

**CHAPTER 10**

**TELEPHONE**

**Authority**

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Subchapter 5, Regulation of InterLATA Telecommunications Carriers, was repealed and Subchapter 5, Regulation of Competitive Telecommunication Services, was adopted as new rules by R.1993 d.248, effective June 7, 1993.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

**SUBCHAPTER 5. REGULATION OF  
COMPETITIVE TELECOMMUNICATIONS  
SERVICES**

**14:10-5.1 Scope**

The rules in this subchapter govern the provision of competitive telecommunications services, as defined below, subject to the jurisdiction of the New Jersey Board of Public Utilities. The rules will apply to all local exchange carriers and intrastate interexchange carriers offering competitive services.

Amended by R.1996 d.412, effective September 3, 1996.  
See: 28 N.J.R. 2832(a), 28 N.J.R. 4107(a).

**14:10-5.2 Definitions**

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

“Competitive telecommunications services” means any telecommunications service determined to be competitive by the Board and/or pursuant to P.L. 1991, c.428.

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

“Local exchange carrier” means a carrier authorized by the Board to provide local telecommunications services.

“Type of service” means the category of services provided to customers by local exchange or interexchange carriers. Examples of such types of service include, but are not limited to, toll, WATS, toll free, operator services, channel services, virtual private networks and optional services.

Amended by R.1996 d.412, effective September 3, 1996.  
See: 28 N.J.R. 2832(a), 28 N.J.R. 4107(a).

**14:10-5.3 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) Cross-references to Federal Communications Commission interstate tariffs are permitted 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).

**14:10-5.4 Requirements for tariff revisions to existing services which create increased charges to any customer**

(a) Tariff revisions to existing competitive telecommunications services which create increased charges to any customer shall become effective five business days after notice of the proposed revision as described in (b) below, without the requirement of prior Board approval.

(b) The notice requirement for a tariff revision, as described in (a) above, shall be by direct mail to all affected customers or by publication in newspapers of general circulation throughout the affected service area, within 24 hours of the filing of revised tariff pages with the Board.

(c) Proposed revisions as described in (a) above shall be served on the Division of the Ratepayer 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).

**14:10-5.5 Requirements for tariff revisions to existing services which do not create increased charges to any customer**

(a) Tariff revisions to existing competitive telecommunications services which do not create increased 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.

(b) Proposed revisions as described in (a) above shall be served on the Division of the Ratepayer 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).

**14:10-5.6 Requirements for new competitive telecommunications service offerings for existing interexchange carriers**

(a) New competitive telecommunications service offerings of existing interexchange carriers shall become effective five business days after filing with the Board, without the requirement of prior Board approval.

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

(c) The filing requirements for new competitive telecommunications services of existing interexchange carriers are:

1. Interexchange carriers shall submit a letter containing:

- i. A description of the new service; and
- ii. Tariff pages with all terms and conditions.

2. The letter must be supplemented by a written schedule, providing, at a minimum, the following additional information:

- i. The prospective customer base; and
- ii. An indication of other services that are similarly competitive, through the use of tables or charts describing competitive services and/or alternatives, if applicable and how existing competitive offerings of that carrier or others, compare with the new competitive service, in terms of price, terms and conditions of service for typical customer usage.

3. If the supplemental written schedule contains sensitive information that would qualify under law for protective treatment as proprietary information, such schedule may be provided to the Board as a proprietary document bearing suitable markings, if accompanied by a motion as described at N.J.A.C. 14:10-5.9(d). Until the Board rules on the motion, the supplemental schedule shall not be disclosed to the public.

(d) The Board shall retain its authority to investigate and suspend, if necessary, all aspects of any competitive service if the filing violates any Board rule or is not otherwise in conformance with law.

Amended by R.1996 d.412, effective September 3, 1996.  
See: 28 N.J.R. 2832(a), 28 N.J.R. 4107(a).

#### 14:10-5.7 (Reserved)

#### 14:10-5.8 Requirements for interexchange carriers initial tariff filings

Initial tariffs of interexchange carriers that have not previously been authorized by the Board to provide intrastate service in New Jersey, shall go into effect on not less than 30 days notice but in no case prior to Board approval. In addition to all filing requirements contained in N.J.A.C. 14:1-5.11, the petition must include the information required in N.J.A.C. 14:10-5.6(c), as well as financial information necessary for the Board to determine the financial stability of the petitioner and whether it is capable of providing safe, proper and adequate service.

#### 14:10-5.9 Reporting requirements

(a) Every local exchange carrier and interexchange carrier providing competitive intrastate telecommunications services shall provide to the Board information on a quarterly basis within 30 calendar days of the end of the quarter which shall include:

1. Total number of customers pre-subscribed by type of service;

2. Total minutes of use by type of service;
3. Total number of calls by type of service;
4. Per-unit sold, total quarterly revenue by type of service;
5. A schedule detailing any and all price changes by type of service;
6. A description of each service offering;
7. A list of all discount plans applicable to each type of service, as well as a description of their terms and the type and class of customer that could qualify for each such plan.
8. A summary of complaints by type of service; and
9. Any further information deemed necessary by the Board to fulfill the mandates of P.L. 1991, c.428.

(b) In addition to the quarterly information required in (a) above, every local exchange carrier and interexchange carrier providing competitive intrastate telecommunications services shall provide the Board, on an annual basis, no later than March 31 for the preceding calendar year, a schedule detailing for each type of service, the total number of pre-subscribed customers, total minutes of use, per-unit price, per-unit sold, total quarterly and total annual revenue, service description, and the total and percentage change by quarter and annually to each item.

(c) All background and supporting documentation used to develop the information required by (a) above shall be maintained during the pendency of these rules and shall be available for inspection by the Board, its staff or its designees, upon request.

(d) Any carrier is permitted to file with the Board a motion for a protective order to protect any and/or all of the information required by (a) or (b) above from public disclosure. Any such motion shall be supported by affidavit which shall delineate the specific basis for the request for the protective order.

1. In the event the Board issues a protective order, the Board's staff shall take appropriate measures to maintain the confidentiality of the records and access to such records shall be limited to agents, employees, and attorneys of the Board, and, in the discretion of the Board, to any other appropriate governmental agency. All such governmental agencies shall be subject to the confidentiality requirements contained in this subsection. In addition, the Director of the Division of the Ratepayer Advocate shall be permitted to receive copies of such reports provided that the Director treats the information contained in the reports in a proprietary and confidential manner.

(e) The annual financial reporting requirement shall remain in full force and effect. Such annual reports shall be filed on or before March 31.