

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

NOTICE OF PROPOSED RULEMAKING

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

1. The Public Service Commission of the District of Columbia ("DCPSC"), pursuant to its authority under D.C. Official Code, 2001 Ed. § 34-802 hereby gives notice of its intent to adopt the following amendments to Chapter 27 of Title 15 DCMR. The amendments change assessment, tariffing, abandonment of certification, and abandonment of service rules for competitive local exchange carriers. The Commission gives notice of its intent to take final rulemaking action not less than thirty (30) days after publication of this notice in the *D.C. Register*.

CHAPTER 27 REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS

2701 ASSESSMENT OF COSTS

2701.1 All local exchange carriers shall be subject to an annual assessment in accordance with the provisions in 15 DCMR Chapter 13. ~~in an amount determined by D.C. Code § 43-612(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. Official Code § 34-2002(f) 43-1452(f). Tariffs shall be maintained and updated as necessary.

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 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:

(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 including a certification from the District of Columbia Office of Tax and Revenue indicating that there are no outstanding taxes due to the District of Columbia;

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 deposits debts and/or fees, the applicant shall notify the Commission that all deposits debts and/or fees have been paid by filing an affidavit explaining how and when these payments were made.

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;

(ab) 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

(bc) The approval of Approving the abandonment of certification application would serve the public interest.

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 residencee customers or business customers}~~, or; for customers located in specified geographic areas). However, this Section 2705 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:

(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 including a certification from the District of Columbia Office of Tax and Revenue indicating that there are no outstanding taxes due to the District of Columbia;

2705.4 The applicant shall return all customer deposits 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 certification application filing date. Upon full payment of these deposits fees, the applicant shall notify the Commission that all such deposits fees have been paid.~~

2705.8 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;

~~(ba)~~ 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;

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

~~(de)~~ 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

(ed) The approval of Approving the abandonment of service application would serve the public interest.

2706 ABANDONMENT OF SERVICE TO THE LOCAL EXCHANGE VOICE SERVICES MARKET

2706.3 Exit Plan

(b) The Exit Plan filed by the Exiting CLEC with the Commission must include:

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 including a certification from the District of Columbia Office of Tax and Revenue indicating that there are no outstanding taxes due to 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 E-911 database, including the letter detailed in Section 2706.8.

2. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments and reply comments not later than thirty (30) and forty-five (45) days, respectively, after publication of this notice in the *D.C. Register* with Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpssc.org or at cost, by contacting the Commission Secretary at the above address.