

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code § 3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapter 9 of Title 30 DCMR, "Lottery and Charitable Games". No substantive changes have been made to the text of these emergency and proposed rules published in the D.C. Register on August 27, 2004 at 51 DCR 8384. The final rules will be effective upon publication of this notice in the D.C. Register.

AMEND CHAPTER 9, "DESCRIPTION OF ON-LINE GAMES"

Amend subsection 925.4 to read as follows:

925.4 KENO drawings will occur at the following times and intervals:

- (a) Every four (4) minutes during KENO hours of operation designated by the Executive Director, the first drawing occurring four (4) minutes after the start of sales at 6:00 am each day and the last drawing occurring at 12:56 am each day; or
- (b) Other KENO drawing times and intervals designated by the Executive Director and made available to agents and the public in game instructions issued pursuant to Chapter 7 and 8 of this Title.

Amend subsection 926.4 to read as follows:

926.4 The top prizes for the 8,9, and 10 Spot Games are each capped at a maximum top prize pool liability of \$1,000,000 per drawing. The maximum top prize pool liability may reduce top prize payments in the 8,9, and 10 Spot Games under the following circumstances:

- (a) If the \$1,000,000 maximum top prize pool liability for any 8,9, or 10 Spot Game is exceeded, all top prizes for the 8,9, or 10 Spot Game winners will be paid the minimum top prize allowed for that Spot Game based on a \$1 dollar wager;
- (b) If the payment of the minimum top prizes for the 8,9, or 10 Spot Game is less than the \$1,000,000 maximum top prize pool liability, the balance of the \$1,000,000 maximum top prize pool liability will be paid to the 8,9, or 10 Spot Game top prize winners in proportion to the amount each winner wagered; and

- (c) If payment of the minimum top prizes for the 8,9, or 10 Spot winners exceeds the \$1,000,000 maximum top prize pool liability limit, the winnings will be distributed equally among the top prize 8,9, or 10 Spot Game top prize winners.

Amend Chapter 9 by adding a new section 928 to read as follows:

928 DESCRIPTION OF KENO SPIN

928.1 The Agency may offer a game enhancement to the KENO Game that shall be known as KENO SPIN. Nothing in sections 928 and 929 shall be construed to repeal, amend or modify any provisions of this title concerning KENO except as provided herein.

928.1 KENO SPIN offers KENO players a chance to multiply their KENO winnings by a factor of 1,2,3,4,5, or 10 in any single drawing.

928.2 If a player wins KENO and played KENO SPIN, the player's winnings will be multiplied by the KENO SPIN number that was selected in the KENO SPIN drawing. The KENO SPIN drawing selections are 2,3,4,5,10, or "Try Again". The notation, "Try Again" represents the number one (1) in the KENO SPIN drawing.

928.3 A KENO player must complete the following steps to add KENO SPIN to a wager:

- (a) Complete a KENO bet slip marking the KENO SPIN box on the bet slip; and
- (b) Pay the total amount wagered for the KENO and KENO SPIN wager.

928.4 A KENO SPIN wager is an additional \$1.00 for every dollar wagered for KENO. For example, if a player wagers \$2.00 for 3 consecutive drawings, the KENO amount wagered is \$6.00. If the player wants to add KENO SPIN the ticket cost will double for a total cost of \$12.00. The maximum KENO SPIN wager is \$200.

928.5 A separate random KENO SPIN drawing will be conducted for each KENO drawing. The KENO SPIN drawing will be selected by a computer-driven random number generator. The results of each KENO SPIN drawing will be displayed along with the corresponding KENO drawing results on a monitor at identified agent locations. Drawing results are also available on all lottery agent or claim center lottery terminals.

928.6 The following table sets forth the probability of various KENO SPIN numbers being selected during a single KENO SPIN drawing:

KENO SPIN NUMBER	Percent Drawn
1	40%
2	42.5%
3	6.25%
4	6.25%
5	3.75%
10	1.25%
Total	100%

928.7 The Executive Director may notify the public of starting and ending dates for KENO SPIN by issuing game instructions to the agents and public in game instructions issued pursuant to Chapter 7 and 8 of this Title.

Amend Chapter 9 by adding a new section 929 to read as follows:

929 KENO SPIN Prize Chart

929.1 Except as provided in section 926.4, winning KENO and KENO SPIN tickets pay the following prizes based on a \$1.00 KENO wager and a \$1.00 KENO SPIN wager.

KENO 10 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
10	\$100,000	\$200,000**	\$300,000**	\$400,000**	\$500,000**	\$1,000,000**
9	\$5,000	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000
8	\$500	\$1,000	\$1,500	\$2,000	\$2,500	\$5,000
7	\$46	\$92	\$138	\$184	\$230	\$460
6	\$10	\$20	\$30	\$40	\$50	\$100
5	\$2	\$4	\$6	\$8	\$10	\$20
0	\$5	\$10	\$15	\$20	\$25	\$50
Total Odds 1:9.05						

KENO 9 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
9	\$20,000	\$40,000**	\$60,000**	\$80,000**	\$100,000**	\$100,000**
8	\$2,000	\$4,000	\$6,000	\$8,000	\$10,000	\$20,000
7	\$100	\$200	\$300	\$400	\$500	\$1,000
6	\$15	\$30	\$45	\$60	\$75	\$150
5	\$5	\$10	\$15	\$20	\$25	\$50
4	\$1	\$2	\$3	\$4	\$5	\$10
0	\$2	\$4	\$6	\$8	\$10	\$20
Total Odds 1:4.61						

KENO 8 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
8	\$10,000	\$20,000**	\$30,000**	\$40,000**	\$50,000**	\$100,000**
7	\$500	\$1,000	\$1,500	\$2,000	\$2,500	\$5,000
6	\$50	\$100	\$150	\$200	\$250	\$500
5	\$7	\$14	\$21	\$28	\$35	\$70
4	\$1	\$2	\$3	\$4	\$5	\$10
0	\$2	\$4	\$6	\$8	\$10	\$20
Total Odds 1:5.25						

KENO 7 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
7	\$5,000	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000
6	\$150	\$300	\$450	\$600	\$750	\$1,500
5	\$20	\$40	\$60	\$80	\$100	\$200
4	\$2	\$4	\$6	\$8	\$10	\$20
0	\$1	\$2	\$3	\$4	\$5	\$10
Total Odds 1:5.46						

KENO 6 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
6	\$1,500	\$3,000	\$4,500	\$6,000	\$7,500	\$15,000
5	\$53	\$106	\$159	\$212	\$265	\$530
4	\$5	\$10	\$15	\$20	\$25	\$50
3	\$1	\$2	\$3	\$4	\$5	\$10
Total Odds 1:6.19						

KENO 5 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
5	\$400	\$800	\$1,200	\$1,600	\$2,000	\$4,000
4	\$10	\$20	\$30	\$40	\$50	\$100
3	\$3	\$6	\$9	\$12	\$15	\$30
Total Odds 1:10.34						

KENO 4 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
4	\$65	\$130	\$195	\$260	\$325	\$650
3	\$5	\$10	\$15	\$20	\$25	\$50
2	\$1	\$2	\$3	\$4	\$5	\$10
Total Odds: 1:3.86						

KENO 3 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
3	\$23	\$46	\$69	\$92	\$115	\$230
2	\$2	\$4	\$6	\$8	\$10	\$20
Total Odds: 1:6.55						

KENO 2 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
2	\$10	\$20	\$30	\$40	\$50	\$100
Total Odds: 1:16.63						

KENO 1 Spot Game		KENO SPIN Prize if Multiplier of:				
Match	\$1 Play Wins*	2 is Drawn	3 is Drawn	4 is Drawn	5 is Drawn	10 is Drawn
1	\$2.50	\$5	\$7.50	\$10	\$12.50	\$25
Total Odds: 1:4.00						

- * For wagers over \$1.00, multiply the prize amount by the amount wagered. The top prizes for any non-KENO SPIN Spot Games are capped at \$100,000.
- ** The amount paid for KENO SPIN top prizes for the 8,9, and 10 Spot Games may be less than amount shown under the circumstances described in section 926.4.

929.2 A KENO SPIN ticket and not the bet slip, is proof of a KENO SPIN wager.

930 [RESERVED]

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., WEST TOWER, SUITE 200
WASHINGTON, DC 20005

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 990, IN THE MATTER OF DEVELOPMENT OF LOCAL
EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE
DISTRICT

The Public Service Commission of the District of Columbia, pursuant to its authority under D.C. Code, 2001 Ed. § 34-802 and § 34-2002(d), hereby gives notice of the amendment of Chapters 25 and 27 of Title 15 DCMR. The Notice of Proposed Rulemaking to amend these rules was published in the *D.C. Register* on June 25, 2004, at 51 *D.C. Reg.* 6480. These amendments modify procedural rules for the transfer or assignment of competitive local exchange carrier certification and for the exit of competitive local exchange carriers from all or a portion of the District of Columbia telecommunications market. The final version of these rules contains technical modifications that were not present in the Notice of Proposed Rulemaking. Final action adopting these rules was taken October 21, 2004 by Commission Order No. 13410. The final rules will become effective upon publication of this notice in the *D.C. Register*. Additional copies of the final rules may be obtained by writing Sanford M. Speight, Acting Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, DC 20005.

2512 Assignment or Transfer of Certification to Provide Local Exchange Service

2512.1 The certification to provide local exchange service within the District of Columbia granted to an applicant shall not be assignable or transferable, except in circumstances in which the assignor or transferor and assignee and transferee share the same or substantially similar corporate structures, affiliates, or financial, managerial, administrative, or technical personnel, equipment, and other resources. No certificated provider shall assign or transfer the certification to another party without written approval of the Commission.

2512.2 At least sixty days prior to the date of a proposed assignment or transfer, a certificated provider shall notify all affected customers of the proposed transfer or assignment by separate direct mailing or by bill insert. The notice shall describe any and all changes in terms, conditions, rates, and charges that will affect customers if the transfer or assignment is approved by the Commission and shall advise the customer of the right to terminate service prior to the effective date of the assignment or transfer.

- 2512.3 A request to transfer or assign a certification to provide local exchange service within the District shall be made by a joint application of the assignor and assignee or transferor and transferee.
- 2512.4 The joint applicants shall file with the Office of the Commission Secretary an original and fifteen (15) copies of the joint application not less than thirty days prior to the proposed effective date of the assignment or transfer.
- 2512.5 The joint application shall include, at a minimum, the following information, in the following order and specifically identified, either in the joint application or in attached exhibits:
- (a) For each joint applicant, the complete name, address, telephone number, fax number, registered agent, corporate contact, and the name of the person authorized to respond to Commission inquiries on behalf of the joint applicant;
 - (b) The name under which local exchange services are currently provided by the assignor or transferor in the District;
 - (c) The name under which local exchange services will be provided if the assignment or transfer is approved;

- (d) A description of the facilities, if any, currently owned or operated in the District by each applicant,;
- (e) A description of the services currently provided by each applicant in the District;
- (f) A description of the transaction that will result in the transfer or assignment of the certification to provide local exchange service within the District;
- (g) A detailed plan for the transfer of customers to the transferee or assignee;
- (h) A demonstration that the assignor or transferor and the assignee or transferee share the same or substantially similar corporate structures, affiliates, or financial, managerial, administrative, or technical personnel, equipment, and other resources;
- (i) A statement that all District of Columbia customers purchasing local exchange service from the assignor or transferor were notified of the provider's intent to transfer or assign its certification at least sixty days before the proposed effective date of the assignment or transfer;
- (j) A statement that the applicants understand that the filing of a joint application does not, by itself, constitute authorization to assign or transfer the certification; and
- (k) An affidavit signed by a person with authority to bind each of the joint applicants, affirmatively declaring that the authority to execute the affidavit has been properly granted, that the contents of the joint application are true, accurate and correct, and that the joint applicants understand that if the contents of the joint application are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked upon Commission Order.

2512.6

Upon a determination that the joint application complies with the standards in 2512.1 and that the assignor or transferor and assignee or transferee have complied with the other provisions of Section 2512, and all other applicable Commission rules and requirements of applicable law, the Commission shall issue an Order transferring or assigning the automatic certification or certification by waiver to provide local exchange service to the transferee or assignee. The certification shall specify whether the assignee or transferee is authorized to provide facilities-based services, resold services, or both.

**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:

- A. Billing telephone number;
 - B. Working telephone number;
 - C. Complete customer billing name and address;
 - D. Directory listing information, including name, address, telephone number and listing type;
 - E. Complete service address;
 - F. Current Primary Interexchange Carrier selection (inter/intraLATA toll service), including freeze status
 - G. Local service freeze status;
 - H. All vertical features – (e.g., custom calling, hunting);
 - I. Options – (e.g., Lifeline, 900 blocking, toll blocking, remote call forwarding, off premises extensions);
 - J. Tracking number or transaction number (e.g., purchase order number);
 - K. Circuit identification information (with associated telephone number);
 - L. Service configuration information (e.g., UNE-Platform, UNE-Loop, resale, or full facilities);
 - M. Identification of the Network Service Provider(s); and
 - N. 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. Plans for the transfer, removal or abandonment of any Exiting CLEC equipment or facilities on the customers' premises;
 - 17. 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
 - 18. Plans for unlocking the E-911 database, including the letter detailed in Section 2706.8.
- (c) If the Exit Plan contains information that the Exiting CLEC claims is 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 to have been 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 to have been 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 web site under "Report of Telephone Companies Exiting the Local Exchange Market" at: www.dcpssc.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 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 Provider(s) of its proposed discontinuance of service; and

(2) the Acquiring Carrier shall give notice to its Network Service Provider(s) 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 Provider(s), the Acquiring Carrier's Network Service Provider(s), 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 customer notice to be provided pursuant to Section 2706.5(a) or (b) must be given at least 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 45 days in advance of the Exiting CLEC's proposed discontinuance of service date.
- (d) The notice letter must comply with Commission and 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 Section 2706.5(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. 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. Contact information including 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 60 days in advance of the proposed discontinuance of service date, the Cut-Off Date shall be 30 days before the proposed discontinuance of service date. When

notice is given to the customer less than 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 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 additional notice to each customer who, 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 15 days prior to the proposed discontinuance of service date or, upon a showing to the Commission that 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 Provider(s) 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 Provider(s) 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) Customer Lists
 1. At least 60 days prior to the proposed discontinuance of service date, the Exiting CLEC must submit a list of its customers to the Commission Staff.

2. The Exiting CLEC's submission of customer lists and Staff's use or disclosure of customer list information will be subject to applicable laws and regulations (including, but not limited to, to the extent applicable, 15 DCMR § 150) relating to use and disclosure of customer information, disclosure of records, confidential trade secret status, and privacy protections.
3. The customer list shall include: customer name, billing address, service address, and telephone number(s), class of service, and type of serving arrangement (e.g., UNE-Platform, UNE-Loop, resale or full facilities). To the extent feasible, customer lists shall also include an identification of Priority/Essential Customers. Also, to the extent feasible, customer lists shall identify any customers for whom the Exiting CLEC is the only provider of facilities and any customers whose particular serving arrangements may create migration problems.
4. 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) Progress Reports

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) Discontinuance of Service

Except as authorized by the Commission pursuant to Section 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 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 E-911 database in accordance with the National Emergency Numbering Association's (NENA) standards.
- (b) The Exiting CLEC must submit a letter to the appropriate E-911 service provider authorizing the E-911 service provider to unlock any remaining E-911 records after the Exiting CLEC has discontinued provision of service. This letter must be provided at least 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, a 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.

2707

REPORTS

2707.1

All certificated 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, including the following:

- (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, multi-family complex) and commercial category (business, 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 CLEC is providing service (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 CLEC 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.

2798 WAIVER

The Commission may, for good cause, waive any rule under Chapter 27 unless the rule contains a provision that is expressly required by statute.

2799 DEFINITIONS

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

“Abandonment of Service Application” means 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 residence customers or business customers} or customers located in specified geographic areas).

“Applicant” means a CLEC filing an abandonment of certification or an abandonment of service application.

“Commission” means the Public Service Commission of the District of Columbia.

“Competitive Local Exchange Carrier (CLEC)” means 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.

“Days” means calendar days, unless otherwise provided.

"Incumbent local exchange carrier" means, 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).

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

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

"Tariff" means 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" means 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" means 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" means 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" means an entity that provides telecommunications services.