions, 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).

In (b), substituted "A carrier may include in its tariff cross-references" for "Cross-references" and deleted "are permitted" following "interstate tariffs".

14:10-5.3 Tariff revisions that increase charges

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

(b) The carrier shall notify the public of a proposed tariff revision described in (a) above in one of the following ways:

1. By direct mail to all affected customers who already receive the service within 24 hours after the filing of revised tariff pages with the Board;

2. By invoice message to all affected customers, delivered electronically to those customers with electronic billing at least 15 days prior to the filing of revised tariff pages;

3. By bill insert or by invoice message through direct mail for those customers with paper-invoice billing at least 15 days prior to the filing of the revised tariff pages;

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

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

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

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

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

Recodified from N.J.A.C. 14:10-5.4 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 "Requirements for tariff revisions to existing services which create increased charges to any customer". In (a), substituted "regarding" for first occurrence of "to" and inserted a comma following "customer".

Former N.J.A.C. 14:10-5.3, Informational tariff filings, recodified to N.J.A.C. 14:10-5.2.

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).

In (a), substituted "regarding" for "to" and inserted a comma following "services" and inserted "no sooner than"; rewrote (b); and in (c), substituted "tariff revisions" for "revisions as" and "Rate Counsel in the Department of the Public" for "the Ratepayer".

Amended by R.2009 d.179, effective June 1, 2009.

See: 40 N.J.R. 5952(a), 41 N.J.R. 2337(a).

Rewrote (b).

14:10-5.4 Tariff revisions that do not increase charges

(a) Tariff revisions to existing competitive telecommunications services, or to any CLEC or IXC tariff, which do not increase 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; except that a tariff revision for withdrawal of a service offering shall be governed by N.J.A.C. 14:10-5.8.

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

(c) Revisions to non-competitive telecommunications service tariffs are governed by the Board's rules for all utilities at N.J.A.C. 14:3.

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.2002 d.90, effective March 18, 2002.

See: 33 N.J.R. 2041(a), 34 N.J.R. 1275(b).

Rewrote (a).

Recodified from N.J.A.C. 14:10-5.5 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 "Requirements for tariff revisions to existing services which do not create increased charges to any customer". Rewrote (a); in (b), deleted "as" preceding "described" and substituted "Public" for "Division of the Ratepayer"; and added (c).

Former N.J.A.C. 14:10-5.4, Requirements for tariff revisions to existing services which create increased charges to any customer, recodified to N.J.A.C. 14:10-5.3.

14:10-5.5 New competitive telecommunications service offerings by interexchange carriers

(a) New competitive telecommunications service offerings of interexchange carriers shall become effective one business day after the IXC files a tariff revision covering the new service offering with the Board, without the requirement of prior Board approval.

(b) An IXC shall file a tariff revision for a service offering described in (a) above on the Public Advocate within 24 hours of filing with the Board.

(c) A proposed tariff revision filing for new competitive telecommunications services offerings by existing interexchange carriers shall include a letter describing the new service and tariff pages with all rates, terms and conditions.

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

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

Recodified from N.J.A.C. 14:10-5.6 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 "Requirements for new competitive telecommunications service offerings for existing interexchange carriers". Rewrote (b) and (c); and deleted (d).

Former N.J.A.C. 14:10-5.5, Requirements for tariff revisions to existing services which do not create increased charges to any customer, recodified to N.J.A.C. 14:10-5.4.

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).

In (a), deleted "existing" preceding "interexchange", and substituted "one business day after the IXC files a tariff revision covering the new service offering with the Board" for "five business days after filing".

14:10-5.6 Initial CLEC or IXC tariff

(a) Initial tariffs filed by CLECs for local exchange and exchange access services, or by IXCs for interchange services, shall be effective as filed 30 days following submittal to the Board, without the requirement of prior Board approval except for a tariff covered under (b) below.

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

(c) All initial tariff filings made by a CLEC or IXC shall be certified to be accurate, and in compliance with existing law, by an officer of the CLEC or IXC.

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

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

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

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

New Rule, R.2002 d.90, effective March 18, 2002.

See: 33 N.J.R. 2041(a), 34 N.J.R. 1275(b).

Former N.J.A.C. 14:10-5.7, was reserved.

Recodified from N.J.A.C. 14:10-5.7 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 "Initial tariff of competitive local exchange carriers (CLECs) and interexchange carriers (IXCs)". Rewrote the section.

Former N.J.A.C. 14:10-5.6, Requirements for new competitive telecommunications service offerings for existing interexchange carriers, recodified to N.J.A.C. 14:10-5.5.

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).

In (a), inserted "except for a tariff covered under (b) below"; and added (b).

14:10-5.7 Board monitoring of competitiveness

(a) In monitoring the competitiveness of rate regulated and competitive telecommunications services and/or providers of those services, the Board may request any information necessary from a carrier. In addition, the Board may use information collected pursuant to N.J.A.C. 14:10-4 to conduct an analysis as to whether individual services and/or the markets for telecommunications services are becoming more or less competitive.

(b) In conducting the analysis described under (a) above, the Board may:

1. Monitor the market shares of carriers as measured by number of calls, minutes of use, number of customers and customer complaints;
2. Use an economic measure of concentration or any other appropriate economic indicator, statistical technique or analytical tool to measure existing or projected market share and the competitiveness of individual services and providers; and/or
3. Use a customer survey to solicit information related to the perception of the level of competition by telecommunications end users.

(c) The Board may reclassify a service that had previously been found to be competitive, if, after notice and hearing, the Board finds that one or more of the following conditions are met:

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;
5. That a carrier is not providing safe, adequate or proper service; or
6. That the public interest is no longer served by the existing regulatory flexibility afforded to carriers.

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

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

Recodified from N.J.A.C. 14:10-5.10 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 "Standards for monitoring the competitiveness of services". Rewrote the section.

Former N.J.A.C. 14:10-5.7, Initial tariff of competitive local exchange carriers (CLECs) and interexchange carriers (IXCs), recodified to N.J.A.C. 14:10-5.6.

Case Notes

Cable television operator not entitled to emergent relief; television pole attachments not located at reference gain. In Matter of Report on Status of Construction by Shore Cable Company, 92 N.J.A.R.2d (BRC) 37.

14:10-5.8 Withdrawal of a competitive service from subscribers

Any carrier providing competitive services may withdraw a competitive service from subscribers after 30 days notice to all of its affected customers and the Board.

Repealed by R.2002 d.90, effective March 18, 2002.

See: 33 N.J.R. 2041(a), 34 N.J.R. 1275(b).

Section was "Requirements for interexchange carriers initial tariff filings".

Recodified from N.J.A.C. 14:10-5.11 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 "Discontinuance of service offerings". Rewrote (a).

Former N.J.A.C. 14:10-5.8, Requirements for interexchange carriers initial tariff filings, 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).

Recodified former (a) as an undesignated paragraph; in former (a), deleted "except as specified under (b) below" from the end; and deleted (b).

14:10-5.9 Discontinuance of a competitive service offering

(a) A carrier may discontinue offering a competitive service after providing one day notice of the discontinuance to all customers and the Board. New customers will not have the option to subscribe to the service. However, existing subscribers shall continue to receive the service.

(b) Notwithstanding (a) above, if a competitive service is offered solely by a single carrier, the carrier shall not discontinue the service offering if Board staff notifies the carrier that the discontinuance requires prior Board review and approval.

Amended by R.1996 d.412, effective September 3, 1996.
 See: 28 N.J.R. 2832(a), 28 N.J.R. 4107(a).
 Repeal and New Rule, R.2007 d.276, effective September 17, 2007.
 See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
 Section was "Reporting requirements".
 Administrative correction.
 See: 39 N.J.R. 4201(b).

14:10-5.10 (Reserved)

Recodified to N.J.A.C. 14:10-5.7 by R.2007 d.276, effective September 17, 2007.
 See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
 Section was "Standards for monitoring the competitiveness of services".

14:10-5.11 (Reserved)

Recodified to N.J.A.C. 14:10-5.8 by R.2007 d.276, effective September 17, 2007.
 See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
 Section was "Discontinuance of service offerings".

SUBCHAPTER 6. OPERATOR SERVICE PROVIDERS

14:10-6.1 Scope

(a) This subchapter shall apply to the following, as these terms are defined at N.J.A.C. 14:10-1.2:

1. Operator service providers;
2. Alternate operator service providers; and
3. Aggregators, including those that offer similar services to an operator service provider, from an instrument other than a public pay telephone.

(b) In addition to this subchapter, those aggregators who are also public pay telephone service (PPTS) providers are subject to N.J.A.C. 14:10-9.

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.

14:10-6.2 Operator service providers and aggregators

(a) Any person may hire an OSP to complete intrastate operator-assisted calls, subject to the requirements of this subchapter.

(b) Board staff may investigate the conduct of any OSP or aggregator to evaluate compliance with this subchapter, and may take appropriate enforcement action in accordance with N.J.A.C. 14:10-6.9.

(c) Operator service providers and aggregators are responsible for conformance with all rules as specified in this subchapter. The Board may, after notice and an opportunity to be heard in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, take such action against an OSP and/or ag-

gregator as is necessary to rectify any non-conformance with the rules or to protect the general public interest. If the Board finds that an OSP or aggregator is not in compliance with a Board rule or order, the Board's actions may include the imposition of penalties for violations as described in N.J.A.C. 14:10-6.9, disconnection of intrastate service to individual aggregator locations experiencing persistent violations, as well as the restriction of certain billing and collection activities subject to the Board's regulation.

Amended by R.2001 d.307, effective September 4, 2001.

See: 33 N.J.R. 1500(a), 33 N.J.R. 3043(a).

In the introductory paragraph, added "unless the context clearly indicates otherwise."; rewrote "Slamming".

Recodified in part from N.J.A.C. 14:10-6.3 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 "Operator service provider requirements". Recodified and rewrote (a), (b) and (c) from N.J.A.C. 14:10-6.3.

Former N.J.A.C. 14:10-6.2, Definitions, repealed.

14:10-6.3 Informing callers about the OSP

(a) Each aggregator or other regulated entity that hires or otherwise utilizes an OSP shall place directly on the telephone instrument, in plain view of consumers:

1. The name, address, and toll free number of the OSP;
2. A clear and precise description of the geographic area served by the LEC;
3. A clear description of the geographic area served by the OSP;
4. A written disclosure that the rates for all operator-assisted calls are available on request and free of charge, and dialing instructions on how to obtain this information;
5. A written disclosure that consumers have a right to obtain access to the intrastate operator service provider of their choice and may contact their preferred carrier for information on accessing that carrier's service using that telephone;
6. Dialing instructions which detail the OSP's dialing procedures;
7. Dialing instructions for access to the LEC operator;
8. The Board's toll free customer complaint telephone number; and
9. All information required by the Federal Communications Commission at 47 CFR 64.703, as amended and supplemented, which is incorporated herein by reference.

(b) Operator service providers shall verbally inform callers, audibly and distinctly, prior to connecting the call and prior to starting the timing of the call for charging purposes, of all of the following information:

1. That the presubscribed OSP is handling the operator-assisted call, this shall be done by verbal identification of the OSP. Accordingly, branding is required;

2. Prior to connecting any intrastate, 0+ call, how the caller can obtain the actual, or maximum possible, total cost of the call, including any aggregator surcharge and/or location specific charges;

3. That the caller may obtain applicable rate and surcharge quotations, and how to do so. It shall be the option of the OSP whether the rates or quotations are obtainable by dialing one or two digits, or by remaining on the line; and

4. For calling card or any other OSP assisted call that will be billed to the calling party, that the call will be billed to the calling party.

(c) For collect or third-party billed calls, an OSP shall comply with (b)1 through 3 above, and shall, in addition, verbally inform the party being called or the third-party, audibly and distinctly, prior to connecting the call and prior to starting the timing of the call for charging purposes, that the call will be billed to the called party or third party, as applicable.

(d) Each operator services provider shall ensure, by contract, that each aggregator for which such OSP is the presubscribed OSP is in compliance with this section. The OSP shall provide Board staff with a copy of the contract upon request.

Public Notice: Initiation of Investigation to Determine the Benchmark Costs, Expenses and Rates of Return for Payphone Service Providers.

See: 29 N.J.R. 1414(a).

Amended by R.1998 d.529, effective November 2, 1998.

See: 30 N.J.R. 331(a), 30 N.J.R. 3967(a).

Added new (h) and (n); and rewrote (i) and (j).

Public Notice: Regulation of Operator Service Providers.

See: 30 N.J.R. 3973(b).

Amended by R.1999 d.111, effective April 5, 1999.

See: 30 N.J.R. 1203(a), 31 N.J.R. 895(a).

In (d), added an exception at the end of 8; and in (e), added the third through fifth sentences.

Recodified in part to N.J.A.C. 14:10-6.2 and N.J.A.C. 14:10-6.4 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.

Former N.J.A.C. 14:10-6.3, Operator Service Provider Requirements, recodified to N.J.A.C. 14:10-6.2, N.J.A.C. 14:10-6.3 and N.J.A.C. 14:10-6.4.

Case Notes

Absent any specific requirement from legislature, it was within the Board of Public Utilities' discretion to determine that publicly noticed rulemaking was appropriate vehicle to determine maximum rate caps for alternate operator service (AOS) providers in telecommunications industry. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

As in all rulemakings, the Board of Public Utilities was at liberty to draw upon its own expertise in setting rate caps on alternate operator service (AOS) providers, preeminently a question of public policy with regard to governance of telecommunications industry. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Board of Public Utilities was not required to request additional notice and comments after initial rule proposal and comment period with

respect to regulations establishing rate caps on alternate operator service (AOS) providers in telecommunications industry, where there were no changes to actual regulations proposed by the Board, and final rules were essentially identical to those proposed by the Board. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Board of Public Utilities' adoption of rate caps on alternate operator service (AOS) providers in telecommunications industry after change in operator service provider's (OSP) rates which Board selected as appropriate benchmark for calls which required intervention of live operator was not arbitrary, capricious, or an abuse of discretion, where the Board stated that it analyzed OSP's increase and was satisfied that caps were still reasonable and met Board's goal of striking a balance between financial integrity of payphone providers and public interest, Board specifically relied on fact that rates for calls which required intervention of a live operator could be increased an additional \$1.00 to \$5.25, and Board concluded that the \$1.00 raise would serve to further mitigate any charges or other costs that might be incurred. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Board of Public Utilities' proceeding for promulgating regulations establishing current rate caps on alternate operator service (AOS) in telecommunications industry was not a rate-setting for a particular utility, but rather involved consideration of a generalized standard to apply to a segment of telecommunications industry, and as such, it was a rulemaking which did not require an evidentiary hearing. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Changes regarding the Board of Public Utilities' assumptions underlying proposed rule did not render Board's adoption of rate caps on alternate operator service (AOS) providers in telecommunications industry arbitrary, capricious, and an abuse of discretion. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Evidence supported the Board of Public Utilities' determination of current rate caps on alternate operator service (AOS) providers in telecommunications industry; rate caps were based on data submitted by industry, Board's discussions with industry representatives, and Board's anticipation of some industry-wide mitigating factors that would tend to offset any potentially negative consequences of rate caps, and then, in great detail, Board discussed those mitigating factors and its decision to use operator service provider's (OSP) rate as benchmark for rate caps for calls which required intervention of live operator. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Evidence supported the Board of Public Utilities' determination to limit future rate cap increases on alternate operator service (AOS) providers in telecommunications industry to one dollar; argument ignored the overall history of development of rate caps, and Board believed that the one dollar surcharge in excess of the highest facilities-based carriers' market based rates reflected cost differences between service providers. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Given the subject matter it was considering, the Board of Public Utilities complied with the federal-standards review requirement of Administrative Procedure Act (APA) in adopting rate caps on alternate operator service (AOS) providers in telecommunications industry, where Board included a written statement and there were no specific federal rate cap standards. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Objector's procedural challenges to the Board of Public Utilities' adoption of regulations establishing current rate caps on alternate operator service (AOS) providers in telecommunications industry were of sufficient public interest to justify waiver of general rule that an objector who fails to participate in administrative proceedings which result in promulgation of regulations forfeits the right to object, in case in which Division of Ratepayer Advocate raised the same or similar issues in its appeal. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Rate caps set forth in the Board of Public Utilities' regulations establishing current rate caps on alternate operator service (AOS) providers in telecommunications industry did not violate federal and state equal protection guarantees, on basis that caps precluded AOS providers from charging identical rates to those charged by facility-based operator service providers (OSP), where facilities-based OSPs and non-facilities based OSPs, that is, AOS providers, were not similarly situated, and capping rates was an effective means to remedy the overcharging of telephone consumers by AOS providers. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Rulemaking procedures followed by the Board of Public Utilities in promulgating regulations establishing current rate caps on alternate operator service (AOS) providers in telecommunications industry fully complied with letter and spirit of Administrative Procedure Act (APA), where Board offered at least a 30-day period for interested parties to submit their views and, after receiving comments, Board published written responses in State Register demonstrating that the comments had been fully considered. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Section of the federal Telecommunications Act of 1996 providing that Federal Communications Commission's (FCC) regulations relating to provision of payphone service will preempt state requirements to extent that state requirements are inconsistent with FCC regulations did not preempt Board of Public Utilities' regulations establishing current rate caps on alternate operator service (AOS) providers in telecommunications industry, which regulations established maximum rates for intrastate telephone calls, where there were no FCC regulations governing intrastate rates for intrastate telecommunications services, and federal TCA deregulated local coin rates for payphones. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

Sections of the federal Telecommunications Act of 1996 setting forth general statement of removal of barriers to entry, governing state regulatory authority with respect to removal of barriers to entry, and governing nondiscrimination safeguards in provision of payphone service do not preempt states from acting in subject matter area in manner prescribed by Board of Public Utilities' regulations establishing current rate caps on alternate operator service (AOS) providers in telecommunications industry. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

When legislature enacted statutes reestablishing a degree of rate authority in the Board of Public Utilities with respect to alternate operator service (AOS) providers in telecommunications industry, legislature was acting to address particular problems and manifested no intention to impose standards of traditional rate-making upon a non-franchised competitive telecommunications service. In the Matter of the Regulation of Operator Service Providers, 778 A.2d 546 (2001).

14:10-6.4 AOS rates for intrastate operator-assisted calls

(a) An alternate operator service provider may charge the following maximum rates:

1. For a local or non-local intrastate calling card call that does not require the intervention or use of a live operator (that is, an "0+" calling card call at a transient location), and is no longer than five minutes, the maximum rate shall be \$2.75;

2. For a local or non-local intrastate call that requires a live operator (that is, an "0-" operator assisted call at a transient location), and is no longer than five minutes, the maximum rate shall be \$4.25;

3. For a collect call that does not use a live operator, but uses a voice prompt, the rate shall be the same as for an operator assisted call under (a)2 above;

4. For a call described at (a)1-3 above, that is greater than five minutes, an additional per minute rate may be charged, in addition to the charges under (a)1-3 above. The per minute rate shall equal the applicable per minute rate in the AT&T tariff on file with the Board at the time of the call. The AT&T rate is posted on the Board's webpage at http://www.bpu.state.nj.us/bpu/pdf/telecopdfs/njac_rates.pdf, and

5. Notwithstanding (a)4 above, an AOS's rate for a call described in (a)2 or 3 above shall be capped at \$5.25 (\$4.25 plus \$1.00). The AOS shall not charge more than \$5.25 without prior Board approval. A request for Board approval of a higher rate shall conform to the requirements for petitions at N.J.A.C. 14:1-5.12.

(b) Surcharges associated with non-pay telephones, which are not part of the actual telephone bill or imposed by an OSP, but are add-on charges imposed by hotels, motels, hospitals, universities and/or other CPPTS providers, are not prohibited by these rules. However, notice of any surcharge shall be displayed by the aggregator in accordance with N.J.A.C. 14:10-6.3(b)2.

(c) Operator service providers shall not bill for calls that are not completed.

(d) For the purpose of this subchapter, "rate" means the total charge to a caller for the completion of a call utilizing operator-assisted service, including all surcharges, premises-imposed fees and other charges, collected from the caller.

Recodified in part from N.J.A.C. 14:10-6.3 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.

Former N.J.A.C. 14:10-6.4. Access to all operator service providers, recodified to N.J.A.C. 14:10-6.5.

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).

Deleted (b) and (c); and recodified former (d) through (f) as (b) through (d).

14:10-6.5 Access to all operator service providers

(a) The aggregator that utilizes an OSP shall ensure that all callers have free access to all operator service providers, including the LEC operator serving that geographical area, from all instruments connected to operator service providers, with the exception of government controlled correctional facilities.

(b) Each aggregator shall ensure that each of its telephones in service, that utilizes a presubscribed OSP, allows the caller to obtain access, without charge, to the OSP desired by the consumer. This subsection does not apply to the use of access code dialing sequences that result in billing to the originating telephone.

(c) Each OSP shall:

1. Ensure, by contract, that each aggregator for which such provider is the presubscribed OSP complies with (a) and (b) above; and

2. Withhold payment to aggregators of any compensation, including commissions, on a location-by-location basis, if the OSP reasonably believes that the aggregator is blocking access to other operator service providers in violation of (a) and (b) above.

(d) No operator service provider shall transfer a call to another OSP unless that transfer is accomplished at, and billed from, the point of origination of the call. To do otherwise results in splashing, as defined in N.J.A.C. 14:10-1.2. If such a transfer is not technically possible, the OSP shall inform the caller that the call cannot be transferred as requested and that the caller should hang up and attempt to reach another operator service provider through the means provided by that other OSP.

(e) A carrier shall calculate charges based on a call's point of origination, unless:

1. The caller requests to be transferred to a different carrier's OSP; or

2. Both of the following requirements are met:

i. The caller is informed, before timing of the call for billing purposes begins, that the call may be billed as if it originated somewhere other than the location from which the call actually originated; and

ii. The caller consents to the change in billing location.

Recodified from N.J.A.C. 14:10-6.4 and amended by R.2007 d.276, effective September 17, 2007.

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

In (a), substituted "The aggregator that utilizes an OSP shall ensure that all callers have free" for "Free", and deleted "shall be made available" following "geographical area,"; inserted designation (b) preceding the former second sentence of (a); rewrote (b); recodified former (b) as (c); in introductory paragraph of (c), substituted "OSP" for "provider of operator services"; rewrote (c)1 and (c)2; recodified former (c) as (d); in (d), substituted "1.2" for "6.2, which is hereby prohibited"; and added (e).

Former N.J.A.C. 14:10-6.5, "0-" and emergency call handling, recodified to N.J.A.C. 14:10-6.6.

14:10-6.6 "0-" and emergency call handling

(a) All "0-" calls, which are calls originated by dialing "0" and no other digits within four seconds, shall be sent promptly and directly to the incumbent LEC operator serving the geographic area where the instrument is located, unless the presubscribed operator service provider has certified to the Board, as described in (b) through (e) below, its ability to provide such service.

(b) An operator service provider may petition the Board for authority to provide "0-" and emergency call completion.

The OSP shall certify that it is capable of meeting the technical parameters in (c) through (e) below.

(c) The Board shall authorize an OSP to offer "0-" services only if the OSP also offers both free public access to the incumbent LEC operator serving that geographical area and emergency call handling. Incumbent LEC access must be available and be accomplished by either a direct dialing sequence or by direct connection to the incumbent LEC operator upon request.

(d) To obtain Board approval to offer "0-" and emergency call completion under (b) above, an OSP shall meet the following technical standards:

1. Operate on a full time basis 24 hours a day, seven days a week;

2. Require by contract that all connecting users provide free access to all other operator service providers upon request, in accordance with N.J.A.C. 14:10-6.5, including the incumbent LEC operator service and, in addition, that all connecting users:

i. Are capable of receiving the provider's multifrequency tone for the re-origination of calls to the incumbent LEC operator service; and

ii. Instruments be capable of transferring "0-" calls directly to the incumbent LEC at the calling party's request;

3. Ensure that in the event of a network outage or malfunction that all "0-" call traffic is directed to the incumbent LEC for completion;

4. Direct all of its New Jersey customers to program their equipment to route all "0-" traffic to the incumbent LEC in the event of a malfunction;

5. Ensure that all components of its network meet or exceed industry standards for a P.01 grade of service, which is no more than one busy signal in 100 call attempts in the average busiest hour;

6. Assure that 90 percent of calls will be answered in 10 seconds during the average busiest hour and that all calls will be answered within 20 seconds;

7. Make traffic studies and maintain records as required to ensure that sufficient equipment and an adequate operating force are provided at all times to ensure compliance with the performance requirements set forth herein. These studies and records shall be made available to the Board's staff upon request for review purposes. Further, the OSP shall submit certified reports upon request to the Board's staff showing that grade of service and response time are within the performance limits described in this subchapter; and

8. Transfer emergency calls in an average of 20 seconds or less to the appropriate emergency service agency.

This time includes initial screening by the operator and a maximum ringdown time of 10 seconds except:

- i. When the emergency service agency takes longer than the time allotted to answer its phone;
- ii. If the caller is incoherent and the operator is, as a result, required to spend additional time with the caller in order to ascertain the nature of the emergency; and
- iii. When the nature of the emergency is such (for example, a suicide attempt) that the operator becomes an integral part of the process, bridges the emergency service agency on the line and assists the agency in its efforts, rather than simply transferring the call.

Recodified from N.J.A.C. 14:10-6.5 and amended by R.2007 d.276, effective September 17, 2007.

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

In (a), substituted "certified to" for "been granted approval by"; rewrote (b) and (c) and the introductory paragraph of (d); in (d)2, updated the N.J.A.C. reference; in (d)7, deleted "annually" preceding "upon" two times and inserted "and" at the end; and deleted (d)9 through (d)11.

Former N.J.A.C. 14:10-6.6, Penalty for violation, recodified to N.J.A.C. 14:10-6.7.

14:10-6.7 Penalties for violations

(a) Any AOS provider which violates this subchapter shall be subject to the applicable penalty set forth in Table A below.

(b) Each violation of this subchapter shall constitute a separate and distinct violation, for which the Board may assess a separate penalty.

(c) If a violation is of a continuing nature, the Board may deem each day that the violation continues to be a separate and distinct violation, for which a separate and distinct penalty may be assessed.

(d) The penalty amounts for violations of this subchapter are set forth in Table A below:

TABLE A
Penalties for Violations

<u>Violation</u>	<u>Penalty</u>
Exceeding maximum rates authorized under N.J.A.C. 14:10-6.4(a)	\$5,000
Noncompliance with emergency call procedures set forth at N.J.A.C. 14:10-6.6	\$5,000
Slamming, in violation of N.J.A.C. 14:10-11	\$3,000
Noncompliance with the free access requirements at N.J.A.C. 14:10-6.5	\$2,500
Noncompliance with branding, rate quote and reporting requirements at N.J.A.C. 14:10-6.3(b) and (c), and 6.8	\$2,000
Splashing or billing for uncompleted calls, in violation of N.J.A.C. 14:10-6.5(d) and 6.4(e)	\$2,000
Noncompliance with any other provision of this subchapter	\$1,000

Amended by R.1998 d.529, effective November 2, 1998.

See: 30 N.J.R. 331(a), 30 N.J.R. 3967(a).

Updated N.J.A.C. references in "Exceed maximum permissible rates". Recodified from N.J.A.C. 14:10-6.6 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 "Penalty for violations". Inserted designation (a) preceding the first sentence; in (a), deleted "the provisions of" following "violates", substituted "applicable penalty set forth in Table A" for "schedule of fines as described", and deleted the last sentence; added (b) through (d); and recodified and rewrote the table as part of (d).

Former N.J.A.C. 14:10-6.7, Alternate operator service informational tariffs, recodified to N.J.A.C. 14:10-6.8.

14:10-6.8 Alternate operator service provider contact information

AOS providers, as defined in N.J.A.C. 14:10-1.2, shall file with Board staff the name, address and telephone number of the contact person responsible for the resolution of customer complaints, regarding the performance of the AOS provider. This information shall be kept up to date.

Recodified from N.J.A.C. 14:10-6.7 by R.2007 d.276, effective September 17, 2007.

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

Former N.J.A.C. 14:10-6.8, Customer billing, recodified to N.J.A.C. 14:10-6.9.

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 "Alternate operator service provider informational tariffs". Rewrote the section.

14:10-6.9 LEC billing for operator assisted services

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

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

Amended by R.2001 d.307, effective September 4, 2001.

See: 33 N.J.R. 1500(a), 33 N.J.R. 3043(a).

In (b), inserted "address and telephone number" preceding "of the OSP".

Recodified from N.J.A.C. 14:10-6.8 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 "Customer billing". Rewrote the section.

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

14:10-7.1 Scope

(a) This subchapter applies to any entity that elects to provide subscribers with access to adult-oriented information-access telephone service in the State.

(b) This subchapter shall apply to both "976" services, which are accessed by a seven digit telephone number of the form NXX-XXXX, and "900" or "700" services, which are accessed by a 10 digit telephone number of the form 900-NXX-XXXX or 700-NXX-XXXX, as well as any future access arrangement for adult-oriented information-access telephone service.

Amended by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

In (a), substituted "to any entity that elects to provide subscribers with" for "only to telephone companies electing to provide a subscriber"; deleted former (b); recodified (c) as (b); and in (b), substituted "This" for "The provisions of this", inserted ", which are" two times, inserted commas following "NXX-XXXX" and "700-NXX-XXX", and inserted "for adult-oriented information access telephone service".

14:10-7.2 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Definitions".

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

(a) No telephone utility shall provide a subscriber with 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 the same Central Office code, or codes (NXX).

(c) LECs and IXC's offering 10 digit adult-oriented information-access telephone service shall assign all lines accessing such service to the same 900-NXX or 700-NXX code or codes.

(d) An LEC or IXC that offers adult-oriented information-access telephone service shall do one or more of the following to ensure that non subscribers do not obtain access to the service:

1. Ensure that all lines used for that service are blocked, except as necessary to provide service to subscribers enrolled pursuant to N.J.A.C. 14:10-7.4(a);

2. Require as a condition of service that adult-oriented information providers restrict access to the service for all callers except subscribers enrolled pursuant to N.J.A.C. 14:10-7.4(a). Such LECs or IXC's shall be responsible for assurance that information providers restrict access in accordance with this rule; or

3. Require as a condition of service that an adult-oriented information provider scramble its transmissions, and supply audio descramblers to subscribers, so as to ensure that inadvertent or unauthorized access will not result in intelligent transmission.

(e) No telephone utility 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 are to be advised of these rules through inclusion in the informational consumer guide pages in the front of local telephone directories in accordance with N.J.A.C. 14:10-1A.5.

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 "Restrictions on access". Rewrote the section.

14:10-7.4 Subscriber requests for service; charges

(a) Telephone utilities or information providers offering intrastate adult-oriented information-access telephone service shall require submittal of the following prior to granting a subscription to the service:

1. A written and signed subscriber request; and

2. 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 customer of record listed on the telephone account, that the requesting subscriber is over 18 years of age.

(b) The telephone utility or adult-oriented 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 of the subscription.

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

(d) 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.

(e) 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.

(f) 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.

Amended by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

Rewrote (a); recodified former (a)2 as new (b); rewrote (b); and recodified former (b) through (e) as (c) through (f).

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. PUBLIC PAY TELEPHONE SERVICE

14:10-9.1 Scope

This subchapter shall apply to the provision of public pay telephone service (PPTS) as defined in N.J.A.C. 14:10-1.2, in New Jersey.

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.

14:10-9.2 The PPTS instrument

(a) Each PPTS instrument shall provide a dial-tone without requiring the caller to insert payment into the instrument.

(b) Each PPTS instrument shall allow consumers free access to the following calls, without use of coin or credit cards to originate such calls:

1. Operator calls ("0");
2. Access to toll-free service, including all 800 numbers and 950 numbers;
3. Calls using access codes necessary to enable the caller to obtain access to the consumer's desired provider of operator services;
4. Completion of collect, third party billed, and carrier calling card calls;
5. Telecommunications Relay Service calls for the hearing disabled; and
6. Dialing and completion of 811 and 9-1-1 calls.

(c) The keypad of each PPTS instrument shall feature both numbers and letters in the standard arrangement typically provided on telephone sets.

(d) PPTS providers shall prominently display the following information directly on each telephone instrument, in plain view of consumers:

1. All of the information required under N.J.A.C. 14:10-6.3(a);
2. The rate for a direct-dialed, coin-generated local call;
3. Notice of the inability to accept incoming calls where PPTS providers prevent such call completion;
4. The telephone number of the PPTS instrument unless the notice requirement contained in (d)3 above is present;
5. Notice of the inability to complete international calls where PPTS providers block such calls; and
6. Instructions on how to access the emergency enhanced 9-1-1 system.

Recodified in part from N.J.A.C. 14:10-9.3 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 "Public pay telephone service requirements". Rewrote (a); in (b)2, deleted "carrier access code" following "950"; rewrote (b)3; in (b)4, deleted "and" from the end; in (b)5, substituted "and" for a period at the end; added (b)6; rewrote (c); rewrote (d)1; deleted former (d)2 through (d)7; recodified former (d)8 through (d)10 as (d)2 through (d)4; and in (d)4, substituted "(d)3" for "(d)9".

Former N.J.A.C. 14:10-9.2, Definitions, 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).

In (b)6, inserted "811 and".

14:10-9.3 Public pay telephone service (PPTS)

(a) Caller requested rate quotes and alternative carrier access information shall be available to users upon request and free of charge.

(b) PPTS shall include local and intrastate toll calling.

(c) Where PPTS providers prevent incoming call completion, said providers shall make arrangements to ensure non-publication of its number in directory listing services offered by the incumbent LEC for each service location.

(d) PPTS providers shall designate a person, as defined in N.J.A.C. 14:3-1.1, within the State of New Jersey, that is responsible for processing refunds to consumers. All refunds shall be in the form of cash, a check, or a credit on the customer's telephone bill. The PPTS provider shall provide contact information for the person to Board staff, and shall update the contact information if it changes.

(e) The Board or its staff shall investigate the conduct of any PPTS provider following receipt of a customer complaint to the Board concerning the PPTS provider. The Board shall, after notice and opportunity to be heard in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, take appropriate action against a PPTS provider as is necessary to rectify any non-conformance with these rules or to protect the general public interest.

(f) PPTS providers shall not charge for calls that are not completed.

Amended by R.1998 d.402, effective August 3, 1998.

See: 30 N.J.R. 1370(a), 30 N.J.R. 2929(b).

Repealed (g).

Recodified in part to N.J.A.C. 14:10-9.2 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 "Public pay telephone service requirements". Recodified former (a) through (d) to N.J.A.C. 14:10-9.2; recodified (e) and (f) as (a) and (b); in (b), substituted "include" for "have the ability to complete"; deleted former (g) and (h); recodified former (i) through (l) as (c) through (f); rewrote (d); in (e), inserted "to the Board concerning the PPTS provider" and deleted "including disconnection of intrastate service to individual PPTS locations experiencing persistent violations." preceding "as is necessary"; and deleted (m).

14:10-9.4 Additional regulation of customer provided pay telephone service

(a) In addition to the requirements at N.J.A.C. 14:10-9.3, CPPTS providers, as defined in N.J.A.C. 14:10-1.2, are subject to the following:

1. CPPTS providers shall not charge more for directory assistance calls than the rate which the LEC charges the CPPTS provider for directory assistance service;

2. More than one CPPTS instrument may be connected per CPPTS exchange access line, such as behind a PBX or other types of call concentration equipment, provided that such arrangements ensure user privacy;

3. A CPPTS provider shall ensure that any extension of CPPTS exchange access lines is either technically unable to monitor the CPPTS instrument, or the CPPTS provider shall prominently display notice to end users that the CPPTS is subject to monitoring by an extension;

4. CPPTS providers shall provide to the Board the address and telephone number of each CPPTS instrument, by location, separated by municipality. Such information shall be submitted to the Board at the time of installation of CPPTS service and shall be updated as additional instruments are installed; and

5. CPPTS providers shall provide a list to Board staff of all principals of the firm, including the name, address and telephone number of each principal.

(b) In addition to the provisions of N.J.A.C. 14:10-9.3 and (a) above, incumbent LECs, as defined in N.J.A.C. 14:10-1.2, shall permit customer retention of telephone numbers that are associated with a customer's incumbent LEC public telephone for use with CPPTS.

(c) Each incumbent LEC shall submit quarterly reports of CPPTS installation in their service territories to Board staff. Such report shall include the number of installations and disconnections as well as a list containing the name and address of each CPPTS provider by location. Such list shall indicate CPPTS connections separated by municipality. This information will be afforded confidential treatment.

Recodified in part from N.J.A.C. 14:10-9.5 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 (a); and recodified (b) and (c) from N.J.A.C. 14:10-9.5.

14:10-9.5 Placement and repair of PPTS

(a) Installation of all PPTS instruments shall be in accordance with any applicable local, municipal, county and State requirements.

(b) Upon receipt of a complaint from any authorized local, municipal, county or State official, that a PPTS instrument is in violation of any applicable installation requirement, including, but not limited to, municipal ordinances or State legislation, Board staff shall direct the PPTS provider to

comply with such requirements or remove the PPTS instrument within 48 hours. Such removal shall ensure that all necessary repairs are performed so that the street, sidewalk, building, or any other structure where the PPTS was located, is restored to its exact condition prior to the PPTS installation.

(c) This section shall not affect the authority of the affected local government entity or the PPTS provider to seek available judicial remedies.

(d) PPTS providers shall make every reasonable effort to repair instruments within 48 hours of notification of a service outage.

Recodified from N.J.A.C. 14:10-9.6 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 "Placement of PPTS". Added designations (a) through (c); in (b), substituted "was" for "may be" and deleted the former last sentence; in (c), substituted "shall not affect the authority of" for "in no way precludes the ability of" and "to seek" for "from seeking" and deleted "prior to removal" following "remedies"; and added (d).

Former N.J.A.C. 14:10-9.5, Additional regulation of incumbent local exchange carriers, recodified in part to N.J.A.C. 14:10-9.4.

14:10-9.6 Special provisions for inmate pay telephone service

(a) Providers of PPTS for use by inmates in government controlled correctional facilities are exempt from the requirements of the following:

1. N.J.A.C. 14:10-9.2(a) through (g) and (i), which set forth minimum requirements for non-inmate PPTS telephone instruments; and

2. N.J.A.C. 14:10-9.3(a), which sets forth the requirement that every PPTS instrument provide an initial dial-tone.

(b) A PPTS provider shall ensure that the installation of inmate telephone service in government controlled correctional facilities complies with any applicable local, municipal, county and/or State requirements imposed by the appropriate governing entity.

Recodified from N.J.A.C. 14:10-9.7 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 "Exemption for inmate pay telephone service". In the introductory paragraph of (a), substituted "PPTS for use by inmates" for "inmate telephone service", "of" for "set out in" and deleted "subsections" from the end; rewrote (a)1 and (a)2; in (b), substituted "A PPTS provider shall ensure that the installation" for "Installation" and "complies" for "shall be in accordance"; and deleted (c).

Former N.J.A.C. 14:10-9.6, Placement of PPTS, recodified to N.J.A.C. 14:10-9.5.

14:10-9.7 Complaint handling procedures

(a) Each PPTS provider shall provide to the Board, the name, address and telephone number of the party responsible to resolve customer complaints.

(b) Each PPTS provider shall maintain adequate complaint handling procedures, including the acceptance, processing and the prompt investigation and resolution of a complaint in a simple manner and form.

(c) Each PPTS provider shall maintain accurate complaint records indicating:

1. The date of the complaint;
2. The name and address of the individual making the complaint;
3. The location and phone number of the telephone involved in the complaint;
4. A description of the complaint; and
5. A description of how the complaint was resolved.

(d) The complaint records described in (c) above shall be made available to Board staff upon request. All such records shall be retained by the PPTS provider for a period of two years commencing with the date of the incident giving rise to the complaint.

Recodified from N.J.A.C. 14:10-9.8 by R.2007 d.276, effective September 17, 2007.

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

Former N.J.A.C. 14:10-9.7, Exemption for inmate pay telephone service, recodified to N.J.A.C. 14:10-9.6.

14:10-9.8 (Reserved)

Recodified to N.J.A.C. 14:10-9.7 by R.2007 d.276, effective September 17, 2007.

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

Section was "Complaint handling procedures".

SUBCHAPTER 10. INTRALATA TOLL COMPETITION

14:10-10.1 Scope; general provisions

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

(b) Presubscription is a customer's enrollment with a particular intraLATA telecommunications carrier. A customer may presubscribe to a different intraLATA carrier than the consumer's interLATA PIC.

(c) LECs that process PIC change orders shall adhere to the following:

1. LECs are to process intraLATA PIC change orders within the same time frame as interLATA PIC change orders are processed;
2. LECs shall not encourage or attempt to persuade customers to subscribe to their own intraLATA service, and shall not discourage or attempt to dissuade customers from selecting another carrier; and

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

Recodified in part from N.J.A.C. 14:10-10.3 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 "Scope". Rewrote the section.

Recodified in part from N.J.A.C. 14:10-10.2 and 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).

In (b), inserted the last sentence; in the introductory paragraph of (c), inserted "that process PIC change orders" and deleted "business practices" from the end; in (c)1, deleted "and" from the end; in (c)2, substituted "; and" for a period at the end; deleted (d); and recodified former N.J.A.C. 14:10-10.2(a) as (c)3.

14:10-10.2 Imputation standard

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

(b) Notwithstanding (a) above, and subject to the condition set forth in (d) below, for a customer which has entered a customer-specific pricing arrangement with the LEC, the LEC may substitute its FCC tariff rates for special access (using the term discount rate that corresponds to the term of the customer specific pricing arrangement) including applicable non-recurring special access rate elements leveled over the term of the contract, for either originating switched access for WATS and toll services or terminating switched access for dedicated 800 services.

(c) The special access rate to be imputed in accordance with (d) below shall apply to each equivalent circuit (for example, DS1). For every 2,000 hours, or portion thereof, per month of intraLATA toll calling at a location, the LEC shall impute the cost of one circuit (except where a particular customer's usage demonstrates that more traffic could be completed over the facility). The mileage will be rated at 10 miles.

(d) If an LEC provides a service under a customer-specific pricing arrangement in accordance with (b) above, the LEC's revenues from all customers of that service shall, in the aggregate, satisfy the requirements in this section.

(e) The price charged for each service for which the LEC uses special access shall be the total special access rate set forth in the LEC's tariff. However, imputation does not apply to competitive access services, such as Hi-Cap.

(f) Where the LEC structures a package of services to include discounts and/or packaging of noncompetitive services in addition to interexchange calling, the LEC's price for the package of services shall be greater than the amounts described in this section.

(g) The LEC shall, within 14 calendar days of a request from the IXCs or Board staff, provide information adequate to show compliance with the imputation requirement. The information shall reflect usage data for a one year period, or, if

such data is unavailable, for the longest available time period for which the LEC has data.

(h) Pursuant to the imputation requirement, the LEC shall retain interexchange usage data for a rolling 24-month period. The LEC shall not be required to respond to any such request more frequently than once annually, except that the LEC shall be required to respond to any such request that is made in conjunction with the LEC proposing changes to an interexchange service or with the LEC proposing a customer-specific pricing arrangement. As part of any such showing, the LEC shall provide all supporting documentation including dates, data sources and calculations.

(i) The IXCs and Board staff shall have rights to examine the documentation and computations underlying the LEC's data. To the extent that the LEC's data includes information it deems proprietary, the LEC may make a request for a confidentiality determination under the Board's OPRA rules in N.J.A.C. 14:1-12.

(j) Should the data demonstrate that the LEC is not in compliance with the imputation requirement, the LEC shall, within 30 days after receiving notice from Board staff, either increase the price(s) for its interexchange service to bring the LEC into compliance, or petition the Board for a compliance ruling. In any such proceeding, the Board shall not accept or consider any argument that this imputation requirement should be changed.

Amended by R.2001 d.307, effective September 4, 2001.
See: 33 N.J.R. 1500(a), 33 N.J.R. 3043(a).

Rewrote "Slamming".
Recodified from N.J.A.C. 14:10-10.5 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 "Local exchange safeguards". Rewrote the section.
Former N.J.A.C. 14:10-10.2, Definitions, repealed.

Recodified from N.J.A.C. 14:10-10.3 and 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).
In (c), substituted "(d)" for "(e)" and "shall" for "must"; in (e), inserted the last sentence; deleted (f); recodified former (g) through (k) as (f) through (j); and in (j), deleted ", upon receipt of notice from the IXCs or Board staff" preceding ", the LEC shall", and inserted "after receiving notice from Board staff". Former N.J.A.C. 14:10-10.2, Responsibilities of LECs, recodified in part to N.J.A.C. 14:10-10.1 and substantially amended.

14:10-10.3 (Reserved)

Amended by R.1997 d.58, effective February 3, 1997.
See: 28 N.J.R. 3714(a), 29 N.J.R. 477(a).

Inserted (a) and (b).
Amended by R.2001 d.307, effective September 4, 2001.
See: 33 N.J.R. 1500(a), 33 N.J.R. 3043(a).

Rewrote (b).
Recodified from N.J.A.C. 14:10-10.7 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.

Former N.J.A.C. 14:10-10.3, Implementation of presubscription, recodified in part to N.J.A.C. 14:10-10.1.
Recodified to N.J.A.C. 14:10-10.2 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 "Imputation standard".

14:10-10.4 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Cost recovery".

14:10-10.5 (Reserved)

Amended by R.2001 d.307, effective September 4, 2001.
See: 33 N.J.R. 1500(a), 33 N.J.R. 3043(a).

In (c), rewrote first sentence.
Recodified to N.J.A.C. 14:10-10.2 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Local exchange safeguards".

14:10-10.6 (Reserved)

Repealed by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Classification of intraLATA toll service as competitive".

14:10-10.7 (Reserved)

Amended by R.1997 d.440, effective October 20, 1997.
See: 28 N.J.R. 4414(a), 29 N.J.R. 4558(a).
Inserted (f).
Recodified to N.J.A.C. 14:10-10.3 by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Section was "Imputation standard".

SUBCHAPTER 11. ANTI-SLAMMING REQUIREMENTS FOR TSPs

14:10-11.1 Scope; general provisions

(a) This subchapter is intended to protect against unauthorized changes or "switches" in a customer's primary telecommunications carrier, also called a telecommunications service provider, as these terms are defined at N.J.A.C. 14:10-1.2. This subchapter utilizes the term "telecommunications service provider" or "TSP" in place of the term "telecommunications carrier" in order to be consistent with FCC anti-slamming rules. The two terms have the same meaning.

(b) This subchapter applies to all TSPs, including LECs, telephone utilities, and resellers, as these terms are defined at N.J.A.C. 14:10-1.2.

(c) If a TSP has reasonable notice that a person representing or acting on behalf of the TSP has violated this subchapter, the TSP shall immediately take measures sufficient to prevent any further violations. For the purpose of this subsection, "reasonable notice" includes, but is not limited to, receipt by the TSP of one or more complaints of a violation.

New Rule, R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).
Former N.J.A.C. 14:10-11.1, Definitions, recodified to N.J.A.C. 14:10-11.2.

(b) Any TSP determined by the Board, after notice and hearing, to have violated this subchapter, or a Board order adopted pursuant to N.J.S.A. 56:8-1 et seq., or to have violated any Federal law or regulation, relating to switches in primary telecommunications service providers, shall be subject to the following, as applicable:

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

(c) 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.

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

(g) 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.

(h) The remedies provided for in this subchapter are in addition to any other remedies available under any Board order, rule, or finding; and in addition to remedies provided by any other applicable law.

Recodified from N.J.A.C. 14:10-11.8 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 "Penalties for violations". Rewrote the section.

14:10-11.11 Determination of penalties within statutory ranges

(a) Each violation as it relates to each separate access line shall be a separate and distinct violation, for which a separate penalty may be assessed. For example, if a customer has two

telephone lines, and a TSP improperly switches the customer's primary TSP for long distance service on both lines, the TSP is liable for two violations. Similarly, if a customer has one telephone line, and a TSP switches both intraLATA and long distance service improperly on that telephone line, the TSP is liable for two violations.

(b) The Board may, in its discretion, adjust a penalty determined in accordance with this section, on the basis of one or more of the following factors:

1. The nature, circumstances and gravity of the violation, including the individual and cumulative effect on customers;
2. The degree of the TSP's culpability;
3. Any history or pattern of prior violations;
4. The prospective effect of the penalty on the ability of the TSP to conduct business;
5. Any good faith effort on the part of the TSP in attempting to achieve compliance;
6. The TSP's ability to pay the penalty; and/or
7. Any other factors the Board determines to be appropriate.

(c) The rights, remedies, and prohibitions accorded the Board under this chapter are in addition to and cumulative of any right, remedy or prohibition accorded by the common law or any statute of this State. Nothing in this subchapter shall be construed to deny, abrogate or impair any such common law or statutory right, remedy or prohibition.

(d) 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 of Consumer Affairs in the Department of Law and Public Safety 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 customer's private right of action, pursuant to N.J.S.A. 56:8-19.

New Rule, recodified in part from N.J.A.C. 14:10-11.9 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 "Scope of Authority". Rewrote the section.

APPENDIX

(RESERVED)

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

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

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

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

Section was "TSP Slamming Activity Report".

SUBCHAPTER 12. MASS MIGRATION UPON TSP DEPARTURE FROM A SERVICE TERRITORY

14:10-12.1 Definitions

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

“Acquiring TSP” means the telecommunications service provider (TSP) that has entered into an agreement with the departing TSP to acquire the departing TSP’s end user base.

“Alternative TSP” means a TSP, other than the acquiring TSP, which has been selected by an end user of the departing TSP to be the end user’s service provider after the departure of the departing TSP.

“Competitive local exchange carrier” or “CLEC” has the same meaning as is assigned to this term N.J.A.C. 14:10-1.2.

“Cutover coordinator” means a person designated by the acquiring, or alternative, TSP, who is responsible for the line-by-line transfer of accounts from the departing TSP to the acquiring or alternative TSP. The cutover coordinator works under the direction of the project manager, as defined in this section.

“Cut-off date” means the date by which end users must select an alternative TSP or else be automatically transferred to the acquiring TSP, if there is one.

“Departing TSP” means the telecommunications service provider (TSP) that is exiting its New Jersey service territory in whole or in part.

“Departure date” means the date on which the departing TSP ceases to provide service.

“End user” has the same meaning as is assigned to this term in N.J.A.C. 14:3-1.1.

“Firm order confirmation” or “FOC,” also known as local service request confirmation (LSC), means a notification from the departing TSP or from a network service provider to the acquiring TSP that the LSR, as defined in this section, is

correct and stating the scheduled completion date for the service activity requested in the LSR.

“Full facilities-based” means a TSP that uses its own facilities, that is, local loop, transport and switch(es), to provide telecommunications service to end users.

“Incumbent local exchange carrier” or “ILEC” has the same meaning as is assigned to this term in N.J.A.C. 14:10-1.2.

“Local exchange carrier” or “LEC” has the same meaning as is assigned to this term in N.J.A.C. 14:10-1.2.

“Local service request” or “LSR” means an electronic or written communication that a TSP must send to a network service provider and/or a departing TSP to request a transfer of, or a change to, an end user’s existing service, including a change that involves the porting of a telephone number.

“Migration manager” means a person designated by the departing TSP to coordinate end user migrations between the departing TSP and the acquiring TSP or the alternative TSP. The migration manager may be the project manager, as defined in this section, for the departing TSP.

“North American Numbering Plan Administrator” or “NANPA” means the company selected by the Federal Communications Commission to consult with and provide assistance to regulatory authorities and national administrators to ensure that numbering resources are used in the best interests of all participants in the North American Numbering Plan.

“National Emergency Number Association” or “NENA” means the membership association whose mission is to promote research, planning, training and education to promote the implementation and improvement of 9-1-1 service.

“Network service provider” or “NSP” means a TSP that provides the network platform by which service is delivered to an end user.

“NXX code” has the same meaning as is assigned to this term in N.J.A.C. 14:10-3.1.

“Program manager” means the person responsible for coordinating a mass migration, monitoring compliance with this

subchapter, and ensuring communication between the participants in the mass migration. The acquiring TSP shall designate the program manager. The program manager shall be selected from one of the TSPs involved in the migration, and may or may not be an employee of the acquiring TSP.

“Project manager” means a person assigned by each TSP involved in a mass migration:

1. To ensure that the TSP complies with this subchapter; and
2. To be the official point of contact assigned to represent each participant in the mass migration process.

“Resale migration” means a mass migration that involves the reseller’s end users in the territory that is being exited by the departing TSP.

“Reseller” means a telecommunications service provider that purchases telecommunications services from a facilities-based telecommunications provider and provides those services to its own retail end users.

“Service order discrepancy” means any discrepancy between the information which the end user has supplied to the TSP and the information that a TSP has on file for that end user.

“Telecommunications service provider” or “TSP” has the same meaning as is assigned to the term N.J.A.C. 14:10-1.2.

“Unbundled network elements” or “UNE” means the components of an ILEC’s telecommunications network that the ILEC is required, under 47 U.S.C. §251(C)(3), to lease to CLECs on an unbundled basis.

“Unbundled network element loop” or “UNE-L” means an unbundled network element (UNE) that is a local loop serving as a transmission facility between the main distribution frame (MDF) in an ILEC central office and the point of demarcation at an end user’s premises.

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

Amended by R.2007 d.276, effective September 17, 2007.
See: 38 N.J.R. 3250(a), 39 N.J.R. 3953(a).

In definitions “Competitive local exchange carrier”, “Incumbent local exchange carrier”, “Local exchange carrier”, “NXX code” and “Telecommunications service provider”, updated the N.J.A.C. references.

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.

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 90 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 of an initial 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 plan for a second notice to end users in accordance with N.J.A.C. 14:10-12.5(d);

- iv. A proposed final departure date, on which the departing TSP must disconnect, or request that the underlying service provider disconnect, all end user accounts. The final departure date shall be at least one day after the deadline contained in the second notice to end users;

- v. A cut-off date, determined in accordance with N.J.A.C. 14:10-12.6(i) and (j);

- vi. The names, e-mail addresses, and telephone numbers of the cutover coordinator and project manager, as defined at N.J.A.C. 14:10-12.1;

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

- viii. 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;

ix. 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;

x. A list of end users or groups of end users for whom the departing TSP is the only provider of facilities;

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

xii. A summary of the end user service records in the possession of the departing TSP, including:

(1) A statement of the data elements the end user service records contain;

(2) A statement about how the departing TSP will make the end user service records available to other TSPs; and

(3) A statement that indicates the format in which these records are kept;

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

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

xv. 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 90 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.

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. Each TSP is responsible for providing the Board with up to date information for the service list.

(b) Within seven business days after receiving an application to exit a service territory complying with N.J.A.C. 14:10-12.3, the Board shall:

1. Post a notice on the Board's website; and

2. Send a notice to the TSPs on the service list, informing them of the TSP's planned date of departure from the service territory under N.J.A.C. 14:10-12.3(b)2iv and the cut-off date under N.J.A.C. 14:10-12.3(b)2v.

(c) 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.

14:10-12.5 Notice to end users

(a) A departing TSP shall provide notice of its departure to its end users at least 60 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, via certified U.S. Mail, to the Board Secretary 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 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) The departing TSP shall also send a second letter to its remaining end users, at least 30 days prior to its planned departure, that will notify the end users of their status and that they have the option to select an alternative TSP within 10 days.

(e) The departing TSP shall send a copy, via certified U.S. Mail, of the letter required under (d) above to the Board Secretary and each ILEC and NSP 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 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.

(f) 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;
 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.
- (g) Subchapter Appendix A contains four sample end user notification letters that may be used to provide notice to end users. Letter #1 is a sample letter which includes the informa-

tion that the departing TSP must send to its end users when there is an acquiring TSP at least 60 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 at least 60 days prior to the planned departure date. Letter #3 is a sample letter which includes the information that the departing TSP must send to its end user when there is an acquiring TSP at least 30 days prior to the planned departure date. Letter #4 is a sample letter which includes the information the departing TSP must send its end users when there is no acquiring TSP at least 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.

(h) 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 55 days and 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.

14:10-12.6 Mass migration process

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

(b) The acquiring TSP shall appoint a program manager for each mass migration. The program manager shall be selected from one of the TSPs involved in the migration, and

shall be responsible for coordinating the migration, monitoring compliance with this subchapter, and ensuring communication between the participants in the mass migration.

(c) In addition to the migration manager and the appointed program manager, each of the TSPs and if applicable the NSP involved in the migration shall appoint a project manager who will ensure that the TSP complies with this subchapter.

(d) The departing TSP shall provide the following network information to the acquiring TSP, the alternative TSP(s), the network service providers for the departing TSP, and the ILEC(s) providing service in the area served by the departing TSP, and the Board, at least 60 days prior to the planned departure date:

1. For a mass migration in which the departing TSP is a UNE-L or a full facilities-based TSP, the departing TSP shall provide the applicable circuit IDs and associated telephone numbers, as well as billing names, addresses and location addresses of all end users;

2. For a mass migration in which the departing TSP is a UNE-P or a reseller the departing TSP shall provide a billing name for each end user, and an address and telephone number with the associated working telephone number(s); and

3. For all mass migrations, any other information necessary to enable the acquiring TSP(s) or the alternative TSP(s) to migrate the departing TSP's end users seamlessly.

(e) In the event that the Board posts information on its website concerning mass migration processing issues, as mentioned under N.J.A.C. 14:10-12.4, a TSP, when notified of a mass migration shall:

1. Review the information set forth on the Board's website at www.bpu.state.nj.us concerning issues arising out of the mass migration; and

2. If the Board has not posted information on the Board's website, contact the departing TSP's project manager for the information needed to complete the migration order(s).

(f) 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 first 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.

(g) 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.

(h) Whenever there is an acquiring TSP involved in a mass migration, the acquiring TSP shall designate a cut-off date in accordance with (i) and (j) below.

(i) The acquiring TSP shall designate and announce the cut-off date early enough to ensure that:

1. The end user has sufficient time to choose an alternative TSP; and
2. The acquiring TSP has time to meet the requirements in this subchapter for communicating with the departing TSP's end users concerning the planned migration.

(j) If the departing TSP's end users are notified at least 60 days before the planned departure date by the departing TSP in accordance with N.J.A.C. 14:10:12.5(a) and (b), the cut-off date shall be at least 20 days before the planned departure date.

(k) If the departing TSP's end users are not notified at least 60 days before the departure date, the TSPs involved in the migration shall contact Board staff to determine the cut-off date. Board staff shall set the cut-off date depending upon the size of the migration and the notification timelines.

(l) If the departing TSP's end users do not select an alternative TSP:

1. End users who have not selected an alternative TSP by the departure date shall be transferred to the acquiring TSP by the acquiring TSP;
2. Whether or not there is an acquiring TSP, the departing TSP may disconnect all of the departing TSP's remaining end users on the day after the departure date, however, in no event is an ILEC to disconnect an end user without first providing notice of disconnection in accordance with the requirements of this subchapter; and
3. The ILEC shall disconnect any remaining end users of the departing TSP on the day after the departure date.

(m) 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.

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

(a) At least 60 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, if the mass migration is a simple resale serving arrangement with relatively few end users, and staff deter-

mines that it will not need the end user list for these or any other purposes.

(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.

14:10-12.8 Progress reports

(a) The departing TSP shall file progress reports with the Board at the milestone intervals set forth in (c) below, to inform the Board as to whether the requirements of this subchapter have been met.

(b) Each progress report required by this section shall include all of the following information, as of the date the report is submitted:

1. The number of the departing TSP's end users that have been transferred to another TSP;

2. The name(s) of the TSP(s) to which the departing TSP's end users have transferred, if known to the departing TSP;

3. The number of end users that are still with the departing TSP;

4. 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

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

(c) The departing TSP shall file the first progress report required under this section 60 days prior to the planned departure date. The departing TSP shall file additional progress reports 30 and 10 days prior to the planned departure date, and shall file a final progress report on the departure date.

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 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 the National Emergency Numbering Association's (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.

14:10-12.11 Local service request

(a) 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.

(b) In a migration in which the departing TSP is a UNE-P-based TSP or a reseller, the network service provider shall, upon receipt of a valid LSR, provide a FOC to the acquiring TSP or alternative TSP.

(c) In a migration in which the departing TSP is a UNE-L-based TSP or full facilities-based TSP, the departing TSP shall, upon receipt of a valid LSR, provide a FOC to the acquiring or alternative TSP.

(d) Alternative TSPs shall submit all local service requests to ILEC for processing at least 15 days prior to the departure date.

14:10-12.12 Notice of discrepancies

(a) In a resale of UNE-P migration, the ILEC shall notify the acquiring or alternative TSP of any service order discrepancies. In a UNE-L or full-facilities based migration, the departing TSP shall notify the acquiring TSP or alternative TSP of any service order discrepancies.

(b) The acquiring TSP, or alternative TSP submitting an LSR, shall take all appropriate actions required to correct any service order discrepancies.

(c) The acquiring TSP, or alternative TSP submitting an LSR, shall evaluate and resolve any unresolved service order discrepancies, at least one day before the departure date.

14:10-12.13 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.

APPENDIX A
Sample Notice Letters

Letter #1: Sample End user Notification Letter (with Acquiring TSP)

Date (60 days prior to planned departure date)

End user Name
Address
City, NJ zip

Re: Your Service will be Transferred to (Name of Acquiring TSP) Unless You Choose A New Local Telephone Service Provider By (20 days prior to planned departure date)

Dear Telephone Service Customer:

We regret to inform you that as of (planned departure date), XYZ Company will no longer provide local telephone service in (their city). (Explanation of specific company circumstances).

You have two options:

OPTION 1: You can select a different local telephone service provider on or before (20 days prior to planned departure date). If you do this, XYZ company will allow your service to be transferred to your selected provider immediately, and you will assume responsibility for any charges associated with the transfer of your account from XYZ Company to your selected local telephone provider.

OPTION 2: You can do nothing, and let (name of acquiring TSP) automatically become your local telephone service provider. If you do this, XYZ company will transfer your service to (name of acquiring TSP) on (date).

If you do not want service from (name of acquiring TSP), your action is required! You must choose option 1 and select a new local telephone provider as quickly as possible, AND no later than (20 days prior to planned departure date.)

IF YOU CHOOSE OPTION 1:

If you choose OPTION 1 and select a new local telephone service provider, you should also contact your local toll provider and your long-distance provider. Tell them to ensure that neither your current local toll plan nor your long-distance calling plan is changed as the result of your change in local service. If you do not contact these providers, they may charge you different rates than before for local toll and long distance calls. You should also request that your new local telephone provider place any requested freezes on your account. However, if you choose OPTION 1 and select another provider of your choice, you will incur additional charges. If you choose to transfer your service to a telephone service provider other than (name of acquiring TSP), every effort will also be made to keep your telephone number and services the same as they are with (name of departing TSP).

IF YOU CHOOSE OPTION 2:

If you choose OPTION 2, you will not be charged for the change to (name of acquiring TSP).

Even if you choose OPTION 2, you will still keep the option to select another local telephone service provider in the future, but if you do select another provider in the future, there will be a delay in transferring your service to your selected provider until after the change to (name of acquiring TSP).

XYZ company will make every effort to transfer your telephone service to (name of acquiring TSP) in a way that will keep your local telephone number the same, and your existing local service and calling features will be transferred to (name of acquiring TSP).

If you have any questions regarding the discontinuance of XYZ Company's local telephone service, please call (toll free number). Questions regarding (acquiring TSP) should be directed to (toll free number of acquiring TSP). XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

LETTER # 2: Sample End user Notification Letter (without Acquiring TSP)

Date (60 days prior to planned departure date)

End user Name
Address
City, NJ zip

Re: You Must Choose a New Local Telephone Service Provider by (20 days prior to departure date)

Dear Telephone Service Customer:

We regret to inform you that as of (planned departure date) XYZ Company will no longer provide local telephone service in New Jersey (or their city). (Explanation of specific company circumstances).

Your action is required! You must select a new local telephone service provider as quickly as possible, AND no later than (20 days prior to planned departure date) or you may lose your local telephone service.

You can usually find a list of local telephone service providers in your local telephone directory or on the Board's website at www.bpu.state.nj.us. If you require assistance, please contact XYZ Company (current company) at (toll free number).

After selecting a different local telephone provider, you should also contact your current local toll provider and your long distance provider to ensure that neither your current local toll calling plan nor your long distance calling plan is changed as the result of your change in local service. If you do not contact these providers to ensure that your current calling plans remain in place after you transfer your local service, you may be charged basic rates (non-calling plan rates) for local toll and long distance calls. If you wish to have any freezes placed on your account, you must also request any freezes from your local telephone service provider.

XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

Letter # 3: Sample End user Notification Letter (with acquiring TSP)

Date (30 Days prior to planned departure date)

End user Name
Address
City, NJ zip

Re: Your Service will be Transferred to (Name of Acquiring TSP) Unless You Choose A New Local Telephone Service Provider By (20 days prior to planned departure date)

Dear Telephone Service Customer:

We regret to inform you that as of (planned departure date), XYZ Company will no longer provide local telephone service in (their city). (Explanation of specific company circumstances).

You have two options:

OPTION 1: You can select a different local telephone service provider on or before (20 days prior to planned departure date). If you do this, XYZ company will allow your service to be transferred to your selected provider immediately, and you will assume responsibility for any charges associated with the transfer of your account from XYZ Company to your selected local telephone provider.

OPTION 2: You can do nothing, and let (name of acquiring TSP) automatically become your local telephone service provider. If you do this, XYZ company will transfer your service to (name of acquiring TSP) on (date).

If you do not want service from (name of acquiring TSP), your action is required! You must choose option 1 and select a new local telephone provider as quickly as possible, AND no later than (20 days prior to planned departure date.)

IF YOU CHOOSE OPTION 1:

If you choose OPTION 1 and select a new local telephone service provider, you should also contact your local toll provider and your long-distance provider. Tell them to ensure that neither your current local toll plan nor your long distance calling plan is changed as the result of your change in local service. If you do not contact these providers, they may charge you different rates than before for local toll and long distance calls. You should also request that your new local telephone provider place any requested freezes on your account. However, if you choose OPTION 1 and select another provider of your choice, you will incur additional charges. If you choose to transfer your service to a telephone service provider other than (name of acquiring TSP), every effort will also be made to keep your telephone number and services the same as they are with (name of departing TSP).

IF YOU CHOOSE OPTION 2:

If you choose OPTION 2, you will not be charged for the change to (name of acquiring TSP).

Even if you choose OPTION 2, you will still keep the option to select another local telephone service provider in the future, but if you do select another provider in the future, there will be a delay in transferring your service to your selected provider until after the change to (name of acquiring TSP).

XYZ company will make every effort to transfer your telephone service to (name of acquiring TSP) in a way that will keep your local telephone number the same, and your existing local service and calling features will be transferred to (name of acquiring TSP).

If you have any questions regarding the discontinuance of XYZ Company's local telephone service, please call (toll free number). Questions regarding (acquiring TSP) should be directed to (toll free number of acquiring TSP). XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

LETTER # 4: Sample End user Notification Letter (without Acquiring TSP)

Date (30 Days prior to the planned departure date)

End user Name
Address
City, NJ zip

Re: You Must Choose a New Local Telephone Service Provider by (20 days prior to planned departure date)

Dear Telephone Service Customer:

We regret to inform you that as of (departure date), XYZ Company will no longer provide local telephone service in New Jersey (or their city). (Explanation of specific company circumstances).

Your action is required! You must select a new local telephone service provider as quickly as possible, AND no later than (20 days prior to planned departure date) or you may lose your local telephone service.

You can usually find a list of local telephone service providers in your local telephone directory or on the Board's website at www.bpu.state.nj.us. If you require assistance, please contact XYZ Company (current company) at (toll free number).

After selecting a new local telephone provider, you should also contact your current local toll provider and your long distance provider to ensure that neither your current intraLATA toll calling plan nor your long distance calling plan is changed as the result of your change in local service. If you do not contact these providers to ensure that your current calling plans remain in place after you transfer your local service, you may be charged basic rates (non-calling plan rates) for local toll and long distance calls.

XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

APPENDIX B

Mass Migration Timeline

Note: this timeline is a summary of some of the provisions of N.J.A.C. 14:10-12.1 through 12.13. It is not intended to replace those provisions. In case of any discrepancy between the rule provisions and this timeline, the rule provisions shall govern.

Note: The days listed below refer to calendar days, unless stated otherwise.

DAYS BEFORE PLANNED DEPARTURE DATE	MILESTONE
90	<ul style="list-style-type: none"> Departing TSP files an application with the Board requesting permission to depart the service territory, in accordance with N.J.A.C. 14:10-12.3(b)1. Departing TSP files an exit plan with the Board, in accordance with N.J.A.C. 14:10-12.3(b)2. Within seven business days after receiving the application, the Board notifies the TSP service list in accordance with N.J.A.C. 14:10-12.4(b).
66	<ul style="list-style-type: none"> Departing TSP transfers any NXX codes or thousand number blocks in accordance with N.J.A.C. 14:10-12.9(a).
60	<ul style="list-style-type: none"> Departing TSP provides end user information to the Board and acquiring TSP in accordance with N.J.A.C. 14:10-12.7. Departing TSP notifies its end users in accordance with N.J.A.C. 14:10-12.5(a).
55	<ul style="list-style-type: none"> If the departing TSP fails to provide notice under N.J.A.C. 14:10-12.5, the acquiring TSP, if any, shall provide notice to end users and the Board in accordance with N.J.A.C. 14:10-12.5. If there is no acquiring TSP, the ILEC shall provide notice to end users and the Board in accordance with N.J.A.C. 14:10-12.5(h).
30	<ul style="list-style-type: none"> Departing TSP provides a second notice to each end user, in accordance with N.J.A.C. 14:10-12.5(d). If the departing TSP fails to provide a notice under N.J.A.C. 14:10-12.5(b), and there is no acquiring TSP, the ILEC shall provide notice to end users and the Board in accordance with N.J.A.C. 14:10-12.5(h); and Departing TSP unlocks all of its telephone numbers in the E-911 database, in accordance with N.J.A.C. 14:10-12.12(a).
20	<ul style="list-style-type: none"> Cut-off date if there is an acquiring TSP, in accordance with N.J.A.C. 14:10-12.6(h), (i) and (j).
15	<ul style="list-style-type: none"> Acquiring TSP issues valid local service request (LSR), if required, in accordance with N.J.A.C. 14:10-12.11(a).
14	<ul style="list-style-type: none"> Departing TSP or ILEC shall provide additional notice to priority end-users in accordance with N.J.A.C. 14:10-12.7(c).
12	<ul style="list-style-type: none"> Either the ILEC or departing TSP shall provide firm order confirmation (FOC) to acquiring TSP, in accordance with N.J.A.C. 14:10-12.11(b) or (c).
2	<ul style="list-style-type: none"> The ILEC or departing TSP shall notify the acquiring TSP of any discrepancies in accordance with N.J.A.C. 14:10-12.12(a). Acquiring TSP takes appropriate actions to correct discrepancies, in accordance with N.J.A.C. 14:10-12.12(b).
1	<ul style="list-style-type: none"> Acquiring TSP reschedules unresolved service order discrepancies for evaluation, in accordance with N.J.A.C. 14:10-12.12(c).
0	<ul style="list-style-type: none"> Planned departure date. All scheduled service orders have been completed.
Day after planned departure date	<ul style="list-style-type: none"> Termination of service of any remaining end users in accordance with N.J.A.C. 14:10-12.6(l)3.

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

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

Updated the N.J.A.C. references in the "MILESTONE" column for table entries 55, 30 and 20.