ALABAMA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE CODE

CHAPTER 770-X-5
TELEPHONE RULES

TABLE OF CONTENTS

770-X-5-.01	Application of Rules
770-X-5-.02	Definitions
770-X-5-.03	Records And Reports
770-X-5-.04	Metering, Inspections, And Tests
770-X-5-.05	Customer Relations
770-X-5-.06	Reasons For Denying Telephone Service
770-X-5-.07	Insufficient Reasons For Denying Telephone Service
770-X-5-.07A-.01	Notice Of Termination Of Reseller
770-X-5-.08	Voluntary Suspension
770-X-5-.09	Directories
770-X-5-.10	Directory Assistance And Operators
770-X-5-.11	Privacy Of Telephone Communications
770-X-5-.12	Filing Of Telephone Tariffs
770-X-5-.13	Transfers And Acquisitions
770-X-5-.14	Company Investigation Of Customer-Denied Long Distance Telephone Calls
770-X-5-.15	Pay Telephones
770-X-5-.15A-.01	Inmate Phone Service (IPS)
770-X-5-.16	Billing And Collection
770-X-5-.17	Live And Automated Solicitations And Announcements
770-X-5-.18	Operator Services At Captive Locations
770-X-5-.18A-.01	Prepaid Debit Cards
770-X-5-.19	Requirements Concerning Information Services
770-X-5-.20	Area Calling Service
770-X-5-.21	Minimum Service Standards
770-X-5-.22	Accounting Rules
770-X-5-.23	Prohibited Activities
770-X-5-.24	Notification Of Requests To Commence Interconnection Negotiations
770-X-5-.25	Requests For Mediation
770-X-5-.26	Requests For Arbitration
770-X-5-.27	Approval Of Negotiated Interconnection Agreements
770-X-5-.28	Approval Of Arbitrated Agreements
770-X-5-.29	Rural Telephone Company Exemptions, Suspensions, And Modification
770-X-5-.30	Fees And Costs

770-X-5-.31 Telephone Solicitation Regulations - Do Not Call Register

770-X-5-.01 Application of Rules.

(1) The telephone service rules promulgated herein shall apply to all telephone utilities, including local exchange companies, resellers (local and toll), interexchange carriers, customer-owned, coin-operated telephone service providers, and all providers of telecommunications service operating within the State of Alabama under the jurisdiction of the Alabama Public Service Commission.

(a) These rules govern the furnishing of communication services and facilities to the public by utilities subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

(b) If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the Commission for the modification of the rule or for temporary or permanent exemption from its requirements.

(c) The adoption of these rules by the Commission shall in no way preclude altering or amending them.

(d) These rules shall in no way relieve any utility from any of its duties under the laws of this State or from any other rules or directives of this Commission.

1. Rules on deposits, billings, and other provisions are found in the general rules.

2. Minimum filing requirements have been adopted for general rate increases by smaller telephone companies, but are not reproduced herein.

(e) Tariffs shall be filed in accordance with these rules and shall adopt the provisions herein.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-2-3, 37-2-10.
History: Effective June, 1968. Amended April, 1988. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.02 Definitions.

(1) In the interpretation of these rules, the following definitions shall be used:

(a) Access Lines - A circuit directly connecting a central office line with the customer's termination point, including all dial tone lines, basic telephone connections, key system trunks, private branch exchange trunks, pay stations and special circuits. Each customer on a multi-party line is an access line. (see Loop, Infra)

(b) Aid to Construction - A separate nonrecurring charge made for the construction of facilities in excess of that contemplated under the rates approved in the exchange tariffs.

(c) Average Busy Season/Busy Hour Traffic - The average traffic volume for the busy season, busy hours.

(d) Base Rate Area - The developed sections which are a part of or contiguous to the community in which the exchange is located as set forth in the telephone utility's tariffs and within which specified area local exchange service is furnished at uniform rates without mileage or zone rate charges.

(e) Busy Hour - The two consecutive half hours each day during which the greatest volume of traffic is handled in the central office.

(f) Busy Season - That period of the year during which the greatest volume of traffic is handled in the central office.

(g) Calls - Customer's telephone messages attempted.

(h) Captive Locations - Hotels, motels, hospitals, airports, colleges, universities, pay telephones, and other locations where the premises owner pre-subscribes to a toll service providing operators under an agreement providing for commissions to the subscriber; provided, however, that inmate telephones in prisons and jails are not included.

(i) Central Office - A switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only. There may be more than one central office in a building (see Dial Switching Equipment).

(j) Channel - A path for communication between two or more stations or telephone central offices, furnished in such a manner as the facility may be provided, either by carrier, radio or a combination thereof, or by a single physical facility or route (see Circuit).

(k) Circuit - A channel used for the transmission of energy in the furnishing of telephone and other communications service (see Channel).

(l) Class of Service - A description of telecommunications service furnished a customer which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate, measured rate, or message rate). Classes of service are usually sub-divided in "grades," such as individual line, two-party, or four-party.

(m) Commission - Alabama Public Service Commission.

(n) Community of Interest Factor (CIF) - The average number of toll calls made during a specified period of time. A CIF is arrived at by dividing the total long distance (toll) calls made during a study period by the total number of customers (access lines) of the originating telephone exchanges involved in the study.

(o) Customer - Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., subscribing for telecommunication services from a utility subject to the jurisdiction of the Commission.

(p) Customer Provided Equipment (CPE) - Those facilities and equipment provided and maintained by the customer and connected to telephone company facilities, pursuant to the tariffs of the telephone utility.

(q) Customer Trouble Report - An oral or written report from a customer pertaining to the access line(s) or related equipment; provided, that any trouble report that is eventually found to be caused by customer provided equipment will be excluded from the count of "customer trouble reports" as herein defined.

(r) Cut-Over - The conversion process in which subscribers are transferred to a new telephone service or system.

(s) Dial Switching Equipment - Switching equipment used in a central office or in connection with a private branch exchange system.

(t) Direct Current Supply - Electrical energy for talking and signaling purposes other than ringing.

(u) Exchange - The entire telephone plant and facilities used in furnishing local telephone service to customers located in an exchange service area. An exchange may include more than one central office unit.

(v) Exchange Service Area - The territory served by an exchange within which local telephone service is furnished at the exchange rates applicable within that area.

(w) Extended Area Service (EAS) - A type of telephone switching and trunking arrangement which provides for unlimited calling between two or more telephone exchanges based on a usage-sensitive structure and/or a flat rate additive, if applicable.

(x) Flat Rate Service - Local exchange service where the basic access line charge allows unlimited local calls.

(y) Grade of Service - The number of parties (main stations) served on a telephone line such as one-party, two-party, four-party, etc. (see Class of Service)

(z) Intercept Service - A service arrangement provided by the utility whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, discontinued, changed to another number, or that calls are being received by another telephone.

(aa) Local Access and Transport Area (LATA) - Geographic area established for the purpose of defining the territory within which a Bell Operating Company and General Telephone Company may offer its telecommunications services.

(bb) Loop - A general term used in the communications industry in several different senses, the most important of which are:

1. The conductor or conductors extending between customer stations and central offices, or between central offices whether they are in the same or different communities. (see Channel, Circuit)

2. The conductors and circuit apparatus associated with a particular communication channel.

3. Any communications channel between two points, disregarding the method of its derivation.

(cc) Map - The term map as used herein means a map associated with a tariff which is used to define utility and exchange boundaries.

(dd) Measured Rate Service - Telephone service for which charges are made in accordance with the use made of the line with the elements of time of day, distance, and duration.

(ee) Message - A completed telephone call regardless of length of call or time and distance involved.

(ff) Message Rate Service - Local exchange service billed on a per-message basis.

(gg) Message Toll Service or Message Telecommunication Service (MTS) - Long distance telecommunications service between exchange areas, excluding EAS, categorized as intraLATA/ intrastate, interLATA/intrastate, or interstate and rated on a time and distance basis.

(hh) Network Control Signaling - The transmission of a signal, used in the telecommunications system which perform functions such as supervision (control, status, and charging signals), address signaling (calling and called number identification), audible tone signals (call progress signals indicating recorder or busy conditions, alerting coin denominations, coin collect, and coin return tones) to control the operations of switching machines in the telecommunications system.

(ii) Outside Plant - The telecommunications equipment and facilities installed on, along, over or under streets, alleys, highways or on private right-of-ways between the central office and customer's locations or between central offices.

(jj) Provider - A carrier that provides, directly or indirectly, operator service at captive locations.

(kk) Quiet Termination - A termination which when reached effectively isolates the line from the dial switching equipment noise.

(ll) Regrade - A change in the classification and/or grade of service, or an application for such change.

(mm) Repeated Repair Report - Customer reports on the same access line or related equipment concurring within one month of the original report.

(nn) Selective Ringing - A party line ringing system whereby only the bell of the desired party is rung.

(oo) Station - A telephone instrument or other terminal device.

(pp) Store and Forward - A call process technique used with smart telephone sets or telephone set controller equipment. The equipment cues the caller to enter or provide the

information needed for an operator assisted call, stores this information, and then sends a direct dialed call through a telephone network.

(qq) Study Period - A representative period of one month used to determine the community of interest factor.

(rr) Subscriber - A customer of the telephone utility who is responsible for the telephone service, the person in whose name the telephone is listed, and to whom the charge for service is billed.

(ss) Tariff - The entire body of rates, charges, regulations, and rules adopted by the utility and approved by the Commission.

(tt) Telephone Utility - Any person, firm, partnership, corporation or cooperative organization engaged in the business of furnishing telecommunications service to the public under the jurisdiction of the Alabama Public Service Commission.

(uu) Toll Call - A call to a point outside the local calling area of an exchange for which a long distance charge applies.

(vv) Toll Network Trunks - A general classification of trunks carrying toll traffic and ordinarily extending between a local office and toll office.

(ww) Traffic - (1) The messages sent and received over a communications channel. (2) A quantitative measure of the total messages and their length, expressed in hundred call seconds (CCS) or other units.

(xx) Trunk Equipment - The equipment necessary to provide a communications channel between central office units.

(yy) 1,000 HZ Generator - The standard device for the generation of a 1,000 HZ frequency applied at a level which will send one milliwatt of power into a 900 ohm impedance.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective June 1968. Amended April 1988. Amended March 1993. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.03 Records And Reports.

(1) Location of Records - All records of every telephone utility's operations will be kept within the State or shall be made available to the Commission or its authorized representatives at any time upon request.

(2) Retention of Records - All records required by these rules shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the Commission.

(3) Reports

(a) Each telephone utility shall maintain records of its operations in sufficient detail to permit review of its service performance upon request by the Commission, and shall file Annual Reports containing financial information as directed by this Commission.

(b) Each telephone utility shall report promptly to the Commission any specific occurrence or development which disrupts the service of a substantial number of its customers or which may impair the utility's ability to furnish service to a substantial number of customers within a 48-hour period.

(4) Exchange Maps - Each telephone utility shall have on file with the Commission an exchange area boundary map for each of its exchanges within the State. Each map shall clearly show the boundary lines of the area which the telephone utility is authorized to serve. The exchange map shall be immediately available for public information at each business office for the area served by said office. Each telephone utility filing an original or revised map shall submit proof of notice of the proposed boundary to any other telephone utility adjoining the area in which a boundary line is to be established or changed. Such proof of notice shall also contain documentation clearly reflecting the concurrence of the affected telephone utilities.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-57, 37-1-58, 37-1-60, 37-2-3.
History: Effective June 1968. Amended April 1988. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.04 Metering, Inspections, And Tests.

(1) Meter and Recording Equipment Requirements - Every telephone meter and recording device shall be tested prior to its installation, either by the manufacturer, the telephone utility, or an approved organization equipped for such testing. Such equipment shall be maintained in good operating condition, shall be tested periodically in their normal operating location and wiring and shall be accurately read. Periodic testing and maintenance of controlling trunk equipment shall be performed to assure the integrity of their operation.

(2) Provisions for Testing Circuit and Switching Equipment - The telephone utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment either for routine maintenance or for fault location.

(3) Meter Reading Records - When mechanical and/or electronic recording devices are used in connection with telecommunication service, the meter reading data and related customer records from which the customer's bills are prepared shall show:

(a) Identifying number or means to determine readily the customer's name, address, and classification.

(b) Meter readings.

(c) Date of meter reading.

(d) Multiplier or constant if used.

(4) Meter and Recording Equipment Requirements - All meters and/or recording devices shall accurately perform the following:

(a) For message rate service where timing the length of message is not involved, the meter and/or recording device shall show the number of completed messages sent by the access line which it is measuring.

(b) For message rate, measured rate, and/or message toll service when in addition to recording the calls it is necessary to time the calls, the recording device shall show the number of calls and the chargeable time involved in each call and the access line making such call. Where a meter is associated with the access line making the call, the meter shall accumulate the number of message units used for these calls.

Author: Alabama Public Service Commission

Statutory Authority: Code of Ala. 1975, §§ 37-1-53, 37-1-60, 37-2-3.
History: Effective June 1968. Amended April 1988. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.05 Customer Relations.

(1) Rate and Special Charges Information

(a) Customer Quotes to Fully Disclose Total Billed Charges.

1. For prospective customers of residential intrastate services (excluding broadband services) and business services for which the Commission retains jurisdiction under the Act, telephone utilities shall disclose all nonrecurring charges and recurring charges that will be included on the customer's bill. Quotes may be given orally unless the prospective customer requests a written quote. Recurring charges may be quoted separately from nonrecurring charges. Telephone utilities will list all administrative and regulatory surcharges that will be included on the customer's bill and provide an estimate of such surcharges if requested by the customer. Administrative fees and regulatory surcharges consist of those charges approved by the FCC for inclusion on the customer bill. Telephone utilities need not include in the price quote to the prospective customer state and local regulatory fees and taxes, including but not limited to E911 fees, any franchise fees, and the Dual Party Relay fee but the telephone utility will fully disclose that the quoted price excludes those additional charges. This requirement is in no way intended to infringe on the necessary practice of prorating bills required when a customer's service is initiated within rather than at the beginning of a billing cycle.

2. For usage sensitive services included in subparagraph (a) above, telephone utilities will disclose any nonrecurring and/or recurring charges for the service, the usage sensitive rates, and any minimum charges for usage, if applicable.

3. For promotional offerings, telephone utilities shall disclose to the prospective customer all charges and fees referenced in subparagraph (a) and/or (b) above to be billed during the promotion period and those applicable upon expiration of the promotion period.

4. Telephone utilities will not engage in deceptive or misleading practices when advertising or marketing their services. All advertising and marketing that includes the price of the service(s) will clearly indicate that additional charges, fees, and taxes will apply if not included within the advertised and/or marketed price.

(b) Where special charges apply, such as those for extraordinary construction, labor, and special installation/ assemblies not included in the telephone company tariff on file with the Commission, consumers will be provided an estimate of these charges. A written estimate of charges will be provided at the consumer's request.

(2) Business Office - During normal business hours, business offices shall be staffed, directly or indirectly, with qualified personnel to provide information to customers relating to service and rates, accept and process bills, adjust charges made in error and to generally act as representatives of the utility. If one business office serves several communities, toll-free calling from such communities to that office shall be provided.

(3) Customer Billing

(1)

1. Bills to customers shall be typed or machine printed unless arrangement is made by the customer to be billed via electronic media such as a computer tape or computer diskette. Bills to customers shall contain a listing of all charges and the period of time covered by the bill.

2. The local service charges may be shown as a single item even though they include extensions and other items for which a flat monthly charge is made. The telephone utility shall provide the customer an itemized bill of all local service charges for the following situations:

(i) Initiation of new local exchange service by a customer.

(ii) Any change in service items on a customer's bill.

(iii) Any change in rates of any service item on the customer's bill.

(iv) Once annually upon request, at no charge.

(v) Any time upon request by customer at tariffed charge.

Statements itemizing message toll charges, if applicable, shall be included in bills to customers. Each bill with toll charges shall include a number for toll charge inquiries.

2. Each local exchange carrier shall have a billing procedure to bill customers for toll calls and information services no later than 90 days after the call was placed.

(b) In the event of a dispute between the customer and the utility respecting any bill, the utility may require the customer to pay the undisputed portion of the bill to avoid discontinuance of service for nonpayment. The utility shall make such investigation as may be appropriate to the particular case and report the result thereof to the customer. In the event the dispute is not reconciled, either party may make application to the Commission for review and disposition of the matter.

(c) In the event service is interrupted due to malfunction of telephone company equipment and not by the negligence or willful act of the customer and it remains out of order for more than 48 consecutive hours after being reported or found to be out of order and access is made available for repairs, appropriate pro rata adjustments shall be made to the customer upon request.

(d)1. Each local exchange carrier shall issue bills monthly, and each bill shall show:

(i) The billing date, which shall be the first day of the billing cycle unless the carrier bills for local service in arrears.

(ii) The due date, which shall be the date the payment is due in to the carrier.

(iii) The delinquent date, which shall be, for companies billing in advance, at least 20 days after the billing date, or, for companies billing in arrears, at least 10 days after the billing date and after the due date.

(iv) The delinquent charge, which will be the charges applied pursuant to the carrier's tariff if the bill is not paid before the delinquent date.

(v) All charges due and payable.

(vi) The local or toll free telephone number(s) for resolution of all billing inquiries.

2. Each local exchange carrier shall show on a bill at least once annually the following statement:

(i) "Itemization of local billing available once annually upon request."

3. Bills issued by other telecommunications providers shall include a due date of not less than 15 days from the date of billing.

(e) Any undercharge in customer billing as a result of the utility's error shall not be back-billed in excess of thirty-six (36) months. No back-billing shall be allowed without immediate written notification by the utility to the customer at the time of discovery by the utility including notice that the customer shall be given the option of repayment of amounts due in monthly installments equal to the period of said underbilling.

(f) Where any overcharge in billing of a customer is the result of the utility's error, such customer shall be due a refund of such excess billing for up to thirty-six (36) months from the date an objection is filed by the customer.

(g) The utility may not effect a regrade of service which has not been requested by the subscriber without giving the subscriber 30 days' prior written notice citing reasons therefore and the applicable recurring charges for proposed class of service.

1. Business rates shall not apply whenever the use of the service is not primarily or substantially of a business nature.

(h) Provision for Certain Local Taxes and Fees:

1. In the event a municipality imposes, collects, or receives from the telephone utility any license, occupational, franchise, privilege, inspection or other similar tax or fee, or otherwise, whether in a lump sum, or at a flat rate, or based on receipts, or based on poles, wires, conduits or other facilities, or otherwise, so much of the aggregate amount of such tax or fee will be billed, insofar as practical, pro rata to the customers receiving exchange service within such municipality, and will be itemized on the customer's bill.

(i) Deposits - Refer to 770-X-1-.08 governing all utilities for requirements related to deposits.

(4) Public Information

Access to the following information shall be made available at all business offices upon request:

(a) Copies of all tariffs as described in 770-X-5-.12 of these rules applicable to the area served by the business office.

(b) Maps detail from which showing exchange boundaries in sufficient size and all customer locations can be determined.

(c) Publicly announced information as to the present and intended future availability of specific classes of service at an applicant's location.

(d) A copy of these Telephone Rules shall be available for inspection by applicants or customers.

(e) Utilities shall not be required to furnish copies without charge.

(5) All telephone utilities including local exchange carriers, interexchange carriers, resellers and operator service providers, shall provide access to the Alabama Dual Party Relay Center for all customers.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective June 1968. Amended April 1988. Amended February 1991. Amended June 1991. Amended December 1991. Amended March, 1993. Amended November 1998. Amended June 2008. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.06 Reasons For Denying Telephone Service.

(1) Service may be refused or discontinued for the reasons listed below, in addition to any reasons stated in the General Rules. Unless otherwise stated, the customer shall be notified and allowed a reasonable time in which to comply before service is discontinued.

(a) Without notice in the event of customer use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others or use of customer-provided equipment which is incompatible with the utility's equipment.

(b) In extraordinary circumstances where unlimited access to the network may result in substantial loss of revenue to the utility.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.

History: Effective June 1968. Amended April 1988. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.07 Insufficient Reasons For Denying Telephone Service.

(1) The following, in addition to any reasons stated in the General Rules, shall not constitute sufficient cause for denying service.

(a) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(b) Failure to pay directory advertising charges in dispute.

(c) Failure to pay charges in dispute billed for other carriers or information service providers.

(d) Failure to pay for non-regulated equipment or services.

(e) Failure to pay for Local Dial-it charges in dispute.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective June 1968. Amended April 1988. Amended February 1991. Amended March 1993. Amended July 1997. Amended November 1998. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.07A-.01 Notice Of Termination Of Reseller.

Each Telephone utility shall notify the Commission one or more business days before an involuntary disconnection of service to a reseller of its service. Such notification may be by telephone at 334-242-5218, by fax at 334-242-0509, or by courier to Suite 850, 100 North Union Street, Montgomery, Alabama, 36104.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective July, 1997. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.08 Voluntary Suspension.

(1) Except as noted herein, communications service shall, at the request of a customer, be temporarily suspended for any period of time up to nine months with a minimum period of one month. Each utility's tariff shall provide a suspension of service rate chargeable during such period.

(2) This rule does not prohibit voluntary suspension for a period exceeding nine months when approved by the Commission. The utility may, with Commission approval, specifically identify certain services as ineligible for voluntary suspension.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective June 1968. Amended April 1998. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.09 Directories.

(1)(a) Telephone directories shall be published annually under normal conditions listing the name, address, and telephone number of all customers, except public telephones and telephone service unlisted at customer's request and customers who may be accessed by subscribers to Area Calling Service plans outside of the normal calling area as addressed under 770-X-5-.20.

(b) Each telephone utility shall notify subscribers by bill insert or a message on the bills within ninety (90) days prior to a directory closing. The notice shall state that a new directory is being prepared and that request for changes may be made. A charge not to exceed the actual cost or tariff rate of the requested change may be applied.

(2) Upon issuance, one copy of each directory shall be distributed to all customers served by that directory and two copies of each directory shall be furnished to the Commission.

(3) The name of the telephone utility, an indication of the area included in the directory, and the month and year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(a) The Commission's toll-free number shall appear on the inside of the front cover or on Page 1 of the directory pages of each telephone company. This number and "Alabama Public

Service Commission" shall be displayed in bold font type no smaller than 14 point and the information contained therewith shall be uniformly formatted with the following language and placed in a box so as not to become confused with other listings:

1. Alabama Public Service Commission

2. Utility or Transportation Complaints

(b) If you have a utility or transportation (common carrier) complaint, please attempt first to resolve same by direct contact with that utility or transportation company. If you are unable to achieve results from that direct contact, you may then call the Alabama Public Service Commission by dialing toll free, 1-800-392-8050. Please note, your Public Service Commission does not regulate the following utilities and, therefore, does not have the power to resolve complaints concerning them: electric cooperatives, most water companies, municipal utilities, cable TV systems, Tennessee Valley Authority.

(4) The directory shall contain instructions concerning placing local and long distance calls, calls for repair and directory assistance services, and locations and telephone numbers of telephone utility business offices as may be appropriate to the area served by the directory.

(5) The directory shall contain the following information which will appear conspicuously in the front part of the directory pages:

(a) In the event service is interrupted due to malfunction of telephone company equipment and not by the negligence or willful act of the customer and it remains out of order for more than 48 consecutive hours after being reported and access is made available for repairs, appropriate pro rata adjustments shall be made to the customer upon request.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective June 1968. Amended April 1988. Amended March 1991. Amended March 1993. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.10 Directory Assistance And Operators.

(1) Directory assistance operators shall have access to records of all telephone numbers (except telephone numbers not listed or

published at customer request) in the area for which they are responsible for furnishing directory assistance service.

(2) Each telephone utility shall make every effort to list its customers with directory assistance as necessary for the directory assistance operators to provide the requested telephone numbers based on customer names and street addresses, except private listings.

(3) In the event of an error in the listed number of any customer, 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. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance or intercept operators and the correct number furnished the calling party either upon request or interception, at no charge to the requesting party.

(4) Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

(5) When additions or changes in plant or changes to any other utility operations necessitate changing telephone numbers to all groups of customers, reasonable notice shall be given to all customers so affected even though the addition or changes may be coincident with a directory issue.

(6) Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and agreeable service to the customers.

(7) Telephone operators shall be instructed to be courteous, considerate and efficient in the handling of all calls.

(8) All operator-handled calls shall be carefully supervised and disconnects made promptly.

(9) When an operator is notified by a customer that a wrong number has been reached on a direct dialed call, the customer shall be given credit on his/her bill when the claim has been substantiated.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective June, 1968. Amended April 1988. Amended March 1993. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.11 Privacy Of Telephone Communications.

(1) Each telephone utility subject to the jurisdiction of the Commission shall maintain a central file available for Commission inspection of all instructions to employees, regulations, rules and forms designed to insure the privacy (and/or maintain the secrecy) of communications over the lines of such utility together with a record of the steps taken to ensure the privacy and/or secrecy of communications.

(2) Each telephone utility shall file with the Commission, at the time of their Form M, or other annual report filing each year, one copy of a statement showing any changes in the steps being taken to insure privacy (and/or secrecy) of communications together with one copy of any new or revised instructions, regulations, rules and/or forms being used.

(3) Each telephone utility which does not have instances during the year of changes shall file with the Commission at the time of their Form M, or other annual report filing each year, one copy of a statement indicating it has no changes during the year.

(4) Monitoring or recording of telephone conversations shall not be conducted except pursuant to this rule.

(a) Monitoring means the use of monitoring equipment to allow a third person to overhear the telephone conversation of two or more persons. Monitoring does not include:

1. Unlawful wiretapping or eavesdropping;

2. Monitoring by law enforcement or national defense agencies, or by telephone utilities to prevent fraud or loss of revenues, when these activities are permitted under enabling laws and legal safeguards;

3. Accidental or unintentional interception of telephone conversations by telephone utility personnel engaged in normal operation, maintenance, or construction;

4. Administrative service observing performed by telephone utilities for the purpose of training and quality control when performed in accordance with existing federal, state or local laws.

(b) Recording means the recording of any telephone conversation by any means.

(c) Monitoring equipment means any method or apparatus by which a telephone company, or any of their officers, employees

or agents, or a telephone subscriber, may listen to or record telephone conversations on premises owned or controlled by the utility or by the subscriber:

1. Without any audible indication to the parties conversing that their conversation is being overheard, or

2. Without connection of a device to provide two-way conversation between the listener and the parties conversing so that the listener's voice may be heard throughout any period of monitoring, or

(3. Without any indication to the parties conversing that their conversation is being recorded.

(d) No portion of the public utility telephone network in Alabama to which the public, or any portion of the public, has access shall be used for monitoring or recording of telephone conversation except when:

1. All the parties to the conversation give their express prior consent to the monitoring or recording, or

2. When notice that such monitoring or recording is taking place is given to the parties to the conversation by one of the methods required in this Rule.

(e) Notice of monitoring or recording shall be given either:

1. By a tone warning device which automatically produces a distinct signal audible to all parties to a telephone conversation. The signal shall have those characteristics specified by the Federal Communications Commission, or by this Rule.

2. By verbal announcement by the operator of monitoring equipment to the parties to a communication that their communication is being monitored; or

3. By clearly marking each instrument from which communications may be recorded without notice.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-57, 37-1-82, 37-2-3.
History: Effective June 1968. Amended April 1988. Amended March 1993. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.12 Filing Of Telephone Tariffs.

(1) Tariffs

(a) Each telephone utility shall have its tariff on file with the Commission and said tariff shall (a) be in accordance with the rules and regulations governing the filing of tariffs as prescribed by the Commission, and (b) state the rates, charges, classifications, and subscriber rules and regulations which govern provision of telecommunications service.

(b) Any public utility engaged in furnishing telephone service which determines to furnish service to its employees, pensioners, officers, or other persons or organizations at no charge or at charges less than those prescribed in its published schedules or tariffs, shall file tariffs with the Commission as hereinafter prescribed stating the conditions and circumstances under which such services will be furnished.

(c) The telephone utility shall file tariffs in the standardized format approved by this Commission. A company who prefers a company-specific format shall petition the Commission for approval of any format other than the standardized version.

(d) A telephone utility shall not charge, demand, collect or receive a greater or lesser or different compensation for regulated telecommunications service than the rates, fares and charges specified in the tariffs in effect at the time, except where a special service contract has been filed and approved by order of the Commission, and except where otherwise authorized by a vote of the Commission.

(2) Requirements As to Size, Form, Identification and Filing of Tariffs

(a) All tariffs shall be in loose-1eaf form of size eight and one-half inches by eleven inches and shall be of letter-quality print on paper of good quality.

(b) Each Local Exchange Carrier in Alabama shall have on file with the Alabama Public Service Commission, current Alabama General Highway County maps of scale one-half (1/2) inch or one (1) inch equals one mile, showing utility, and exchange boundary lines.

1. Where possible, utility boundary lines adjoining another local exchange carrier shall be located by appropriate measurement to an identifiable location where

that portion of the boundary line is not otherwise located on section lines, waterways, railroads, etc.

(c) A margin of not less than three-fourth inches without any printing thereon shall be allowed at the binding edge of each tariff sheet.

(d) Tariff sheets are to be numbered consecutively by section, sheet and revision number. Each sheet shall show an issue date and requested effective date, a revision number, section number, sheet number, name of the Utility and the name of the tariff and title of the section in a consistent manner.

(e) When it is desired to make changes in the rates, rules, maps, or other provisions of the tariff, an official tariff filing consisting of an original and ten (10) copies shall be made to the Commission addressed as follows:

Secretary
Alabama Public Service Commission
P. O. Box 304260
Montgomery, Alabama 36130-4260

(3) Transmittal Letters - Each tariff filing shall include a letter of transmittal accompanied by ten (10) copies. All explanations shall be made in such form as to be readily understood by persons not fully familiar with technical language. Each transmittal letter shall include:

(2) A list of sheets filed by section, sheet and revision.

(b) A narrative describing the type of filing (new service, change of regulation, rate increase, rate reduction, etc.)

(c) A full explanation of each change, new offering, new regulation, etc., and details of operations of each new service.

(d) A full explanation of the impact of each proposed change on existing subscribers.

(e) A revenue impact statement giving the estimated revenue that a new service will produce over a one (1) year period, explaining how the estimate was obtained.

(f) Each tariff filing shall be treated as an original in that all required information shall be submitted with each filing regardless if similar or identical information such as cost study data or technical data has been submitted with previous filings.

(g) Unrelated new service offerings shall not be included in the same tariff filing. Neither shall unrelated tariff changes be included in the same tariff filing.

(h) Technical explanations, marketing data or other information necessary to describe the proposed additions or changes shall be included as a part of the tariff filing.

(4) Cost Study Data

(a) Appropriate cost data shall be submitted as may be required by the Commission staff for each new or changed rate by any telephone utility. If full cost data is requested by the Commission staff, but is not available, explanation should be given including the available data, the reason full data is not available, and on what information the proposed rates are based. Supporting data and/or explanation of how dollar amounts appearing on cost studies were obtained shall be included.

(b) Cost data developing recurring and non-recurring charges such as connecting and reconnecting service will be included. Each tariff item will be listed by description and payment plan. The following specific cost data will be furnished as a minimum: (a) investment: material, labor, and engineering expenditures; (b) annual operating cost: maintenance and shop repair, administrative expenses, ad valorem taxes, and other costs; (c) capital cost: depreciation, cost of money, income tax, and other costs; and (d) non-recurring costs based on a monthly equivalent.

(c) Requested rate increases may be filed in accordance with the Minimum Filing Requirements adopted by the Commission.

(d) Any cost data obtained by the Commission shall be treated as proprietary. Copies may be obtained by other parties only from the company preparing the data, and the data shall be supplied by that company upon entry of a mutually acceptable proprietary agreement.

(5) Notice of Change; Special Permission; Symbols

(a) Each tariff filing shall include new or revised tariff sheets (10 copies) with notifications in the right-hand margin indicating each change made on these sheets. Notations to be used are:

1. (C) to signify change in regulation;

2. (D) to signify a deletion;

3. (I) to signify a rate increase;

4. (L) to signify material relocated in the tariff;

5. (N) to signify a new rate or regulation;

6. (R) to signify a rate reduction;

7. (T) to signify a change in text, but no change in rate or regulation.

Sheets issued under new numbers are to be designated as original sheets. Sheets being revised should show the next number of revision from the existing sheet.

(b) Any tariff filings to make changes of existing maps shall include location maps so marked with the proposed changes indicated in red pencil in lieu of the right-hand margin notation specified in the preceding paragraph.

(c) All tariff filings shall be received at the Commission offices at least thirty (30) days before the date upon which they are to become effective, except those tariff filings made in response or pursuant to a Commission order.

(6) Commission-Ordered Tariff Filings- -Tariff filings made in response to an order issued by the Commission shall include a transmittal letter stating that the tariffs attached are in compliance with the order, giving the docket number, date of the order, a list of tariff sheets filed and any other information necessary. The transmittal letter shall be exempt from all other requirements of 770-X-5-.12(C). The tariff sheets shall comply with 770-X-5-.12(B) and shall include all changes ordered and absolutely no others. The effective date and/or wording of said tariffs shall comply with the ordering provisions.

(7) Compliance - Any tariff filed with the Commission and found to be noncompliant with 770-X-5-.12 shall be so marked and one copy shall be returned to the filing utility with a brief explanation advising in what way the tariff does not comply and advise that the Commission does not consider said filing in compliance with 770-X-5-.12. Full compliance with this rule shall not guarantee Commission approval or preclude requests for additional information or clarification.

Author: Alabama Public Service Commission

Statutory Authority: Code of Ala. 1975, §§37-2-3, 37-2-10, 37-2-12, 37-2-13.

History: Effective June 1968. Amended April 1988. Amended March 1993. Amended June 1998. Amended June 2000. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, § 41-22-7.

770-X-5-.13 Transfers And Acquisitions.

(1)(a) The telephone utility shall notify the Commission prior to the sale or transfer of any telephone system, in whole or in part of such system.

(b) This rule does not apply to the sale or transfer of any equipment or material not in actual service, nor to the purchase or sale by a telephone utility of service lines or equipment connected to its system.

(2) All telephone utilities, including local exchange carriers, interexchange carriers, resellers, operator service providers, COCOTs, etc., shall file a written report with the Secretary of the Commission within 30 days after control of the telephone utility changes or within 30 days after the telephone utility acquires another company regulated by the Commission. The report shall include:

(a) A brief description of the transaction, including the effective date.

(b) Location of the financial records of the telephone utility, if control changed, or of the acquired company, if an acquisition occurred.

(c) The name and telephone number of a contact person familiar with the transaction.

(d) A brief description of any tariff changes anticipated in the near future.

(e) The new address to be used for official notices, if the address changed.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-57, 37-2-3.
History: Effective June 1968. Amended April 1988. Amended February 1991. Amended March 1993. Amended October 1997. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.14 Company Investigation Of Customer-Denied Long Distance Telephone Calls.

Telephone utilities must investigate all customer-denied long distance telephone calls which are not credited to the customer's account. A record of all customer complaints either oral or in

writing, shall be maintained by the telephone utility. All expenses regarding the investigation shall be the responsibility of the utility, except where complete investigation by the telephone utility determines that the original bill was correct.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective June 1968. Amended April 1988. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.15 Pay Telephones.

(1) Public Pay Telephone Service of Local Exchange Carriers

(a) In each exchange, the telephone utility shall provide at least one public pay telephone available to the public at all hours, prominently located and properly maintained and equipped.

(b) The telephone utility shall make a reasonable effort to maintain at each company-owned, public pay telephone station a current copy of the telephone directory for that exchange. Each instrument shall have all operating instructions posted thereon including, but not limited to, the access code for long distance dialing, directory assistance, and emergency or "911" numbers.

(c) Each pay telephone station shall provide coin-free access to the local operator, the toll operator, emergency numbers and 800 numbers.

(d) Each pay telephone instrument shall be pre-pay.

(e) A notice must be displayed on each instrument giving the local exchange company's address and telephone number where callers can get help when problems occur with pay telephone service, without charge for such telephone calls.

(f) The name of the interLATA toll carrier selected by the local exchange carrier must be posted on each telephone instrument in plain view of customers.

(g) All instruments must be able to accommodate hearing-impaired and handicapped persons as required by federal law and regulations.

(h) All instruments must be capable of accepting nickels, dimes and quarters. Coins must be returned by the instruments for any incomplete calls.

(i) Repairs shall be performed within 24 hours of a trouble report on the instrument.

(j) The instruments must accept incoming calls without a charge, except where:

1. Otherwise requested by a law enforcement agency, and

2. The instrument bears a notice stating that incoming calls are not accepted.

(k) If a time limitation is placed on a phone, proper notice must be posted and a tone must sound 15 to 30 seconds before disconnection. The exact interval of which shall be clearly stated on the instrument. The minimum time limit for local calls shall be no less than five (5) minutes, provided, however, that no time limit will be allowed on phones where, in the past, the need for no time limit on that phone has been determined by the Commission, or where, in the future, the Director of Telecommunications Division directs, in writing, that the pay phone have no time limit. Removal of the time limit may be requested by the owner of the phone, the owner of the premises, and/or governmental or civic groups.

(l) The rates for intrastate/interLATA long distance service shall be no higher than the Commission approved rates for the certificated carrier selected. The only exception is the rounding up to the nearest nickel ($.05).

(m) All pay telephones are subject to random and periodic inspections to assure compliance with Commission requirements. Noncompliance will be brought to the attention of the local exchange company in writing, and shall be corrected within 30 days.

(n) All local exchange companies shall provide to the Commission, upon request, a list of pay telephone access lines maintained in the state.

(2) Customer-Owned, Coin-Operated Telephone Service

(a) All customer-owned instruments must be registered under Part 68 of the FCC regulation Program to be connected to the Exchange Network.

(b) All instruments must be able to accommodate hearing-impaired and handicapped persons.

(c) All instruments must be installed in compliance with the National Electrical Safety Code and all accepted telecommunications industry standards relating to pay telephone service.

(d) The owner of the instruments must be certified by the Commission. Access to the exchange network shall be prohibited unless compliance with the guideline is achieved.

(e) The charge for a local call shall not exceed the maximum amount authorized by the Commission for a local exchange company coin telephone.

(f) The owner must display, on each instrument, the address and telephone number where callers can get help when problems occur with pay telephone service, without a charge for such calls.

(g) Each instrument must have all operating instructions posted thereon.

(h) Non-chargeable Operator, 911, and 800 number calls must be able to be made without a coin deposit and with no time limitations. Directory assistance calls will be charged at a rate not to exceed the local exchange company charge for such calls from coin operated instruments.

(i) A reasonable effort must be made to assure that directories are provided at each instrument location.

(j) All coin instruments must be capable of accepting nickels, dimes, and quarters. Coins must be returned by the instruments for any incomplete calls.

(k) Repairs shall be performed within 24 hours of a trouble report on the instruments, the responsibility of which will be the owner of the pay telephone.

(l) All local calls shall be pre-paid.

(m) The instruments must accept incoming calls without a charge, except where:

1. Otherwise requested by a law enforcement agency, and

2. The instrument bears a notice stating that incoming calls are not accepted.

(n) If a time limitation is placed on a phone, proper notice must be posted and a tone must sound 15 to 30 seconds before disconnection. The exact interval of which shall be clearly stated on the instrument. The minimum time limit for local calls shall be no less than five (5) minutes, provided, however, that no time limit will be allowed on phones where, in the past, the need for no time limit on that phone has been determined by the Commission, or where, in the future, the Director of the Telecommunications Division directs, in writing, that the pay phone have no time limit. Removal of the

time limit may be requested by the owner of the phone, the owner of the premises, and/or governmental or civic groups.

(o) Customer-owned pay telephones shall not be connected to a residential or business access line.

(p) The resale of toll telephone service is prohibited unless the guidelines for resellers are met. (see Docket 18548)

(q) All telephones are subject to random and periodic inspections to assure compliance with Commission requirements.

1. Noncompliance will be brought to the attention of the COCOT owner or provider by letter. If violations are not corrected and the Commission notified within thirty (30) days from the date of the Commission staffs letter, the provider's certificate of public convenience and necessity shall be subject to revocation, and access lines to all the instruments shall be disconnected.

(r) Access to the local exchange operator must be provided by dialing 0 from each instrument. All 0+ and intraLATA calls must be routed to the local exchange company or a carrier authorized to provide intraLATA service.

(s) Access to the interLATA operator may be provided by 00 or 0+ on intrastate/interLATA calls. 00 cannot be used from any COCOT to reach the local exchange company.

(t) All COCOT providers shall provide to the Commission a list of all COCOT access lines maintained in the State of Alabama on a quarterly basis and upon request.

(u) The rates for intrastate/intraLATA long distance calls shall be no higher than the local exchange company's approved rates. The only exception to this is the rounding up to the nearest nickel ($.05).

(v) The rates for intrastate/interLATA long distance service shall be no higher than the Commission approved rates for the certificated carrier of choice. The only exception to this is the rounding up to the nearest nickel ($.05).

(w) Toll charges will incorporate time of day, day of week, and recognized holiday discounts as approved by the Commission for intrastate/intraLATA and intrastate/interLATA calls.

(x) All COCOTs shall adhere to appropriate General Rules, Telephone Rules and orders of the Commission.

(y) A local exchange company shall not provide intrastate access to any customer-owned, coin-operated telephone company

which is not lawfully operating in the State of Alabama for intrastate purposes.

(z) All customer-owned pay telephones, coin/coinless shall be connected to a one-party line only.

(aa) IntraLATA, 0+ calls shall not be completed with "store and forward" devices.

(bb) IntraLATA, 1+ calls must be sent through the local exchange carrier and shall be carried by an authorized intraLATA toll service provider.

(3) Coinless Inmate Telephone Collect-Only Service

(a) This type of service is placed in areas where prisons/ jails have internal rules and regulations administered in compliance with the State Department of Corrections, or city or county governmental body, which governs inmate telephone usage and access.

(b) This service is initiated by the calling party selecting the option of making a station-to-station or person-to-person call.

(c) All calls from coinless pay telephones located within a prison/jail, which are placed there to provide telephone service for the sole purpose of the inmates, shall be collect to the called party.

(d) All operator services provided at coinless pay telephones located in prisons must be provided under a certificate issued by the Commission and in compliance with Commission rules.

(e) On local collect calls that are limited to three minutes the called party must be notified prior to any additional charges being applied over the initial three minutes.

(f) "Store and Forward" instruments may be used only if they include affirmative response and negative response features that have been approved by the Commission.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-32, 37-1-57, 37-1-82, 37-2-3.
History: Effective June 1968. Amended April 1988. Amended March 1993. Amended November 1998. Amended March 2009. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.15A-.01 Inmate Phone Service (IPS).

(1) General Requirements

(a) All IPS providers must be certified by the Commission. IPS certification includes all authority necessary to provide inmate phone service and payphone service at inmate facilities including authority for limited toll resale and operator services. IPS certification does not include customer-owned, coin-operated telephone (COCOT) authority for payphone service offered generally to the public at locations other than inmate facilities. Such authority must be requested separately as an add-on to the Certificate of Public Convenience and Necessity (Certificate). Existing IPS providers who possess a COCOT Certificate from the Commission as of the effective date for these rules ('effective date') shall request that their Certificate be amended to reflect IPS authority and any additional authority as required. Requests to amend existing certificates for the foregoing must be received at the Commission within ninety (90) days from the effective date of these rules.

(b) All IPS providers must file tariffs with the Commission which set forth the services provided along with the charges and surcharges for those services. Tariffs shall also identify the billing and collection methods utilized by the IPS provider; such as LEC or direct billed collect, prepaid calling card, debit account, prepaid collect account and any other payment alternatives. Within 90 days from the effective date of these rules, existing IPS providers will submit to the Commission revised tariffs as necessary for compliance with these rules.

(c) No local exchange carrier, operator service provider, toll carrier or toll reseller certified by the Commission shall provide service to an IPS provider unless the IPS provider possesses a valid Certificate from the Commission with the requisite authority to provide IPS within the state of Alabama. Additionally, IPS providers will only utilize local, toll, or operator service providers that possess a Certificate on file at the Commission with authority applicable to the service provided.

(2) Rates & Billing

(a) Unless a prepaid calling card (prepaid card) is purchased, or prepaid debit account established through the inmate facility is utilized by the inmate, the customer of the IPS provider is the called end-user party that agrees to accept

and pay for calls originating in inmate facilities and terminating at the end-users premises.

(b) IPS providers will fully disclose to the purchaser all call related charges associated with the use of prepaid calling cards. Such disclosure will identify the amount of the operator services for each call and the price per minute thereafter. Any non-call related charges included in the purchase price for the prepaid card, excluding the specific charges for applicable government taxes and fees, will be fully disclosed in consumer friendly terminology to the purchaser and will be included in tariffs on file with the Commission. Though specific charges for applicable government taxes and fees included in the price of the prepaid calling card need not be disclosed by the IPS provider, the fact that the price includes applicable government taxes and fees will be disclosed to the purchaser. Further, the identity of all taxes and fees included in the prepaid calling card purchase price will be disclosed in the tariff on file at the Commission.

(c) IPS providers that offer prepaid or debit services must provide adequate notice to the purchaser that the purchaser is entitled to a full refund for any minutes that are unused at the time the prepaid minutes account is closed. Assuming the IPS provider is in possession of the purchaser’s accurate mailing address, such refund shall be issued to the purchaser within sixty (60) days of the account being closed. IPS providers will not assess any fee on the purchaser associated with the refund process unless that fee is approved and included in the tariff on file with the Commission.

(d) The operator service and per-minute rates charged the customer for any local (intraLATA/interLATA) collect call shall not exceed the currently effective caps ordered by the Commission. The customer shall not be billed by the IPS provider for any call related or non-call related charges, excluding applicable government taxes and fees, not specifically included in the tariff on file with the Commission. Further, the IPS provider will disclose in the tariff on file with the Commission the identity of all government taxes and fees that may be assessed the customer.

(e) Any IPS provider wishing to increase rates which exceed the currently effective caps ordered by the Commission shall file a petition with cost justification to the Commission. No rate increases will be implemented without Commission approval.

(f) No set-use fees, as defined in the Order for Docket 26996, dated August 11, 1999, shall be charged to customers. Rates charged to IPS prepaid calling card purchasers or other IPS customers shall not contain a set-use fee component.

(g) IPS providers shall adhere to the applicable Commission Telephone Rules that govern third-party billing set forth in 770-X-5-.16.

(h) IPS providers shall maintain a toll-free number for customer service inquiries and maintain procedures adequate to allow the IPS provider to promptly receive and respond to such inquiries.

(i) The IPS provider will fully cooperate with the Commission to investigate complaints from IPS customers and purchasers of IPS prepaid calling cards. In connection with any such investigation, the IPS provider will submit to the Commission customer specific billing information and will validate the charges included on IPS customer bills. IPS providers will issue billing credits for non-compliant service, including wrongful disconnection, as required by the Commission.

(3) Service Requirements

(a) Inmate Phone Service shall not be connected to a residential or business access line.

(b) No more than three instruments will share a common voice grade (non-broadband) access line or channel, unless otherwise specifically authorized by the Commission for good cause.

(c) All instruments shall be installed in compliance with accepted telecommunications industry standards and the current National Electric Safety Code as applicable to IPS.

(d) Instruments shall comply with the applicable requirements of the Americans with Disabilities (ADA) Act.

(e) All calls from IPS instruments will be automated-collect, billed to the called party, or charged to a prepaid card or debit account authorized by the inmate facility or other billing or charging methods included the IPS provider's approved tariff on file with the Commission.

(f) The interstate operator service requirements found in Title 47 CFR, § 64.710 (Operator Services for Prison Inmate Phones), including any amendments thereto, shall apply to all intrastate IPS calls and all IPS providers shall therewith be compliant.

(g) The IPS provider shall ensure that a positive response, via voice or pulse tone, from the called party indicating a willingness to accept charges for the call is received before the call is completed. The IPS provider shall allow the called party the option to terminate/reject the call at no charge before call completion. IPS providers shall not charge for any uncompleted calls. In the event the IPS provider does not

receive a positive response within a period not exceeding twenty (20) seconds from the last prompt, the call shall be terminated without charge.

(h) Call traffic shall be outbound only. All inbound calls will be blocked. The IPS provider shall block or arrange to have blocked calls to local and long-distance directory assistance, toll-free numbers, pay-per-call (900) numbers, N11 codes (311, 911, etc.), 10XXX and any other numbers or calling methods (e.g., conference, three-way, or call forwarding) that the institution and/or Commission finds to jeopardize the security and integrity of the institution and public safety.

(i) IPS transmission quality will, as a minimum, be equivalent to the level of service provided over wireline, voice grade circuits. There will be no transmission delay, feedback, excessive noise, or echo perceptible to either the inmate or the called party. The Commission will make the final determination as to the acceptable level of transmission service quality.

(j) The IPS provider will cooperate with the Commission to investigate complaints regarding transmission service quality, disconnections, and service related disputes from inmate facilities relating to the IPS provider’s services.

(k) Subject to compliance with any access requirements of the inmate facility, IPS providers will make available to the Commission any instrument used for IPS for purposes of making test calls, free of charge, to telephone numbers of the Commission’s choosing.

(l) All telephone instruments and the telecommunications facilities used for transmission of service are subject to periodic inspections to assure compliance with Commission requirements. Findings of non-compliance will be brought to the attention of the Inmate Phone Service provider and the inmate facility by letter. If violations are not corrected within thirty (30) days from the date of the Commissions letter, unless otherwise extended by the Commission, the provider may be subject to additional Commission action up to and including revocation of the Commission issued Certificate authorizing the provider to offer IPS service within the state of Alabama.

(m) Inmate facilities shall have the capability to limit or deny access to inmate phone service at times deemed proper by the inmate facility. Cutoff keys or switches placed on the IPS provider’s side of the network interface shall be made available to the inmate facility administration upon request.

(n) Upon request by the inmate facility administration, the IPS provider shall promptly furnish to the inmate facility

call detail information where the provision of such information is not in violation of federal, state or local laws, regulations or orders.

(4) Reporting Requirements

(a) All IPS providers shall submit to the Commission, upon request but routinely on an annual basis by inmate facility location, a written report of all access lines and the number of telephone instruments used to provide IPS. The reporting period is as of the end of May. The report must be received at the Commission prior to the end of the succeeding month that follows the reporting period (i.e., end of June).

(b) Upon request from the Commission, IPS providers must, in a timely manner, and in accordance with confidentiality agreements between the IPS provider and Commission staff as necessary, submit data requested by the Commission relating to its Alabama IPS operations, including but not limited to, revenue, expenses and facilities/usage data by inmate facility.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-52, 37-1-57, 37-1-82, 37-2-3, 37-2-10, 37-2-12.
History: Effective March 2009. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.16 Billing And Collection.

(1) Telephone companies shall comply fully with the FCC's Truth in Billing requirements and all Commission rules and orders that implement the Truth in Billing requirements.

(2) Telephone companies shall not knowingly provide billing and collection for telecommunication providers that do not possess a Commission approved certificate of convenience and necessity with the associated authority to provide the service(s) to be included on the consumer bill, or, for billing aggregators or third-party providers not registered with and approved by the Commission for inclusion of their charges on consumer telephone bills. However, designated third-party providers authorized to bill for their products and/or services on the monthly bill of a telephone utility business customer, as referenced in a written contract between the customer and the telephone utility, shall be excluded from any of the registration and other requirements for third-party providers referenced herein.

(3) Third-Party Billing

(a) Definitions

1. The term "third-party provider" is defined as any entity, excluding LEC affiliates, not possessing a Certificate of Public Convenience and Necessity from the Commission to provide telephone services in the state of Alabama. Third-party providers' charges are included on a consumer's monthly telephone bill based on an agreement between the consumer's LEC and the third-party provider or between the consumer's LEC and a billing aggregator.

2. The term "billing aggregator" is defined as any entity that serves as the billing agent for a product or service offered by a third-party provider.

3. The following are not considered charges from third-party service providers: charges for local exchange carrier (LEC) services, charges for services associated with the LEC's bundled service offerings, charges from the LEC's affiliates, casual billing charges, charges from the subscriber's designated toll service provider to include those associated with bundled service offerings, Internet service provider and/or wireless carrier charges (if offered by the LEC or their affiliates, or the customer's designated toll carrier or their affiliates), and authorized regulatory fees, taxes, late fees, and interest charges.

4. The term "casual billing" consists of collect calls including third-party collect calls, charges from dial around toll providers, directory assistance charges, and charges for directory advertising.

(b) Third-party providers and/or their associated billing aggregators must register with and be approved by the Commission before their charges may be included on any consumer bill from telephone utilities subject to the Commission's regulatory authority. Commission approval is contingent upon acceptance of the terms, conditions, and requirements for third-party billing as referenced in the subparagraphs that follow. The Commission will identify procedures for third-party providers to register with the Commission and maintain a list of third-party providers and billing aggregators approved by the Commission via the Commission's website.

1. Third-party providers that exclusively utilize the services of a Commission approved billing aggregator as their billing agent for recovery of charges to consumers through the telephone company bill need not register separately with the Commission provided the third-party provider's billing aggregator requests separate authority for the third-party provider.

2. In addition to providing the Commission with current and accurate information about their company, the identity of clients whose charges will be included on telephone company bills, and the names (and contact information) for billing aggregator representatives that the Commission may contact directly for purposes of resolving consumer disputes, billing aggregators must register with the Commission those clients whose charges will be included on any telephone company bill. Registration will include identifying information about the client, and a description of the services that may be billed. Additionally, billing aggregators will fully disclose, to the Commission satisfaction, the method(s) utilized by the client for obtaining consumer subscription to the client's service(s) in such detail that the Commission may determine that Alabama consumers are not being subjected to cramming or other fraudulent and misleading marketing practices.

(c) Charges on telephone bills shall have sufficient detail and explanation to allow a subscriber to understand the charge's purpose and origin. Lists of fees such as "service fee," "membership," "miscellaneous," and "calling plan" are deemed insufficient detail and are not permitted. The charge should, at a minimum, describe the service, the date the service was provided to the subscriber, and the name of the service provider.

(d) A toll-free number for the third-party provider or their designated billing aggregator shall be listed on the subscriber's bill from the telephone utility so that subscribers can inquire about the nature of the charge and request redress. If the telephone utility has a contract or policy agreement with the third-party provider or their designated billing aggregator that authorizes the telephone utility to respond to consumer inquiries and to grant credits to the consumer for the third-party charges on the third-party provider's behalf, the telephone utility may alternatively list their own toll-free number for subscriber inquiries regarding the applicable third-party charges.

(e) Telephone utilities that bill for third-party providers and/or billing aggregators must indicate on the customer bill that telephone service will not be disconnected for failure to pay disputed third-party charges. Alternatively, the bill may include a statement that failure to pay a separately-identified minimum amount, which does not include any disputed third-party provider and/or billing aggregator charges, may result in disconnection of local or toll service provided a reference is included on the bill that third-party charges are not included in the minimum payment requirement. Telephone utility customer service representatives, responding to consumer inquiries regarding third-party charges, will fully

disclose to consumers that their service will not be disconnected for non-payment of disputed third-party charges.

(f) LECs are required to offer their customers, upon request and free of charge, a service that blocks the inclusion of charges on the customer's telephone bill from third-party providers. Telephone companies that do not bill for third-party providers and/or billing aggregators are exempt from this requirement.

(g) LECs will not include charges from a third-party or their associated billing aggregator on the monthly bill of consumers who have subscribed to bill blocking nor will they remove a third party provider charge block without the prior verbal or written consent of the telephone subscriber.

(h) Telephone companies will remove from the consumer's telephone bill any third-party charge disputed by the consumer and reverse those charges back to their source. Telephone companies will not take any negative action against any consumer that disputes third-party charges.

(i) Third-party providers and billing aggregators will cooperate fully with any Commission investigation involving charges included on a consumer's telephone bill and will fully disclose to the Commission marketing practices/methods used for obtaining consumer subscription to their products or services. Charges may be disallowed or reduced for the following reasons:

1. When a charge for a product of service from a third-party provider initially appears on the consumer's telephone bill and the consumer disputes having subscribed to the third-party product or service; or, when the third-party provider is found to have overcharged the customer for the product or services.

2. When the Commission, upon investigation, determines that fraudulent, deceptive, or misleading practices were utilized by the third-party provider to obtain the consumer's subscription for the product or service, or when the Commission determines that the product or service has been misrepresented or otherwise marketed to the consumer using exaggerated claims.

(j) The Commission does not consider consumer payment for charges included on their telephone bill as acknowledgment that a consumer consents to or accepts the products or services offered by third-party providers.

1. When a consumer disputes charges from a third-party provider, the Commission may, upon investigation referenced in 770-X-5-.16, determine that the charge(s)

should be reduced or disallowed due to third-party provider billing error or for reasons of fraudulent, deceptive, or misleading practices used to obtain the customer's subscription for products or services. For such overcharges, the Commission expects third-party providers to comply with the provisions of Commission Telephone Rule 770-X-5-.05(c)(6), which requires telephone utilities to refund all over-billed charges collected from the consumer for up to thirty-six (36) months prior to the date of the customer's objection and to cancel the customer's subscription for the third-party provider's products or services.

2. In those situations where Commission investigation, per 770-X-5-.16, determines that no fraudulent, deceptive, or misleading practices were utilized by the third-party provider to obtain the customer's subscription for products or services and/or the customer was not otherwise overcharged due to billing error, the Commission expects third-party providers or their billing aggregators, upon customer request, to remove disputed and unpaid charges for the current billing period and, at the third-party provider's discretion, to refund or credit to the customer's telephone utility bill, all or a portion of disputed charges for any previous billing periods. Additionally, the Commission expects third-party providers to cancel the customer's subscription for the third-party provider's products or services at the customer's request. This requirement is in no way intended to discourage third-party providers or their billing aggregators from collecting for products and services used by the telephone utility customer or from negotiating with the customer to continue the provision of their products or services to the customer based on terms mutually agreeable to both the third-party provider and the telephone utility customer.

3. The Commission expects refunds due the telephone utility customer to be received by the customer within sixty (60) days of dispute resolution or, alternatively, credited to the customer's monthly telephone bill within sixty (60) days of dispute resolution, if such credits are authorized by the customer's telephone utility based on agreement with the third-party provider or their billing aggregator. The Commission expects that third-party providers and/or billing aggregators will not initiate any negative credit reporting action against the consumer for any refunds, credits, or cancellation of charges referenced herein but in no way discourages third-party providers from pursuing redress from the telephone utility customer for other unpaid charges.

(k) Third-party providers and/or billing aggregators that fail to maintain updated registration information with the Commission, fail to comply with Commission rules and Orders related to third-party billing practices, or, after investigation by the Commission, are determined to be involved in cramming, fraudulent, deceptive, or misleading marketing practices and/or failing to promptly and adequately address Commission and/or consumer inquiries and refunds, are subject to withdrawal of the Commission's approval for telephone utilities to include the third-party provider's charges on telephone utility customer bills.

1. The Commission will notify the third-party provider and/or their billing aggregator in writing of the Commission's intent to reconsider their approval status along with the reasons for the action, and will provide the third-party provider and/or their billing aggregator an opportunity to respond in writing, or by hearing, before taking formal action to withdraw the Commission's approval to include their charges on the customer bills of Alabama telephone utilities.

2. Withdrawal of authority for third-party providers to include their charges on telephone utility monthly bills will be by Commission Order with a minimum thirty (30) days notice before the withdrawal becomes effective, allowing telephone utilities sufficient prior notice of the Commission action.

(l) Third-party providers and/or billing aggregators whose approval is withdrawn by the Commission are not authorized to utilize telephone company bills to collect charges from consumers. Third-party providers and/or billing aggregators whose approval has been withdrawn may request subsequent Commission approval. Such approval may be granted based on satisfactory resolution of the issues that led to the approval being withdrawn.

(m) Telephone companies are responsible for verifying that third-party providers and billing aggregators have Commission approval before including charges from these entities on any customer bill. Additionally, telephone companies that include charges from third-party providers on their customer's monthly bills will publish in a prominent section of the telephone directory; or alternatively, at least annually via bill message or bill insert with the consumer's bill, information concerning the procedures for disputing third-party provider charges and for obtaining free, third-party bill blocking service.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-57, 37-2-3.
History: Effective June 1968. Amended April 1988. Amended November 1998. Amended June 2008. Amended November 2008. Amended

December 2008. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.17 Live And Automated Solicitations And Announcements.

(1) The following requirements apply to all automated solicitation telephone calls to consumers in the State of Alabama:

(a) No numbers will be called in sequential fashion. Sequentially-placed calls refer to those calls automatically dialed by successively increasing or decreasing integers, or similar methods.

(b) No solicitation calls are allowed on Sundays or holidays. On the days that calls are allowed, none will be placed prior to 8 a.m. or after 8 p.m.

(c) If the consumer's response is to be recorded, they must be informed of such and permission must be granted.

(d) All automatic dialing and announcing devices must have 10-second disconnect.

(e) Within twenty seconds after the called party answers, the name and telephone number of the individual or firm making or paying for the call must be clearly stated.

(f) At the conclusion of the call, the name and telephone number of the individual or firm making or paying for the call must again be clearly stated.

(g) Messages must not contain obscene, profane, coercive, or abusive language; solicit the sale of pornographic material; or be used for any unlawful purpose.

(h) If the solicitation call requires a response by the consumer and a charge will apply, the consumer must be informed if the response call is not a free call. The vendor at this time must give the consumer the amount of the charges that will be applied if they respond.

(i) Emergency and unlisted telephone numbers will not be used with recorded solicitation communication.

(j) Connection of customer-provided communications systems must meet the telephone companies' requirements, as well as Part 68 of the Federal Communications Commission's Rules and Regulations.

(k) The telephone company is under no obligation to provide lists of customer telephone numbers, or any directory information more accurate or current than that contained in normally published and distributed directories for public use.

(l) All persons who utilize Automatic Dialing and Announcing Devices to make solicitation calls shall register with the Secretary's Office of the Alabama Public Service Commission.

(m) All local exchange companies shall file appropriate tariff revisions to implement the provisions and procedures for disconnection of service for violation of these rules.

(n) Violation of any of the above requirements will result in immediate action to discontinue service.

(2) Live Telephone Solicitation Calls - The following requirements apply to all live solicitation telephone calls to consumers in the State of Alabama:

(a) No numbers will be called in sequential fashion. Sequentially-placed calls refer to those calls dialed by successively increasing or decreasing integers, or similar methods.

(b) No solicitation calls are allowed on Sundays or holidays. On the days that calls are allowed, none will be placed prior to 8 a.m. or after 8 p.m.

(c) If the consumer's response is to be recorded, they must be informed of such and permission must be granted.

(d) Within ten (10) seconds after the called party answers, the name and telephone number of the individual or firm making or paying for the call must be clearly stated.

(e) Messages must not contain obscene, profane, coercive, or abusive language; solicit the sale of pornographic material or be used for any unlawful purpose.

(f) If the solicitation call requires a response by the consumer and a charge will apply, the consumer must be informed if the response call is not a free call. The vendor at this time must give the consumer the amount of the charges that will be applied if they respond.

(g) Emergency and unlisted telephone numbers will not be used with recorded solicitation communication.

(h) The telephone company is under no obligation to provide lists of customer telephone numbers, or any directory information more accurate or current than that contained in normally published and distributed directories for public use.

(i) All local exchange companies shall file appropriate tariff revisions to implement the provisions and procedures for disconnection of service for violation of these rules.

(j) Violation of any of the above requirements will result in immediate action to discontinue service.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-57, 37-2-3, 37-2-10.
History: Effective June, 1968. Amended April, 1988. Amended March, 1993. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.18 Operator Services At Captive Locations.

(1) The following requirements apply to operator services at captive locations (as defined in 770-X-5-.02, above):

(a) Unless otherwise ordered by the Commission, operator assisted and direct dialed service shall be provided at rates no higher than the rates of facility-based interexchange carriers for interLATA service and the rates of Local Exchange Carriers for intraLATA service.

(b) Unless otherwise ordered by the Commission, operator assisted service shall not be provided at locations that do not have direct dialed service.

(2) Unless otherwise ordered by the Commission, surcharges for subscribers shall not be billed or collected by the provider.

(3) The provider shall have available for Commission inspection in Alabama a list, updated monthly, of Alabama customers, and shall file with the Commission the name and address of its location.

(4)(a) The provider shall identify itself at least once, audibly and distinctly, to the consumer at the beginning of each telephone call and before the consumer incurs any charge for the call.

(b) The provider shall permit the caller to terminate the telephone call at no charge before the call is connected.

(5) Where possible, uncompleted calls shall not be billed and, when billed, such charges shall be deleted upon the request of a caller.

(6) Local exchange service shall not be discontinued for nonpayment of disputed portions of provider's charges.

(7) Emergency calls shall be immediately connected by the provider to the appropriate emergency service at the caller's location, if possible, or shall otherwise be connected immediately to the caller's local exchange.

(8) The provider shall disclose immediately to the caller, upon request and at no charge to the caller:

(a) A quotation of the rates and charges for the call;

(b) The methods by which such rates and charges will be collected; and

(c) The methods by which complaints concerning such rates, charges and collection practices will be resolved.

(9)(a) The provider shall require each subscriber to post on or near the telephone instrument, in plain view of callers:

1. The provider's name, address, and toll-free telephone number;

2. A statement that the rates for operator assisted calls are available on request, and that consumers have a right to obtain access to the common carrier of their choice and may contact their preferred carrier for information on accessing that carrier's service using that telephone.

(b) The provider shall ensure, by contract or tariff, that each of its subscribers complies with the above posting requirements.

(10)(a) Callers shall be provided access to 800 numbers, 1OXXX and to 950 access code numbers to obtain access to the desired carrier.

(b) The provider shall:

1. Ensure, by contract or tariff, that its subscribers do not block 800 and 950 access, and

2. Withhold payment (on a location-by-1ocation basis) of any compensation to subscribers if the provider reasonably believes the subscriber is blocking 800 and/or 950 access, or charging more than the subscriber's charge for a local call for such access.

(11) The provider shall have reasonable procedures for complaints and shall have a toll-free number(s) for complaints and billing inquiries.

(12) The provider shall have a billing procedure to bill end users for calls no later than sixty (60) days after the call.

(13)(a) Rates for calls shall be based on direct mileage between the calling and called locations.

(b) The provider shall not transfer a call to another provider in such a manner that the subsequent provider will not bill the call from the caller's location, unless the caller so requests after full disclosure.

(14)(a) Callers shall have access to a live operator (as opposed to a robotic operator) at all times.

(b) 0 only calls shall be directed only to the local exchange carrier.

(15) The provider shall provide access to the Alabama Dual Party Relay Center for all customers, in compliance with 770-X-5-.05(E), above.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§ 37-1-57, 37-1-82, 37-2-3.
History: Effective Octobe, 1967. Amended April 1974. Amended February 1991. Amended February 1991. Amended March 1993. Amended October 1997. Amended November 1998. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.18A-.01 Prepaid Debit Cards.

(1) The following requirements apply to each telephone utility that provides prepaid debit cards:

(a) The value of the card must be printed on the card in either dollars or minutes.

(b) The name of the Certificated entity must be printed on the card.

(c) If a card has a specific expiration date, it must be printed on the card; otherwise, an explanation of the card's expiration must be printed on the card or in the printed material accompanying the card.

(d) Refunds must be made to consumers by the certificated entity if service is suspended.

(e) Each card must include a toll-free Customer Service number manned at least 8 hours a day, 5 days a week by a live operator.

(f) Customers must be able to learn the cost of an intrastate call prior to purchase.

(g) All rates, charges and fees that can be assessed against the card, and all conditions concerning use of the card must be in material accompanying the card. Usage rates can be charged only for connected minutes.

(h) If the card is a sample or other nonfunctioning card, there must be clear information on the card to that effect.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective October 1997. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.19 Requirements Concerning Information Services.

Requirements concerning 900 Services, 976 Services, and other information services are in the Commission's order(s) entered under Informal Docket U-3113 (See Appendix).

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective March 1993. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.20 Area Calling Service.

(1) Area Calling Service is a type of telephone service which allows subscribers in a given exchange to place calls to one or more exchanges and to receive a specified discount from long distance message telecommunications service rates.

(a) Participation in this service shall be optional on the part of subscribers.

(b) Participants in this service will have seven (7) digit dialing into all specified exchanges called.

(c) This service may not apply to all classes of service nor is it intended for resale of toll service.

(d) This service is intended to be offered on a revenue neutral basis.

(e) This service shall not have a negative impact on other local exchange companies.

(f) Local exchange companies shall not be required to publish directory listings for all subscribers which may be accessed nor shall call detail be required free of charge. However, no more than two (2) copies per subscriber line of existing directories shall be made available at no additional charge to requesting subscribers for other exchange listings which may be accessed by Area Calling Service subscribers.

(2) Area Calling Service traffic will be considered local rather than toll. The originating traffic will not be considered in the calculation of revenue due to or access charges due from the primary carrier or terminating local exchange carrier. The revenue received will be retained by the local exchange carrier in whose exchange the traffic originates. That company will be responsible for the compensation to carriers completing the call.

(3) Local exchange companies shall file their plans for this service with the Commission at such time when it is feasible for each company to provide this service. Plans can be filed on a company basis or intercompany basis when networking problems and compensation arrangements can be addressed or have been settled. Filed plans should provide the following information:

(1) A community of interest factor study to show present toll usage including the number of toll messages and minutes of usage to terminating exchanges per month and hourly usage per month for each time of day segment.

(b) An estimate of subscriber penetration.

(c) An estimate of call stimulation.

(d) An estimate of additional facilities necessary, and their cost.

(e) An estimate of toll revenues lost.

(f) An estimate of all associated expenses, including terminating access charges, if any.

(g) The impact on intraLATA fund revenues, if a participant.

(h) The plan buy-in amounts, usage rates per minute a

(i) An estimated start-up date.

(j) Any additional information deemed necessary by the Commission to perform this analysis.

(k) This rule shall not preclude requests for such information from the Commission or its staff at any time deemed necessary.

(4) The Commission shall analyze plans filed in accordance with this rule and address networking and compensation arrangements.

(5) Upon approval of a filed plan, the company shall file tariffs for Commission approval implementing its plan, reflecting changes in local service rates including:

(a) Access line rates.

(b) Rates for calling up to a 40-mile radius.

(c) Options available to subscribers.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-57, 37-2-3, 37-2-10.
History: Effective July 1991. Amended March 1993. Amended December 1997. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.21 Minimum Service Standards.

(1) Basic Utility Obligations

(a) Each telephone utility shall provide telephone service to the public in its service area in accordance with rules, service standards, and tariffs on file with the Commission. Such service shall meet or exceed the standards set forth in this document.

(b) Each telephone utility has the obligation of continually reviewing its operations to assure the provision of adequate service in its certificated area.

(c) Where a telephone utility is operated in conjunction with any other enterprise, separate records shall be maintained so that the results of the regulated telephone operation may be determined upon reasonable notice and request by the Commission.

(d) Periodic reports as required by this rule shall be submitted in a timely manner.

(2) Acceptable Standards - Unless otherwise specified by the Commission, the telephone utility shall use the applicable provisions in the following publications as standards of accepted

practices for the planning, engineering, construction, maintaining, and administration of the telephone plant:

(a) Company written practices and guidelines, and/or other written methods proven by long term use.

(b) Rural Electrification Administration (REA) practices.

(c) National Electrical Safety Code, and National Electrical Code (current editions).

(d) REA borrowers shall use REA practices, supplemented (but not replaced) by written company practices and other guidelines.

(e) Non-REA borrowers shall use Commission approved company practices. As an alternative, they may use REA practices.

(3) Adequacy of Service

(a) Each telephone utility shall employ industry recognized testing and administrative procedures to determine the adequacy of service being provided to the customer in both establishing new service and maintaining existing service. Records of such testing shall be maintained.

(b) Traffic and transmission studies shall be made, and records maintained, to the extent and frequency necessary to determine that sufficient plant and an adequate operating force are provided at all times, including the busy hour/busy season.

(c) Each telephone utility shall provide operator assistance on a twenty-four (24) hour per day basis for both local and long distance service.

(d) Each telephone utility shall employ adequate procedures for assignment of facilities. Records shall be kept up to date to determine if adjustments are necessary to maintain proper utilization of facilities.

(4) Dial Service Requirements - Sufficient dial switching equipment shall be provided to meet the following minimum requirements at all times, including busy periods:

(a) Dial tone within three (3) seconds on at least ninety-eight (98) percent of telephone calls.

(b) Complete dialing of called numbers on at least ninety-five (95) percent of telephone calls without encountering an equipment overflow condition within the local dialing area.

(5) Toll Network Trunk Requirements - Sufficient toll trunks shall be provided so that at least ninety-seven (97) percent of telephone calls offered to the customer will not encounter an equipment overflow condition.

(6) Transmission Requirements

Telephone utilities shall furnish and maintain properly designed plant facilities to provide satisfactory circuit transmission of communications between customers. Circuit transmission shall have adequate volume levels and be free of excessive distortion. Levels of noise and cross-talk shall be such as not to impair communications. The circuit transmission objectives set forth herein are based upon the use of standard telephone (500 type) sets connected to a 48-52 full float volt direct current supply. The minimum transmission objectives are as follows:

(a) Subscriber Loops

1,000 HZ loss:
-8.5db or less.
Loop circuit: not less than 20 ma.
Circuit noise: 30db rnc or less.
CKT balance: 50db or greater.

Subscriber loops shall have a loop resistance not exceeding the supervision limit of the associated central office equipment, unless equipped with appropriate supervision extending devices to ensure that proper network control signaling and transmission is provided.

(b) Toll Trunks- -The overall transmission objective for toll network trunks must meet the following loss and circuit noise objectives:

Toll	EAS	
1,000 HZ loss	-6.0db +/- 1.7db	-3.0db +/- 1.7db
Circuit noise	30dbrnc or less	30dbrnc or less

(7) Provisions for Testing - Each telephone utility shall provide test facilities which will enable it to determine the operating and transmission capabilities of circuit and dial switching equipment, either for routine maintenance or for fault location. Test numbers shall be provided for the following equipment for each central office and/or toll center:

(a) A quiet termination.

(b) A 1,000 HZ generator.

(8) Selective Ringing

Telephone utilities shall have as an objective the provision of full service selective ringing for all telecommunications service.

(9) Traffic Rules (see 770-X-5-.10)

(10) Answering Time

(a) Adequate forces shall be provided for toll, assistance calls and directory assistance to meet the service objective of an answering time of 10 seconds.

(b) The service objective for calls to the business office and repair service shall be ninety (90) percent within twenty (20) seconds.

(c) The service objective for operator number identification (ONI) on toll calls where automatic number identification (ANI) is not available shall be ninety (90) percent within twenty (20) seconds.

(11) Maintenance of Plant and Equipment

(a) Each telephone utility shall adopt and pursue a preventive maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate service performance. Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventative maintenance not to be in proper operating condition.

(b) The telephone utility shall maintain records descriptive of its preventative maintenance program indicating work accomplished and planned, which is carried out on a routine periodic basis, for the various categories of equipment and plant.

(c) Work performed in response to trouble is not considered preventive maintenance.

(d) Every cable pair entering a central office shall be terminated on a main distributing frame (MDF) protector assembly or equivalent. Each cable pair shall be equipped with a protector module regardless of whether it is a working or non-working pair. Temporarily disconnected pairs shall not be left unprotected.

(e) Each mainframe protector assembly shall be bonded to the adjacent protector on that vertical, and the end protector bonded to the MDF Ground Bar (MDFB) with a #6 or larger copper conductor.

(f) All outside plant cables shall have their shields bonded to the cable entrance ground bar (CEGB) which is normally located close to the entrance location, or at the location of first opportunity (usually at the MDF).

(g) All central office grounds measurements should comply with Commission Docket 18658 as per Commission order dated March 7, 1990.

(12) Emergency Operations

(a) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden or prolonged increase in traffic, illness of operators, or from fire, storm, or act of God. Each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

(b) It is essential that all central offices and toll centers have adequate provisions for emergency power. Central offices that have twenty-four (24) hour maintenance coverage or have an automatic start engine alternator shall provide a minimum of three (3) hours of battery reserve. All other central offices shall have a minimum of eight (8) hours of battery reserve. There shall be a mobile/portable emergency generator available within the company which can be delivered and connected on short notice. These central offices and generators shall be equipped with quick-connect connections.

(13) Provision of Service

(1) It shall be the service objective of all telephone utilities to fulfill ninety (90) percent of requests for residential service within five (5) working days of the receipt of the request unless the applicant specifically requests a later date.

(b) The service objective for residential regrades shall be to fulfill ninety (90) percent of requests within five (5) days unless the applicant specifically requests a later date. The service objectives will be the same for business customers but is contingent upon availability of special equipment and special design requirements.

(c) Applications for special service shall be fulfilled in as expeditious a manner as equipment and facilities will permit.

(d) Any applications for service which are not completed within 30 days from due date shall be considered as a held application.

(e) When, because of circumstances beyond the control of the telephone utility it is not possible to provide service within the time limits specified above, the telephone utility shall promptly notify the applicant of the reason for the delay and give an estimated service date based upon the best available information. Telephone utility personnel shall refrain from making unwarranted commitments without first having ascertained that they can reasonably be met. It shall be the service objective of all telephone utilities to meet ninety (90) percent of all commitments made, except for customer caused delays and acts of God.

(f) In those instances where commitments cannot be met, the applicant shall be notified at the earliest possible time.

(g) Additionally, each telephone utility shall keep a record of held orders by exchanges showing the name and address of each applicant for service, the date of application, date service is desired, the class and grade of service applied for, together with the reason for the inability to provide the new or regraded service to the applicant.

(h) When, because of a shortage of facilities, a telephone utility is unable to supply telephone service on dates requested by applicant, first priority shall be given to furnishing those services which are essential to public health and safety. A monthly "Held Order" report will be furnished to the Commission listing each applicant by exchange, name, address, date of application, reason for the inability to serve, and the estimated completion date for each order, for all held orders for both new and regraded service. In cases of prolonged delays in service acquisition or other emergency, the Commission may require the company to establish a priority plan subject to Commission approval for held orders, and may request periodic reports clearing the progress being made.

(14) Service Interruption

(a) Each telephone utility shall make all reasonable efforts to prevent interruptions of service. Arrangements shall be made to receive customer trouble reports twenty-four (24) hours daily and to clear troubles of an emergency nature at night and weekends, as well as during regular working hours, consistent with bona fide needs of the customer and personal safety of telephone utility personnel.

(b) Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer, of service affected, the time, date and nature of the report, and action taken to clear trouble or satisfy the complaint and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized

representatives upon request, and shall be retained for a minimum of twelve (12) months.

(c) All repair service commitments to customers shall be kept, unless customers are timely notified of unavoidable delays. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

(d) The service objective shall be to clear ninety (90) percent of out-of-service (no service) troubles, not requiring unusual repair, within twenty-four (24) hours of the report received by the telephone utility, unless the customer specifically requests a later time (except Sundays and holidays).

(e) It shall be the service objective to so maintain the service that the average rate of customer trouble reports in each exchange is no greater than five (5) per 100 access lines.

(f) It shall be the service objective for repeated repair reports on the same access line or related equipment occurring within one (1) month of the initial report to be no greater than eight (8) percent in each exchange.

(g) Each telephone utility shall maintain an accurate record of customer trouble reports and repeated repair reports for each exchange for the service objectives (N) (5) and (6). This record shall be available to the Commission, or its authorized representative, upon request, and shall be retained for a minimum of twelve (12) months.

(15) Construction Work Near Utility Facilities - All contractors working in the vicinity of telephone utility lines or structures are responsible for exercising due diligence in preventing damage to telephone utility property or interruption to telephone utility service. Telephone utilities shall, when requested, furnish to contractors appropriate information concerning location of underground conduit, cable, and other equipment in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability or legal rights of any party under applicable laws or statutes.

(16) Extensions of Service

(a) The telephone utility shall extend service to applicants within each exchange of the franchised area without a construction charge unless the cost to serve the applicant is prohibitively expensive. This will be determined by the provisions in the applicable telephone utility tariff on file with the Commission.

(b) Each telephone utility shall have a commercial forecast for each exchange area based upon historical as well as other pertinent data. This forecast shall include short term and long term forecasted data. The short term shall include five years of forecasted data. The long term shall be for a minimum period of 10 years. This will be filed with the Commission attached to the annual report Form CE-2. This information may be designated as "proprietary", and not available to the general public.

(c) Each telephone utility shall have a facility design for its franchised area, by exchange, to serve every usable residential or commercial building. This facility design shall be available upon request and will be updated each year showing projects in progress and projects to be worked the next twelve (12) months with estimated cost of the project, or if the bid has been let, the update shall include the actual cost of the project. This facility design will be filed with the Commission attached to the annual report Form CE-2 upon request.

(d) Any applicant desiring an extension to a proposed project requiring telephone service may be required to pay the entire cost (construction charge) of the extension. This will be determined by the provisions in the applicable telephone utility tariff on file with the Commission.

(e) Nothing contained herein shall be construed as to prohibit a telephone utility from making at its expense greater extensions than herein prescribed should its judgment so dictate, provided like extensions are made to other customers under similar circumstances.

(f) Upon complaint to, and after an investigation by the Commission, a telephone utility may be required to construct extensions greater than provided for in the applicable telephone utility's tariff upon a finding by the Commission that such extension is reasonable.

(17) Safety

(a) Each utility shall adopt and execute a safety program fitted to the size and type of its operations. The utility shall observe all rules of the National Electrical Safety Code.

(b) Each telephone utility shall provide the following items in the telephone central office building located in the vicinity of the central office batteries and available for quick access:

1. Central office battery, safety kit, to include:

(i) Eye wash kit.

(ii) Rubber gloves.

(iii) Apron.

(iv) Goggles.

2. First aid kit.

(18) Deviations From Rules - Upon written application showing good cause therefore, deviations from these rules may be permitted by order of the Commission.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-52, 37-1-54, 37-1-57, 37-1-82, 37-2-3, 37-2-9.
History: Effective March 1993. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.22 Accounting Rules.

(1) The following shall be known as the Uniform System of Accounting and Reporting for Telephone Utilities. Appropriate and definite instructions shall be given each kind and class of utility hereafter as to classification of accounts and forms of reports. Utility, as herein used, shall be held to include all telephone and telegraph companies as defined in Title 37 of the Code of Ala. of 1975.

(2) All utilities shall keep their books of record in accordance with the Uniform System of Accounts applicable to their kind and class as herein prescribed by this Commission.

(3)(a) All Local Exchange Carriers shall keep their books and records in accordance with the currently effective Uniform System of Accounts of the Federal Communications Commission.

(b) All telecommunications carriers, except Local Exchange Carriers, shall keep their books and records in accordance with Generally Accepted Accounting Principles applied on a consistent basis.

(4) The classification which governs the minimum detail in which each utility shall keep its accounts, shall be determined according to the annual gross operating revenue of such utility as more fully set forth in the general instructions contained in the Uniform System of Accounts prescribed for it herein.

(5) Each utility shall so keep its general, subsidiary and books of original entry, together with all documents pertaining to either plant or operating accounts as to clearly reflect the cost of its properties, including additions thereto and retirements therefrom; also as to correctly record income and expense and to facilitate the calculation of gross and net returns. Each entry must be capable of support by definite history of the transaction recorded to the end that ready and exact verification in detail of all facts may be obtained. The books and records to which reference is made in the paragraph include not only those called books in a technical sense, but all stock books, minute books, charts, maps, drawings, contracts and writings, invoices, vouchers of whatever nature, store room records and other records which are connected with the operations and history and development of the utility and its properties.

(6) Every utility furnishing service within this State must either keep its books of account and records at its principal place of business in this State, or keep and preserve them elsewhere, and deliver them at its principal place of business in the State, at such reasonable time or times as the Commission may direct, for examination and inspection.

(7) Where the same company operates in Alabama as well as in other states, it shall keep its investment, revenue and expense accounts for its property in the State of Alabama, separately from those of its property in other states.

(8) The books and records of all utilities shall be open for examination and inspection by members of the Commission or its authorized representatives or employees at any reasonable time.

(9) Each utility within the jurisdiction of this Commission shall file annual financial operating and statistical reports upon forms prescribed by or authorized by the Commission and such other reports of like nature at more frequent intervals as may be required by direction of the Commission from time to time. All footnotes and instructions contained on the report forms prescribed or authorized by the Commission for making annual reports must be carefully observed.

(10) The above prescribed annual report shall be filed with the Commission on or before the first day of the fourth month following the end of the reporting utility's fiscal year. The report shall be a true and correct statement of facts as contained in the books and records of the utility.

(11) All annual reports and other reports made to the Commission shall be signed and sworn to by the President (or Vice President) and Treasurer or other officer in charge of such accounting, or, if under trust or receivership operation, by majority of trustees or receivers, or, if unincorporated, by the proprietor, manager or auditor.

(12) All annual reports must be made in triplicate and two copies thereof returned to the Commission and the third copy retained in the files of the utility for permanent reference.

(13) The Commission may, from time to time, alter or amend, or make such modifications with respect to the application of, the above prescribed rules and regulations as may be deemed necessary and proper to meet changed and exceptional conditions.

(14) The above prescribed rules and regulations are not intended to and shall not have the effect of abrogating, repealing or modifying rules of specific application which have heretofore been authorized or which may in the future be authorized for any utility.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-54, 37-1-57, 37-1-58, 37-1-60, 37-1-82, 37-2-3.
History: Effective March 1993. Amended January 1998. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.23 Prohibited Activities.

(1) Operator services shall not be provided from one location in Alabama to another location in Alabama unless the operator services provider has obtained a certificate from this Commission and complied with the other provisions of state law and the rules, regulations and orders of this Commission.

(2) Resale services shall not be provided from one location in Alabama to another location in Alabama unless the resale services provider has obtained a certificate from this Commission and complied with the other provisions of state law and the rules, regulations and orders of this Commission.

(3) Aggregators that contract with a carrier for service and use their rates for their customers are considered to be resellers and must obtain a certificate and comply with other requirements.

(4) Shared Tenant Service

(a) Shared Tenant Service shall not be provided unless the provider has obtained a certificate from this Commission and complied with the rules, regulations and orders of this Commission.

(b) Shared Tenant Service providers shall not resell toll telephone service or local service over pay telephones (see Dockets 19512 and 19576, April 8, 1986, and Dockets 19512 and 19576, November 27, 1989).

(c) Shared Tenant Service providers shall not delete a location in its certificate without written approval of the Commission. To request such approval, the provider must submit a written request (original and 2 copies) that describes the location and the reasons for discontinuing service.

(d) Shared Tenant Service providers shall not add a location to its certificate without an order of the Commission. To request such order, the provider must submit a completed application form (original and 2 copies) for each requested location.

(5) Local exchange carriers shall not provide intrastate access to resellers, shared tenant service providers, operator service providers, and aggregators that have not been granted a certificate by this Commission.

(6) Local exchange carriers shall not provide telephone service to subscribers that do not have a point of use within the boundary lines of the authorized service area as depicted on its exchange area boundary map currently on file with the Commission. Also, local exchange carriers shall not provide service under circumstances where the subscriber's primary point of use is within another carrier's exchange boundary and the subscriber does not subscribe to the service of such other carrier.

(7) A person, or firm or company shall not place a live or automated solicitation call to a number when the person, firm or company, or its predecessor or owners, have been advised that solicitation calls are not welcome at that number.

(8) Interexchange Carriers

(a) Interexchange carriers shall not use deceptive or confusing marketing practices.

(b) Interexchange carriers shall not initiate a change of primary interexchange carrier for a subscriber without a letter of agency that complies with the rules of the Federal Communications Commission.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §37-2-3.
History: Effective March 1993. Amended May 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.24 **Notification Of Requests To Commence Interconnection Negotiations.**

(1) Parties must notify the Commission within ten (10) days of receiving a request for interconnection negotiations pursuant to Section 252 of the Telecommunications Act of 1996. Any telecommunications carrier which operates on a regional basis should also notify the Commission of any requests for interconnection negotiations of a regional nature which would in any way impact their Alabama operations. At a minimum, the notification required herein shall include:

(a) The names of the negotiating parties.

(b) The date the request to commence negotiations was made.

(c) A statement of whether there are negotiations with the requesting party in other jurisdictions and whether the negotiations are regional in nature or state specific.

(2) An original and ten (10) copies of said notification shall be filed with the Secretary of the Commission. The notification required herein must also be served on all parties to the negotiations and include a proper certificate of service.

(3) If upon the ninetieth (90th) day following the request for negotiations an agreement has not been consummated and submitted to the Commission for approval, the party submitting the original notification must, within 10 days thereafter, notify the Commission by written statement of the status of the negotiations. Said written statement must comply with the aforementioned service requirements.

(4) All telecommunications carriers which received requests for interconnection negotiations prior to the implementation of these rules shall immediately notify the Commission of the status of all such requests by filing a notification which meets the requirements specified above.

(5) All telecommunications carriers which have made or received requests to renegotiate interconnection agreements entered into prior to the passage of the Telecommunications Act of 1996 shall immediately notify the Commission of the status of such negotiations by filing a notification which meets the requirements specified above.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-38, 37-1-57, 37-1-60, 37-2-3.
History: Effective March 1993. Amended October 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama

Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.25 Requests For Mediation.

(1) Any party to negotiations conducted pursuant to Section 252 of the Telecommunications Act of 1996 may petition the Commission to mediate any issues which are unresolved between the negotiating parties by filing an original and ten (10) copies of a petition for mediation. Said request shall simultaneously be served upon all the parties to the negotiations for which mediation is being sought. At a minimum, the request for mediation shall include:

(a) The names, addresses, telephone numbers, and facsimile numbers of the parties to the negotiations and their authorized representatives.

(b) A statement of relevant background information which shall include the date on which the negotiations were requested.

(c) A brief statement of position on each of the unresolved issues.

(2) The parties to negotiations for which mediation is sought who do not join in the petition for mediation shall file replies to the petitioning party's request for mediation within ten (10) days of the date of service of the request for mediation. Although mediation will be conducted on a nonbinding, voluntary basis, all parties to interconnection negotiations for which mediation is sought are strongly encouraged to submit to mediation. Failure to do so may be perceived as a failure to negotiate in "good faith" as is specifically required by the Telecommunications Act of 1996 at Section 251(c)(1).

(3) Following the receipt of a request for mediation which complies with the above requirements and any replies thereto, the Commission will appoint a Commission employee to lead the mediation of the unresolved issues between the parties. The Commission may, at its discretion, however, appoint a mediator who is not a Commission employee to lead the mediation. The mediator may receive technical assistance from the Commission staff.

(4) Mediation is a voluntary, non-binding, alternative dispute resolution process. The mediator appointed shall be authorized to offer settlement proposals, but cannot impose a settlement on the parties. The mediator's primary role is to help the parties achieve their own resolution.

(5) The mediator will schedule all meetings in consultation with the parties. Only the mediator, Commission staff members selected by the mediator or the Commission to provide technical support,

and the parties to the negotiations may attend meetings unless all parties mutually consent otherwise. In order to facilitate settlement, the mediator and Commission technical support staff may meet with the parties individually.

(6) The mediator may request that supplemental information be filed. The mediator cannot, however, compel discovery among the parties. All discussions and information exchanged during the mediation process will be confidential between the parties and the Commission unless the parties mutually consent otherwise. The mediator's statements as to law or policy are not binding on the Commission and the positions taken by the parties during mediation will not prejudice their position in any later proceedings.

(7) The parties to the mediation must be represented by participants who have the authority to enter into a settlement concerning the matters at issue.

(8) The mediator may terminate the mediation if it appears in his or her judgment that the likelihood of agreement among the parties is remote or if a party is not participating in good faith, or for other good cause. The parties shall be notified in writing of such a decision by the mediator.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-38, 37-2-3.
History: Effective March 1993. Amended October 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.26 Requests For Arbitration.

(1) General Provisions Governing Petitions For Arbitration

(a) Any party to interconnection negotiations conducted pursuant to Section 252 of the Telecommunications Act of 1996 may petition the Commission to arbitrate any unresolved issues in their negotiations during the period from the 135th to the 160th day (inclusive) after the date on which an incumbent LEC receives a request for negotiation.

(b) Petitions for arbitration shall be verified or submitted by affidavit and shall include at a minimum the following information:

1. The date on which the original request for negotiations was received.

2. A brief statement addressing with specificity, the disputed issues and setting out the position of the parties on such issues. Further, the statement must

allege how the positions of other parties to the negotiations meet, or fail to meet the requirements of Section 251 of the Telecommunications Act of 1996, or any Federal Communications Commission or Alabama Public Service Commission rule, regulation or guideline.

3. A brief statement of the issues which have been resolved by the parties and a description of the resolution of same.

4. Where prices are in dispute, the petitioning party shall submit its proposed rates or charges and all relevant cost studies, and related supporting materials.

5. Any conditions which the petitioning party requests be imposed.

6. A proposed schedule for implementation of the terms and conditions by the parties to the negotiations.

7. Any requests for discovery of information from other parties along with an explanation of why the discovery of the information requested is necessary.

8. All prefiled testimony and any other documentation relevant to the dispute including copies of all documents in their possession or control on which they rely in support of their positions, or which they intend to introduce as exhibits at the arbitration hearing.

9. At the petitioning parties option, a proposed interconnection agreement may be submitted.

10. The petitioning party may request the consolidation of its arbitration with another arbitration proceeding pending at the Commission provided grounds supporting the request are submitted therewith.

(c) An original and ten (10) copies of the petition for arbitration and all other required information must be filed with the Secretary of the Commission. The petition and all required documentation shall, on the same day it is served on the Commission, be served on all parties to the negotiations for which arbitration has been requested. Such service on interested parties shall be demonstrated by a proper certificate of service. Petitions for arbitration which do not substantially comply with the aforementioned requirements may, in the discretion of the Commission, be rejected.

(2) Responses To Petitions For Arbitration

(a) Parties to the negotiations for which arbitration has been requested who do not join the request for arbitration shall

have twenty-five (25) days from the date the Petition for Arbitration is filed with the Commission to submit a response to the Petition.

(b) All responses to Petitions for Arbitration shall be verified or submitted by affidavit and shall include at a minimum the following information:

1. A brief statement addressing with specificity, the disputed issues and setting out the position of the parties on such issues. Further, the statement must allege how the positions of other parties to the negotiations meet, or fail to meet, the requirements of Section 251 of the Telecommunications Act of 1996 or any Federal Communication Commission or Alabama Public Service Commission rule, regulation or guideline.

2. Where prices are in dispute, the responding party shall submit its proposed rates or charges and all relevant cost studies and related supporting materials.

3. A brief statement of the issues which have been resolved by the parties and a description of the resolution of same.

4. Any conditions which the responding party requests be imposed.

5. A proposed schedule for implementation of the terms and conditions by the parties to the agreement.

6. The discovery information requested in the petitioning parties Request for Arbitration along with any discovery requests the respondent has in its own regard. Such discovery requests shall be accompanied by an explanation of why the information requested is necessary.

7. All prefiled testimony and any other documentation relevant to the dispute including copies of all documents in their possession or control on which they rely in support of their position, or which they intend to introduce as exhibits at the Arbitration Hearing.

8. At the responding parties option, a proposed interconnection agreement may be submitted.

9. If the petition for arbitration which is being responded to included a request to consolidate with another pending arbitration proceeding, the responding party should specify its position regarding the consolidation requested.

(c) An original and ten (10) copies of responses to petitions for arbitration and all of the supplemental information required herein must be filed with the Secretary of the Commission. The response and all accompanying documentation required herein shall, on the same day it is served on the Commission, be served on all parties to the negotiations for which arbitration has been requested. Such service on interested parties shall be demonstrated by a proper certificate of service.

(3) Appointment of an Arbitration Panel and Facilitator

(a) Within fifteen (15) days following the receipt of a request for arbitration which complies with the above requirements, the Commission will, pursuant to Code of Ala. 1975, Section 37-1-89, appoint a special examiner to act as the facilitator of an arbitration panel which will also be appointed by the Commission. The arbitration panel will consist of the arbitration facilitator and two (2) additional panelists. Each Commissioner will appoint one member of the arbitration panel with the selection of the arbitration facilitator to rotate between the Commissioners. At the discretion of the Commission, the arbitration facilitator and the remaining members of the arbitration panel will be comprised of either Commission employees or non-biased third parties who are not Commission employees.

(b) The arbitration panel shall conduct an arbitration hearing which shall be presided over by the arbitration facilitator. It will be the responsibility of the arbitration panel to formulate a recommendation for the resolution of the issues being arbitrated which, if adopted by Commission order, will be binding on the parties to the arbitration.

(c) The Commission may, in its discretion, forego the above procedures if it determines that a particular petition for arbitration should be consolidated with a pending arbitration proceeding.

(4) Confidentiality

Until such time as the arbitration panel appointed formulates an arbitration recommendation which is submitted to the Commission for approval, any information specifically identified as being proprietary and submitted during the arbitration process will be considered and treated as confidential by the Commission. It shall be the responsibility of the parties to the arbitration to negotiate appropriate protective orders or agreements for the exchanges of information deemed proprietary.

(5) General Rules for Discovery

(a) All parties shall request and provide information through discovery in good faith. Any failure to cooperate in the discovery phase should be brought to the immediate attention of the arbitration facilitator and may result in a finding of failure to negotiate in good faith.

(b) Upon a finding of a failure to negotiate in good faith, the arbitration facilitator may at any point suspend the proceedings until compliance is obtained; strike all or any of the documents of such party; refuse to allow such party to support designated claims or defenses; or, proceed on the basis of the best information available from whatever source derived.

(c) As noted previously in these rules, the party petitioning for arbitration shall submit its requests for discovery and the required statement of justification therefor with its Petition for Arbitration. Respondents must submit the Discovery information requested by the party petitioning for arbitration along with their response to the Petition for Arbitration. The response to the Petition for Arbitration shall also include the respondents discovery requests and the required statement of justification therefor. The party petitioning for arbitration must submit the information requested by the respondent on discovery within ten (10) days of the filing date of the respondents request for said information.

(6) Pre-arbitration Hearing Conference - As soon as practicable following his or her appointment by the Commission, the arbitration facilitator shall schedule a prehearing conference between the arbitration panel and the parties to the arbitration to determine among other things:

(a) The scheduling of the required arbitration hearing;

(b) Identification and simplification of issues;

(c) Amendments to documents;

(d) Limitations on the number of witnesses;

(e) Issuance of rulings denying, limiting, conditioning or regulating discovery requests;

(r) The issuance of rulings supervising all or any part of any discovery procedure; and

(g) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

(7) The Arbitration Hearing

(a) The Arbitration Hearing will be conducted pursuant to the Commission's Rules of Practice except as specifically noted to the contrary herein. The arbitration facilitator will preside over the hearing.

(b) Unless the consolidation of related issues and matters is deemed necessary by the Commission pursuant to §252(g) of the Telecommunications Act of 1996, only the parties to the negotiations for which arbitration has been requested will be permitted to attend and participate in the arbitration process, including the arbitration hearing. The Commission may, at its discretion, however, allow a third party to attend, but not participate in an arbitration hearing if such party can demonstrate in a written petition that its attendance is necessary due to a compelling public interest. An original and ten (10) copies of any such petition by a non-party should be served on the Secretary of the Commission at least seven (7) days prior to the arbitration hearing with simultaneous service on all parties to the arbitration. Such service to be demonstrated by a proper certificate of service.

(c) The party filing the Petition for Arbitration shall begin the arbitration hearing by presenting all of its witnesses to be cross-examined. The party filing the response to the Petition for Arbitration shall then present all of its witnesses to be cross examined. When the parties jointly file the Petition for Arbitration, the arbitration facilitator shall decide the order in which the parties shall present their witnesses for cross examination.

(d) The arbitration panel will limit its consideration of any petition for arbitration and any response thereto to the issues raised in the petition or in the response. The parties to the arbitration may be required to provide additional information at the request of the arbitration panel if the arbitration panel deems such information necessary to the rendering of a decision on the unresolved issues. Information so requested of any party will, at the same time it is provided to the arbitration panel, be provided to the other parties to the negotiations for which arbitration was requested. If any party refuses or fails to respond on a timely basis to any reasonable request from the panel for information, the panel may proceed on the basis of the best information available to it from whatever source derived.

(e) A complete record of all arbitration proceedings shall be transcribed by a reporter appointed by the Commission. In the event that expedited transcripts are required in order to meet the mandates of the Telecommunications Act of 1996 at Section 252(b)(4), the cost of preparation of those expedited transcripts will be borne by the party petitioning for arbitration.

(8) Submission of Agreement on Negotiated Issues - Within ten (10) days following the conclusion of the arbitration hearing(s), the parties shall submit to the arbitration panel an agreement governing all matters that have been successfully negotiated between the parties and which, excluding the issues being arbitrated, constitute the entire agreement of the parties. Said agreement shall comply with the requirements of 770-X-5-.27(C).

(9) Recommendation of the Arbitration Panel

(a) As soon as practical following the conclusion of the arbitration hearing(s) and the submission by the parties to the arbitration of their agreement governing successfully negotiated issues, the arbitration panel will issue an arbitration report and recommendation resolving each issue set forth in the petition for arbitration and the response thereto. Said report and recommendation shall impose conditions that ensure that the resolution and conditions recommended meet the requirements of Section 251 of the Telecommunications Act of 1996. The report and recommendation shall also establish rates for interconnection services or network elements in accordance with Section 252(d) of the Telecommunications Act of 1996 as applicable, and shall provide a schedule for implementation of the terms and conditions by the parties to the agreement.

(b) The Commission shall serve the arbitration report and recommendation on the parties to the arbitration and on all parties on the Commission's Telecommunications service list. The Commission shall also serve on all parties on the Commission's Telecommunications service list the written statements which are required by 770-X-5-.26(H), and 770-X-5-.27(C)(2) and 770-X-5-.27(C)(3) to accompany the agreement of the parties to the arbitration concerning successfully negotiated issues. Interested parties who were not parties to the arbitration shall have ten (10) days to file comments concerning the arbitration panel's arbitration report and recommendation and the agreement of the parties to the arbitration concerning negotiated issues. Following the expiration of the 10-day period, the parties to the arbitration shall have ten (10) days to file reply comments addressing the filings received from non-parties as well as exceptions to the arbitration panel's arbitration report and recommendation.

(10) Commission Review of the Arbitration Report and Recommendation - Following all comment cycles, the Commission will review the arbitration report and recommendation of the arbitration panel, the agreement of the parties concerning successfully negotiated matters, any comments filed by non-parties to the arbitration, and any comments and exceptions filed by the parties to the arbitration. The Commission will then enter an arbitration order resolving the issues between the parties to the

negotiations for which arbitration was sought and addressing the agreement of the parties on successfully negotiated issues not later than nine (9) months after the date on which the local exchange carrier received the request for negotiations which resulted in arbitration.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-38, 37-1-89, 37-2-3.
History: Effective March, 1993. Amended October, 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.27 Approval Of Negotiated Interconnection Agreements.

(1) Negotiated interconnection agreements must be submitted for Commission approval within fifteen (15) days of the execution of such agreements unless such time period is extended by the Commission.

(2) The original and ten (10) copies of all requests for the approval of negotiated agreements and the supporting documentation required below must be filed with the Secretary of the Commission. The party petitioning for approval shall simultaneously with its service on the Commission also serve on all other parties to the negotiations the petition for approval and the supporting documentation required below unless all parties to the negotiations jointly submit the request for approval. In addition, parties requesting approval of negotiated agreements shall serve the petition for approval (excluding the supporting documentation) and the statements which are required to accompany same by C(2) and C(3) below on all parties on the Commission's Telecommunications service list. The service required herein shall be demonstrated by proper certificate of service.

(3) The request for approval shall include at a minimum:

(a) A complete copy of the signed agreement including all attachments and appendices.

(b) A written statement setting out the main provisions of the agreement and the positions of the parties regarding approval and/or modification.

(c) A statement as to why the agreement does not discriminate against nonparties, is consistent with the public convenience and necessity and/or the public interest; and is consistent with the orders, rules and regulations of the Alabama Public Service Commission.

(4) Requests for approval of negotiated agreements which do not comply with the above requirements will be rejected and shall not be deemed to commence the running of the ninety (90) day approval period specified at Section 252 (e)(4) of the Telecommunications Act of 1996.

(5) Any interested party may submit comments concerning a negotiated agreement presented for approval within twenty (20) days of the filing of said agreement. Any comments must contain supporting documentation and will be limited to the criteria for review established under Section 252 (e) (2) (a) of the Telecommunications Act of 1996. The parties to the negotiated agreement may submit replies to any comments filed within seven (7) days of the filing of such comments with the Commission.

(6) The Commission, at its discretion, may set any negotiated agreement submitted for approval for hearing if it determines from the comments received and/or on its own motion that a hearing is necessary to determine with certainty whether the negotiated agreement clearly complies with the requirements of the Telecommunications Act of 1996. Said hearings will be conducted pursuant to the Commission's existing Rules of Practice.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-38, 37-2-3.
History: Effective March 1993. Amended October 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.28 Approval Of Arbitrated Agreements.

(1) Arbitrated agreements must be submitted for Commission approval within twenty (20) days of the entry of the Commission's Order resolving the issues between the parties to the negotiations for which arbitration was sought.

(2) The original and ten (10) copies of all requests for the approval of arbitrated agreements and the supporting documentation required below must be filed with the Secretary of the Commission. The party petitioning for approval shall simultaneously with its service on the Commission also serve on all other parties to the arbitration the petition for approval and the supporting documentation required below unless all parties to the arbitration jointly submit the request for approval. In addition, parties requesting approval of arbitrated agreements shall serve the petition for approval (excluding the supporting documentation) and the statements required by C(2) and C(3) below on all parties on the Commission's Telecommunications service list. The service required herein shall be demonstrated by a proper certificate of service.

(3) The request for approval shall include, at a minimum:

(a) A signed copy of the arbitrated agreement, including all attachments and appendices thereto.

(b) A brief statement summarizing the main provisions of the agreement and the position of the parties concerning adoption or modification of the agreement.

(c) A statement as to how the agreement meets the requirements of Section 251 of the Telecommunications Act of 1996 and all other Federal Communications Commission and Alabama Public Service Commission rules, regulations and guidelines; and is consistent with the pricing standards set forth at Section 252(d).

(4) Complete and specific information which will enable the Commission to make determinations regarding pricing standards under Section 252 (d) of the Telecommunications Act of 1996 including but not limited to supporting information for (i) the cost basis for rates for interconnection and network elements and the profit component of the proposed rate, (ii) transport and termination charges, and (iii) wholesale prices.

(5) All arbitrated agreements submitted for approval which do not comply with the above requirements shall be rejected and shall not commence the running of the thirty (30) day approval period specified in the Telecommunications Act of 1996 at Section 252(e)(4).

(6) Any interested party may request a hearing on an arbitrated agreement submitted for approval provided the original and ten (10) copies of said request for hearing are filed with the Secretary of the Commission before 5 p.m. CST of the fifth (5th) day following the filing of the agreement with the Commission. Based on such request(s), or its own motion, the Commission may, at its discretion, schedule a hearing on any arbitrated agreement submitted for approval. Said hearing shall be held on or about the fifteenth (15th) day following the filing of the agreement. Said hearing will be conducted in accordance with the Commission's Rules of Practice to the extent possible, except that the Commission may specifically limit participation in the proceeding to the extent it deems necessary due to time constraints.

(7) Interested parties may submit comments concerning the agreement submitted for approval within fifteen (15) days of the filing of the agreement with the Commission. The original and ten (10) copies of any such comments should be served on the Secretary of the Commission with simultaneous service on all parties to the Commission's telecommunications service list.

(8) The Commission will review arbitrated agreements submitted for approval, any comments submitted in response thereto, and the

record of any hearing held on the agreement. Following said review, the Commission will enter an order approving or rejecting the agreement within thirty (30) days of its filing. The Commission may only reject the agreement if it finds that the agreement does not meet the requirements of Section 251 of the Telecommunications Act of 1996, any regulations prescribed by the Federal Communications Commission pursuant to Section 251, or the requirements established by Section 252(d) of the Act.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-38, 37-2-3.
History: Effective March 1993. Amended October 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.29 Rural Telephone Company Exemptions, Suspensions, And Modification.

(1) Exemptions

(a) Subject to certain limitations, §251(f) of the Telecommunications Act of 1996 exempts rural telephone companies from the obligations of §251(c) of the 1996 Act until (i) such company has received a bona fide request for interconnection, services, or network elements, and (ii) this Commission determines that such request is not unduly economically burdensome; is technically feasible; and is consistent with §254 of the 1996 Act (other than subsections (b)(7) and (c)(1)(D) thereof.)

(b) Any party making a bona fide request of a rural telephone company for interconnection, services, or network elements shall simultaneously submit an original and ten (10) copies of its request to the Secretary of the Commission.

(c) Upon receiving the notification specified above, the Commission may, at its discretion, establish a hearing for purposes of determining whether the request is unduly economically burdensome; is technically feasible; and is consistent with §254 of the 1996 Act (other than subsections (b)(7) and (c)(1)(D) thereof.)

(d) The Commission shall render its determination as to whether the rural telephone company's exemption shall be terminated within 120 days from the date the notice of the request for interconnection services or network elements was received by the Commission. Should the exemption be terminated, the Commission shall establish an implementation schedule for compliance with the request that is consistent in time and manner with any regulations of the Federal Communications Commission.

(2) Suspensions and Modifications

(a) Pursuant to §251(f)(2) of the Telecommunications Act of 1996, local exchange carriers in Alabama with fewer than two (2) percent of the nation's subscriber lines installed in the aggregate nationwide may petition the Commission for a suspension or modification of the application of a requirement or requirements of subsection (b) or (c) of §251 to telephone exchange service facilities specified in such a petition. The original and ten (10) copies of such a petition shall be filed with the Secretary of the Commission, with simultaneous service on all parties on the Commission's telecommunications service list. Said service to be demonstrated by a proper certificate of service.

(b) Within twenty (20) days of the filing of such a petition with the Commission, interested parties may file responsive comments thereto.

(c) At its discretion, the Commission may establish a hearing on the petition for suspension and/or modification.

(d) The Commission will grant such a petition to the extent that, and for such duration as, the Commission determines that such suspension or modification:

1. is necessary:

(i) to avoid a significant adverse, economic impact on users of telecommunications services generally;

(ii) to avoid imposing a requirement that is unduly, economically burdensome; or

(iii) to avoid imposing a requirement that is technically infeasible; and

2. is consistent with the public interest, convenience and necessity.

(e) The Commission's final decision on a petition for suspension or modification shall be entered within 180 days from the date such petition is received by the Commission. Pending such a decision, the Commission may, by interim order, suspend the enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-38, 37-2-3.
History: Effective March 1993. Amended October 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.30 **Fees And Costs.**

Each party in arbitration or mediation proceedings shall be responsible for bearing their own fees and costs and shall pay any fees imposed by the Commission as allowed by statute.
Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§ 37-1-38, 37-2-3.
History: Effective March, 1993. Amended October, 1996. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.

770-X-5-.31 **Telephone Solicitation Regulations – Do Not Call Register.**

(1) Definitions - In the interpretation of this rule, the following definitions shall be used:

(a) "Act" refers to Sections 8-19A-1 through 24, as well as the provisions in Section 8-19C-1 through 12 of the Code of Alabama 1975, as amended.

(b) "Commission" means the Alabama Public Service Commission.

(c) "Business Telephone Subscriber" means a person or company who has subscribed to a business telephone service from a local exchange carrier.

(d) "Caller Identification Service" or "Caller ID" means a type of telephone service, which permits telephone subscribers to see the telephone number of incoming telephone calls.

(e) "Coordinator" refers to the individual employed by the Commission to oversee the regulation of telephone solicitation practices, including the operations of the Do Not Call Register, as delegated by the Commission.

(f) "Database" means the information from which the Commission compiles the Register. The database shall be maintained by the Commission, or its designee, for the purpose of fulfilling the requirements of the Act.

(g) "Do Not Call Register" or "Register" means a list of telephone numbers of residential telephone subscribers who have notified the Commission of their objection to telephone solicitations and have properly enrolled their telephone numbers with the Commission.

(h) "Interexchange carrier" means a company that is certificated by the Commission to provide long distance toll telephone service.

(i) "Local exchange companies" as used in this Regulation, includes telecommunications service providers and competing telecommunications service providers certificated by the Commission.

(j) "Notice of Objection" refers to the completed enrollment form submitted by a residential telephone subscriber to the Commission to be included on the Do Not Call Register.

(k) "Regulation" refers to 770-X-5-.31 of the Alabama Public Service Commission Telephone Rules.

(l) "Residential Telephone Subscriber" means a person residing in Alabama who has residential telephone service.

(m) "Section" refers to the Consumer Services Section of the Alabama Public Service Commission.

(n) "Telephone Solicitor" means any natural person, firm, organization, partnership, association or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephonic sales call, including, but not limited to, calls made by use of automated dialing and announcing devices or by a live person.

(o) "Telephone Solicitation" means a voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in property, goods, or services, but does not include communications by or on behalf of any of the exempt persons in Section 8-19A-4.

(2) General Telephone Solicitation Regulations

(a) All telephone solicitations to residential telephone subscribers shall, within the first thirty (30) seconds of a telephone call, state clearly the identity of the person initiating the call and entity or organization such person represents, and the consumer goods or services being sold.

(b) Telephone solicitors are prohibited from knowingly using telephone equipment or telecommunications network elements to block or otherwise interfere with the Caller ID function on the telephone of a residential telephone subscriber to whom a telephone solicitation is made so that the telephone number of the caller is not displayed on the telephone equipment of the called party.

(c) Telephone solicitors must adhere to state and federal statutes, rules and regulations regarding telephone

solicitation practices, including, but not limited to, the Alabama Telemarketing Act.

(d) After receipt of a complaint forwarded by the Commission, telephone solicitors shall, file a written response in accordance with the Commission's Rules of Practice.

(3) Maintaining the Alabama Do Not Call Register

(a) The Commission, or other entity under contract with the Commission, shall maintain a database of names, addresses and telephone numbers of all Alabama residential telephone subscribers who have elected not to receive telephone solicitations.

(b) The information contained in the database is not open to public inspection or disclosure as defined under Section 8-19C-4 of the Code of Alabama.

(c) The Commission shall include in its Register the list of Alabama subscribers to the Federal Communications Commission's or any other federal agencies' Do Not Call national database, if and when such lists are established.

(d) The Section will update the Register at the beginning of each month.

(4) Access to the Alabama Do Not Call Register by Telephone Solicitors

(a) Telephone solicitors shall submit an application in writing to the Commission for access to the database. The application must contain the telephone solicitor's name, address, telephone number and name of the agent for service of process along with a notarized statement from an officer of the company affirming the company understands and agrees that information contained in the database shall be used exclusively for the purpose of compliance with this statute. The information contained in the database is not open to public inspection or disclosure as defined under Section 8-19C-4 of the Code of Alabama.

(b) Telephone solicitors doing business in the state and subject to the control and jurisdiction of this Act shall pay to the Commission an annual fee for access to the Do Not Call Register. Such annual fee shall cover the time period from the following July 1st through June 30th, or any part thereof.

1. Telephone solicitors may receive access to the database in paper or computer disc form quarterly upon receipt of a non-refundable annual fee of $500.

2. It is the duty of telephone solicitors to ensure they have the latest version of the Register prior to soliciting residential telephone subscribers. Telephone solicitors must update their respective list of residential subscribers at least once a quarter. A thirty (30) day grace period shall be given on all newly published registrations.

(6) Consumer Registration with the Alabama Do Not Call Register - The Commission shall establish and provide for the operation of a Register containing the telephone numbers of residential telephone subscribers who object to receiving telephone solicitations. Such Register may be operated by the Commission or by another entity under contract with the Commission. Guidelines for the operation of the Register are described as follows:

(a) A residential telephone subscriber may obtain information about enrollment on the Register by contacting the Commission at the toll-free number designated for this program or via the Commission's web site. Upon request, an application for enrollment will be mailed to the residential telephone subscriber to be completed and returned to the Commission. Upon receipt of the written application, the residential telephone subscriber's name and number will be entered on the Register. Registration will become effective sixty (60) days following the first day of the succeeding month of enrollment by the subscriber.

(b) A residential telephone subscriber will remain on the "Do Not Call Register" for a period of two (2) years or until the subscriber requests, in writing, that the Commission remove his or her name from the Register.

(c) It will be necessary for a residential subscriber to file a new notice of objection with the Commission in the event the subscriber changes his or her telephone number.

(d) Business telephone subscribers may not be included on the Register.

(e) The Coordinator may audit and purge the Register periodically in order to ensure accuracy.

(6) Public Education about the Alabama Do Not Call Register - Local exchange companies shall notify their residential subscribers on an annual basis of how to enroll on the Register. This notification shall be disseminated at the option of the carrier by television, radio, or newspaper advertisements; written correspondence; bill inserts or messages; or any other method not expressly prohibited. Methods of notification shall be developed in cooperation with the Coordinator.

(7) Violations of the Alabama Do Not Call Register

(a) It is a violation of the Act for a telephone solicitor to knowingly make or cause to be made any telephone solicitation to any telephone number that appeared in the copy of an updated Register that was in effect at least sixty (60) days prior to the time the telephone solicitation was made.

(b) Violators of subsection (a) of Section 8-19C-2 or Section 8-19C-5 are subject to a civil penalty of any amount not to exceed two thousand dollars ($2,000) for each violation. The Commission may seek additional relief in any court of competent jurisdiction.

(c) It shall be a defense in any proceeding brought under this Act that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of the Act.

(8) Enforcement Provisions

(a) The Commission may, on its own motion, or the recommendation of the Section, or any other interested person, order the investigation of the practices of any telephone solicitor conducting business in Alabama. If such investigation discloses a violation of subsection (a) of Section 8-19C-2 or Section 8-19C-5, the Commission shall take appropriate action as provided for in the Act.

(b) Local exchange companies and interexchange companies shall fully cooperate with the Commission in any investigation of an alleged violation of this Act.

(c) If one or more of the term(s) or provision(s) of this Regulation or the application thereof, to any extent, are held to be invalid or unenforceable, then the remainder of this Regulation shall not be affected thereby.

Author: Alabama Public Service Commission
Statutory Authority: Code of Ala. 1975, §§37-1-38, 37-2-3.
History: Effective June 2000. Filed with LRS February 5, 2013. Filed for Codification in the Alabama Administrative Code by the Alabama Public Service Commission on February 5, 2013, pursuant to the Code of Ala. 1975, §41-22-7.