

## CHAPTER 10

### TELEPHONE

#### Authority

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

#### Source and Effective Date

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

#### Chapter Expiration Date

Chapter 10, Telephone, expires on August 1, 2006.

#### Chapter Historical Note

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

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

Subchapter 5, Regulation of InterLATA Telecommunications Carriers, was adopted as R.1986 d.368, effective September 8, 1986. See: 17 N.J.R. 2012(a), 18 N.J.R. 1830(b).

Subchapter 6, Regulation of Alternative Operator Service (AOS) Providers, was adopted as R.1989 d.463, effective September 5, 1989. See: 20 N.J.R. 3115(a), 21 N.J.R. 2801(d).

Pursuant to Executive Order No. 66(1978) Chapter 10, Telephone, was readopted as R.1991 d.489, effective September 6, 1991. See: 23 N.J.R. 2270(a), 23 N.J.R. 3035(a).

Subchapter 7, Access to Adult-Oriented Information-Access Telephone Service, was adopted as R.1993 d.180, effective May 3, 1993. See: 24 N.J.R. 1238(a), 25 N.J.R. 1882(b).

Subchapter 5, Regulation of InterLATA Telecommunications Carriers, was repealed and Subchapter 5, Regulation of Competitive Telecommunication Services, was adopted as new rules by R.1993 d.248, effective June 7, 1993.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

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

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

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

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## SUBCHAPTER 1. SERVICE

### 14:10-1.1 Service connections

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

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

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

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

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

Stylistic revisions.

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

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

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

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

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

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

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

### 14:10-1.3 Business offices

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

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

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

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

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

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

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

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

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

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

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

Where the cost to the utility for an extension to individual permanent residential customers exceeds the amount which the utility must install without cost to the customer, in

accordance with N.J.A.C. 14:10-3.2, the utility and the customer may agree that in lieu of requesting a deposit by the customer equal to the excess cost of the extension, the customer will guarantee a monthly revenue. Such guarantee shall be not more than  $\frac{1}{60}$  of the total cost of the extension.

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

### SUBCHAPTER 4. REGULATION FOR RESIDENTIAL TELEPHONE UNDERGROUND EXTENSIONS

#### 14:10-4.1 Applicability

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

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

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

#### 14:10-4.2 Definitions

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

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

"Board" means the Board of Public Utilities.

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

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

"Cost" means actual expense incurred for materials and labor employed in the installation of an underground resi-

dential distribution system, including overheads directly attributable to the work, but excluding overrides or loading factors such as for back-up personnel for mapping, records, clerical, superintendence or general office.

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

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

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

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

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

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

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

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

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

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

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

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

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

Stylistic revisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Deposits will not carry interest.

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

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

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

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

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

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

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

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

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

#### 14:10-4.8 Construction

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

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

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

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

#### 14:10-4.9 Records

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

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

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

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

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

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

#### 14:10-4.11 Prior regulations

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

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

#### 14:10-4.12 Compliance

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

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

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