

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Former N.J.A.C. 14:10-5.2, Definitions, repealed.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 by direct mail to all affected customers who already receive the service or by publication in newspapers of general circulation throughout the affected service area. The Carrier shall mail notice required by this subsection within 24 hours after the filing of revised tariff pages with the Board.

(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".

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.