

**CHAPTER 27      REGULATION OF CERTIFIED TELECOMMUNICATIONS  
SERVICE PROVIDERS****2700      PURPOSE AND APPLICABILITY**

Pursuant to D.C. Code § 34-2001 *et seq.*, this Chapter shall establish rules governing the provision of telecommunications services in the District. This Chapter shall apply to all telecommunications service providers certificated as CLECs within the District.

**2701      ASSESSMENT OF COSTS**

2701.1      All local exchange carriers shall be subject to an annual assessment in an amount determined by D.C. Code § 34-912(b). The annual assessment shall be determined on a nondiscriminatory basis.

**2702      TARIFFS**

2702.1      Prior to commencing service, all CLECs shall file tariffs with the Commission for each service offered within the District. 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. Code § 34-2002(f). 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.

**2703      ENFORCEMENT OF COMMISSION RULES**

2703.1 Failure of any CLEC to comply with any provision of the Commission's rules or orders may result in the suspension or revocation of the CLEC's certification or other penalties as the Commission may direct.

**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 not later than thirty (30) 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, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District, 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 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 and satisfy in full any outstanding taxes, fees, or debts owed to the Commission or other District agencies within fifteen (15) days of the abandonment of certification application filing date. Upon full payment of these debts and/or fees, the applicant shall notify the Commission that all debts and/or fees 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 developed and implemented a comprehensive plan for returning customer deposits and satisfying outstanding debts owed the Commission or other District agencies operating in the District, if any; and

(b) Approving 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.

## 2705 ABANDONMENT OF SERVICE

2705.1 Any CLEC certificated by the Commission that proposes to abandon the provisioning of telecommunications services in the District shall file an application with the Commission not 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, 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). 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. 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, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District, 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 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 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 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.

- 2705.2 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.
- 2705.3 Any CLEC that proposes to abandon service in the District shall notify each customer affected by the proposed abandonment in accordance with the customer notice provisions of Section 2706.5. Notice to customers shall be given in accordance with the customer notice provisions of Section 2706.5 even if the proposed abandonment of service is not otherwise subject to compliance with Section 2706.
- 2705.4 The applicant shall return all customer deposits for 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 telecommunications services in the District in whole, satisfy its outstanding debts owed to the Commission or other District agencies, within seventy-five (75) days of the abandonment of service application filing date. Upon full payment of these amounts, the applicant shall notify the Commission that all such amounts have been paid.
- 2705.5 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 Section 2706.2) or to an "acquiring carrier" (as such term is used in 47 CFR § 64.1120), the amount of the carrier charges that an applicant shall be required by this Section 2705.5 to reimburse to a customer shall not exceed: (a) \$50 per residence service line; and (b) \$100 per business service line. The Commission may by order annually increase the maximum amount of the carrier charges to be reimbursed by the applicant under this Section 2705.5 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.
- 2705.6 Within ninety (90) days after receiving the abandonment application, the Commission shall either approve the application, reject the application, or request supplemental information. 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 to have been approved. If the Commission requests supplemental information, the applicant has fifteen (15) days to provide the Commission with such supplemental information. 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 to have been approved.

2705.7 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.

2705.8 The Commission shall approve an abandonment of service application if:

(a) 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;

(b) The applicant has developed and implemented a comprehensive plan for returning customer deposits for 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;

(c) The applicant has satisfied all switchover fees incurred by its customers affected by the proposed abandonment of service as required by Section 2705.5; and

(d) Approving the abandonment of service application would serve the public interest.

2705.9 No CLEC shall abandon service in the District without Commission approval in accordance with Section 2705.6 and, if Section 2706 is applicable, Section 2706.3(e)

**2706 ABANDONMENT OF SERVICE TO THE LOCAL EXCHANGE VOICE SERVICES MARKET**

2706.1 Applicability

This section applies when a CLEC that has one 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 residential 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:

- (a) "Acquiring Carrier" means 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" means 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" means 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 residence customers or business customers} or customers located in specified geographic areas).
- (d) "Network Service Provider" means 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 or more of the Exiting CLEC's customers to provide service to those customers.
- (e) "Priority/Essential Customers" means 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 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 Section 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 information (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 (e.g., UNE-Platform, UNE-Loop, resale, or full facilities) and the underlying Network Service Provider(s);
  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: