

2700 **PURPOSE AND APPLICABILITY**

2700.1 Pursuant to D.C. Official Code §§ 34-2001, *et seq.* (2010 Repl. & 2011 Supp.), this chapter shall establish rules governing the provision of telecommunications services in the District of Columbia. Except where otherwise provided, this chapter shall apply to all telecommunications service providers within the District of Columbia.

SOURCE: Notice of Final Rulemaking published at 48 DCR 4664 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR 10001 (October 29, 2004); as amended by Final Rulemaking published at 54 DCR 11993 (December 14, 2007); incorporating by reference the text of Proposed Rulemaking published at 54 DCR 9404 (September 28, 2007); as amended Notice of Final Rulemaking published at 58 DCR 9020, 9021 (October 21, 2011).

2701 ASSESSMENT OF COSTS

2701.1 All telecommunications service providers shall be subject to an annual assessment in accordance with the provisions in 15 DCMR chapter 13.

SOURCE: Notice of Final Rulemaking published at 48 DCR 4664 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR10001 (October 29, 2004); as amended by Final Rulemaking published at 55 DCR 12144 (November 28, 2008); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9021 (October 21, 2011).

2702 TARIFFS

- 2702.1 Prior to commencing service, all Competitive Local Exchange Carriers (CLECs) shall file tariffs with the Commission for each service offered within the District of Columbia. The tariffs shall describe the service being offered, all terms and conditions, and the rate or rates charged for the service pursuant to D.C. Official Code § 34-2002(f) (2010 Repl. & 2011 Supp.). Tariffs shall be maintained and updated as necessary.
- 2702.2 Tariffs filed by CLECs relating to tolls, charges, rate structure, terms and conditions of service, rate base, rate of return, operating margin, earnings, or cost of service shall be reviewed pursuant to 15 DCMR § 3501.12.
- 2702.3 When a CLEC amends or rescinds a tariff's service(s), terms and conditions, and/or rate or rates, the CLEC shall file an amended tariff with the Commission. The amended tariff shall be reviewed pursuant to 15 DCMR § 3501.12.
- 2702.4 When a CLEC amends a tariff that involves a change in conditions or services, the CLEC shall send a notice to all affected customers no later than the next billing period following the tariff amendment filing date. The amended tariff filed with the Commission shall include a statement certifying that this notice was or will be sent by the end of the next billing period following the tariff amendment filing date, identifying the date(s) the notice was or will be sent.

SOURCE: Final Rulemaking published at 48 DCR 4664 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR10001 (October 29, 2004); as amended by Final Rulemaking published at 55 DCR 12144 (November 28, 2008); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9021 (October 21, 2011).

2703 ENFORCEMENT

2703.1 A violation of any statute, regulation, or Commission order may subject a telecommunications service provider to any of the actions prescribed by D.C. Official Code § 34-2002(h-1) (2011 Supp.).

SOURCE: Final Rulemaking published at 48 DCR 4664 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR 10001 (October 29, 2004); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9021 (October 21, 2011).

2704 ABANDONMENT OF CERTIFICATION

- 2704.1 Any CLEC certificated by the Commission that proposes to abandon the CLEC certification in the District shall file an abandonment of certification application with the Commission no later than sixty (60) days prior to the proposed date of the abandonment of certification. The application shall contain, in the following order and specifically identified the following information:
- (a) The applicant's name, address, telephone number, fax number, the name under which the applicant is providing service in the District of Columbia, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District of Columbia, and the proposed abandonment date;
 - (b) A complete explanation of the reasons for the proposed abandonment of certification;
 - (c) A description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
 - (d) A plan for the applicant to remove, maintain, or transfer any facilities in the District of Columbia that would otherwise be abandoned; and
 - (e) An affidavit verifying that all of the information in the application is true and correct.
- 2704.2 If, at the time of the filing of the abandonment of certification application, the CLEC is providing service to customers, the applicant also shall file an abandonment of service application pursuant to 15 DCMR § 2705 or 15 DCMR § 2706, as appropriate.
- 2704.3 The CLEC shall serve a copy of its abandonment of certification application on the Office of the People's Counsel on the same day that the application is filed with the Commission.
- 2704.4 The applicant shall return any customer deposits within fifteen (15) days of the abandonment of certification application filing date. Upon full payment of these deposits, the applicant shall notify the Commission that all deposits have been paid by filing an affidavit explaining how and when these payments were made.
- 2704.5 Within thirty (30) days after receiving the abandonment of certification application, the Commission shall either approve the application, reject the application, or request supplemental information. If the Commission requests supplemental information, the applicant will be afforded fifteen (15) days to provide the Commission with such supplemental information.
- 2704.6 The Commission shall approve an abandonment of certification application if:

- (a) The CLEC has satisfied outstanding debts owed the Commission or any agency of the District of Columbia government;
- (b) The CLEC has developed and implemented a comprehensive plan for returning customer deposits; and
- (c) The approval of the abandonment of certification application would serve the public interest.

2704.7 No CLEC shall abandon its certification absent Commission approval. Upon receiving Commission approval, the applicant shall void any existing interconnection agreements by notifying the Commission and any telecommunications service provider with which the applicant has signed an interconnection agreement of the abandonment of certification. Upon receiving Commission approval, the applicant shall also withdraw all existing tariffs on file with the Commission.

SOURCE: Final Rulemaking published at 48 DCR 4664 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR 10001 (October 29, 2004); as amended by Final Rulemaking published at 52 DCR 724 (January 28, 2005); as amended by Final Rulemaking published at 55 DCR 12144 (November 28, 2008); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9022 (October 21, 2011).

2705 ABANDONMENT OF SERVICE

2705.1 Any CLEC certificated by the Commission that proposes to abandon the provisioning of telecommunications services in the District of Columbia shall file an application with the Commission no later than ninety (90) days prior to the proposed date of abandonment of service. This section 2705 shall apply if a CLEC proposes to abandon the provisioning of telecommunications services in the District of Columbia, either in whole or in part (including, but not limited to, for a class of customers, such as residential customers or business customers or for customers located in specified geographic areas). However, this section does not apply where a CLEC in the ordinary course of business is proposing only to:

- (a) Terminate service to an individual customer for reasons uniquely applicable to that customer (for instance, because the customer has failed to pay charges due to the CLEC);
- (b) Withdraw a feature of a service (for instance, caller ID or call waiting);
- (c) Limit availability of a service so that the service is available only to the CLEC's customers who already subscribe to that service; or
- (d) Change a rate, term or condition for a service.

2705.2 The abandonment of service application shall contain, in the following order and specifically identify the following information:

- (a) The applicant's name, address, telephone number, fax number, the name under which the applicant is providing service in the District of Columbia, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District of Columbia, and the proposed abandonment of service date;
- (b) A complete explanation of the reasons for the proposed abandonment of service, including, but not limited to, a statement as to whether the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, or only in part, and if only in part, a description of the proposed abandonment (for instance, for a class of customers, such as residential customers or business customers, or, customers located in specified geographic areas);
- (c) A plan for the refund of any deposits collected from affected customers, with accrued interest less any amounts due to the applicant;
- (d) If the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, a description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;

- (e) A plan for the applicant to remove, maintain, or transfer any facilities in the District of Columbia that would otherwise be abandoned;
- (f) A statement of the number of customers, classified by residential or business customer, affected by the proposed abandonment of service;
- (g) A statement of the number of customers affected by the proposed abandonment of service for whom the applicant receives universal service support;
- (h) A statement of the date on which notice of the proposed abandonment of service was or will be sent to affected customers;
- (i) A copy of the notice that was or will be sent to affected customers; and
- (j) An affidavit verifying that all of the information in the application is true and correct.

2705.3 The applicant shall serve a copy of its abandonment of service application on the Office of the People’s Counsel on the same day that the application is filed with the Commission.

2705.4 Any CLEC that proposes to abandon service in the District of Columbia shall notify each customer affected by the proposed abandonment in accordance with the customer notice provisions of subsection 2706.5. Notice to customers shall be given in accordance with the customer notice provisions of subsection 2706.5 even if the proposed abandonment of service is not otherwise subject to compliance with section 2706.

2705.5 The applicant shall return all customer deposits affected by the proposed abandonment of service, with accrued interest less any amounts due to the applicant within seventy-five (75) days of the abandonment of certification application filing date. Upon full payment of these deposits, the applicant shall notify the Commission that all such deposits have been paid.

2705.6 The applicant shall reimburse its customers affected by the proposed abandonment of service for any carrier charges including, but not limited to, service order charges and service installation charges directly associated with the transfer of those customers to the incumbent local exchange carrier or another CLEC and otherwise chargeable to the customers, as long as the transfer occurs within thirty (30) days of the notification to the customer of the applicant’s abandonment of service. Except where the customer is transferred to an Acquiring Carrier (as defined in subsection 2706.2) or to an “acquiring carrier” (as such term is used in 47 C.F.R. § 64.1120), the amount of the carrier charges that an applicant shall be required by this subsection to reimburse to a customer shall not exceed:

- (a) Fifty dollars (\$50) per residence service line; and
- (b) One hundred dollars (\$100) per business service line.

- 2705.7 The Commission may by order annually increase the maximum amount of the carrier charges to be reimbursed by the applicant under subsection 2705.6 by a percentage amount equal to the percentage increase in the Consumer Price Index – All Urban Consumers applicable to the District of Columbia as determined by the United States Government. Upon full payment of these amounts, the applicant shall notify the Commission that all such amounts have been paid.
- 2705.8 Within ninety (90) days after receiving the abandonment application, the Commission shall either approve the application, reject the application, or request supplemental information.
- 2705.9 If, within ninety (90) days after receiving the abandonment application, the Commission does not either approve the application, reject the application, or request supplemental information, the application shall be deemed approved.
- 2705.10 If the Commission requests supplemental information, the applicant has fifteen (15) days to provide the Commission with such supplemental information.
- 2705.11 If the Commission requests supplemental information and, by the later of thirty (30) days after receiving the supplemental information or ninety (90) days after receiving the abandonment application, the Commission does not either approve the application, reject the application, or request additional supplemental information, the application shall be deemed approved.
- 2705.12 Approval of the abandonment of service application shall be subject to compliance with the applicable provisions of section 2706 and the applicant shall comply with the applicable provisions of section 2706.
- 2705.13 The Commission shall approve an abandonment of service application if:
- (a) The CLEC has satisfied outstanding debts owed the Commission or any agency of the District of Columbia government;
 - (b) The applicant has complied with this section 2705, the applicable provisions of section 2706, and all other applicable Commission rules and requirements of applicable law;
 - (c) The applicant has developed and implemented a comprehensive plan for returning customer deposits to customers affected by the proposed abandonment of service, with accrued interest less any amounts due to the applicant, and, if the applicant proposes to abandon its provisioning of telecommunication services in the District in whole, satisfying outstanding debts owed the Commission and/or other District agencies;
 - (d) The applicant has satisfied all switchover fees incurred by its customers affected by the proposed abandonment of service as required by subsection 2705.6; and
 - (e) The approval of the abandonment of service application would serve the public interest.

2705.14 No CLEC shall abandon service in the District of Columbia without Commission approval. Upon receiving Commission approval, the applicant shall void any existing interconnection agreements by informing the Commission and any telecommunications service provider with which the applicant has signed an interconnection agreement of the abandonment of service.

SOURCE: Final Rulemaking published at 48 DCR 4664 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR 10001 (October 29, 2004); as amended by Final Rulemaking published at 52 DCR 724 (January 28, 2005); as amended by Final Rulemaking published at 55 DCR 12144 (November 28, 2008); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9023 (October 21, 2011).

2706 ABANDONMENT OF SERVICE TO THE LOCAL EXCHANGE VOICE SERVICES MARKET

2706.1 Applicability

This section applies when a CLEC that has one (1) or more customers proposes to abandon the provisioning of telecommunications services to the local exchange voice services market or a portion of the local exchange voice services market (including, but not limited to, a class of customers such as residence customers or business customers, or customers located in specified geographic areas). However, this section does not apply where a CLEC in the ordinary course of business is proposing only to:

- (a) Terminate service to an individual customer for reasons uniquely applicable to that customer (for instance, because the customer has failed to pay charges due to the CLEC);
- (b) Withdraw a feature of a service (for instance, caller ID or call waiting);
- (c) Limit availability of a service so that the service is available only to the CLEC's customers who already subscribe to that service; or
- (d) Change a rate, term or condition for a service.

2706.2 Definitions

For the purposes of this section the following terms and phrases shall have the meanings ascribed:

- (a) **Acquiring Carrier** - a local exchange carrier that has entered into an arrangement with an Exiting CLEC to acquire the Exiting CLEC's customers.
- (b) **Cut-Off Date** - the date after which an Exiting CLEC's customers will have to wait until their migration to the Acquiring Carrier is completed before they can obtain local exchange service from a different carrier.
- (c) **Exiting CLEC** - a CLEC that proposes to abandon the provisioning of telecommunications services to the local exchange voice services market, or a portion of the local exchange voice services market (including, but not limited to, a class of customers such as residential customers or business customers, or customers located in specified geographic areas).
- (d) **Network Service Provider** - a local exchange carrier that provides interconnection, network elements, telecommunications services, collocation, or other services, facilities, equipment or arrangements, that:
 - (1) Are used by the Exiting CLEC to provide service to its customers; or

- (2) Will be used by a carrier (including, but not limited to, an Acquiring Carrier) that is acquiring one (1) or more of the Exiting CLEC's customers, to provide service to those customers.
- (e) **Priority/Essential Customers** - any ambulance, police or fire service, hospital, national security agency, or civil defense organization, or any customer who has obtained Telecommunications Service Priority (TSP) authorization from the Federal Government.

2706.3

Exit Plan

- (a) An Exiting CLEC must file an Exit Plan with the Commission at least ninety (90) days in advance of the Exiting CLEC's proposed discontinuance of service date. Upon good cause shown, the Commission may establish an alternative date by which the Exiting CLEC must file its Exit Plan.
- (b) The Exit Plan filed by the Exiting CLEC with the Commission must include:
 - (1) A statement specifying the Exiting CLEC's proposed discontinuance of service date and, if there is an Acquiring Carrier, the proposed Cut-Off Date;
 - (2) A sample of the initial notice letter that will be sent to the Exiting CLEC's customers pursuant to subsection 2706.5;
 - (3) Plans for follow-up customer notification arrangements, such as a second letter, phone calls or bill inserts;
 - (4) A date by which the Exiting CLEC's customers must select a new local exchange carrier;
 - (5) Contact names and telephone numbers for the Exiting CLEC's cutover coordinator, regulatory contact and other pertinent contact personnel (such as customer service record (CSR) and provisioning contacts);
 - (6) Any arrangements made for an Acquiring Carrier;
 - (7) Steps to be taken with the number code and/or pooling administrator to transfer NXX and thousand number blocks while preserving number portability for numbers within the code;
 - (8) The current customer serving arrangements (for example, UNE-Platform, UNE-Loop, resale or full facilities) and the underlying Network Service Providers;
 - (9) To the extent feasible, a statement as to the following:

- (A) whether there are any customers for whom the Exiting CLEC is the only provider of facilities;
 - (B) the number of customers for whom the Exiting CLEC is the only provider of facilities; and
 - (C) the number of lines for which the Exiting CLEC is the only provider of facilities;
- (10) The number of customers impacted;
- (11) A statement setting out:
- (A) The format in which the Exiting CLEC's customer service records (CSRs) are being kept,
 - (B) What data elements are in these CSRs; and
 - (C) How the CSRs can be obtained by other carriers. Data elements include:
 - (i) Billing telephone number;
 - (ii) Working telephone number;
 - (iii) Complete customer billing name and address;
 - (iv) Directory listing information, including name, address, telephone number and listing type;
 - (v) Complete service address;
 - (vi) Current Primary Interexchange Carrier selection (inter/intraLATA toll service), including freeze status;
 - (vii) Local service freeze status;
 - (viii) All vertical features (such as, custom calling, hunting);
 - (ix) Options (such as, Lifeline, 900 blocking, toll blocking, remote call forwarding, off premises extensions);
 - (x) Tracking number or transaction number (for example, purchase order number);
 - (xi) Circuit identification information with associated telephone number;

- (xii) Service configuration information (such as, UNE-Platform, UNE-Loop, resale or full facilities);
 - (xiii) Identification of the Network Service Provider(s); and
 - (xiv) Identification of any line sharing/line splitting on the migrating customer's line;
 - (12) Any transfer of assets or control that requires Commission approval;
 - (13) Plans to modify and/or cancel tariff(s);
 - (14) Plans for reimbursement of switchover fees;
 - (15) Plans for treatment of customer deposits, credits, and/or termination liabilities or penalties;
 - (16) A description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
 - (17) Plans for the transfer, removal or abandonment of any Exiting CLEC equipment or facilities on the customers' premises;
 - (18) A statement on whether the Acquiring Carrier will be responsible for handling any complaints filed, or otherwise raised, against the Exiting CLEC prior to or during the migration of customers to the Acquiring Carrier; and
 - (19) Plans for unlocking the E911 database, including the letter detailed in subsection 2706.8.
- (c) If the Exit Plan contains information that the Exiting CLEC claims are confidential or proprietary, the Exiting CLEC may seek confidential treatment of the confidential or proprietary information in accordance with 15 DCMR § 150. To the extent provided by 15 DCMR § 150 and other provisions of applicable law, copies of the confidential version of the Exit Plan shall be available to the Office of the People's Counsel, carriers, and other interested persons.
- (d) If the Exiting CLEC seeks confidential treatment of information contained in the Exit Plan, the Exiting CLEC shall also file with the Commission a version of the Exit Plan that omits the confidential information. The Exiting CLEC shall serve the non-confidential version of the Exit Plan upon the Office of the People's Counsel. The non-confidential version of the Exit Plan shall be available from the Commission to carriers and other interested persons.

- (e) Within fifteen (15) days after receiving the Exit Plan, the Commission shall either approve the Exit Plan, reject the Exit Plan, or request supplemental information. If within fifteen (15) days after receiving the Exit Plan the Commission does not either approve the Exit Plan, reject the Exit Plan, or request supplemental information, the Exit Plan shall be deemed approved. If the Commission requests supplemental information, the Exiting CLEC has fifteen (15) days to provide the Commission with such supplemental information. If within fifteen (15) days after receiving the supplemental information the Commission does not either approve the Exit Plan, reject the Exit Plan, or request additional supplemental information, the Exit Plan shall be deemed approved.

2706.4 Industry Notification

- (a) When the Commission receives notice of the Exiting CLEC's proposed discontinuance of service, the Commission Secretary shall post notice of the proposed discontinuance of service on the Commission's website under "Report of Telephone Companies Exiting the Local Exchange Market" at www.dcpsc.org.
- (b) When the Commission receives notice of the Exiting CLEC's proposed discontinuance of service, the Commission Secretary shall send notice of the proposed discontinuance of service to a carrier contact list. This list shall be located on the Commission's website and shall include carriers that have asked to be included on the list. Each carrier on the list shall be responsible for maintaining the accuracy of its information on the list.
- (c) Within five (5) days after the Exiting CLEC files its Exit Plan with the Commission:
 - (1) The Exiting CLEC shall give notice to its Network Service Providers of its proposed discontinuance of service; and
 - (2) The Acquiring Carrier shall give notice to its Network Service Providers of its proposed acquisition of the Exiting CLEC's customers.
- (d) If necessary, a conference call may be established by the Commission Staff in order to address potential problem areas and procedures. The persons invited to participate in the conference call shall include all carriers providing service in the District of Columbia, the Exiting CLEC's Network Service Providers, the Acquiring Carrier's Network Service Providers, the Commission Staff, the Office of the People's Counsel, and such other persons as the Commission Staff deems appropriate.

2706.5 Customer Notification

- (a) If there is an Acquiring Carrier, the Exiting CLEC and the Acquiring Carrier must give written notice to the Exiting CLEC's customers of the

Exiting CLEC's proposed discontinuance of service and the proposed transfer of the customers to the Acquiring Carrier.

- (b) If there is not an Acquiring Carrier, the Exiting CLEC must give written notice to its customers of its proposed discontinuance of service.
- (c) The written notice to be provided pursuant to paragraph (a) or (b) must be given at least sixty (60) days in advance of the Exiting CLEC's proposed discontinuance of service date. Upon good cause shown, the Commission may establish an alternative customer notice period; provided that the customer notice must be given at least forty-five (45) days in advance of the Exiting CLEC's proposed discontinuance of service date.
- (d) The notice letter must comply with Commission and Federal Communications Commission (FCC) requirements.
- (e) Contents
 - (1) The Commission shall adopt by order model customer notification letters that comply with Commission and FCC regulations. A customer notice letter issued pursuant to paragraph (a) or (b) must comply with the Commission's applicable model customer notification letter.
 - (2) The customer notification letter must include the following information:
 - (A) Statement that the Exiting CLEC will no longer be providing the customer's local telephone service;
 - (B) If there is an Acquiring Carrier, the identity of the Acquiring Carrier;
 - (C) The customer's right to choose an alternative carrier;
 - (D) Clear instructions to the customer regarding the choice of an alternative carrier;
 - (E) The customer's need to take prompt action when there is no Acquiring Carrier;
 - (F) Time deadlines for customer action in accordance with the Commission's rules;
 - (G) A statement regarding switchover fees and the Exiting CLEC's plans for reimbursement of switchover fees;
 - (H) The customer's responsibility for payment of telephone bills during the migration period;

- (I) When the customer is being transferred to an Acquiring Carrier, information about the lifting and reestablishment of preferred carrier freezes;
 - (J) Applicable information about long distance service and whether it may be impacted by the change in local exchange carrier;
 - (K) The Exiting CLEC's plans for treatment of customer deposits, credits, and/or termination liabilities or penalties;
 - (L) The Exiting CLEC's plans for transfer, removal or abandonment of any Exiting CLEC equipment or facilities on the customer's premises;
 - (M) Information on the Acquiring Carrier's services and rates, terms and conditions, and on the means by which the Acquiring Carrier will notify the customer of any changes to these rates, terms and conditions;
 - (N) Whether the Acquiring Carrier will be responsible for handling any complaints filed, or otherwise raised, against the Exiting CLEC prior to or during the migration of customers to the Acquiring Carrier;
 - (O) Any other information required by applicable law (including, but not limited to, any other information required by the Commission or the FCC);
 - (P) Toll-free telephone numbers for the Exiting CLEC and the Acquiring Carrier;
 - (Q) Contact information for the Commission; and
 - (R) Contact information for the Office of the People's Counsel.
- (3) If there is an Acquiring Carrier, the customer notice letter must contain a Cut-Off Date and a statement that customers who have not selected an alternative carrier by the Cut-Off Date will be transferred to the Acquiring Carrier. When notice is given to the customer sixty (60) days in advance of the proposed discontinuance of service date, the Cut-Off Date shall be thirty (30) days before the proposed discontinuance of service date. When notice is given to the customer less than sixty (60) days in advance of the proposed discontinuance of service date, the Cut-Off Date shall be as specified by the Commission. The notification process must allow the customer thirty (30) days to select a new carrier. The Acquiring Carrier may not migrate the Exiting CLEC's customers to the Acquiring Carrier until after

the Cut-Off Date.

- (4) If there is not an Acquiring Carrier, the Exiting CLEC must give at least one (1) additional notice to each customer who, twenty (20) days prior to the proposed discontinuance of service date, has not migrated to a new carrier. This additional notice must be given no later than fifteen (15) days prior to the proposed discontinuance of service date or, upon a showing to the Commission that fifteen (15) days advance notice is not feasible, at the earliest possible date, as approved by the Commission. The form of the additional notice could include a follow-up letter, a telephone call to the customer, a bill insert, or any other means of direct contact with the customer.

2706.6

Mass Migration Process

- (a) As soon as is feasible after the Exiting CLEC's Exit Plan is filed with the Commission, the Exiting CLEC and the Acquiring Carrier shall establish with their applicable Network Service Providers appropriate arrangements for migration of the Exiting CLEC's customers to the Acquiring Carrier. The Exiting CLEC and the Acquiring Carrier shall submit to their applicable Network Service Providers any service orders and information needed to carry out the migration. Such service orders and information shall be submitted sufficiently in advance of the Exiting CLEC's proposed discontinuance of service date that the migration will be able to be completed by the proposed discontinuance of service date.
- (b) Carriers other than the Acquiring Carrier who are acquiring the Exiting CLEC's customers shall submit to their applicable Network Service Providers any service orders and information needed to carry out the migration. To the extent feasible, such service orders and information shall be submitted sufficiently in advance of the Exiting CLEC's proposed discontinuance of service date that the migration will be able to be completed by the proposed discontinuance of service date.
- (c) The Exiting CLEC shall make available to its Network Service Provider, its customers' new carriers and these carriers' Network Service Providers, the CSR information needed to migrate the Exiting CLEC's customers, and any other information reasonably needed to migrate the Exiting CLEC's customers. Upon request, the Exiting CLEC shall also provide to Staff CSR information for customers whose particular serving arrangements may create migration problems.
- (d) The Exiting CLEC must track the progress of the migration of its customers and provide the Commission with progress reports. The reports shall contain a count of the customers that remain in service with the Exiting CLEC and such other information as shall be specified by the Commission. The reports shall be provided at such intervals as shall be specified by the Commission. Subject to 15 DCMR § 150 and other provisions of applicable law, upon request by the Office of the People's

Counsel, the Exiting CLEC shall provide copies of the progress reports to the Office of the People's Counsel.

- (e) Except as authorized by the Commission pursuant to subsection 2706.3(e) or as otherwise authorized by the Commission, the Exiting CLEC shall not discontinue provision of service until all of its customers who will be affected by its discontinuance of service have migrated to other carriers.

2706.7 NXX Code Transfers

If the Exiting CLEC has any NXX codes or thousand number blocks assigned, it must make transfer arrangements with the code administrator at least sixty-six (66) days prior to the proposed discontinuance of service date or by such earlier date as shall be specified by the code administrator.

2706.8 E- 911

- (a) The Exiting CLEC must unlock all of its telephone numbers in the E911 database in accordance with the National Emergency Numbering Association's (NENA) standards.
- (b) The Exiting CLEC must submit a letter to the appropriate E911 service provider authorizing the E911 service provider to unlock any remaining E911 records after the Exiting CLEC has discontinued provision of service. This letter must be provided at least thirty (30) days prior to the Exiting CLEC's discontinuance of service.

2706.9 Freezes

All customers who have preferred carrier freezes on the services affected by a migration to an Acquiring Carrier will be transferred to the Acquiring Carrier, unless they have selected a different carrier by the Cut-Off Date. The Exiting CLEC shall lift existing preferred carrier freezes on services involved in a migration to an Acquiring Carrier. An Acquiring Carrier shall advise the customers that it is acquiring from the Exiting CLEC that if they want preferred carrier freezes, they must contact the Acquiring Carrier to arrange for such freezes.

2706.10 Reservation of Rights

Nothing in this section 2706 shall limit, or delay the right to exercise, any right that an incumbent local exchange carrier, CLEC, or other person may have under an interconnection or resale agreement, tariff, or otherwise, to require payment for, to decline to provide, or to suspend or terminate, interconnection, network elements, telecommunications services, collocation, or other services, facilities, equipment, or arrangements.

SOURCE: Final Rulemaking published at 48 DCR 4664 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR 9998, 10001 (October 29, 2004); as amended by Final Rulemaking published at 52 DCR 724 (January 28, 2005); as amended by Final

District of Columbia Municipal Regulations:
CHAPTER 27: REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS

Rulemaking published at 55 DCR 12144 (November 28, 2008); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9027 (October 21, 2011).

2707 **REPORTS**

2707.1 All telecommunications service providers in the District shall be required to file an annual report with the Commission on the Commission's annual report form by April 15 of each year, including the following information:

- (a) Type of services being provided to customers in the District as of the previous year ending December 31;
- (b) Number of lines and customers, classified by residential category (single family or multi-family complex) and commercial category (business or government);
- (c) Jurisdictional revenue for the previous year ending December 31;
- (d) Name, address, telephone number, fax number, and e-mail address, if available, of the regulatory and customer service contacts;
- (e) The means by which the telecommunications service provider is providing service (such as, resale through the incumbent local exchange carrier, resale through another provider, facilities-based including lease of unbundled network elements, resale, and facilities-based, or other); and
- (f) Such other information as the Commission may require.

2707.2 A telecommunications service provider requesting that its report, or any portion thereof, be treated as confidential shall follow the procedures outlined in 15 DCMR § 150 regarding confidential and proprietary information.

SOURCE: Final Rulemaking published at 51 DCR 10001 (October 29, 2004); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9036 (October 21, 2011).

2708 – 2719 [RESERVED]

SOURCE: Notice of Final Rulemaking published at 58 DCR 9020, 9037 (October 21, 2011).

2720 RETAIL QUALITY OF SERVICE MEASURES

- 2720.1 All telecommunications service providers having more than ten thousand (10,000) access lines shall comply with and report on the following retail quality of service measures.
- 2720.2 Installation Commitments Met measure – This measure evaluates the percentage of times that a telecommunications service provider completed the installation of the customer’s local exchange service by the installation date. The installation date for business and residential customers is the close of business on the fifth business day following the date that the request for the installation was made or the customer-requested date, whichever is later. The following requirements apply:
- (a) The standard for this measure is ninety-five percent (95%) completion by the installation date per month;
 - (b) Results for this measure shall be calculated by dividing the number of installation dates met by the total number of installation date commitments made. Results shall be stated as a percentage rounded to the hundredth decimal place using traditional mathematical rounding;
 - (c) Data collected for this measure shall be disaggregated into residential and business customer categories and reported by those categories; and
 - (d) If the installation date is missed due to customer fault, then it shall not be included in the sample to be measured. Customer fault means that access to the customer premises is unavailable during the five day window or installation at the customer’s premise cannot be done because the premises is unsafe or if the customer requests a different installation date from the telecommunications service provider before the installation date.
- 2720.3 Trouble Reports Per One hundred (100) Lines measure – This measure evaluates the number of access lines per one hundred (100) access lines for which a customer reports a trouble. The following requirements apply:
- (a) If a customer has multiple access lines and more than one (1) access line experiences a network service problem, then each access line shall be counted separately;
 - (b) The standard for this measure is four (4) troubles per one hundred (100) lines;
 - (c) Results for this measure shall be calculated by dividing the number of initial trouble reports by the total number of access lines. This figure is then multiplied by one hundred (100). Results shall be reported to the hundredth decimal place, rounded using traditional mathematical rounding principles.

- 2720.4 Out-of-service Clearing Time measure – This measure evaluates the percentage of customer troubles that are classified as out-of-service problems that are cleared within twenty-four (24) hours. The following requirements apply:
- (a) For purposes of starting the twenty-four (24) hour time clock to calculate the time period:
 - (1) If an outage report is received during normal business hours, then the time clock begins when the outage report is received by the telecommunications service provider;
 - (2) If an outage report is received outside of normal business hours, then the time clock begins at the beginning of the day on the next business day;
 - (3) If the telecommunications service provider is unable to gain access to the customer premises to repair the out-of-service condition, then the twenty-four (24) hour time clock is stopped until the provider can gain access to the property; and
 - (4) Each telecommunications service provider shall establish its normal business hours in its customer bills and on a page that is readily accessible to consumers on its website.
 - (b) The standard for this measure shall be eighty percent (80%) clearance within twenty-four (24) hours;
 - (c) Results for this measure shall be calculated by dividing the number of out-of-service reports cleared within twenty-four (24) hours by the total number of out-of-service reports received. The result shall be reported as a percentage rounded to the hundredth decimal place using traditional mathematical rounding; and
 - (d) Data collected for this measure shall be disaggregated into residential and business customer categories and reported by those categories.
- 2720.5 Data for all measures shall be collected and reported on a District of Columbia-wide basis.
- 2720.6 Included services – The measures shall apply to the following services:
- (a) Residential access lines;
 - (b) Business single line and Centrex lines; or
 - (c) Voice-grade PBX trunks.
- 2720.7 Exceptions - The measures shall not apply to the following services:
- (a) UNE-P;

- (b) UNE-L;
- (c) DS1;
- (d) DS0;
- (e) DS3;
- (f) EEL;
- (g) Resold services;
- (h) Dedicated non-switched services;
- (i) Wide area telephone service;
- (j) Integrated service digital network services;
- (k) The special service portion of PBX service;
- (l) Broadband services;
- (m) Voice mail and customer premises equipment;
- (n) Inside wire;
- (o) Payphone equipment and service;
- (p) VoIP services; or
- (q) Failures caused by collocation or interconnection problems.

2720.8

Reporting - Each telecommunications service provider shall collect and retain accurate data demonstrating their compliance with the measures in this chapter. Data is to be collected on a monthly basis in a format established by Commission order and these rules. The following applies to the data telecommunication service providers are required to provide:

- (a) Each telecommunications service provider shall submit its monthly reports to the Commission on a quarterly basis, with the months of January, February, and March being submitted on April 30; the months of April, May, and June being submitted on July 30; the months of July, August, and September being submitted on October 30; and the months of October, November, and December being submitted on January 30 of the next year;
- (b) If a telecommunications service provider fails a measure in a quarterly report, the provider shall file an explanation for the failure and a plan to remedy the failure. If the failure was due to data clustering, customer error, or unforeseeable events, then the telecommunications service provider may request a waiver of the performance standard. The request

for a waiver shall contain a detailed explanation of the reasons for granting such a waiver; and

- (c) Each telecommunications service provider shall retain its reporting data for three (3) years in the event that the records are audited by the Commission.

SOURCE: Final Rulemaking published at 53 DCR 7538 (September 15, 2006); incorporating by reference the text of Proposed Rulemaking published at 53 DCR 4466 (June 2, 2006); as amended Notice of Final Rulemaking published at 58 DCR 9020, 9037 (October 21, 2011); as amended by Final Rulemaking published at 66 DCR 671 (January 18, 2019).

2721 – 2729 [RESERVED]

SOURCE: Notice of Final Rulemaking published at 58 DCR 9020, 9040 (October 21, 2011).

2730 BILLING ERROR NOTIFICATION

- 2730.1 Each telecommunications service provider must inform the Commission and the Office of the People's Counsel when a billing error has affected one hundred (100) or more customers or the number of affected customers is equal to or more than two percent (2%) of the telecommunications service provider's customer base. A telecommunications service provider with a customer base of less than one hundred (100) customers shall report errors when two (2) or more customers are affected.
- 2730.2 Each telecommunications service provider shall file a billing error report within three (3) business days of discovering or being notified of the error. The billing error report shall be filed with the Commission and served on the Office of the People's Counsel.
- 2730.3 The billing error report shall include the following:
- (a) Type(s) of billing error(s);
 - (b) Date of the billing error(s);
 - (c) Number of customers affected;
 - (d) Cause of the error and status of any and all corrective action(s) taken; and
 - (e) Timeline for completing any and all other required corrective action(s).
- 2730.4 Upon receipt of the billing error report, the Commission shall determine whether any further investigation is necessary.

SOURCE: Final Rulemaking published at 54 DCR 11993 (December 14, 2007); incorporating by reference the text of Proposed Rulemaking published at 54 DCR 9404 (September 28, 2007); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9040 (October 21, 2011).

2731 – 2739 [RESERVED]

SOURCE: Notice of Final Rulemaking published at 58 DCR 9020, 9041 (October 21, 2011).

2740 REPORTING REQUIREMENTS FOR SERVICE OUTAGES AND INCIDENTS RESULTING IN PERSONAL INJURY OR DEATH

- 2740.1 The provisions of this section, except as otherwise reflected, shall apply to all telecommunications service providers serving at least one hundred (100) customers or one hundred (100) access lines, excluding telecommunications service providers that utilize local access obtained from the incumbent local exchange provider or another telecommunications service provider via resold or commercially negotiated agreements.
- 2740.2 Telecommunications service providers shall report to the Commission and to the Office of the People's Counsel certain telecommunications service outages and disruptions. Telecommunications service providers shall report incidents that result in the loss of human life or personal injury requiring hospitalization directly or indirectly arising from or connected with the maintenance or operation of the telecommunications system within the District of Columbia.
- 2740.3 All service outages shall be communicated by telephone or email to the Commission and the Office of the People's Counsel as soon as practicable, but not later than one (1) hour after the telecommunications service provider has determined that a service outage has occurred.
- 2740.4 Each telephone or email communication rendered by the telecommunications service provider subsequent to a service outage shall, at a minimum, state clearly the following information:
- (a) The date and time the telecommunications service provider determines that the service outage has occurred;
 - (b) The most specific location in the telecommunications service provider's network of the service outage(s) that is available when the report is filed;
 - (c) The geographic area affected by the outage, including street names and neighborhoods, if available;
 - (d) The estimated total number of customers out of service;
 - (e) A preliminary assessment as to the cause of the service outage(s); and
 - (f) The estimated repair and/or restoration time.

- 2740.5 If the service outage is required to be reported to the Federal Communications Commission (FCC) pursuant to 47 C.F.R. §§ 4.9 and 4.11, then the telecommunications service provider shall file a copy of the same reports with the Commission and the Office of the People’s Counsel.
- 2740.6 If the service outage occurs during the Commission’s business hours, the telecommunications service provider shall file the relevant Notification Communications Outage Report (NORS) required by 47 C.F.R. §§ 4.9 and 4.11 with the Commission and the Office of the People’s Counsel within two (2) hours after the NORS has been filed with the FCC.
- 2740.7 For service outages occurring outside of the Commission’s normal business hours, the telecommunications service provider shall file with the Commission and the Office of the People’s Counsel within one (1) hour of the next business day the relevant NORS filed with the Federal Communications Commission pursuant to 47 C.F.R. §§ 4.9 and 4.11.
- 2740.8 For those service outages that are reported to the FCC, within one (1) business day of submission of the Initial Communications Outage Report and the Final Communications Outage Report to the FCC pursuant to 47 C.F.R. §§ 4.9 and 4.11, the telecommunications service provider shall file a copy of the District-specific portion of those reports with the Commission and the Office of the People’s Counsel.
- 2740.9 If the telecommunications service provider withdraws any report that is submitted to the FCC pursuant to 47 C.F.R. §§ 4.9 and 4.11 as well as the Commission and the Office of the People’s Counsel, the telecommunications service provider shall file with the Commission and the Office of the People’s Counsel the withdrawal filed with the Federal Communications Commission within one (1) business day of submission of the withdrawal. The telecommunications service provider shall also explain the reasons for the withdrawal.
- 2740.10 The telecommunications service provider shall provide its customer service representatives or other appropriate employees with specific restoration information, including estimated restoration times, to enable the customer service representatives or appropriate employees to respond to customer inquiries regarding the service outage.
- 2740.11 The telecommunications service provider shall file a written report concerning all service outages with the Public Service Commission and the Office of the People’s Counsel within five (5) days following the end of a service outage. Each written report shall, at a minimum, state clearly the following information:

- (a) A description of the service outage(s) and/or incident(s) and information as to the cause of the event(s);
 - (b) The actual location of the outage(s) in the telecommunications service provider's network;
 - (c) The geographic area affected by the outage, including street names and neighborhoods, if available;
 - (d) The actual repair and restoration times of the service outage(s) and/or incident(s);
 - (e) A description of the restoration effort;
 - (f) The total number of customers affected by the service outage;
 - (g) A self-assessment of the telecommunications service provider's restoration efforts in the District of Columbia; and
 - (h) A description of the steps that the telecommunications service providers will undertake to prevent such outages in the future or improve repair times and processes.
- 2740.12 The Commission may request additional information concerning any service outage, if necessary.
- 2740.13 Telecommunications service providers shall communicate by telephone or email all incidents that result in the loss of human life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or operation, to the Commission and the Office of the People's Counsel within one (1) hour upon receiving notice of the incident.
- 2740.14 Each telephone or email communication concerning the loss of human life and/or personal injury requiring hospitalization shall, at a minimum, state clearly the following information:
- (a) The location of the incident(s);
 - (b) The date and time of the incident(s);
 - (c) The total number of persons affected;
 - (d) A brief description of the incident; and
 - (e) Identification of a contact person and contact information.

- 2740.15 A written report concerning the loss of human life and/or personal injury requiring hospitalization shall be submitted to the Commission and to the Office of the People's Counsel within thirty (30) days after the completion of any internal investigation or notification of the completion of any governmental investigation of any incident that results in the loss of life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or operations. If there is no investigation, the report shall be submitted thirty (30) days after the incident. The report shall include:
- (a) A description of the incident(s) and information as to the cause of the event(s);
 - (b) The location of the incident(s);
 - (c) The exact date and time in which the incident(s) occurred;
 - (d) The total number of persons affected;
 - (e) Any other known relevant information about the incident not provided in the original notification; and
 - (f) The steps the telecommunications service provider will take to prevent such an occurrence in the future.
- 2740.16 The Commission may request, if necessary, additional information concerning any incident that results in the loss of life and/or personal injury requiring hospitalization, directly or indirectly arising from or connected with the telecommunications service provider's maintenance or operations.
- 2740.17 Notifications of PSAP service outages communicated under subsection 2740.4, all FCC NORS reports, and all reports filed under subsections 2740.9 and 2740.13 are presumed to be confidential. Challenges to the confidentiality of these reports shall follow the procedures outlined in the Commission's rules governing confidential and proprietary information. All initial reports for all service outages except for PSAP service outages filed under this section are not presumed to be confidential.

SOURCE: Notice of Final Rulemaking published at 54 DCR 11993 (December 14, 2007), incorporating by reference the text of Proposed Rulemaking published at 54 DCR 9404 (September 28, 2007); as amended by Final Rulemaking published at 57 DCR 2302 (March 19, 2010), incorporating by reference the text of Proposed Rulemaking published at 57 DCR 141 (January 1, 2010); as amended by Final Rulemaking published at 57 DCR 8023 (September 3, 2010); as amended by Notice of Final Rulemaking published at 59 DCR 781 (February 3, 2012); as amended by Notice of Final Rulemaking published at 59

District of Columbia Municipal Regulations:
CHAPTER 27: REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS

DCR 3153 (April 20, 2012); as amended by Final Rulemaking published at 65 DCR 8551 (August 17, 2018).

2798 **WAIVER**

2798.1 The Commission may, for good cause, waive any rule under chapter 27 except where a rule contains a provision that is expressly required by statute.

SOURCE: Final Rulemaking published at 48 DCR 4664, 4670 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR10016 (October 29, 2004); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9041 (October 21, 2011).

2799 DEFINITIONS

2799.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Abandonment of Certification Application – an application to abandon the certification to operate as a CLEC in the District of Columbia.

Abandonment of Service Application – an application to abandon provisioning of telecommunications services in the District, either in whole or in part (including, but not limited to, for a class of customers {such as residential customers or business customers} or customers located in specified geographic areas).

Access line – a telecommunications channel of varying size that is associated with a particular telephone number.

Applicant – a CLEC filing an abandonment of certification or an abandonment of service application.

Business customer – a customer who subscribes to a telecommunications service provider's business services.

Clearing – that the telecommunications service provider has restored the service to the customer, so the out-of-service problem no longer exists.

Commission – the Public Service Commission of the District of Columbia.

Competitive Local Exchange Carrier (CLEC) – any provider of telecommunications service that was not an incumbent local exchange carrier on January 31, 1996, and has been granted certification to provide telecommunications services in the District of Columbia.

Customer trouble report – a report of trouble on a customer's access line received by the telecommunications service provider. The customer trouble report can be filed by the customer, a third party, or an employee of the telecommunications service provider.

Days – calendar days, unless otherwise provided.

FCC – Federal Communications Commission.

Incumbent local exchange carrier - with respect to an area, the local exchange carrier or its successor(s) that provided local exchange service in such an area on the date of enactment of the federal Telecommunications Act of 1996 (P.L. 104-104).

Installation date – the date set by the telecommunications service provider by which an installation of an access line is to be completed.

Local Exchange Service – a telecommunications service provided within an exchange area.

Local Exchange Carrier – a provider of local exchange service within an exchange area.

NENA standards – the standards adopted by the National Emergency Number Association to provide guidance with 911 and E911 technical and operational issues.

Out-of-service – a condition in which the customer either cannot complete outgoing calls or receive incoming calls or where interference makes connected calls incomprehensible.

Outage report – a report to the telecommunications service provider of an out-of-service condition.

Residential customer – a customer who subscribes to a telecommunications service provider's residential services.

Retail Quality of Service Measures – the measures used to evaluate telecommunications service providers' quality of service to retail customers.

Service outage – an outage that lasts for at least thirty (30) minutes and affects one hundred (100) or more retail customers or one hundred (100) or more retail access lines. This definition includes an outage affecting the District of Columbia's PSAP in one of the following ways:

- (a) A loss of communications to the District of Columbia's PSAP that is neither on the premises of the PSAP nor caused by the PSAP and no rerouting of calls is available;
- (b) A loss of E911 call processing capabilities in at least one (1) of the E911 selective routers/tandems;
- (c) Isolation of end-office switches or host/remote clusters from E911 service; or
- (d) loss of associated number and associated location information and/or a failure of location determination equipment that is neither on the premises of the PSAP nor caused by the PSAP.

Tariff – a written schedule that describes the service being offered, lists all terms and conditions, and specifies the rate or rates charged for the service.

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

Telecommunications industry – communications businesses using regulated or

unregulated facilities or services and includes broadcasting, telecommunications, cable, computer data transmission, software, programming, advanced messaging and electronics.

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

Telecommunications service provider – an entity that provides telecommunications services. An entity that provides only telecommunications services that are not regulated by the Commission is not included in this definition.

Trouble – an impairment of the telephone network, or a deviation from its design specifications.

SOURCE: Final Rulemaking published at 48 DCR 4664, 4670 (May 25, 2001); as amended by Final Rulemaking published at 51 DCR10016 (October 29, 2004); as amended by Notice of Final Rulemaking published at 58 DCR 9020, 9041 (October 21, 2011); as amended by Notice of Final Rulemaking published at 59 DCR 781, 785 (February 3, 2012).