

Title 23. Public Utilities and Regulated Industries
Chapter XVI. Arkansas Public Service Commission
Subchapter A. Generally
Part 466. Telecommunications Providers Rules

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Telecommunications Providers Rules Administrative History

Docket	Date	Order No.	Subject Matter of Docket/Order
97-040-R	7-24-97	8	Consolidates rules for telecommunications providers and amends rules to comply with the Arkansas Regulatory Reform Act of 1997.
01-169-R	3-4-02	13	Adopts rules to implement calling plans to comply with Ark. Code Ann. §23-17-120.
02-012-R	4-24-02	3	Adopts rules to implement a grant program for the extension of facilities to unserved persons to comply with Ark. Code Ann. §23-17-404(e)(8) (Act 1771 of 2001).
04-069-R	11-22-04	4	Adopts rules for extended area service to comply with Ark. Code Ann. §23-17-403(28), §23-17-412(i)(1), §23-17-407(b)(1), and §23-17-414.
11-174-R	3-26-12	3	Amends certain references to use the term individual(s) with disabilities in order to comply with Act 98 of 2011."

"Approved in 02-012-R, 04-24-02

Last Revised in 11-174-R, 3-26-12"

Subpart 1. Applicability, Scope, and General Requirements — Definitions

23 CAR § 466-101. Applicability.

This part shall apply to all TPs whose activities bring them under the jurisdiction of the Arkansas Public Service Commission except commercial mobile service providers.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-102. Purpose and scope.

(a)(1) This part sets forth standards for service by each TP.

(2) This part is intended to:

- (A) Ensure adequate service;
- (B) Prevent discrimination and unfair practices; and
- (C) Protect both consumers and TPs from unreasonable demands.

(b)(1) Any service regulation, policy, procedure, rule, or service application, except those approved in special contracts by this Arkansas Public Service Commission or permitted by Acts 1997, No. 77, that conflicts with this part is void and unlawful unless the:

- (A) TP files a formal application for an exemption; and
- (B) Arkansas Public Service Commission approves it.

(2) This part is not intended to, and does not, affect or replace any Arkansas Public Service Commission-approved regulation, policy, procedure, rule, or service application of any TP that addresses items other than those covered in this part.

(c) Unless the context otherwise requires, wherever the masculine gender is used in this part, it shall include the feminine gender.

(d) Unless the context otherwise requires, wherever the

(1) Singular form of a word is used in this part, it shall include the plural form;

and

(2) Plural form is used, it shall include the singular.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-103. Definitions.

As used in this part:

(1) "Access code" means a sequence of numbers that, when dialed, connect the caller to an interexchange carrier or provider of operator services associated with that sequence;

(2) "Aggregator" means any person or entity, excluding local exchange carriers and commercial mobile service providers, that in the ordinary course of its operations makes telephones available to the public or to transient users of its premises for intrastate telephone calls using a provider of operator services;

(3) "Applicant" means any person or entity requesting telecommunications service;

(4) "Arkansas Calling Plan Fund" or "ACPF" means an annual allocation of Arkansas Intrastate Carrier Common Line Pool (AICCLP) funds to assist in providing calling plans in telephone exchanges pursuant to Arkansas Code § 23-17-404(e)(4)(A)(ii).

(5) "Automated message delivery services (AMDS)" means a service that provides a consumer who receives a busy signal or no answer the option to automatically leave a message for subsequent delivery;

(6)(A) "Base rate area" means a populated geographical area within the exchange service area in which local exchange service is furnished at the same rate to all subscribers without line mileage or construction charges.

(B) A map and legal description of every base rate area must be filed as a tariff;

(7) "Branding" means the process by which an operator service provider audibly and distinctly identifies itself to every person using its operator services;

(8) "Business office" means a location designated by a telecommunications provider where an individual may:

(A) Arrange for service connection;

(B) Make or arrange to make payments on his or her bill; and

(C) Ask questions regarding service or the status of his or her account;

(9) "Busy hour" means within the busy season, the sixty-minute period during which a specific central office switch processes the greatest volume of telecommunications traffic;

(10) "Busy season" means within a calendar year, the period of time during which a specific central office switch processes the greatest volume of telecommunications traffic;

(11) "Central office" means a switching unit in a telecommunications system where connections are made between customers' lines and between customers' lines and local or toll trunks;

(12) "Character of service" means the distinguishing features that identify the type of service provided to the customer, for example, call waiting service;

(13)(A) "Class of service" means a customer group that has similar characteristics such as volume of use, time of use, extent of use, and nature and purpose of use, as classified by the telecommunications provider.

(B) For example, the business or residential class of service;

(14) "Closed account" or "finaled account" means a permanent shut off of service by a telecommunications provider to a customer account;

(15) "Commission" means the Arkansas Public Service Commission;

(16) "Competing local exchange carrier" or "CLEC" means a local exchange carrier that is not an incumbent local exchange carrier;

(17)(A) "Complaint" means any objection from an applicant or customer concerning a charge, facility, rule, service, or other Arkansas Public Service Commission-regulated activity that requires:

(i) An investigation or an account review; and

(ii) Corrective action by a telecommunications provider.

(B) **Exceptions.** Trouble reports, as defined in this part, and initial calls to the appropriate telecommunications provider resulting in unchallenged, voluntary toll adjustments by the telecommunications provider shall not be considered complaints under this definition;

(18) "Customer" means any person or entity that has applied for and agreed to pay for telecommunications service;

(19) "Customer premises equipment" means telecommunications equipment that is located on a customer's premises, e.g., telephone instruments, PBX switches, etc.;

(20) "Customer premises wiring" means telecommunications wiring that is located on a customer's premises between the point of demarcation and the customer premises equipment;

(21) "Demarcation point" means an identifiable point at a customer's premises where operation and maintenance responsibilities end for the telecommunications provider as defined in Part 68 of the rules of the Federal Communications Commission;

(22) "Deposit" means an amount paid to a telecommunications provider by an applicant or customer to guarantee payment for telecommunications service;

(23) "Digital switching" means a connection in which digitally encoded information is routed between an input and an output port by means of time-division multiplexing or self-routing cell procedures rather than over a dedicated circuit;

(24) "Elderly person" means a residential customer who is at least sixty-five (65) years old;

(25) "Electing company" means a local exchange carrier that elects to be regulated pursuant to Sections 6 through 8 or Section 12 of Acts 1997, No. 77;

(26)(A) "Eligible telecommunications carrier" or "ETC" means the local exchange carrier determined in accordance with Arkansas Code § 23-17-405 for the local exchange area.

(B) The carrier determined in accordance with 47 U.S.C. § 214(e)(3) for an unallocated area (47 C.F.R. § 54.203);

(27) "Emergency" means a situation in which:

(A) Property or human life is in jeopardy; and

(B) The prompt summoning of aid is essential;

(28) "Equal access code" means an access code that allows the public to obtain equal access connection to the carrier associated with that code;

(29)(A) "Exchange service area" means a unit established by a telecommunications provider for the administration of telecommunications service in a specified area for which a separate local rate schedule is provided.

(B) It may consist of one (1) or more central offices together with associated plant facilities used in furnishing telecommunications services in that area;

(30) "Extended area service (EAS)" means, as defined in Arkansas Code § 23-17-403(20), a mandatory fixed rate service that provides customers with unlimited local calling that is not part of basic local exchange service;

(31) "Extended due date" means regular monthly extension or change of a bill's due date by a telecommunications provider;

(32) "Extension of Telecommunications Facilities Fund" means an annual allocation of Arkansas Intrastate Carrier Common Line Pool (AICCLP) funds to assist in the extension of telecommunications facilities to persons not served by the wireline facilities of an ETC pursuant to Arkansas Code § 23-17-404(e)(4)(A)(i).

(33) "Failure to pay" includes payment by check, other negotiable instrument, or automatic draft that is dishonored by a bank for reasons other than bank error;

(34) "Incumbent local exchange carrier" or "ILEC" means, with respect to a local exchange area, a local exchange carrier, including successors and assigns, that:

(A) Is certified by the Arkansas Public Service Commission; and

(B) Was providing basic local exchange service on February 8, 1996;

(35)(A) "Individual with disabilities" means any residential customer who is certified to the telecommunications provider as having a severe physical or mental impairment that substantially limits his or her ability to pay for telecommunications service.

(B) Certification shall be provided by:

(i) A physician;

(ii) A licensed psychologist;

(iii) The United States Department of Veterans Affairs;

(iv) The Social Security Administration;

(v) The Department of Human Services;

(vi) The Arkansas State Hospital; or

(vii) A licensed mental health center;

(36) "Insufficient funds check" means any negotiable instrument such as a check or automatic bank draft dishonored by a bank for reasons other than bank error;

(37) "Intercept service" means a service provided by the telecommunication provider that intercepts calls placed to a disconnected telephone number and informs the calling party of the status of the called number;

(38) "Interest" means an interest rate set annually by the Arkansas Public Service Commission for customer deposits as required by Arkansas Code § 23-4-206(b);

(39) "Interexchange carrier" means any entity that:

(A) Is not a local exchange carrier; and

(B) Provides interexchange communication services to the public for compensation in the State of Arkansas;

(40) "Interruption of service" means temporarily stopping service for:

(A) Maintenance;

(B) Testing;

(C) Repair; or

(D) Safety;

(41)(A) "Local exchange carrier" or "LEC" means a telecommunications provider of:

- (i) Basic local exchange service; and
- (ii) Switched access service.

(B) Such term does not include commercial mobile service providers;

(42) "Operator services — Aggregator location" means any intrastate telecommunications service initiated from an aggregator location that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of any intrastate telephone call through a method other than automatic completion with billing to the telephone from which the call originated, or completion through an access code used by the consumer with billing to an account previously established with the carrier by the consumer;

(43)(A) "Outage" means an unplanned temporary loss of telecommunications service caused by a malfunction of or damage to telecommunications provider facilities.

(B) For example, a subscriber loop service outage exists if:

- (i) A dial tone is not obtained;
- (ii) Signaling in either direction is disabled; or
- (iii) Transmission standards are not maintained;

(44) "Payment agent" means a business located in the community that acts as an agent for the telecommunications provider by accepting payments from customers;

(45) "Payment date" means the date the telecommunications provider or its authorized agent receives payment on an account;

(46) "Petitioning exchange customers" means residential and business basic local exchange customers of the ILEC requesting EAS;

(47) "Physician" means any person licensed to practice medicine by:

- (A) The Arkansas State Medical Board; or
- (B) A comparable licensing authority of another state;

(48) "Presubscribed provider of operator services" means the intrastate provider of operator services to which the consumer is connected when the consumer places a call using a provider of operator services without dialing an access code;

(49) "Public utility" or "utility" means a jurisdictional utility as defined by Arkansas Code § 23-1-101;

(50) "Rules" or "Arkansas Public Service Commission rules" means this part;

(51)(A) "Serious medical condition" means an illness or injury that results in a physician's determination that the loss of telecommunications service would give rise to a substantial risk of death or gravely impair health.

(B) A serious medical condition shall exist in the case of elderly persons or infant children under the age of twelve (12) months if a physician certifies that the loss of telecommunications service will gravely impair health, regardless of the current existence of illness or injury;

(52) "Splashing" means the transfer of a telephone call from one (1) operator service provider to another in a manner that the subsequent provider:

(A) Is unable or unwilling to determine the location of the origination of the call; and

(B) Because of such inability or unwillingness is prevented from billing the call on the basis of the originating location;

(53) "Subscriber loop" means a telecommunications circuit that provides a telecommunications link between a customer's service location and the serving switch;

(54) "Suspension of service" means a temporary shut off of service by a telecommunications provider without a customer request, not an outage or an interruption of service;

(55) "Tariff" means a rate schedule, service regulation, price list, or other document required to be filed as a tariff by the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462;

(56) "Telecommunications provider" or "TP" means any person, firm, partnership, corporation, association, or other entity that offers telecommunications services to the public for compensation;

(57)(A) "Telecommunications services" means the offering to the public for compensation the transmission of voice, data, or other electronic information at any

frequency over any part of the electromagnetic spectrum, notwithstanding any other use of the associated facilities.

(B) Such term does not include:

(i) Radio and television broadcast or distribution services or the provision of publishing of yellow pages, regardless of the entity providing such services; or

(ii) Services to the extent that such services are used in connection with the operation of an electric utility system owned by a government entity;

(58)(A) "Telecommunications traffic" means a measure of the number of telecommunication calls processed during a specific period.

(B) The measure includes the distribution in time and the duration of calls;

(59) "Tier one company" means any ILEC that, together with its Arkansas affiliates that are also ILECs, provided basic local exchange services to greater than one hundred fifty thousand (150,000) access lines in Arkansas as of February 4, 1997; and

(60)(A) "Trouble report" means any verbal or written report given to a TP concerning an operational problem with facilities or equipment.

(B) Billing complaints shall not be considered trouble reports for the purpose of this definition.

Authority. Arkansas Code § 23-2-305.

Codification Notes. "PBX" means private branch exchange.

23 CAR § 466-104. Exemption from rules.

Amendments or exemptions to the Arkansas Public Service Commission's rules may be granted by the Arkansas Public Service Commission:

(1) In conformity with the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462; or

(2) As otherwise provided within this part.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-105. Duties under the law.

This part shall in no way relieve any person or entity of any duty under the laws of the State of Arkansas or the United States of America.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-106. Discrimination prohibited.

A TP shall not unlawfully discriminate against an applicant for service or an existing customer in the provision of telecommunications service based on:

- (1) Race;
- (2) Color;
- (3) Creed;
- (4) Religion;
- (5) National origin;
- (6) Sex;
- (7) Marital status; or
- (8) Receipt of public assistance.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-107. Retaliation prohibited.

A TP shall not retaliate against any applicant or customer for:

- (1) Exercising a right or enforcing an obligation created by any Arkansas Public Service Commission rule; or
- (2) Acting within the law.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-108. Availability of rules.

(a) Telecommunications providers.

(1) To employees.

(A) Employees of a TP who are responsible for the application and explanation of any of this part shall have ready access to those sections that apply to their respective job responsibilities.

(B) Ready access to the sections means that they are easily accessible to an employee in his or her work area at the TP's offices.

(2) To members of the public. Each TP shall provide a copy of any pertinent section of this part to an applicant or customer upon request.

(b) Arkansas Public Service Commission.

(1) This part shall be on display and available for inspection in the office of the secretary of the Arkansas Public Service Commission.

(2) A copy of this part will be provided to any member of the public upon request.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-109. Interest payment on deposits.

(a) A TP shall pay interest annually on deposits pursuant to Arkansas Code § 23-4-206.

(b) Interest shall not accrue on any deposit after the date the TP has made and documented a good-faith effort to return the deposit to the depositor.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.08 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-110. Service availability.

(a) Each TP shall provide all services and offerings on a continuous twenty-four-hour basis.

(b) For example:

- (1) Local and toll switched or nonswitched circuits and functions;
- (2) Equipment or personnel to receive customer trouble reports; and
- (3) Emergency repair service.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.09 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-111. Safe and adequate service.

(a) Each TP shall operate and maintain its entire system so that service is safe, adequate, and reliable.

(b) Each TP shall inspect its entire system as necessary to have a reasonable knowledge of the system's condition at all times.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.10 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-112. Construction standards.

(a) For new construction of a TP plant, the current issues of the American National Standard Institute's National Electrical Safety Code published by the Institute of Electrical and Electronics Engineers, Inc., and/or the NFPA 70: National Electrical Code published by the National Fire Protection Association are designated as the standards.

(b) Construction completed prior to the effective dates of current standards shall be in accordance with the standards in effect at the time of construction.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.11 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-113. Facility identification.

(a)(1) TP facilities shall be marked or numbered in accordance with the current issues of the NESC to identify the owner and location, e.g., Sections 217A3, 220D, and 220E in the 1993 NESC.

(2) The date the facilities or equipment were first placed into service shall be recorded on appropriate records.

(b) When two (2) or more utilities jointly own a structure, each utility shall have a distinguishing mark on the structure.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.12 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

"NESC" means the American National Standard Institute's National Electrical Safety Code.

23 CAR § 466-114. Marking locations of underground facilities.

Unless otherwise agreed to by the excavator, each TP shall mark the approximate location of its underground facilities, in compliance with Arkansas Code §§ 14-271-110 and 14-271-111, within two (2) business days of notification from the One Call Center or the excavator.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.13 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 2. Local Service — Customer Relations

23 CAR § 466-201. Service information.

(a) Printing requirements.

(1) Each LEC shall provide the information required in subsection (b) of this section:

(A) In the form of one (1) or more brochures; or

(B) By including the information in the front of a telephone directory distributed to all customers.

(2)(A) The information required in subsection (b) of this section shall be in plain language and printed in a format that is easy to read and understand.

(B) The information shall also state in bold print that the Arkansas Public Service Commission requires LECs to provide this information.

(b) **Information requirements.** Each LEC provider shall provide the following information based on the class of service:

- (1) A list and description of:
 - (A) All rates for basic local exchange access service; and
 - (B) Any discounts that would apply to that service;
- (2) All billing plans and options available to the customer;
- (3) A summary of rules and procedures for the payment, refund, and guarantee of deposits;
- (4) A summary of billing rules and procedures;
- (5) An itemized bill description, if not shown on the bill;
- (6) Procedures for verifying the accuracy of a bill;
- (7) A description of any automatic adjustment charge;
- (8) A summary of the rules and procedures for paying bills to include payments made to authorized payment agents;
- (9) A summary of the delayed payment agreement rules and procedures information on delayed payment agreements shall say that a customer who is having difficulty paying an LEC bill may, if qualified, make payments in installments;
- (10) A summary of the rules and procedures for suspension, reconnection, and termination of service;
- (11) The options available to customers to avoid shut off of service when a customer is away for an extended period;
- (12) A summary of the rules and procedures for giving someone else notice before shutting off a customer's service (third-party notification procedures);
- (13) A summary of the rules and procedures for helping households avoid shut off when there is:
 - (A) A serious medical condition;
 - (B) An elderly customer; or
 - (C) A customer who is an individual with disabilities;

(14) The local and/or toll-free telephone numbers and a statement that the customer may contact the LEC for a list of authorized payment agents in the customer's area;

(15) Procedures for making a complaint to the LEC and the Arkansas Public Service Commission;

(16) Toll-free and local telephone numbers of the Arkansas Public Service Commission and the mailing and street address of the Arkansas Public Service Commission; and

(17) A statement that this part is available through each LEC's business office.

(c) Distribution requirements.

(1) **To applicants.** Each LEC shall give all information required by this section to each applicant.

(2) On request.

(A) Each LEC shall provide the information required under this section to anyone upon request.

(B) LECs that include this information in the front of the telephone directory:

(i) May refer members of the public to their directory; and

(ii) Are not required to provide a copy of this information.

(3) **To Arkansas Public Service Commission.** A current copy of all information required by this section and any revisions to that information shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

(d) **Tariffs.** Each LEC shall keep on file and, upon request, provide access to its current effective tariffs.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-202. Directory listing for billing and services.

(a) Each LEC shall list, in a local exchange directory covering any area it serves, the telephone numbers that customers may call toll free to report problems or ask about bills or services.

(b) Collect calls accepted by the LEC are considered to be toll-free calls.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-203. Customer notice of rule and service changes.

(a)(1) The General Staff of the Arkansas Public Service Commission will provide an annual summary of Arkansas Public Service Commission-approved changes to this part.

(2) Each LEC shall annually update the information required by 23 CAR § 466-201.

(3) The General Staff's summary will not be legally binding.

(b) If an LEC intends to change service in a way that would substantially affect the provision of the service or the operation of any device or equipment, it shall notify all affected customers by mail, bill insert, or other reasonable medium at least thirty (30) days before the change.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-204. Service, usage, and billing history information.

(a) Customers or former customers shall be able to obtain a statement of the customer's account record as recorded under 23 CAR § 466-702.

(b) The customer shall be informed at the time of the request of any charge for the statement.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-205. Customer service.

(a) **Service requirements.** LEC personnel who serve the public shall be familiar with the content of all Arkansas Public Service Commission rules that apply to their respective job responsibilities.

(b) **Customer access to business office personnel.**

(1) Each LEC shall have personnel available at all times during business hours with the authority to:

- (A) Make delayed payment agreements; and
- (B) Handle customer questions and complaints.

(2)(A) All customers shall have toll-free telephone access to the appropriate business office.

(B) Collect calls accepted by the LEC are considered to be toll-free calls.

(c) **Payment arrangements — Customer information and referral.** When a customer informs an LEC that he or she will have difficulty paying a bill, the LEC shall offer to:

(1) Inform the customer of his or her rights and obligations under 23 CAR § 466-612 covering delayed payment agreements; and

(2) Refer the customer to personnel with the authority to make payment arrangements for the LEC as required under 23 CAR § 466-612.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-206. Complaints to the local exchange carrier.

(a) An LEC shall fully and promptly investigate all complaints.

(b) LECs shall ensure that personnel follow these procedures and meet these standards:

(1) **Personnel.** LEC employees responsible for dealing with the public shall promptly handle complaints or refer them to someone who can handle the complaint;

(2) **Complaint records.** LECs shall record all complaints and keep the record as required by 23 CAR § 466-704;

(3) **Form of complaint.**

(A) A customer shall not be required to visit the business office to make a complaint.

(B) A customer may make a complaint either orally or in written form;

(4) **Effect of complaint on suspension.**

(A)(i) When a customer disputes a reason for shutting off service, the LEC shall not suspend service while the LEC or the Arkansas Public Service Commission processes the complaint.

(ii) If the reason for shutting off service is 23 CAR § 466-601(1), (4) – (6), (8), (15), or (17), the customer may be required to post a deposit equal to the disputed amount while the LEC or the Arkansas Public Service Commission processes a complaint.

(iii) The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service.

(iv) If the LEC is in error, the deposit will be promptly refunded with interest.

(B) The LEC may waive the deposit allowed by this section.

(C) Nothing contained in subdivision (b)(4)(A) of this section shall prevent a customer who fails to post a deposit under this section from complaining to the

Arkansas Public Service Commission, but such action shall not affect the LEC's right to suspend service.

(D) The LEC may suspend service for some other valid reason set out in 23 CAR § 466-601 while the LEC or the Arkansas Public Service Commission processes the complaint; and

(5) Report.

(A) An LEC shall report, either by telephone, mail, or in person, the results of its investigation to a complainant within three (3) business days of its completion.

(B) If the LEC does not resolve the complaint, the LEC shall:

(i) Advise the complainant of his or her right to complain to the Arkansas Public Service Commission without incurring a filing charge;

(ii) Include the mailing and street address and telephone numbers (local and toll-free) of the Arkansas Public Service Commission's Consumer Services Office; and

(iii) Advise the complainant that he or she may still ask the Arkansas Public Service Commission to review the complaint after suspension.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-207. Complaints to the Arkansas Public Service Commission — Informal complaints.

(a) Information required.

(1) Complaints may be in written or oral form.

(2) Complainants shall give:

(A) A name;

(B) An address;

(C) The name of the LEC involved;

- (D) The account number if known;
- (E) A detailed description of the complaint; and
- (F) The desired result.

(b) **Notice to customer and local exchange carrier.** Within three (3) business days after receiving an informal complaint, the Arkansas Public Service Commission shall:

(1) Explain complaint procedures to the complainant by telephone or in writing; and

(2) Provide the details of the complaint to the LEC.

(c) **Local exchange carrier contact for complaints.**

(1)(A) Each LEC shall give the Arkansas Public Service Commission's Consumer Services Office a current list of personnel who answer Arkansas Public Service Commission questions about complaints.

(B) An LEC representative with the authority to process Arkansas Public Service Commission questions about complaints must reasonably be available during business hours.

(2) LECs shall immediately report any change in the contact personnel to the Arkansas Public Service Commission's Consumer Services Office.

(d) **Responses to requests for information.** An LEC shall respond to Arkansas Public Service Commission inquiries concerning any complaint as quickly as possible, but not later than fifteen (15) days after receipt.

(e) **Effect of complaint on suspension.**

(1)(A) When a customer disputes a reason for shutting off service, the LEC shall not suspend service while the LEC or the Arkansas Public Service Commission processes the complaint.

(B) If the reason for shutting off service is 23 CAR § 466-601(1), (4) – (6), (8), (15), or (17), the customer may be required to post a deposit equal to the disputed amount while the LEC or the Arkansas Public Service Commission processes a complaint.

(C) The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service.

(D) If the LEC is in error, the deposit will be refunded with interest.

(2) The LEC may waive the deposit allowed by this section.

(3) Nothing contained in subdivision (e)(1) of this section shall prevent a customer who fails to post a deposit under this section from filing a formal complaint with the Arkansas Public Service Commission.

(4) The LEC may suspend service for some other valid reason set out in 23 CAR § 466-601 while the LEC or the Arkansas Public Service Commission processes the complaint.

(f) Arkansas Public Service Commission investigation and report.

(1) The Arkansas Public Service Commission shall:

(A) Investigate each informal complaint;

(B) Issue an informal complaint investigation report to the complainant;

and

(C) Notify the LEC of the results of the investigation.

(2) The Arkansas Public Service Commission will provide the LEC a copy of any written investigation report given to the complainant.

(g) Disputed results.

(1) The LEC or the complainant may file a formal complaint if not satisfied with the informal complaint results.

(2) The Arkansas Public Service Commission shall provide information to the complainant that explains formal complaint procedures.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 3. Local Service — Application for Service

23 CAR § 466-301. Application for service.

(a) **Application methods.** New service, additional service, transfer of service, or a change in service may be requested in writing or, at the discretion of the LEC, by telephone.

(b) **Record of application.** Each LEC must keep a record of each written or verbal application for service as required by 23 CAR § 466-701.

(c) **Precedence of service.**

(1) LECs shall not unreasonably discriminate in processing applications for service.

(2) Priority shall be given to applications involving medical emergency and public health and safety.

(d) **Connection deadlines.** LECs shall connect service within the time frames required by 23 CAR § 466-901.

(e) **Information provided at time of application.**

(1) **Explanations and assistance.**

(A) An LEC shall, if requested, inform applicants about all rates, payment plans, and equipment options available for the applicant's class of service.

(B) An LEC shall explain:

- (i) How often a customer's bill is mailed; and
- (ii) When the bill is considered past due.

(C) If an LEC requires a cooperative membership fee, a security deposit, or a guaranty for the applicant to receive service, the LEC shall explain requirements and payment options.

(D) LECs shall tell applicants that residential service connection fees may be billed in installments.

(2) **Expected service date.** When an applicant requests service, an LEC shall provide an expected service date according to the service connection procedures in 23 CAR § 466-901.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-302. Application form submission requirements.

A current copy of the form to be used for the application for service and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-303. Extension of service.

(a) **Requirements for extension of service.** Extension of facilities shall be made according to the:

(1) Requirements in:

(A) 23 CAR §§ 466-901 – 466-903; and

(B) The Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462;

(2) Extension of Service Agreement set out in subsection (b) of this section if the applicant is required to pay any cost; and

(3) LEC's extension of facilities tariff.

(b) **Extension of Service Agreement.**

(1)(A) If service will be provided, the LEC shall provide the Extension of Service Agreement to the applicant and explain any payment options including the option in 23 CAR § 466-903 within thirty (30) business days of receipt of the application for service.

(B) If additional time is needed by the LEC during this thirty-day period, the LEC will notify the applicant in writing of the reason for delay.

(2) If a cost to the applicant will be required to extend service, the LEC may require the applicant to sign an Extension of Service Agreement before construction begins.

(3) The Extension of Service Agreement shall include the following:

- (A) Name and address of the applicant;
- (B) Date of application;
- (C) Location and description of the service point;
- (D) Summary of the engineering study, if any;
- (E) Sketch of the construction route;
- (F) Explanation of all charges to the applicant in reasonable detail;
- (G) Estimated starting date of construction;
- (H) Estimated completion date of construction;
- (I) Terms of payment; and
- (J) Customer reimbursement by the LEC, if applicable.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-304. Refusing service.

(a) **Reasons for refusal.** An LEC may refuse service to an applicant for the following reasons:

(1)(A) A bill from the LEC for telecommunications service remains unpaid in the applicant's name.

(B) **Exception.** An LEC may not refuse service to an applicant because of unpaid bills for merchandise or non-telecommunications services purchased, rented, or leased from or through the LEC;

(2) Application for service following the relocation of the applicant and a former customer to new premises from premises where a bill remains unpaid for service that was provided to the former customer while the applicant was a full-time occupant;

(3) Application for service at premises where there is an unpaid telecommunications bill and where:

(A) The former customer who owed the bill remains at the premises;

(B) A full-time occupant of the premises when the bill was incurred remains at the premises; or

(C) A full-time user of the service when the bill was incurred remains at the premises;

(4) The applicant is not in compliance with an Arkansas Public Service Commission order, a delayed payment agreement, or an extension agreement with the LEC entered with respect to service previously rendered to the applicant;

(5) The applicant has not paid an approved fee, charge, or deposit as provided for in this part or the LEC's tariffs;

(6) The applicant has not furnished adequate assurance of payment in the form of a deposit or other security for service within twenty (20) days of an order for relief under 11 U.S.C. § 366 of the United States Bankruptcy Code;

(7) There is evidence that the applicant is:

(A) Using service in an unauthorized manner; or

(B) Tampering with the equipment furnished and owned by the LEC;

(8) A misrepresentation by the applicant relevant to the conditions under which the applicant may obtain telecommunications service;

(9)(A) The applicant has not provided acceptable evidence of identity.

(B) Acceptable evidence includes the following:

(i) Driver's license or state ID card;

(ii) Military ID;

(iii) ID from place of employment;

(iv) Social Security card;

(v) Current student ID;

- (vi) Passport;
- (vii) Birth certificate; and
- (viii) Any other evidence that would establish identity.

(C) If an LEC reasonably believes that the evidence offered is unreliable, it may:

- (i) Refuse to accept it; and
 - (ii) Seek additional evidence from the applicant;
- (10) The applicant is not in compliance with all state and/or municipal regulations governing the service applied for;
- (11) The applicant is not in compliance with the currently effective tariffs;
- (12) The service applied for is of such character that it is likely to unfavorably affect the service to other customers;
- (13) The connection of service to the applicant's equipment would create a hazard;
- (14) The applicant is causing or threatening injury to an LEC employee or an employee's family to retaliate for or prevent an act the LEC performs in the course of business; or
- (15) The applicant is causing or threatening damage to LEC property.

(b) **Notice to applicant.**

(1) If an LEC refuses to serve an applicant, it shall give an explanation in writing to the applicant within seven (7) business days.

(2) The explanation shall include the following:

- (A) The reason for refusing service, including the applicable Arkansas Public Service Commission rule;
- (B) The conditions, if any, under which service would be provided; and
- (C) The applicant's right to complain to the Arkansas Public Service Commission, including the local and toll-free telephone numbers and mailing and street address of the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-305. Disputed charge — Providing service.

(a) When an LEC refuses to serve an applicant for not paying a previous bill and the applicant disputes the amount due, the applicant may complain to the Arkansas Public Service Commission.

(b)(1) An LEC may require a deposit of the disputed amount before serving the applicant.

(2) However, an LEC may waive this deposit.

(c) Once a deposit of the disputed amount is either posted or waived, the LEC shall serve the applicant pending final disposition of the dispute.

(d) When the complaint is resolved, the LEC shall promptly refund any part of the deposit found to be due the applicant with interest from the date of the deposit.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 4. Local Service — Deposits

23 CAR § 466-401. Deposits from applicants.

(a)(1) **Conditions.** An LEC may require a deposit from any applicant to guarantee payment for service, subject to the conditions in subdivisions (a)(2) and (3) of this section.

(2) An LEC may not require a deposit or other guaranty based upon:

(A) Income;

(B) Residential location;

- (C) Race;
- (D) Color;
- (E) Home ownership;
- (F) Creed;
- (G) Sex;
- (H) Marital status;
- (I) Age; or
- (J) National origin.

(3) An LEC shall not demand a deposit as a condition of service from an applicant for residential service unless one (1) or more of the following criteria apply:

(A) The applicant cannot provide proof of a satisfactory payment history with an LEC for the previous twelve (12) months;

(B) The applicant has a past due, unpaid account for previous service with the LEC that is not in dispute;

(C) The applicant did not pay bills from the LEC:

(i) By the close of business on the due date two (2) times in a row; or

(ii) Any three (3) times in the last twelve (12) months;

(D) The applicant gave the LEC two (2) or more checks in payment for previous service within the most recent twelve-month period of service that were returned unpaid for reasons other than bank error;

(E) The applicant's service from the LEC has been suspended during the last twenty-four (24) months for one (1) or more of the following reasons:

(i) Nonpayment of any undisputed past due bill or bills;

(ii) Misrepresentation of the applicant's identity for the purpose of obtaining service;

(iii) Failure to reimburse the LEC for damages due to negligent or intentional acts of the customer; or

(iv) Obtaining, diverting, or using service without the authorization or knowledge of the LEC; or

(F) Information provided by the applicant upon application for service or within the previous two-year period is materially false or materially misrepresentative of the applicant's true status, and the misrepresentation is relevant to the conditions under which the applicant may obtain service.

(b) **Amounts.** LECs shall determine the amount of a deposit as follows:

(1) The deposit shall not be more than two (2) average bills as defined in 23 CAR § 466-403 if payment for service is due after service begins;

(2) The deposit shall not be more than one (1) average bill as defined in 23 CAR § 466-403 if payment for service is due before service begins;

(3)(A) If an LEC discovers that an applicant has used service without authorization or tampered with the LEC's equipment, it may charge that applicant a total deposit of not more than six (6) average bills plus the potential damage to the LEC's equipment.

(B) The LEC may not charge this deposit if the customer has received more than two (2) years' cumulative service since the unauthorized use or tampering was discovered;

(4)(A) If the LEC has proof of a misrepresentation by the applicant relevant to the conditions under which the applicant obtained service, it may charge that applicant a total deposit of not more than twice the maximum bill.

(B) The LEC may not charge this deposit if the customer has received more than two (2) years' cumulative service since the misrepresentation was discovered;

(5) In accordance with 11 U.S.C. § 366 of the United States Bankruptcy Code, the LEC may require an applicant to furnish adequate assurance of payment in the form of a deposit or other security; and

(6) If the applicant has previously left the LEC's service owing a bill and that bill is unpaid at the time of application, the LEC may require a deposit equal to twice the maximum billing.

(c) **Payment procedures.** Except for deposits under subdivision (b)(3) of this section, applicants shall be allowed to pay the deposit in two (2) installments:

- (1) One-half (1/2) of the deposit before receiving service; and
- (2) The remaining one-half (1/2) by the due date of the first bill.

(d) **Receipts.** LECs shall give customers receipts for their deposits upon customer request.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-402. Deposits from customers.

(a) **Conditions.** An LEC may only require a new deposit or an increase in the amount of a deposit from a customer for the following reasons:

(1) The customer failed to pay a bill before the close of business on the shut-off date within the last twelve (12) months;

(2) The customer gave the LEC two (2) or more checks that were returned unpaid for reasons other than bank error in the last twelve (12) months;

(3) The customer did not pay bills:

(A) By the close of business on the due date two (2) times in a row; or

(B) Any three (3) times in the last twelve (12) months;

(4) During the last twenty-four (24) months, the customer misrepresented his or her identity or other facts relevant to the conditions under which the customer obtained or continued service;

(5) The customer used service without authorization, tampered with the LEC's equipment, or inflicted damage to the LEC's equipment during the last two (2) years;

(6)(A) The customer used more service than the estimate on which the LEC based the deposit.

(B) The LEC may not charge any additional deposit under this subdivision (a)(6) after the first twelve (12) months of service unless the customer:

(i) Moves the service to a new location; or

(ii) Expands the business or scope of operation at the original location; and

(7)(A) In accordance with 11 U.S.C. § 366 of the United States Bankruptcy Code, the LEC may require a customer to furnish adequate assurance of payment in the form of a deposit or other security.

(B) This deposit may be in addition to all other deposits posted with the LEC before the bankruptcy filing.

(b) **Amounts.**

(1) When an LEC charges a new or additional deposit, the total amount on deposit at any time shall not be more than the total of the customer's two (2) highest bills during the last twelve (12) months.

(2) **Exceptions.**

(A) **Deposit for fraud or tampering.** If the reason for requiring a deposit is unauthorized use of service or tampering with the LEC's equipment, the total amount on deposit with the LEC shall not be more than the estimated bill for six (6) average billing periods plus the cost of potential damage to the LEC's equipment.

(B) **Bankruptcy.** See subdivision (a)(7) of this section.

(c) **Written notice.** An LEC shall explain in writing:

(1) The reason for charging any new or additional deposit;

(2) The amount of the deposit;

(3) When the deposit must be paid; and

(4) The consequences of failing to pay the additional deposit.

(d) **Payment procedures.** Except for deposits under subdivision (a)(5) of this section, a customer may pay any new or additional deposit in two (2) installments by the due dates of his or her next two (2) bills.

(e) **Receipts.** LECs shall give customers receipts for their deposits upon customer request.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-403. Calculation of average bill.

(a) **For adequate billing history.** The average bill is the total of the last four (4) months' bills divided by four (4).

(b) **For inadequate billing history.** If a customer or an applicant for service has fewer than four (4) months' billing history with the LEC, the average bill shall not be more than the anticipated amount of one (1) month's bill.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-404. Guaranty in place of a deposit.

(a) **Requirements.**

(1) **Residential customers.**

(A) Instead of a deposit, an LEC shall accept the written guaranty of a qualified third party to pay an amount equal to the deposit.

(B) If a third party is a residential customer of the LEC and meets the following conditions, he or she is qualified to act as a guarantor on one (1) residential account:

(i) The customer presently has no deposit on file on his or her own account;

(ii) The customer has had service for at least twelve (12) months;

(iii) The customer has not paid late more than two (2) times in the last twelve (12) months; and

(iv) The customer has not had service suspended for failure to pay in the last twelve (12) months.

(2) **Nonresidential customers.** Instead of a deposit, an LEC may accept the written guaranty of another customer to pay an amount equal to the deposit.

(3) **Residential and nonresidential customers.** The LEC may allow a customer to guarantee more than one (1) account.

(b) **Liability.**

(1) The liability of a guarantor shall be limited to:

(A) The amount required for a deposit when the guaranty was made; or

(B) A revised amount:

(i) Allowed by 23 CAR § 466-402; and

(ii) Agreed to by the guarantor.

(2) The guaranty shall end when:

(A) A deposit would be refunded as outlined in 23 CAR § 466-405; or

(B) The guarantor's account is closed.

(3)(A) The LEC shall provide the guarantor a copy of the Guaranty Agreement Form that:

(i) Clearly states the amount of the guarantor's liability; and

(ii) Has been signed by the guarantor and the LEC.

(B) The guarantor's agreement shall be in the form set out in subsection (d) of this section.

(c) **Collection.** An LEC may collect the guaranteed amount on the guarantor's account as if it were a charge for service.

(d) **Guaranty Agreement Form.** A guaranty agreement shall be in the following form and must be signed by the guarantor and the LEC's representative:

GUARANTY AGREEMENT

In consideration of _____ (local exchange carrier) providing service to the below named person(s), I agree to be liable for an amount not to exceed \$ _____ in lieu of a deposit for the following person(s):

NAME: _____

ADDRESS: _____

ACCOUNT #: _____

I also understand that ____ (local exchange carrier) may transfer up to the above amount to my active account if the above named person does not pay all of the final bill after the account has been closed. I understand I will be responsible for the lesser of the deposit or the amount the above-named person actually owes ____ (local exchange carrier). This guaranty will transfer to my account (at other locations) should I change my service address. The guaranty on a residential account shall expire under the same conditions as would result in the refund of a deposit. I understand that local exchange carriers are not required to refund deposits on business or commercial accounts until the account is closed. I understand that I cannot terminate this guaranty before that time unless my account is closed. The amount of the guaranty is limited to the amount required for a deposit when the guaranty is made.

Signed: _____ Signed: _____
Local Exchange Carrier Representative Guarantor

Date: _____

Name: _____

Address: _____

Account #: _____

Date: _____

Witness: _____

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-405. Refunding deposits.

(a)(1) If a residential customer has paid all bills by the due date for the last twelve (12) months, an LEC must promptly refund the deposit.

(2) LECs are not required to refund deposits on business or commercial accounts until the account is closed.

(3) Refunds may be made through a credit on the next billing cycle.

(4) **Exceptions.**

(A) **Fraud or tampering.** If the reason for requiring a deposit is unauthorized use of service or tampering with the LEC's equipment, an LEC does not have to refund the deposit until an account is closed.

(B) **Bankruptcy.** If the deposit was subject to the jurisdiction of the United States Bankruptcy Courts, the LEC shall comply with the United States Bankruptcy Code in refunding or retaining the deposit.

(b)(1) When an account is closed, an LEC shall apply any deposit and accrued interest to the amount due the LEC.

(2) The LEC shall promptly refund any balance due the depositor.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-406. Deposits and customer name changes.

An LEC may not require a residential customer to make or increase a deposit because of a name change unless one (1) or more of the conditions set out in 23 CAR § 466-402(a) applies.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-407. Deposits and changes in service locations.

Except as provided in 23 CAR § 466-402(a), an LEC shall not charge an additional deposit if:

(1) A customer requests that his or her service end at one (1) location and that the same kind and class of service from the same LEC begin at another location; and

(2) The change takes ninety (90) days or less.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 5. Local Service — Billing

23 CAR § 466-501. Information on bill.

Each bill shall contain the following information:

(1) Name and telephone number or identifying number under which service is billed;

- (2) The beginning and ending dates of the billing period;
- (3) The net amount of all payments and other credits made to the account during the billing period;
- (4) Any previous balance due;
- (5) The amount of any late payment charge and an explanation of when it will apply;
- (6) The date the bill was mailed;
- (7) The date the bill is due;
- (8) A list of all charges or credits, including:
 - (A) Deposit installments;
 - (B) Deposit refunds;
 - (C) Automatic adjustments;
 - (D) Customer or minimum charges;
 - (E) Taxes, listed by kind;
 - (F) Charges for other utility service;
 - (G) Charges for nonutility merchandise, service, or equipment;
 - (H) Basic service;
 - (I) Federal end user common line charge;
 - (J) Equipment; and
 - (K) Custom calling services;
- (9) If an LEC uses industry-specific abbreviations for terms that explain the billing, it shall identify them on the bill; and
- (10)(A) A statement that the customer may contact the LEC:
 - (i) About any problem with billing or service; or
 - (ii) For a delayed payment agreement.
- (B) The statement shall include an address and a telephone number where customers can call the LEC without charge.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-502. Bill form submission requirements.

A current copy of the form to be used for billing and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-503. Billing periods and standards.

(a)(1) LECs shall bill customers regularly.

(2) The billing period shall be no less than twenty-five (25) days and no more than thirty-five (35) days unless it is the first or final bill.

(3) This provision does not apply to the billing of intrastate access service.

(b)(1) If an LEC alters a billing cycle by more than five (5) days, it shall notify affected customers thirty (30) days before the change in the billing cycle.

(2) An LEC may notify affected customers by bill insert with the bill preceding the change.

(c)(1) If payment is initially made at a business office, billing records shall show the date payment is received.

(2) If payment is initially made to an authorized payment agent before the LEC's close of business on the due date, billing records may show the date the payment was posted as long as the account record shows that the payment was not late.

(d) If an LEC discovers a billing error, it shall promptly notify customers who may be affected.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-504. Mailing date.

LECs shall not mail bills later than the mailing date printed on the bill.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-505. Due dates.

(a) If no late charge is imposed, the due date of a bill shall not be less than fourteen (14) days after the date a bill is mailed.

(b) If a late payment charge is imposed, the due date of the bill shall not be less than twenty-two (22) days after the date the bill is mailed.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-506. Late payment.

(a) Payment may be considered late if the LEC or its authorized agent for payment gets the payment after the LEC's close of business on the due date on the bill.

(b) If the LEC is not open on the due date, customers may pay by the close of business on the next day the LEC's business offices are open without being late.

(c) Payment shall be considered late if a check is:

- (1) Postdated beyond the due date; or
- (2) Returned unpaid for reasons other than bank error.

(d) If a bank error causes a late payment, the LEC shall correct its records to show that the customer paid the bill on time.

(e) If an LEC issues a late notice or suspension notice to any customer whose payment was received by the LEC or its authorized payment agent by the LEC's close of business on the due date, the record of the late notice or suspension notice shall be deleted from the customer's account record.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-507. Late payment charges.

(a) An LEC may calculate late payment charges only on an overdue balance of a bill for telecommunications service.

(b) A late payment charge may not exceed:

(1) Ten percent (10%) of the first thirty dollars (\$30.00) of the customer's bill;
and

(2) Two percent (2%) of the remainder.

(c) The amount of the late payment charge shall be set forth in the LEC's tariffed schedule of fees and charges.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-508. Extended due date policy.

(a)(1) LECs must offer an extended due date policy to customers qualifying under subsection (c) of this section.

(2) This is intended to enable LECs to change a qualifying customer's due date to coincide with or follow the customer's receipt of that income.

(3) Customers who qualify under this policy and pay by the new date will not be considered late on their payments.

(4) When a customer applies for an extended due date, LECs shall explain the policy and give the explanation to the customer in writing.

(b)(1) Each LEC shall file an extended due date policy as a tariff.

(2) A policy must include:

(A) Who may qualify;

(B) How to apply; and

(C) The method for setting the extended due date.

(c)(1) The following customers qualify for an extended due date:

(A) Persons receiving:

(i) Aid to Families with Dependent Children; or

(ii) Aid to the Aged, Blind, and Disabled;

(B) Persons receiving Supplemental Security Income; or

(C) Persons whose primary source of income is Social Security or United States Department of Veterans Affairs disability or retirement benefits.

(2) The LEC may require verification of the above sources of income.

(d)(1) LECs may remove a customer's extended due date because the customer did not pay bills:

(A) By the close of business on the due date two (2) times in a row; or

(B) Any three (3) times in the last twelve (12) months.

(2) LECs shall notify customers in writing when the extended due date has been removed for late payment.

(e) LECs may impose a late payment charge on plan participants who do not pay by the extended due date pursuant to 23 CAR § 466-507.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.08 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-509. Extended absence payment procedure.

(a) Each LEC shall have bill payment options that will allow a customer who is away for an extended period of time to avoid suspension of service.

(b) The options shall be filed as a tariff.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.09 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-510. Method of payment.

(a)(1) Customers may pay bills in any reasonable manner, including cash or a check payable to the LEC.

(2) An LEC may refuse to accept payment by check if the customer has given the LEC two (2) checks that were returned unpaid for reasons other than bank error in the last twelve (12) months.

(b) An LEC may refuse to take a second check for the same bill if the first check was returned unpaid for reasons other than bank error.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.10 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-511. Returned check charge.

(a) An LEC may charge a fee for handling a check that is returned unpaid for reasons other than bank error.

(b) The amount of the returned check charge shall be set forth in the LEC's tariffed schedule of fees and charges.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.11 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-512. Partial payments.

(a) If a customer pays part of a bill for LEC service, an LEC shall first credit the payment to earlier charges for telecommunications service.

(b) This section does not apply when there:

- (1) Is a disputed bill;
- (2) Is a delayed payment agreement; or
- (3) Are other written instructions.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.12 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-513. Overpayments.

(a) Overpayments shall be credited to the customer's account unless the customer requests otherwise.

(b) When a customer notifies the LEC that he or she has overpaid his or her account and requests a refund of the overpayment, the LEC shall refund the amount of the overpayment within thirty (30) days.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.13 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-514. Billing corrections.

(a) **Interruption and outage.** After an interruption or outage of local service of more than twenty-four (24) hours, an LEC shall refund a portion of the monthly charge for the number of days without service.

(b) **Procedures for correcting an overbilling.**

(1) When an LEC has overbilled a customer, the LEC shall explain the reason for the correction and refund the amount of the overbilling within thirty (30) days after discovering or being notified of the error.

(2) The refund shall be credited to the customer's account unless the customer requests otherwise.

(3) If the overbilling was the fault of the LEC, the LEC shall pay the customer interest on the overbilled amount.

(c) **Procedures for correcting an underbilling.**

(1) When an LEC discovers it has charged a customer less than it should have, the LEC shall explain the error and offer a delayed payment agreement to correct it.

(2) When an LEC underbills a customer over one (1) or more billing periods, the LEC must allow the customer at least that many billing periods to pay the correct amount under a delayed payment agreement.

(3) If the underbilling was the fault of the customer, the LEC may charge interest for the period of time during which the underbilling occurred.

(4) If the underbilling was caused by unauthorized use of service or tampering with an LEC's equipment, the LEC does not have to offer a delayed payment agreement.

(5) An LEC does not have to correct an underbilling if the cost of correcting the billing is not economically feasible.

(d) Tampering.

(1) If a customer tampers with an LEC's equipment, the LEC may charge a reasonable amount for:

- (A) Damage to the equipment; and
- (B) Estimated service taken.

(2) This is in addition to the remedies in 23 CAR § 466-401(b)(3), 23 CAR § 466-402(b)(2)(A), and 23 CAR § 466-601(6).

(3) The LEC may base the estimate on the customer's average lawful usage for the most recent twelve-month period.

(4) If those figures are not available, the LEC shall base the estimate on the class average.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.14 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-515. Transferring past due balances to other accounts.

An LEC may only transfer a past due balance from a customer's closed account to one (1) of the following active accounts:

- (1) An account of the same customer for the same class of service at any location; and
- (2) The account of the customer's guarantor as allowed under 23 CAR § 466-404(b).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.15 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 6. Local Service — Suspension, Termination, and Reconnection of Service

23 CAR § 466-601. Authorized suspension.

The only reasons an LEC may suspend service to an account are:

(1) A bill for the LEC's service to the current customer remains unpaid after the close of business on the last day to pay as printed on the most recent shut-off notice;

(2) A former customer remains at the premises who owes that LEC an outstanding bill for service at the premises, a full-time occupant of the premises when the bill was incurred remains at the premises, or a full-time user of the service when the bill was incurred remains at the premises;

(3) A current customer and a former customer who lived together at another location now live together at a new service location and the former customer owes a bill for service used during the time they lived together at a former location;

(4) The customer is not in compliance with:

(A) An Arkansas Public Service Commission order;

(B) A delayed payment agreement; or

(C) An extension agreement with the LEC;

(5) The customer has not paid a deposit required for the service;

(6) Unauthorized use of service or tampering with an LEC's equipment;

(7) A misrepresentation of fact relevant to the conditions under which the applicant or customer obtained or continued service;

(8) The customer has not paid a billed charge associated with providing service;

(9) Refusing to grant an LEC access to its equipment at the customer's location at reasonable times;

(10) Violating the LEC's rules designed to prevent interference with the use of service by other customers, if the customer was notified first and given a reasonable opportunity to comply with the rules;

(11) Violating the LEC's rules regarding the operation of nonstandard equipment or unauthorized attachments, if the customer was notified first and given a reasonable opportunity to comply with the rules;

(12) Violating federal, state, or local laws or regulations through use of the service;

(13) Abandoning the premises served;

(14) Causing or threatening injury to an LEC's employee or an employee's family to prevent or to retaliate for an act the LEC performs in the course of business;

(15) Causing damage to the LEC's property;

(16) Threatening to cause damage to the LEC's property;

(17) Not paying for damage to the LEC's equipment at the service location; or

(18) A condition exists that poses a health or safety hazard.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-602. Unauthorized suspension.

An LEC may not suspend service to an account for the following reasons:

(1) Not paying for non-telecommunications merchandise or non-telecommunications services purchased, rented, or leased from or through the LEC;

(2) Not paying for a different kind or different class of service;

(3) An LEC is serving the customer through a separate active account and the customer does not pay for service to that account; or

(4) Another telephone customer has separate telephone service at the same location and does not pay for that service.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-603. Bankruptcy.

(a)(1) An LEC may not suspend service to a trustee or debtor in bankruptcy for failure to pay a bill incurred prior to a bankruptcy filing if the trustee or the debtor pays a deposit under 23 CAR § 466-402(a)(7) within twenty (20) days of the order for relief in bankruptcy.

(2) See 11 U.S.C. § 366 of the United States Bankruptcy Code.

(b)(1) The LEC may not suspend service during that twenty-day period.

(2) If a debtor asks the LEC to reconnect service during that twenty-day period, the LEC must reconnect.

(3) After the twenty-day period, the LEC may suspend service if the customer has not paid a deposit.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-604. Notification of suspension of service.

(a)(1) An LEC must notify a customer in writing five (5) days before it suspends service.

(2) If an LEC delivers the notice to the customer's premises, the LEC must leave the notice in a conspicuous place where the notice is easy to see.

(3) If the notice is mailed, the five (5) days begins three (3) days after the date the notice is placed in the United States mail.

(4) The LEC must send the notice to the customer's last known address by first-class mail.

(b)(1) An LEC may suspend service without prior written notice under 23 CAR § 466-601(4), (6), (7), (14) – (16), and (18).

(2) The LEC shall notify the customer of the reason for suspension by first-class mail or by leaving a notice at the premises.

(3) If prior written notice of suspension has been given, this subsection does not apply.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-605. Shut-off notice submission requirements.

A current copy of the form to be used for shut-off notices and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-606. Third-party notification of suspension.

(a) A residential customer may name a consenting person or agency to receive a copy of all shut-off notices.

(b) An LEC shall mail one (1) copy of all shut-off notices to the customer and one (1) to the other person or agency.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-607. Form and contents of shut-off notice.

Each shut-off notice shall contain the following information:

- (1) The title "SHUT-OFF NOTICE", "CUT OFF NOTICE", or "DISCONNECT NOTICE" in type at least one-fourth inch (1/4") high;
- (2) The name and address of the customer and the telephone number to which the service is billed;
- (3) The reason for suspension and any overdue amount;
- (4) A clear statement of what to do to avoid suspension;
- (5) The date after which the LEC will suspend service unless the customer takes appropriate action;
- (6) A statement that "YOU MAY QUALIFY TO PAY YOUR BILL IN INSTALLMENTS AND AVOID SHUT-OFF, BUT YOU MUST CONTACT THE LOCAL EXCHANGE CARRIER'S BUSINESS OFFICE BY THE CLOSE OF BUSINESS ON THE LAST DAY TO PAY PRINTED ON THIS NOTICE AND ASK FOR A DELAYED PAYMENT AGREEMENT";
- (7) A statement that a residential customer who has a serious medical condition, or is sixty-five (65) or older, or is an individual with disabilities may contact the LEC about qualifying for delaying suspension;
- (8) What it will cost and what a customer will have to do to get service reconnected;
- (9) The telephone number or address of the LEC's office where the customer may:
 - (A) Pay the bill;
 - (B) Make payment arrangements; or
 - (C) Make a complaint; and
- (10)(A) A statement that any customer with an unresolved complaint may contact the Arkansas Public Service Commission.

(B) The statement shall include the Arkansas Public Service Commission's mailing and street address and local and toll-free numbers.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-608. Payment requirements to prevent suspension.

(a) A customer must pay the LEC or its authorized agent before the LEC's close of business on the last day to pay as printed on the most recent shut-off notice to prevent suspension.

(b) The LEC may require the customer to pay any applicable late charge to prevent suspension.

(c) An LEC shall not require a customer to pay for usage that has not been billed, or that has been billed but is not yet overdue, to prevent suspension.

(d) After the LEC's close of business on the last day to pay printed on the most recent shut-off notice, payment made within twenty-four (24) hours of a scheduled shut off shall not affect the right of the LEC to suspend service and charge a reconnect fee if the service was suspended.

(e)(1) An LEC shall not refuse to accept payment made on an account after the LEC's close of business on the last day to pay printed on the most recent shut-off notice.

(2) However, an LEC is not required to reconnect service if the payment made after that time is less than the amount required by the LEC before reconnection.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.08 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-609. Suspension procedures — Suspension date and time requirements.

(a)(1) An LEC may suspend service only during normal LEC business office hours.

(2) However, no suspension shall occur during the last hour of the LEC's normal business office hours.

(b) An LEC may not suspend service on a day, or on a day immediately before a day, when the LEC does not have employees available who may authorize and reconnect service at the normal business day charge.

(c) If an LEC issues more than one (1) shut-off notice before suspending service, it may not suspend service before the close of business on the last day to pay as printed on the most recent shut-off notice unless 23 CAR § 466-604(b) applies.

(d) An LEC must suspend service within thirty (30) days after the last day to pay as printed on the most recent shut-off notice unless:

(1) Suspension is delayed under other Arkansas Public Service Commission rules; or

(2) The reason for the suspension has been eliminated.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.09 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-610. Closing suspended accounts.

(a) An LEC shall not close a suspended account until a customer has been given seven (7) days to have service reconnected after suspension.

(b) Once an account is closed, an LEC may treat a former customer who wants service again as an applicant.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.10 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-611. Reconnection of service.

(a)(1) The LEC shall reconnect service at the request of the customer if all reasons for suspension have been eliminated.

(2) The LEC shall reconnect service in the normal course of business when suspension was the fault of the customer.

(3) The LEC shall reconnect service immediately if suspension was the LEC's fault.

(b) An LEC shall not require a customer to pay for usage that has not been billed, or that has been billed but is not yet overdue, before reconnecting suspended service.

(c) An LEC may require payment of any collection, late charge, or reconnection fees before reconnecting service if suspension followed all applicable Arkansas Public Service Commission rules.

(d)(1) If the reason for suspension is unauthorized use of service or tampering with LEC equipment, the LEC may require a reasonable payment for damage to its equipment and estimated usage before reconnecting service.

(2) The LEC may refuse to reconnect unless the Arkansas Public Service Commission orders otherwise.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.11 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-612. Delayed payment agreement and extension agreement.

(a)(1) This section applies to any residential customer, and to business customers whose average bill for the most recent twelve (12) months is two hundred dollars (\$200) or less.

(2) As used in this section, the term "customer" means only such customers as defined in this section.

(b) Customer information.

(1) When a customer informs the LEC that he or she is having difficulty paying a bill, the LEC shall explain that delayed payment agreements are available both by telephone and in person through the LEC's business offices.

(2) The LEC shall then inform the customer of his or her rights and obligations under this section.

(c) Extension agreement.

(1) If an LEC has met all of the requirements of subsection (b) of this section and a customer requests a payment extension of less than thirty (30) days from the payment due date, the LEC may offer to enter an extension agreement instead of a delayed payment agreement.

(2) All extensions shall be documented.

(3) The LEC shall inform the customer of the LEC's right under 23 CAR § 466-604(b) to suspend service without advance written notice if the customer fails to keep the terms of the extension agreement.

(d) **Qualifying.** An LEC does not have to enter into an extension agreement if the customer has failed to keep the terms of an extension agreement in the last twelve (12) months.

(e) Availability of delayed payment agreement.

(1) The LEC shall offer and enter into a delayed payment agreement with a qualifying customer if the customer agrees to pay:

(A) The down payment and all installments by the due dates; and

(B) All bills coming due during the period of the agreement in full by each bill's respective due date.

(2) An LEC may not limit the number of delayed payment agreements a customer may enter into if the customer qualifies under all other conditions of this section.

(f) Qualifying.

(1)(A)(i) An LEC does not have to enter into a delayed payment agreement if the customer has failed to keep the terms of a delayed payment agreement in the last twelve (12) months.

(ii) This includes failure to pay the agreed-upon down payment within three (3) business days.

(B) Exception.

(i) Subdivision (f)(1) of this section does not apply when an LEC corrects an underbilling.

(ii) See 23 CAR § 466-514(c).

(2) An LEC does not have to enter into a delayed payment agreement after the last day to pay, as printed on the most recent shut-off notice, has passed except when 23 CAR § 466-614 or 23 CAR § 466-615 apply.

(3) An LEC does not have to enter into a second delayed payment agreement if the customer currently is bound by a delayed payment agreement.

(4) If a customer has engaged in unauthorized use of service or has tampered with the LEC's equipment in the last twenty-four (24) months, the LEC does not have to enter into a delayed payment agreement.

(5) If a customer has misrepresented a fact relevant to the conditions under which he or she obtained or continued service in the last twenty-four (24) months, the LEC does not have to enter into a delayed payment agreement.

(6)(A) The LEC may require some form of identification of the customer or the person making the agreement.

(B) If the information is not provided or is not acceptable evidence of identity, the LEC may refuse to enter into a delayed payment agreement.

(7)(A) LECs may restrict toll calling access to the customer as part of the delayed payment agreement if:

(i) The customer owes more than one hundred dollars (\$100) in toll charges on the bill upon which the customer requests a delayed payment agreement; and

(ii) Any of the conditions of 23 CAR § 466-402(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) apply to that particular customer.

(B) Exception.

(i) This subsection shall not be applied if the customer can establish that toll access is:

(a) Needed due to a medical condition; or

(b) Used to monitor a medical condition remotely.

(ii) The delayed payment agreement form the LEC uses in instances when a toll is proposed to be restricted must include information telling the customer about these exceptions.

(g) Delayed payment agreements arranged by telephone.

(1) Delayed payment agreements arranged by telephone shall meet all requirements of this section.

(2)(A) The LEC may require some form of identification that can be provided by telephone to verify the customer's identity.

(B) If the information is not provided or is incorrect, the LEC may refuse to enter into a delayed payment agreement by telephone.

(3) The LEC must receive the down payment by the close of business on the third business day after the date the agreement was requested.

(4) An LEC shall document all delayed payment agreements arranged by telephone, including any failure to pay the down payment within three (3) business days.

(h) Delayed payment agreement procedure.

(1) All delayed payment agreements:

(A) Shall be explained;

(B) Will be provided in writing; and

(C) Must include relevant portions of this section, specifically subdivisions (e)(1) and (f)(3) of this section and subsections (i) – (m) of this section.

(2)(A) When an LEC arranges a delayed payment agreement by telephone, the LEC shall send or give the customer a copy of the delayed payment agreement within five (5) business days of receiving the customer's down payment.

(B) An LEC may require the customer to sign the agreement and return it to the LEC within ten (10) days of making the agreement, but the customer's signature is not necessary for validity and enforcement of the documented agreement under this section.

(i) Minimum standards for delayed payment agreements.

(1) The LEC may not require more than one-fourth (1/4) of the overdue bill as the down payment in order to enter into a delayed payment agreement.

(2)(A) An LEC shall allow the customer to make equal installment payments for at least three (3) months from the date of the down payment.

(B) The down payment shall not be considered an installment payment.

(3) Exceptions.

(A) Subdivisions (i)(1) and (2) of this section do not apply when an LEC corrects an underbilling.

(B) See 23 CAR § 466-514(c)(2).

(4) In offering terms for an agreement, an LEC may take into account the:

(A) Customer's ability to pay;

(B) Size of the unpaid account;

(C) Customer's payment history with the LEC; and

(D) Reason payment is late.

(j) Renegotiating the delayed payment agreement.

(1) If a customer can substantiate a change in ability to pay resulting from a serious medical condition or the loss of a major source of income, the LEC must document its good-faith effort to renegotiate a delayed payment agreement one (1) time during the period of the agreement.

(2) The customer loses this right if any term of the delayed payment agreement is not kept.

(3) A renegotiated agreement is not a new delayed payment agreement.

(k) **Finance charge on delayed payment agreements.** An LEC may charge interest on delayed payment agreement installments.

(l) **Suspension of service.** An LEC may suspend service without prior written notice, subject to the conditions of 23 CAR § 466-604(b), if a customer does not keep the terms of a delayed payment agreement or extension agreement.

(m) **Right to complain.** A customer does not give up any right to complain to the Arkansas Public Service Commission by:

(1) Signing a delayed payment agreement; or

(2) Entering an extension agreement.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.12 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-613. Delayed payment agreement submission requirements.

A current copy of the form to be used for delayed payment agreements and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.13 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-614. Agency guaranty of payment.

(a) **Requirements.**

(1) When a social service agency agrees orally or in writing to pay at least one-fourth (1/4) of an overdue bill, the LEC shall continue service or restore service suspended for nonpayment if the customer qualifies for and agrees to pay any remaining overdue amounts and any additional deposit under a delayed payment agreement.

(2) The agency payment shall be considered the down payment for the delayed payment agreement.

(3) The LEC may verify any notice received from any agency.

(b) **Confirmation.** The LEC may require the agency to give written confirmation of a verbal agreement within ten (10) days of the date of the verbal agreement.

(c) **Service suspension.** If an account remains unpaid forty (40) days after an agency notifies an LEC, as set out in 23 CAR § 466-615(a), that it will be making a payment, the LEC may suspend service after giving the customer an additional five (5) days' written notice.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.14 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-615. Medical need for telecommunications service.

(a) **General requirements.**

(1) Each LEC must honor a physician's certificate that attests to the fact that a residential customer or any other permanent resident of the household has a serious medical condition.

(2) The certificate must clearly state that the suspension of telecommunications service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

(b) **Notice.**

(1) A physician, nurse, nurse practitioner, physician's assistant, or public or private agency providing physical or mental healthcare services may notify the LEC in person, by telephone, or by letter that the serious medical condition exists.

(2) When an LEC is notified, it must inform the healthcare professional that a physician's certificate is required within seven (7) days.

(3) The LEC may verify notice given by telephone.

(c) Delay of suspension or reconnection of service.

(1)(A) When notified under subsection (b) of this section, an LEC shall postpone suspension or reconnect service that has been suspended for thirty (30) days or less.

(B) The LEC shall not be required to continue to provide service for longer than thirty (30) days unless the medical certificate is renewed under subdivision (c)(5) of this section.

(2) The LEC must receive a physician's certificate within seven (7) days after being notified according to subsection (b) of this section.

(3) An LEC may suspend service if it does not receive a physician's certificate within seven (7) days after being notified according to subsection (b) of this section.

(4)(A) Upon receipt of a physician's certificate, the LEC shall notify the customer, in writing, of the:

(i) Receipt of the certificate;

(ii) Date the certificate was received;

(iii) Date the postponement of suspension or reconnection of service was commenced; and

(iv) Date on which the postponement of suspension or reconnection shall expire.

(B) The notice shall contain an explanation of the customer's rights to renew the certificate.

(C) The notice shall specifically state the last day the customer has to renew the certificate.

(D) The notice may be delivered by first-class mail or by delivery to an adult person at the residence.

(5)(A) A customer may renew a certificate one (1) time for up to an additional thirty (30) days.

(B) The certificate must be renewed by the customer before the thirty-day time period expires.

(C) To renew a current certificate, the customer must provide a new certificate from the physician.

(6)(A) An LEC is not required to accept more than one (1) physician's certificate per household each year.

(B) A renewal of a certificate is not a second certificate.

(d) Physician's certificate.

(1) A completed physician's certificate must be:

(A) Signed by a physician; and

(B) In the following form.

(2) The LEC shall provide a copy of the physician's certificate form to the physician.

PHYSICIAN'S CERTIFICATE OF MEDICAL NEED FOR LOCAL EXCHANGE CARRIER
SERVICE

The Arkansas Public Service Commission requires local exchange carriers under its jurisdiction to honor physician's certificates which attest to the fact that a customer or any permanent resident of the household has a serious medical condition. The certificate must clearly state that the suspension of telecommunications service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

A licensed physician or other health care professional providing health care services to the patient may notify the local exchange carrier of the serious medical condition.

This condition is expected to continue _____ days.

I am licensed to practice medicine by the Arkansas State Medical Board or a comparable licensing authority in the State of _____.

Physician

Address

Phone number

(e) Additional medical opinion.

(1)(A) An LEC may, at its expense, obtain an additional medical report or certificate from a physician of its choice.

(B) The additional medical report or certificate shall be based on that physician's examination of the customer.

(2) Failure of the customer without good cause to attend the LEC-required medical appointment shall be sufficient reason for suspension of service.

(3) If the information in the additional report or certificate does not meet the criteria in this section for delaying suspension, an LEC may suspend service after giving the customer an additional five (5) days' written notice.

(f) Liability for payment for service. Delaying suspension or reconnecting service under this section does not excuse the customer from having to pay for the service.

(g) **Contact procedures before suspension of service.** If suspension has been postponed under this section and the medical certificate has expired, the LEC must follow the notification requirement of 23 CAR § 466-604(a) prior to suspension.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.15 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-616. Elderly and individuals with disabilities.

(a) This section only applies to residential customers.

(b) **Identification of the elderly and individuals with disabilities for registration.** LECs shall attempt to identify eligible individuals by informing them that a special program is available for customers who qualify under this section and shall then ask qualifying applicants or customers whether they wish to be registered as provided in this section when:

(1) An applicant requests service;

(2) Asked if there are options for elderly customers and customers who are individuals with disabilities; and

(3) Contacted by a customer about suspension.

(c) **Customer contact.**

(1) At least seventy-two (72) hours before suspending service to an identified elderly or individual with disabilities account, an LEC must make two (2) attempts at different times of day to contact the customer, an adult at the premises, or someone previously designated by the customer, either in person or by telephone.

(2) If the attempt to contact is successful, the LEC shall:

(A) Offer to explain to the customer, an adult at the premises, or someone previously designated by the customer what can be done to avoid suspension; and

(B) Offer to explain the payment and assistance options set out in subsection (d) of this section.

(3)(A) If the attempt to make personal contact with the customer, an adult at the premises, or other designated individual is not successful, the LEC must give twenty-four (24) hours' written notice, which explains what can be done to avoid suspension before suspending service.

(B)(i) If the LEC delivers the notice to the customer's premises, the notice must be left in a conspicuous place where the notice is easy to see.

(ii) If the LEC mails the notice, the twenty-four (24) hours begins three (3) days after the date the notice is postmarked.

(C) The LEC must send the notice to the customer's address by first-class mail.

(d) **Payment and assistance options.** When an identified elderly customer or customer who is an individual with disabilities tells an LEC they cannot pay a bill on time, or upon contacting an identified elderly customer or customer who is an individual with disabilities under subsection (c) of this section, the LEC shall offer to:

- (1) Arrange a delayed payment agreement;
- (2) Explain the right to third-party notice before suspension of service; and
- (3) Provide the names of federal, state, and local bill payment assistance agencies.

(e) **Records.**

(1) An LEC shall mark the accounts of identified elderly customers or customers who are individuals with disabilities.

(2) LECs shall keep a record as required by 23 CAR § 466-702 of how they handled overdue accounts of elderly customers and customers who are individuals with disabilities.

(f) **False information.** If a customer gives false information to qualify as elderly or an individual with disabilities, the LEC may suspend service under 23 CAR § 466-601(7).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.16 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-617. Stopping service at customer request.

(a) **Notice.**

(1) A customer who wants to stop service must tell the LEC at least five (5) days before the requested disconnection date.

(2) The minimum five-day notice period begins:

(A) On the day the customer telephones the LEC;

(B) When the customer personally informs the local business office; or

(C) Three (3) days after the customer has mailed the notice to the LEC.

(b) **Liability.** The customer does not have to pay for basic local service after the disconnection date requested by the customer so long as proper notice was given according to subsection (a) of this section.

(c) **Confirmation.** An LEC must confirm the disconnection date if the customer asks.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.17 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 7. Local Service — Records and Reports

23 CAR § 466-701. Application records.

(a)(1) Each LEC must keep a record of each written or verbal application for service.

(2) Records of applications must be kept for at least two (2) years unless canceled or withdrawn.

(3) If an application is still active at the end of the two-year period, it must be kept until it is served or until the application is canceled or withdrawn.

(b) Each application record shall include:

- (1) Name and current address of the applicant;
- (2) Address of location where service is being requested;
- (3) Date of the request;
- (4) Date service is desired;
- (5) Estimated service date;
- (6) Class of service applied for;
- (7) Availability of facilities; and
- (8) The date service was provided or the reason service was delayed or deferred.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-702. Account records.

(a) Each LEC shall keep a record of billings to and all money paid by each customer.

(b) The record shall contain all information necessary to calculate bills, including:

- (1) Customer name;
- (2) Mailing address;
- (3) Service location;
- (4) Account number;
- (5) Dates service was provided;
- (6) Billed amounts;
- (7) Rate schedules and payment plans;
- (8) Any payment arrangements; and

(9) Each transaction concerning each deposit.

(c)(1) An LEC shall mark the accounts of identified elderly customers and customers who are individuals with disabilities.

(2) LECs shall keep a record of how they handled overdue accounts of elderly customers and customers who are individuals with disabilities.

(d) LECs shall keep records so that costs and payments for separate services can be easily identified.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-703. Deposit records.

Each LEC shall keep a record containing the following information for each customer account:

- (1) The name of the customer for whom the deposit is made;
- (2) The service location;
- (3) The deposit amount;
- (4) The deposit date;
- (5) The reason for the deposit;
- (6) Each transaction concerning each deposit; and
- (7) All efforts to return the deposit to the customer.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-704. Complaint records.

(a) An LEC shall keep an up-to-date record of all customer complaints, showing the:

- (1) Name and address of the complainant;
- (2) Account number;
- (3) Date and character of the complaint;
- (4) Action taken to resolve the complaint; and
- (5) Date of resolution.

(b) LECs shall keep the record in a way that allows reporting by:

- (1) Name;
- (2) Account number;
- (3) Telephone number; or
- (4) Category.

(c) Each LEC shall establish categories for all complaints which allow LECs to record complaints by specific type.

(d) The LEC shall keep complaint records at least three (3) years.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-705. Test and inspection records.

(a) LECs shall make a complete record of every test or inspection that this part requires.

(b) The record shall include the:

- (1) Time;
- (2) Date;
- (3) Place;
- (4) Tester;
- (5) Inspector; and

- (6) Results.
- (c) Each LEC shall keep test and inspection records:
 - (1) At least two (2) years; or
 - (2) As specified in this part.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-706. Service outage records.

- (a) Each LEC shall keep records of all detected or documented service outages.
- (b) Each record shall include the time, date, location, duration, cause, and extent of each outage.
- (c) LECs shall keep the records at least two (2) years.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-707. Location of records.

- (a) LECs shall keep records within the State of Arkansas, at the offices of the LEC, or at locations outside the State of Arkansas authorized by the Arkansas Public Service Commission.
- (b) Such records shall be available at all reasonable hours for examination by the Arkansas Public Service Commission, its representatives, or others authorized by the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-708. Retention of records.

(a) Records required by this part and orders of the Arkansas Public Service Commission shall be maintained for at least the period of time designated in the most current Federal Communications Commission rules governing preservation of records for LECs or as specifically provided for in this part or orders of the Arkansas Public Service Commission, whichever period of time is longer.

(b) In any event, such records shall be maintained for at least two (2) years.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.08 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-709. Construction records and plans.

(a) Each LEC shall maintain copies of all construction reports and plans for a period of at least two (2) years after the completion of a project.

(b) The records shall include but not be limited to the:

- (1) Design specifications;
- (2) Contracts;
- (3) Work orders;
- (4) Material placed; and
- (5) Associated costs.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.09 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-710. Trouble report records.

- (a) Each LEC shall maintain accurate records of trouble reports.
- (b) The records shall be organized by month for each exchange service area.
- (c) Each record shall be maintained for at least two (2) years.
- (d) At a minimum, each record shall include:
 - (1) Appropriate identification of the:
 - (A) Person or persons reporting the trouble; and
 - (B) Specific geographic area;
 - (2) Time and date of the initial report;
 - (3) Description of the trouble;
 - (4) Description of the trouble found by the LEC;
 - (5) Action taken to clear the trouble; and
 - (6) Date and time the trouble was cleared.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.10 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-711. Maps and associated records.

(a) **System maps.**

- (1) Each LEC shall maintain current maps or plans depicting plant in all service areas served by the LEC.
- (2) Those maps or plans shall be in sufficient detail to enable prompt location of each line and facility owned or operated by the LEC.
- (3) Each system map and its associated records shall be maintained in sufficient detail to enable the reconstruction of the system, if required.

(b) Changes to maps.

(1) Each LEC shall map and add each change, relocation, or extension of plant to existing system maps no later than twenty-four (24) calendar months after the change, relocation, or extension is completed.

(2) Until such changes are posted to the system maps, either sufficiently detailed engineering drawings showing the changes or a reference to the location of the drawings shall be attached to the existing maps.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.11 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-712. Central office line and terminal records.

(a) Each LEC shall maintain a record of the equipped (or programmed) and in-service quantity of central office switching lines (or line appearance numbers and terminals or connectors or directory numbers).

(b) Each LEC shall be able to provide evidence of an effective procedure to ensure adequacy of central office equipment for new service applications.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.12 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-713. Reports to the Arkansas Public Service Commission.

(a) Outages.

(1) LECs shall promptly report outages in an individual city, town, or in the same general area that last more than four (4) hours and affect one hundred (100) or

more customers by telephone to the Arkansas Public Service Commission's Consumer Services Office.

(2) After normal business hours and on weekends and holidays, LECs may report outages by leaving a message on the Arkansas Public Service Commission's Consumer Services Office recorder.

(b) Changes in service.

(1) Each LEC shall notify the Arkansas Public Service Commission's Consumer Services Office in writing at least thirty (30) days before making any major changes in its method of operation.

(2) For example, the closing of a business office, the moving of a billing department out of state, and a telephone cut-over affecting a majority of the customers in any exchange would be considered major changes for the purposes of this section.

(c) Customer complaints. Upon request, each LEC shall make available in writing to the Arkansas Public Service Commission the number of customer complaints as required by 23 CAR § 466-704(c) for the requested time period.

(d) Reference information.

(1) Each LEC shall provide the Arkansas Public Service Commission's Consumer Services Office with current copies of the following information:

(A) Information on LEC service, 23 CAR § 466-201;

(B) Current list of LEC personnel who answer Arkansas Public Service Commission questions about complaints, 23 CAR § 466-207(c);

(C) Service application form, 23 CAR § 466-302;

(D) Bill form, 23 CAR § 466-502;

(E) Shut-off notice form, 23 CAR § 466-605; and

(F) Delayed payment agreement form, 23 CAR § 466-613.

(2) New copies of the information shall be provided to the Arkansas Public Service Commission's Consumer Services Office whenever the information is revised.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.13 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 8. Local Service — General Service Standards

23 CAR § 466-801. Extensions, additions, repairs, changes, and improvements.

After a public hearing, the Arkansas Public Service Commission may require an LEC to make extensions, additions, repairs, or changes in or improvements to any equipment or line if the Arkansas Public Service Commission finds that they should reasonably be made to:

- (1) Promote the security or convenience of the public; or
- (2) Secure adequate service or facilities.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-802. Service interruptions.

(a) Scheduled interruptions.

(1) **Scheduling.** Except in an emergency, LECs shall schedule interruptions so that the inconvenience to customers is minimized.

(2) Notice. LECs shall:

(A) Make reasonable efforts to notify customers affected by a scheduled interruption as far ahead as practical; and

(B) Give them the date, time, and planned length of the interruption.

(b) Unforeseen interruptions. LECs shall:

(1) Make reasonable efforts to notify customers affected by an unforeseen interruption as soon as practical; and

(2) Explain the cause and how long it will last.

(c) **Restoration priority.** LECs shall make every reasonable effort to first restore service that affects public health and safety.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-803. Emergency repair service and telephone number.

(a)(1) Each LEC shall perform emergency repair service.

(2) The LEC shall take into account both the needs of the customer and the safety of personnel.

(b)(1) Each LEC shall list in each directory covering any area it serves an emergency repair service number where a customer may call toll free.

(2) Collect calls accepted by the LEC are considered to be toll-free calls.

(3) The emergency number shall:

(A) Be manned twenty-four (24) hours a day; or

(B) Have a recording or answering service directing the caller to a number manned twenty-four (24) hours a day.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-804. Emergency response to outages.

(a) **Restoration priority.** LECs shall first attempt to restore service that affects public health and safety.

(b) **Restoration procedures.**

(1) Each LEC shall have written procedures for designated employees to follow during major service outages.

(2) The procedures shall contain at least the following:

(A) Notification procedures for emergency response personnel;

(B) General location or locations of equipment, tools, and materials normally needed to restore service;

(C) Procedures for notifying fire, police, medical, and other public officials;
and

(D) General procedures to determine whether the system is safe.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 9. Local Service — Operations

23 CAR § 466-901. Service connections.

(a) **Acceptance of applications.** When an eligible telecommunications carrier receives an application for service within its service territory or within an adjacent unallocated territory, the eligible telecommunications carrier shall neither refuse to accept the application for service nor request the applicant to withdraw the application.

(b) Service connection requirements.

(1)(A) All extensions of service shall be made in accordance with the LEC's extension of facilities tariffs.

(B) An applicant for service must meet all requirements of this part in order to qualify to receive service.

(2) Where facilities are available.

(A) **Service connection deadlines.** All reasonable efforts shall be made to serve qualified applicants within five (5) business days after receipt of an application unless a later date is requested by the applicant.

(B) **Quality of service evaluations.** For purposes of evaluating the quality of service, ninety-five percent (95%) or more of all qualified applications monthly for each exchange must be served within the time frame specified above except exchanges of two thousand (2,000) lines or less will be evaluated on an average of three (3) consecutive monthly results.

(C) **Expected service dates.**

(i) Each LEC shall notify the applicant of the expected service date.

(ii) If an LEC will not be able to connect service on the expected service date, it shall promptly notify the applicant of the new expected service connection date.

(3) **Where facilities are not available within the service territory.**

(A) **Initial information.** Within five (5) business days after receipt of a qualified application for service, an LEC shall:

(i) Inform or mail notice to the applicant that facilities are not readily available;

(ii) Inform the applicant that within ten (10) business days the LEC will provide the applicant an expected service date; and

(iii) Inform the applicant of:

(a) The Extension of Telecommunications Facilities Fund; and

(b) Its applicable two-hundred-fifty-dollar limit on the applicant's contribution.

(B)(i) **Written proposal.** Within thirty (30) business days of the receipt of a qualified application, the LEC shall provide a written proposal to the applicant that shall provide:

(a) An explanation of any conditions and circumstances the applicant must meet before service will be provided; and

(b) If there will be a cost to the applicant, an estimate of the costs.

(ii) **Exception.** When an engineering study is required, the LEC shall provide a written proposal to the applicant for service within sixty (60) business days of the receipt of the application.

(C) **Changing the expected service date.** If the LEC will not be able to connect service on the expected service date, it shall promptly notify the applicant of the new expected service connection date.

(D) **Connection deadlines.**

(i) All reasonable efforts shall be made to serve qualified applications received for service within thirty (30) days unless a later date is requested by the applicant.

(ii) If an applicant requests service outside the base rate area and the LEC requires the applicant to pay excess construction costs under tariff, the LEC shall complete the construction and provide service to the applicant within ninety (90) days of the applicant's acceptance of the written proposal unless a later date is requested by the applicant.

(iii) For purposes of evaluating the quality of service, ninety-five percent (95%) or more of all qualified applications monthly for each exchange must be served within the time frames specified above except exchanges of two thousand (2,000) lines or less will be evaluated on an average of three (3) consecutive monthly results.

(4) **Within adjacent unallocated territory.**

(A) **Initial information.** Within five (5) business days after receipt of a qualified application for service, an ETC shall inform the applicant:

(i) That facilities are not readily available;

(ii) That within fifty-five (55) business days the ETC will provide the applicant an expected service date;

(iii) That provision of service is dependent on allocation of the territory to the ETC by the Arkansas Public Service Commission;

(iv) That provision of service is dependent on arrangements to reimburse the ETC for all of its construction costs within the unallocated territory from the Extension of Telecommunications Facilities Fund and/or the applicant; and

(v) Of the Extension of Telecommunications Facilities Fund and its applicable two-hundred-fifty-dollar limit on the applicant's contribution.

(B) **Written proposal.** Within sixty (60) business days of the receipt of a qualified application, the ETC shall provide a written proposal to the applicant that shall provide:

(i) An explanation of any conditions and circumstances the applicant must meet before service will be provided;

(ii) An estimate of the applicant's costs; and

(iii) The expected service date.

(C) **Changing the expected service date.** If the ETC will not be able to connect service on the expected service date, it shall promptly notify the applicant of the new expected service connection date.

(D) **Connection deadlines.**

(i) The ETC shall complete the construction and provide service to the applicant within ninety (90) days of the applicant's acceptance of the written proposal unless the applicant requests a later date.

(ii) For purposes of evaluating the quality of service, ninety-five percent (95%) or more of all qualified applications monthly for each exchange must be served within the time frames specified above except exchanges of two thousand (2,000) lines or fewer will be evaluated on an average of three (3) consecutive monthly results.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-902. Extension of facilities.

(a) **Certificated area.** Each LEC shall make reasonable extensions of its facilities within its certificated area. Also see 23 CAR § 466-303.

(1) **Base rate or supplemental rate areas.** Each LEC shall extend facilities within base rate and supplemental rate areas at no cost to the applicant unless the applicant requests nonstandard plant construction.

(2) **Outside base rate or supplemental rate areas.**

(A) **Local exchange carrier contribution to construction costs.**

(i)(a) Each LEC shall construct standard outside plant facilities at no cost to the applicant when the LEC's construction cost for the circuit is less than or equal to sixty (60) months of basic local exchange revenue.

(b) This section does not preclude an LEC from developing a uniformly applied plan that is more favorable to applicants for telephone service.

(ii) The LEC's contribution may be calculated and described in feet or fractions of a mile as long as the result is at least as favorable to the applicant as that calculated in subdivision (a)(2)(A)(i) of this section.

(iii) The maximum line extension to be constructed by the LEC at no cost to the applicant must be filed as a tariff according to the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462.

(B) **Applicant contribution to construction costs.**

(i)(a) If the ETC/LEC is not awarded a grant pursuant to 23 CAR § 466-903 or the applicant does not wish to wait until a grant is available, the LEC may require applicants to contribute to construction costs that exceed the maximum amount required of the LEC as described in the LEC's extension of facilities tariff.

(b) If the ETC is awarded a grant pursuant to 23 CAR § 466-903, the ETC shall reduce the applicant's required contribution to the construction costs by the amount of the grant so that the applicant's required contribution does not exceed two hundred fifty dollars (\$250).

(ii) The cost of the extension shall be based on the most economically feasible route from the LEC's nearest point of connection to the applicant's point of delivery, consistent with sound engineering design for the LEC's system.

(iii) No portion of the cost for constructing circuits needed to reinforce or parallel an LEC's existing facilities may be included in calculating an applicant's contribution toward excess construction cost.

(iv) If the LEC sizes facilities in excess of the applicant's requirements for service, any cost to be paid by the applicant shall be adjusted to reflect only the cost of his or her service requirements.

(v)(a) When a customer pays for an extension of facilities and later moves from that service location, the LEC shall attempt to leave those facilities in place for use by other customers.

(b) If the LEC removes the facilities, an applicant requesting the same extension of facilities at the premises shall obtain the extension cost-free.

(vi) Each LEC shall file its extension of facilities policy as a tariff according to the Arkansas Public Service Commission's Rules of Practice and Procedure.

(vii) 23 CAR § 466-903 shall apply when any applicant applies for service at a location where:

(a) Facilities are not available within the service territory; and

(b) The applicant's contribution would otherwise exceed two hundred fifty dollars (\$250).

(b) **Adjacent unallocated territory.** Each ETC shall make reasonable extensions of its facilities within adjacent unallocated territory. Also see 23 CAR § 466-303.

(1) **ETC contribution to construction costs.** Each ETC shall pay the cost for constructing circuits needed to reinforce or parallel an ETC's existing facilities.

(2) **Applicant contribution to construction costs.**

(A)(i) If the ETC is not awarded a grant pursuant to 23 CAR § 466-903 or the applicant does not wish to wait until a grant is available, the ETC may require applicants to contribute to construction costs.

(ii) If the ETC is awarded a grant pursuant to 23 CAR § 466-903, the ETC shall reduce the applicant's required contribution by the amount of the grant so that the applicant's required contribution does not exceed two hundred fifty dollars (\$250).

(B) The cost of the extension shall be based on the most economically feasible route from the LEC's nearest point of connection to the applicant's point of delivery, consistent with sound engineering design for the LEC's system.

(C) No portion of the cost for constructing circuits needed to reinforce or parallel an LEC's existing facilities may be included in calculating an applicant's contribution toward excess construction cost.

(D)(i) When a customer pays for an extension of facilities and later moves from that service location, the LEC shall attempt to leave those facilities in place for use by other customers.

(ii) If the LEC removes the facilities, an applicant requesting the same extension of facilities at the premises shall obtain the extension cost-free.

(E) Each ETC shall file its extension of facilities policy as a tariff.

(F) 23 CAR § 466-903 shall apply when any applicant applies for service at a location where:

(i) Facilities are not available within an adjacent unallocated territory;

and

(ii) The applicant's contribution would otherwise exceed two hundred fifty dollars (\$250).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-903. Grant program for unserved persons.

(a)(1) Grants are available to an ETC for the extension of facilities to persons unserved by its wireline services.

(2) ETCs shall make a request on behalf of their applicants for fund allocation when required by 23 CAR § 466-902(a)(2)(B)(vii) or 23 CAR § 466-902(b)(2)(F).

(3) The fund trustee will determine the allocation of available funds to the requests received from ETCs.

(b) ETC's initial request for grant program funds.

(1) Each ETC's fund request shall be on a form the trustee prescribes.

(2)(A) Each ETC shall request funds from the trustee within thirty (30) business days of an application for service at a location within its service territory.

(B) **Exception.** When an engineering study is required, the ETC shall request funds from the trustee within sixty (60) business days of an application for service at a location within its service territory.

(3)(A) Each ETC shall request funds from the trustee within sixty (60) business days of an application for service at a location within adjacent unallocated territory.

(B) The request shall include a copy of the letters from other ETCs indicating their interest in serving the territory as required by subsection (g) of this section.

(4) The initial request may be based on the ETC's estimated cost less two hundred fifty dollars (\$250) per applicant.

(5) Each initial request shall contain the name and address of all members of the General Assembly who have constituents who would benefit from the requested grant.

(6) Requests the trustee denies for lack of funds may be renewed by the ETC in the following calendar year.

(c) ETC's true-up request for grant program funds.

(1) If the ETC's actual costs are greater than the amount of the grant, the ETC may request a true-up within sixty (60) days of the applicant's service date.

(2) If the ETC's actual costs are less than the amount of the grant, the ETC shall request a true-up within sixty (60) days of the applicant's:

- (A) Service date;
- (B) Refusal to use the grant; or
- (C) Cancellation of service request.

(3) Each ETC's true-up request shall be on a form the trustee prescribes.

(4) The true-up request shall be based on the ETC's actual costs less two hundred fifty dollars (\$250) per applicant served.

(d) Trustee processing of requests.

(1)(A) For each request, the trustee shall determine if funds will be awarded and advise an ETC in writing within thirty (30) days of receiving the request.

(B) This notice shall include:

- (i) The estimated date funds will be available; or
- (ii) An explanation of the reason or reasons a request is denied.

(C) The trustee shall advise the ETC in writing of any revisions to the estimated date.

(2)(A) For each grant other than true-up grants awarded, the trustee shall individually notify in writing the members of the General Assembly who have constituents benefitting from the award.

(B) The notice shall be sent to the General Assembly members and a copy filed in Docket No. 02-080-A at the same time as the ETC notice required by subdivision (d)(1) of this section.

(3)(A) The trustee shall deny a request due to lack of funds only if funds equal to the proposed grant cannot be disbursed within twelve (12) months.

(B) **Exception.** The trustee shall be allowed to accumulate funds over a period greater than twelve (12) months for a proposed grant that exceeds the available funds from an annual allocation of funds from the AICCLP.

(4)(A) If an initial request is denied, the trustee is not required to retain the request for future consideration.

(B) An ETC may renew its request at the appropriate time.

(5) The trustee will pay administrative costs from the annual fund allocation.

(6)(A) The trustee shall disburse funds by the tenth of the month following the month during which funds become available to cover the entire grant.

(B) The trustee shall generally first disburse funds for true-up grants awarded.

(7) The trustee shall provide to the Arkansas Public Service Commission monthly reports of initial and true-up grants awarded by ETC by exchange including at least the amount awarded and the number of additional customers to be served or served.

(8) The monthly reports shall also include for each ETC by exchange the:

(A) Grants that the trustee denied;

(B) Amount requested;

(C) Number of additional customers proposed to be served; and

(D) Reason the request was denied.

(9) The monthly reports shall also include a statement of fiscal status for the Extension of Telecommunications Facilities Fund including at least the:

(A) Funds received;

(B) Funds disbursed; and

(C) Fund balance.

(10) The trustee shall file these reports in Docket No. 02-080-A.

(e) **Grant award criteria.**

(1) In determining whether to approve a request, the trustee shall use the criteria in Arkansas Code § 23-17-404(e)(5)(B)(i).

(2)(A) The amount of any grant shall not exceed the applicant's required contribution to construction costs as required by 23 CAR § 466-902 and 23 CAR § 462-703(e) of the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462.

(B) Until July 1, 2005, the applicant's required contribution to construction costs shall be determined by using the ETC's extension of facilities tariff in effect as of April 18, 2001.

(3) Until July 1, 2005, grants shall not be awarded to extend wireline facilities to replace basic exchange telecommunications radio service.

(4) Grants shall not be awarded for the extension of facilities to serve temporary or seasonal service requirements.

(5) Grants shall only be awarded for future extensions of facilities.

(f) Administration of Extension of Telecommunications Facilities Fund funds.

(1) The AICCLP administrator shall assess telecommunications providers pursuant to Arkansas Code § 23-17-404(e)(4)(D) to accumulate funds for the Extension of Telecommunications Facilities Fund.

(2) Such funds accumulated by the AICCLP shall be transferred to the trustee by the last business day of each month.

(3) The trustee shall make a reasonable effort to keep the funds in an interest-bearing account.

(4)(A) The trustee shall prepare an annual estimate of funds required and provide the estimate to the Arkansas Public Service Commission and a copy to the AICCLP administrator by January 5 of the year being estimated.

(B) The estimate shall be reduced by the Extension of Telecommunications Facilities Fund balance, if any, not awarded by the end of the previous year.

(C) The estimate shall be filed in Docket No. 02-080-A.

(g) **Unallocated territory.** When an ETC makes an initial request as required by subdivision (b)(3) of this section, it shall at the same time request that the Arkansas Public Service Commission allocate the geographic area not previously allocated to that ETC as required by 23 CAR § 462-705(a) of the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462.

(h) Appointment of trustee.

(1) The Arkansas Public Service Commission shall appoint a trustee who:

(A) Shall be neutral and impartial; and

(B) Shall not have a direct financial interest in the funding mechanisms established by the Arkansas Public Service Commission.

(2) The trustee shall serve at the Arkansas Public Service Commission's discretion.

(i) **Duties of the trustee.**

(1) The trustee's general duties shall include:

(A) Determining the sufficiency of the fund;

(B) Receiving moneys from the AICCLP;

(C) Disbursing grants from the fund;

(D) Managing the daily operations and affairs of the grant program;

(E) Cooperating in any periodic audits that the Arkansas Public Service Commission deems necessary;

(F) Resolving disputes;

(G) Reviewing and determining the accuracy and appropriateness of all requests for grants;

(H) Performing any other duties the Arkansas Public Service Commission orders; and

(I) Developing any forms necessary for grant requests.

(2) The trustee is expressly authorized to bring actions before the Arkansas Public Service Commission to enforce the provisions of the grant program.

(j) **Audits.** The Extension of Telecommunications Facilities Fund is subject to an annual audit by an independent certified public accountant selected by the Arkansas Public Service Commission.

(k) **Appeals from trustee decisions.** A party aggrieved by the trustee's decision may appeal that decision within thirty (30) days to the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

"AICCLP" means Arkansas Intrastate Carrier Common Line Pool.

23 CAR § 466-904. Business and residential service.

(a)(1) Business and residential rates are governed by the actual and obvious use of the service.

(2) In general, business rates apply to any place where substantial use of the service is business-related rather than domestic.

(3) For example, business rates are applicable at the following local exchange locations:

(A) Offices, stores, factories, and all other places of a strictly business nature;

(B) Rental/maintenance offices and shared/public areas of boarding/rooming houses and apartment buildings, lobbies and halls of hotels, private and public institutions, business offices, colleges, clubs, lodges, schools, libraries, churches, and hospitals; and

(C) At a residence where telephone use is more of a business than residential nature as indicated by advertising through newspapers, signs, circulars, business cards, etc.

(b) **Service to amateur radio tower locations.** Service provided to amateur radio clubs at their tower locations for clubs' autopatches shall be charged residential rates.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-905. Intercept service.

(a) Vacant and changed numbers.

(1) Each LEC shall intercept calls to vacant and changed numbers until the numbers are:

- (A) Assigned;
- (B) Reassigned; or
- (C) No longer listed in the directory.

(2) When a customer's telephone number is changed at the request of the LEC, the LEC shall intercept all calls to the customer's former number until a new directory is distributed.

(b) Incorrect directory listings.

(1) Each LEC shall intercept all calls to a number listed incorrectly in the telephone directory until a:

- (A) New directory is distributed; or
- (B) Correction sheet is mailed to each customer.

(2) In the event of a directory listing error, the corrected information shall be maintained in the files of the information operator and the correct telephone number furnished when the listing is requested.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-906. Minimum grade of service.

The minimum grade of service will be single-party service with no mileage or zone charges.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-907. Telephone directories.

(a) Directory publishing requirements.

(1) Each LEC shall arrange to revise and publish a new telephone directory at least once each year for each directory service area.

(2) Each directory shall include the following information:

(A) Each listed customer's name, address, and telephone number;

(B)(i) The name of the LEC arranging the publishing of the directory, the exchanges included, and the date issued.

(ii) This information shall be printed on the front cover of each directory;

(C) Instructions and rules governing:

(i) Local and toll service;

(ii) Repair procedures; and

(iii) Methods of payment;

(D)(i) Telephone numbers for emergency calls, such as police and fire departments.

(ii) This information shall be printed conspicuously on the front cover or first inside page of the directory; and

(E)(i) Telephone numbers that customers may call during business hours concerning bills or services, or to report emergencies.

(ii)(a) If a business office serves more than one (1) community, toll-free calling to that office shall be provided.

(b) Collect calls accepted by the LEC are considered to be toll-free calls.

(b) Delivery requirements.

(1) To the customer.

(A) Upon publication, each LEC shall furnish a copy of the revised directory to each customer within the corresponding directory service area at no charge.

(B) The LEC shall provide a directory to each customer for each of his or her telephone numbers.

(2) **To the Arkansas Public Service Commission.** Upon publication, each LEC shall provide a copy of each revised directory to the Consumer Services Office of the Arkansas Public Service Commission.

(c) **Directory listing changes.** Each LEC shall notify its customers in writing of telephone directory closing dates and opportunities and procedures for making changes at least sixty (60) days before the closing date.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-908. Local telephone numbers.

(a) **Assignment.** Local telephone numbers shall be assigned at the discretion of the LEC.

(b) **Changes and customer notification.** Each LEC may make reasonable changes in local telephone numbers after giving the affected customers sixty (60) days' notice of changes.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.08 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-909. Base rate area boundaries.

Each ILEC shall continuously evaluate suburban growth and telephone service needs to ensure that base rate area boundaries include all well-populated contiguous territory whether located inside or outside of an incorporated city or town.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.09 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-910. Switched services.

Each LEC shall provide all local, interoffice, tandem, toll, etc. switched services utilizing digital switching.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 9.10 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 10. Local Service — Maintenance

23 CAR § 466-1001. Restoration of service.

(a) Restoration requirements.

(1) General requirements.

(A) If a customer experiences a service outage that does not result in an emergency, the LEC shall make every reasonable effort to restore service not later than twenty-four (24) hours after an outage is reported.

(B) If service cannot be restored within twenty-four (24) hours, the LEC shall make reasonable efforts to:

- (i) Notify the affected customers; and
- (ii) Give a time when service should be restored.

(2) **Emergency requirements.** When the LEC becomes aware of an outage that results in an emergency, the LEC shall:

- (A) Begin immediate restoration of service; and
- (B) Continue restoration until service is restored.

(b) **Evaluation standards.**

(1) Ninety-five percent (95%) of all service outages shall be restored within twenty-four (24) hours after being reported, excluding Sundays and New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day when those holidays are not on Monday or Saturday.

(2) One hundred percent (100%) of all service outages shall be restored within five (5) days after being reported except as described in subdivision (b)(3) of this section.

(3) Outages that are not logically chargeable to the operation of the LEC, such as the results of major storms and other major events beyond the control of the LEC, may be excluded from the evaluation calculations.

(4) Outages shall be evaluated separately for each exchange.

(5) Evaluation calculations shall be based upon outages occurring during a one-month period.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1002. Inspection and repair of plant facilities.

(a) **Inspection.**

(1) Each LEC shall adopt a program of inspection and maintenance of its facilities in order to determine the necessity for replacement and repair.

(2) The frequency of the various inspections shall be based on the LEC's experience and accepted good practice.

(3) Each LEC shall be able to provide evidence of compliance with its inspection program.

(b) **Remedying defects.**

(1) Telecommunications facilities with defects that would endanger life or property shall be immediately:

- (A) Repaired;
- (B) Replaced;
- (C) Disconnected; or
- (D) Isolated.

(2)(A) Deficiencies found during an inspection that do not require immediate correction shall be scheduled for maintenance.

(B) A periodic report of corrective activity shall be kept with or refer to the appropriate inspection report.

(c) **Permanently abandoned facilities.** When telecommunications facilities are permanently abandoned, the LEC shall remove them or maintain them in a safe condition.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1003. Central office maintenance program.

(a) In order to provide adequate and continuous service, each LEC shall adopt and pursue an effective central office switching equipment maintenance program.

(b) Each LEC shall be able to provide evidence of compliance with its central office maintenance program.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1004. Tree trimming.

(a) While trimming trees as part of the LEC's maintenance program, the LEC shall consider the health of plant life involved, the goodwill of property owners, and the safety of personnel to the extent practical.

(b)(1) Trees that may interfere with communications facilities shall be trimmed or removed.

(2) Factors to be considered in determining the extent of tree trimming required include:

(A) Normal tree growth;

(B) The combined movement of trees and conductors under adverse weather conditions;

(C) Capacity and toll usage;

(D) Sagging of conductors at elevated temperatures; and

(E) Economic trimming cycles.

(c) Where the LEC determines trimming or removal is not practical, the conductor shall be separated from the tree with suitable materials or devices to avoid conductor damage by abrasion and grounding of the circuit through the tree.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1005. Local exchange carrier testing responsibility.

(a) When an LEC receives a trouble report from its retail customer, the LEC shall test the local loop up to the point of demarcation.

(b) **Simple wire customer.**

(1) If the problem is on the LEC's side of the demarcation point, the LEC shall correct the problem at no cost to the customer.

(2)(A) If the problem is on the customer's side of the point of demarcation, the LEC will notify the customer that the problem is not in the LEC's wiring or equipment.

(B) There shall be no charge to the customer for determining and informing the customer that the problem is not in the LEC's facilities up to the demarcation point.

(C)(i)(a) If the customer is a subscriber to a customer premises wiring maintenance agreement with the LEC, the customer may be entitled to further trouble isolation and/or repair provisions as specified in the maintenance agreement.

(b) The LEC shall inform the customer about what is covered within the maintenance agreement.

(ii) If the customer is not a party to a customer premises wiring maintenance agreement with the LEC, the LEC must inform the customer that the customer may:

(a) Request that the LEC estimate the cost for diagnosis and repair of the problem;

(b) Request that the LEC diagnose and repair the problem; or

(c) Assume full responsibility for having the problem diagnosed and repaired.

(c) Complex wire customer.

(1) If the problem is on the LEC's side of the demarcation point, the LEC shall correct the problem at no cost to the customer.

(2)(A) If the problem is on the customer's side of the point of demarcation, the LEC will notify the customer that the problem is not in the LEC's wiring or equipment.

(B) In the absence of a tariff, there shall be no charge to the customer for determining and informing the customer that the problem is not in the LEC's facilities up to the demarcation point.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1006. Trouble report evaluations.

(a)(1) Each LEC shall maintain service quality so that no more than five (5) trouble reports are received per one hundred (100) retail customer lines in any exchange each month.

(2) Exchanges of two thousand (2,000) lines or less will be evaluated on an average of three (3) consecutive monthly results.

(b) Reports may be excluded from the trouble report evaluation that are:

(1) Related to customer premises equipment or wiring; or

(2) Problems that are not logically chargeable to the operation of the LEC, such as the results of major storms and other major events beyond the control of the LEC.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1007. Electrical power influence.

Each LEC shall minimize interference to communications circuits from inductive power influence by taking such steps as:

(1) Ensuring that:

(A) All grounding connections are proper; and

(B) Cable shields are continuous;

(2) Maintaining proper electromagnetic balance of communications circuits;

(3) Coordinating with the electrical power utility to identify and cooperatively develop a solution to noise problems; and

(4) Taking any other appropriate measures.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1008. System and equipment protection.

(a) Each LEC shall properly install and maintain protectors at subscriber premises.

(b) The minimum standards for protection devices, installations, and grounding shall be in accordance with the:

(1) American National Standard Institute's National Electrical Safety Code, Section 9, Part 99; and

(2) National Fire Protection Association's NFPA 70: National Electrical Code, Article 800, Communications Circuits, especially Rules 800.30 for protective devices and 800.40 for grounding methods.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 10.08 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 11. Local Service — Quality Standards

23 CAR § 466-1101. Adequate facilities.

Each LEC shall ensure that adequate facilities are available to meet the requirements in this part.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 11.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1102. Repair service answering time.

(a) The answer time for calls directed to a repair service number should be twenty (20) seconds or less.

(b) For purposes of evaluating the quality of service, the average answer time for one hundred percent (100%) of the calls shall be twenty (20) seconds or less.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 11.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1103. Local exchange traffic capability.

Local central office equipment shall meet the following minimum requirements during an average busy hour of the busy season:

(1) **Dial tone delay.**

(A) A calling party should receive dial tone within three (3) seconds.

(B) For the purpose of evaluating the quality of service, the average dial tone delay shall be three (3) seconds or less; and

(2) **Switching equipment status.**

(A) A calling party originating traffic that terminates within a central office shall encounter:

(i) A ring-back tone;

(ii) A busy signal; or

(iii) An intercept recording.

(B) A calling party originating traffic that is blocked due to insufficient intraoffice trunking shall receive a signal indicating an "equipment busy" condition.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 11.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1104. Interoffice traffic capability.

Trunk circuit groups shall have sufficient capacity to allow the following percentages of call completions without encountering an all-trunks busy signal during the average busy hour of the busy season:

- (1) Toll connecting calls, ninety-seven percent (97%);
- (2) Interoffice local calls, ninety-five percent (95%); and
- (3) Extended area service calls completion, ninety-four percent (94%).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 11.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1105. Local exchange central office call completion.

Central office switching equipment shall be engineered and maintained to complete at least ninety-eight percent (98%) of all intraoffice test calls originated with standard industry switching service analyzers.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 11.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1106. Emergency power operation.

- (a) Each LEC shall provide emergency power for each central office.

(b) Each central office without a permanently installed emergency power system shall be wired to permit connection of a mobile emergency power unit, and there shall be a mobile emergency power unit available for connection on short notice with minimum travel time.

(c) Each central office shall be equipped with a battery reserve sufficient to sustain operation until emergency power can be connected.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 11.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1107. Transmission standards.

(a) General information.

(1)(A) Both the objectives and the limits for transmission values are presented in this part.

(B) However, values that are between an objective and the respective maximum or minimum limit are not violations, though surveillance and possibly corrections are indicated.

(2)(A) This part does not address transmission quality standards of all circuit parameters, for example, return loss, crosstalk, impulse noise, etc.

(B) However, BOC Notes on the LEC Networks 1990 Special Report SR-TSV-002275, Issue 1, March 1991, published by Bellcore, is adopted as the minimum transmission standard for circuits that originate and terminate in Arkansas.

(3) The following transmission loss and noise value requirements do not include the attenuation from devices such as:

(A) Impedance matching transformers; or

(B) Two-decibel test pads.

(b) Quality of service requirements.

(1) Values above the maximum or below the minimum limits in subsections (c) – (e) of this section require immediate attention and correction.

(2) For purposes of evaluating the quality of service:

(A) Each type of circuit shall be evaluated separately; and

(B) At least ninety-five percent (95%) must comply with the respective maximum or minimum limits.

(c) Subscriber loop standards.

(1) Loop current, terminated in a two hundred (200) ohms resistance or an equivalent test instrument:

(A) Objective twenty-three milliamperes (23.0 mA); and

(B) Minimum twenty milliamperes (20.0 mA).

(2) Transmission loss at one thousand four hertz (1004 Hz), excluding central office loss:

(A) Objective eight decibels (8.0 dB); and

(B) Maximum ten and five-tenths decibels (10.5 dB).

(3) Metallic (message circuit) noise:

(A) Objective twenty decibels above reference noise with C-message weighting (20.0 dBrnC); and

(B) Maximum thirty decibels above reference noise with C-message weighting (30.0 dBrnC).

(d) Interoffice or extended area service (EAS) trunk standards.

(1) Transmission loss at one thousand four hertz (1004 Hz):

(A) Objective four decibels (4.0 dB); and

(B) Maximum/minimum plus or minus four decibels (± 4.0 dB).

(2) Message circuit noise for electronically derived (carrier) circuits:

(A) Objective twenty-one decibels above reference noise with C-message weighting (21.0 dBrnC); and

(B) Maximum twenty-eight decibels above reference noise with C-message weighting (28.0 dBrnC).

(3) Message circuit noise for metallic (copper) circuits:

(A) Objective twenty-five decibels above reference noise with C-message weighting (25.0 dBrnC); and

(B) Maximum thirty-six decibels above reference noise with C-message weighting (36.0 dBrnC).

(e) Toll connecting trunk standards.

(1) Transmission loss at one thousand four hertz (1004 Hz):

(A) Objective three decibels (3.0 dB); and

(B) Maximum/minimum plus or minus three decibels (± 3.0 dB).

(2) Message circuit noise:

(A) Objective twenty-three decibels above reference noise with C-message weighting (23.0 dBrnC); and

(B) Maximum thirty-two decibels above reference noise with C-message weighting (32.0 dBrnC).

(f) "dBrnC" means decibels above reference noise with C-message weighting.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 11.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 12. Local Service — Extended Area Service

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "These rules are pursuant to, and in accordance with, the provisions of Act 1764 of 2003 as codified in Ark. Code Ann. §23-17-403(28), §23-17-412(i)(1), §23-17-407(b)(1), and §23-17-414."

23 CAR § 466-1201. Request to the Arkansas Public Service Commission for EAS.

(a) If the request is for two-way EAS, customers in each requesting exchange must provide a customer petition or a resolution of the customers' quorum court or other governing body.

(b) Petition by customers.

(1) The petition must be in writing and comport with the requirements of the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR § 462-202.

(2) The petition form shall include the following:

(A) A description of the EAS route, including whether the EAS route is one-way or two-way EAS;

(B) Notice that the petition is to request an election on the proposed EAS route;

(C) Notice that, if approved by election, there will be a mandatory rate charged to all customers in the exchange;

(D) Notice that an election will only be held if at least fifteen percent (15%) of the petitioning exchange customers sign the petition;

(E) Notice that only ILEC customers within the requesting exchange may sign the petition; and

(F) Columns for the petitioning exchange customer to print their name, address, telephone number, and sign the petition.

(3)(A) For an election to occur, the petition must be signed by at least fifteen percent (15%) of the petitioning exchange customers.

(B) For two-way EAS, both petitions must be signed by at least fifteen percent (15%) of the petitioning exchange customers.

(C) At a customer's request, the ILEC shall provide the number of signatures required to meet the fifteen-percent requirement.

(4) Only one (1) signature per billing address shall be counted.

(5)(A) The petition or petitions shall be filed with the secretary of the Arkansas Public Service Commission.

(B) The petition or petitions may be filed by either the petitioning exchange customers or the ILEC.

(C) Upon receipt of a petition, the secretary of the Arkansas Public Service Commission shall serve a copy on the affected ILEC or ILECs.

(6) In addition to the original petition forms, the filing shall include a cover letter with:

(A) A description of the request, such as one-way EAS, two-way EAS, the exchanges involved, etc.; and

(B) The name of the ILEC or ILECs that provide service to the petitioning exchange customers.

(7)(A) Within fifteen (15) days of the petition filing date, the ILEC shall certify to the Arkansas Public Service Commission that the petition was signed by at least fifteen percent (15%) of the petitioning exchange customers.

(B) Validation of the petition shall be by telephone number and billing address.

(c) Resolution of the customers' quorum court or other local governing body.

(1) The resolution must be in writing and comport with the requirements of the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR § 462-202.

(2) The resolution shall include:

(A) A description of the request, such as one-way EAS, two-way EAS, the exchanges involved, etc.; and

(B) The name of the ILEC or ILECs that provide service to the petitioning customers.

(3)(A) The resolution shall be filed with the secretary of the Arkansas Public Service Commission.

(B) The resolution may be filed by the quorum court or other local governing body or the ILEC.

(C) Upon receipt of a petition, the secretary of the Arkansas Public Service Commission shall serve a copy on the affected ILEC or ILECs.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 12.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1202. EAS rate.

(a) The EAS rate shall include the ILEC's revenue that is replaced by EAS, which is lost toll revenue.

(b) The EAS rate may include other just and reasonable costs related to the new EAS route, such as additional facilities and changes in access costs and revenues.

(c)(1) Generally, the EAS rate shall not include any one-time expenses such as programming and billing expenses.

(2) However, an ILEC may request recovery of such one-time expenses through the EAS rate.

(3) If the Arkansas Public Service Commission determines such costs to be just and reasonable costs and appropriate for recovery through the EAS rate, then these costs shall be amortized over the expected life of the proposed EAS route.

(d)(1) The ILEC shall use at least three (3) months and no more than twelve (12) months of data in developing the rate.

(2) The data shall be from the billing months immediately preceding the petition filing date.

(e)(1) The ILEC shall use the most recent month's ending access line count in the rate development.

(2) All access lines subject to the EAS rate shall be included in the access line total.

(f) ILEC official lines shall be excluded from both the revenue and access line numbers.

(g) The ILEC may develop rates that are different for residential and business customers.

(h)(1) Within seventy-five (75) days of the filing of a valid petition, the ILEC shall file with the Arkansas Public Service Commission sufficient information to verify the:

(A) Lost toll revenue; and

(B) Calculation of the EAS rate or rates.

(2) The ILEC shall also include a proposed ballot and proposed implementation date with its filing.

(i)(1) The ILEC shall make all supporting documentation underlying the development of the EAS rate available to the General Staff.

(2) This information shall be subject to review, analysis, and audit to confirm compliance with Arkansas Code § 23-17-414(b)(1)(B).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 12.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1203. EAS election process.

(a) Balloting shall occur within forty-five (45) days of an Arkansas Public Service Commission order:

(1) Approving the ballot and implementation date; and

(2) Verifying the rate or rates.

(b)(1) At least fifteen (15) days prior to the balloting date, the ILEC shall provide notice to all basic local exchange customers in the EAS exchange of an EAS election.

(2) The notice may be by:

(A) Separate mailing;

(B) Bill insert; or

(C) Other reasonable medium.

(c) Balloting shall occur within six (6) months of receipt of a:

- (1) Valid petition; or
 - (2) Resolution of the customers' quorum court or other local governing body.
- (d)(1) At least fifty percent (50%) of the ballots in each exchange must be returned to have a valid election.
- (2) If less than fifty percent (50%) of the ballots are returned, EAS will not be implemented.
- (e) The balloting shall include a validation process, e.g., sequential numbering of ballots.
- (f) At a minimum, the ballot shall include the following:
- (1) The calling scope of the proposed EAS route;
 - (2) The date a ballot must be received in order to be counted;
 - (3) The proposed rate or rates;
 - (4) Information about the basis for implementation;
 - (5) The estimated date for implementation if approved;
 - (6) A space for the customer to vote and write any comments; and
 - (7) An ILEC telephone number to contact for additional information.
- (g)(1) Ballots shall be sent in a separate mailing unless the Arkansas Public Service Commission approves an alternative method of balloting.
- (2) The separate mailing shall clearly state on the exterior of the mailing that it contains information that could affect the customer's calling scope and rates.
- (h)(1) Only one (1) ballot will be sent to each billing address.
- (2) One (1) ballot per billing address will be counted.
- (i) Ballots must be received within thirty (30) days of the ballot mail date in order to be counted.
- (j) Return of the ballot will be prepaid by the ILEC.
- (k)(1) The ballots shall be returned to the ILEC and the ILEC shall certify the results to the Arkansas Public Service Commission within fifteen (15) days of the ballot return date.
- (2) The ballots shall be retained by the ILEC for at least twelve (12) months from the ballot return date.

(l) Implementation of the EAS route will occur if in each exchange either of the following occurs:

(1) Seventy-five percent (75%) of the returned ballots vote for the EAS route;

or

(2) A majority of the total mailed ballots vote for the EAS route.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 12.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1204. Postelection notification.

(a) Customers shall be notified of the results of the election within forty-five (45) days of the ballot certification date.

(b) Notification may be by:

(1) Mail;

(2) Bill insert;

(3) Bill message; or

(4) Other reasonable means.

(c) The notification shall include the following:

(1) A description of the EAS route;

(2) The results of the EAS election;

(3) The implementation date, if applicable; and

(4) The EAS rate or rates.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 12.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1205. Timeframe for new EAS election or rate.

(a) An EAS election is considered valid for five (5) years from the ballot certification date.

(b) During this time an ILEC is not required to provide a new EAS rate or have a new election for the same route.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 12.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1206. ILEC initiation of new EAS rate.

Consistent with Arkansas Code § 23-17-414(b)(2) and § 23-17-414(c), after the initial election and implementation of EAS, the ILEC can initiate a proceeding with the Arkansas Public Service Commission to change the rate or rates pursuant to the provisions of this part.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 12.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 13. Interexchange Service — Provision of Service, Certification, and Billing

23 CAR § 466-1301. Provision of service.

(a) To ensure the continued provision of interexchange telecommunication services in a manner consistent with the public interest, it is the Arkansas Public Service Commission's policy that every local exchange area have access to interexchange

telecommunications service, except that a TP must be allowed to discontinue service without Arkansas Public Service Commission approval to a local exchange area if:

- (1) Comparable service is available in the area; and
- (2) The discontinuance is not contrary to the public interest.

(b) This section does not authorize the Arkansas Public Service Commission to require a TP that has not provided services to a local exchange area during the previous twelve (12) months and that has never provided services to that same local exchange area for a cumulative period of one (1) year at any time in the past to initiate services to that local exchange area.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1302. Certification.

(a) No TP shall offer intrastate long distance or toll service within Arkansas without first obtaining a certificate of public convenience and necessity from the Arkansas Public Service Commission.

(b) All applications shall be made in accordance with the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1303. Records.

All TPs' records required by this part, or necessary for the administration thereof, shall be maintained in a manner so as to be readily available to the Arkansas Public Service Commission or its authorized representative upon request.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1304. Required billing information.

(a) TP bills shall be rendered not later than ninety (90) days after service is provided.

(b) Such bills shall contain the following information:

- (1) Name and telephone number or identifying number under which service is billed;
- (2) Any previous balance due;
- (3) The ending date of the bill cycle or the invoice date;
- (4) Either the due date of the bill or the total payable upon receipt and, if applicable, the date on which a late payment charge will be imposed;
- (5) Itemization of the charges including any applicable taxes; and
- (6) Name and a toll-free telephone number of the TP for billing inquiries.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1305. Overbilling and underbilling.

(a) Where a TP has overbilled a customer, the TP shall make a refund or billing credit in a subsequent billing cycle following discovery and computation of the overbilled amount.

(b) When a TP bills a customer an amount correcting a previous underbilling and it results in an undue hardship on a customer, the customer may call and make special payment arrangements unless the underbilling was caused by unauthorized or fraudulent use or procurement of service.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.05 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1306. Wrong number credit.

When a customer reaches a wrong number on an intrastate toll call and promptly notifies the appropriate TP representative, the TP shall credit the customer's account for that call.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.06 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1307. Prepaid services.

(a) Prepaid services shall be permitted.

(b) Amounts received for prepaid services shall not be treated as deposits.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.07 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1308. Deposits.

TPs may require deposits from customers and shall pay interest thereon at the rate prescribed by the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 13.08 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 14. Interexchange Service — Rural Saver Optional Calling Plan

23 CAR § 466-1401. Description.

(a) The Rural Saver Optional Calling Plan provides for residential calling to a customer's county seat plus calling to other exchanges within a forty-one-mile (radius) circle.

(b) The plan is further defined as follows:

- (1) Only intrastate, intraLATA calls will be included in the plan;
- (2) The plan will be limited to sixty (60) minutes of calling each month;
- (3) Calling to a county seat greater than forty-one (41) miles away shall be limited to only those customers residing in the county and not all customers in the exchange;
- (4) Usage shall be rated in the same or smaller increments than were used for rating optional calling plans on April 20, 2001, the effective date for Acts 2001, No. 1769;
- (5) The calling distance shall be measured using the industry standard method of V and H coordinates of the rate centers serving the originating customer and the called telephone number;

- (6) Customers shall be required to dial one (1) plus ten (10) digits; and
- (7) Customers shall be allowed to select, if available, at least one (1) additional optional calling plan.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 14.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

"IntraLATA" means within the local access and transport area.

"V and H" means vertical and horizontal.

23 CAR § 466-1402. Availability.

(a)(1) The Arkansas Public Service Commission shall determine the ILEC exchanges to be served based on total access lines.

(2) Initially, the exchange size to be served shall be no more than two thousand six hundred (2,600) total access lines.

(3) The plan shall not be available in exchanges meeting the total access line requirement but where it is not possible to make intrastate, intraLATA calls within a forty-one-mile circle.

(b) Each ILEC shall make the plan available to customers located in such exchanges.

(c) Each CLEC that is also an ETC shall make the plan available to customers located within the ILEC exchanges defined by subsection (a) of this section.

(d) On an exchange basis, the plan shall continue to be available to existing plan customers when the exchange access line count at the end of September exceeds the cutoff established in subsection (a) of this section, but the plan will no longer be offered to new customers starting January 1 of the next year.

(e) Starting January 1 of the next year, the plan shall be available in all exchanges where the exchange access line count at the end of the preceding September is less than the cutoff established in subsection (a) of this section.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 14.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

"IntraLATA" means within the local access and transport area.

23 CAR § 466-1403. Rates.

(a)(1) The Arkansas Public Service Commission shall determine rates pursuant to Arkansas Code § 23-17-120(b)(1).

(2) The initial rates shall be:

(A) Monthly End-User Charge Per Access Line	\$2.50
(B) Per-Minute Usage Charge	\$0.00
(C) Other Monthly End-User Charge	\$0.00
(D) Nonrecurring Charge	None

(b) The plan provider may receive additional funding from the ACPF as set out in 23 CAR § 466-1404.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 14.03 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1404. Arkansas Calling Plan Fund.

(a) **Request for calling plan funds.**

(1) Each ILEC/ETC providing the Rural Saver Optional Calling Plan shall provide a monthly fund request to the administrator on a form the administrator prescribes.

(2) Each ILEC/ETC shall request funds from the administrator no later than the first day of the fourth month following the end of the month in which service is provided.

(3) Each request shall contain the:

(A) Monthly billed minutes of use associated with the plan;

(B) Total number of billed access lines subscribed to the plan; and

(C) Billed monthly usage charges and billed other monthly end-user charges associated with the plan.

(4) If an ILEC/ETC requests funds for reimbursement of one-time costs for initial customer notifications, initial tariff filing, or initial reprogramming of billing systems, it shall do so only with its initial request.

(5)(A) Each ILEC/ETC making correcting requests for funds shall do so by month and on a form the administrator prescribes.

(B) Such correcting requests shall be limited to the sixteen (16) calendar months immediately preceding the current month.

(6) An ILEC/ETC may renew its request for funds in a subsequent month if the administrator denies a request.

(7)(A) Each ILEC/ETC making fund requests shall provide to the administrator by the end of each November:

(i) A listing of exchanges where the plan will be made available in the following year pursuant to 23 CAR § 466-1402(d) and (e); and

(ii) Any other information required by the administrator to prepare the annual estimate required by subdivision (d)(4) of this section.

(B) The information shall be provided on a form the administrator prescribes.

(b) Administrator processing of requests.

(1)(A) The administrator shall determine the disbursement of funds to each ILEC/ETC by:

(i) Multiplying the monthly billed minutes of use by the ILEC's/ETC's unique blended rate per minute, defined below; then

(ii) Adding any qualifying one-time costs; then

(iii) Subtracting monthly end-user charge revenue; then

(iv) Subtracting billed monthly usage charges; and then

(v) Subtracting billed other monthly end-user charges.

(B) The monthly end-user charge revenue shall be determined by multiplying the number of billed access lines subscribed by the monthly end-user charge.

(C) When revenues exceed costs for an ILEC/ETC, the administrator shall:

(i) Carry the excess revenues forward; and

(ii) Subtract from costs in the next month.

(D) In a similar manner the administrator shall carry forward any excess revenues from the first two (2) months to the next month.

(E) The ILEC/ETC shall be billed for any excess revenues remaining after the third month and billed in succeeding months having a revenue excess.

(F) The ILEC/ETC shall be billed at the same time funds are disbursed as required by subdivision (b)(2) of this section.

(G) The ILEC/ETC shall remit funds to the administrator to cover the bill with the following month's fund request required by subdivision (a)(1) of this section.

(2)(A) By the fifth workday of the month following the month in which funds are timely requested, the administrator shall disburse funds or advise the ILEC/ETC in writing why funds will not be provided.

(B) **Exception.** Funds shall not be disbursed to any ILEC/ETC until funds are available to adequately cover all requests.

(3) Each month, the administrator will pay administrative costs from the annual fund allocation before any funds are distributed to any ILEC/ETC.

(4) The administrator shall provide to the Arkansas Public Service Commission monthly reports that include the:

- (A) Funds collected;
- (B) Funds requested;
- (C) Funds disbursed;
- (D) Administrative costs; and
- (E) Fund balance.

(5) The monthly reports shall also include for each ILEC/ETC the:

- (A) Funds requested;
- (B) Funds disbursed;
- (C) Billed minutes of use;
- (D) Number of billed access lines subscribed;
- (E) Billed monthly usage charges; and
- (F) Billed other monthly end-user charges.

(6) The administrator shall file these reports in Docket No. 02-037-A.

(c) Blended rates.

(1) The blended rate means a unique rate per minute for each ILEC/ETC that combines the different rates for optional calling plans and message telecommunications service into one (1) rate based on a weighting of minutes of use in each plan or service.

(2)(A) The blended rate is determined by:

(i) Accumulating the revenue and minutes of use associated with billing for certain optional calling plans and day-rated message telecommunications service calls within the forty-one-mile circle for the initial sixty (60) minutes for two (2) consecutive months; and

(ii) Dividing the revenue by the minutes of use rounded to four (4) decimal places.

(B) The data used shall be from two (2) consecutive recent months.

(C) The revenue for optional calling plans shall be based on the per-minute rate for additional calling in excess of the monthly allowance.

(D) A composite day rate shall be computed for ILECs/ETCs using mileage-banded day rates.

(E) The computation shall be to divide the message telecommunications interexchange dollars billed for calls within the forty-one-mile circle by the corresponding minutes of use.

(3) The optional calling plan data included in the determination of the ILEC blended rate shall be from the Extended Community Saver, Community Call Saver, Circle Saver, Circle Saver Trial, 1+Saver, IntraLATA, One Price-Residential, Simple Saver, and Single Plans.

(4)(A) The optional calling plan data included in the determination of the CLEC blended rate shall be from the CLEC's optional calling plans most likely to experience customer migration to the Rural Saver Optional Calling Plan.

(B) In the absence of two (2) months of historical calling data, the CLEC blended rate shall be set at the weighted average of one thousand three hundred fourteen ten-thousandths of a dollar (\$0.1314) per minute determined in Docket No. 01-169-R.

(5)(A) Once determined, the blended rate for each ILEC/ETC shall not be revised.

(B) The blended rate for the ILECs shall be as approved in Docket No. 01-169-R.

(d) Administration of Arkansas Calling Plan Funds.

(1) The AICCLP administrator shall assess telecommunications providers pursuant to Arkansas Code § 23-17-404(e)(3)(B) to accumulate funds for the ACPF.

(2) ACPF funds accumulated by the AICCLP shall be transferred to the administrator by the last business day of each month.

(3) The administrator shall make a reasonable effort to keep the funds in an interest-bearing account.

(4)(A) The administrator shall prepare an annual estimate of funds required and provide the estimate to the Arkansas Public Service Commission and a copy to the AICCLP administrator by January 5 of the year being estimated.

(B) The estimate shall be reduced by the previous end-of-year balance, if any, in the ACPF.

(C) The estimate shall be filed in Docket No. 02-037-A.

(e) Appointment of administrator.

(1)(A) The Arkansas Public Service Commission shall select the administrator.

(B) Initially, the AICCLP administrator shall be the ACPF administrator.

(2) The administrator shall serve at the Arkansas Public Service Commission's discretion.

(f) Duties of the administrator.

(1) The administrator's general duties shall include:

(A) Determining the sufficiency of the fund;

(B) Collecting and receiving moneys paid into the ACPF;

(C) Disbursing moneys from the ACPF;

(D) Managing the daily operations and affairs of the ACPF;

(E) Cooperating in any audits that the Arkansas Public Service Commission deems necessary;

(F) Resolving disputes;

(G) Reviewing and determining the consistency and reasonableness of all requests for moneys;

(H) Performing any other duties the Arkansas Public Service Commission orders; and

(I) Developing any necessary forms.

(2) The administrator is expressly authorized to bring actions before the Arkansas Public Service Commission to enforce the provisions of the ACPF.

(g) Audits.

(1) The ACPF is subject to an annual audit by an independent certified public accountant approved by the Arkansas Public Service Commission.

(2) Cost of the audit shall be:

(A) Considered an administrative cost; and

(B) Paid from the annual fund allocation.

(h) **Appeals from administrator decisions.** A party aggrieved by the administrator's decision may appeal that decision within thirty (30) days to the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 14.04 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

"AICCLP" means Arkansas Intrastate Carrier Common Line Pool.

Subpart 15. Operator Services

23 CAR § 466-1501. Aggregator location.

(a) **Posting requirements.** Each operator services provider (OSP) shall:

(1) Ensure by contract or tariff that each aggregator, for which such provider is the presubscribed provider of operator services, posts on or near the telephone instrument, in plain view of consumers:

(A) The name, address, and toll-free number of the provider of operator services;

(B) A written disclosure that the rates for all operator-assisted calls are available on request, and that consumers:

(i) Have a right to obtain access to the intrastate common carrier of their choice; and

(ii) May contact their preferred intrastate common carrier for information on accessing that carrier's service using that telephone; and

(C) The name and address of the Consumer Services Office of the Arkansas Public Service Commission, to which the consumer may direct complaints regarding operator services;

(2)(A) Ensure by contract or tariff that aggregators will not block "800 type" or "950" access code numbers.

(B) "10XXX O+ and O-" access code numbers shall be unblocked for intrastate calls at locations where the serving LEC can provide originating line screening; and

(3) Withhold payment, on a location-by-location basis, of any compensation, including commissions, to aggregators if such provider reasonably believes that the aggregator is failing to meet the posting requirements or is blocking access in violation of subdivision (a)(1) or (a)(2) of this section.

(b) Disclosure and billing practices.

(1)(A) An OSP shall "brand" calls to more fully ensure that customers have freely chosen to use that company's services.

(B) The first brand must occur at the beginning of the call prior to the entering of a billing number by the customer.

(C) For automated systems, the first brand shall occur prior to or immediately after the "bong tone", which signals callers to begin entering a dialing number.

(D) OSPs using automated equipment that routes calls to other service providers based on the billing information provided by the consumer may brand immediately after the input of such billing information so that the consumer hears only the brand of the OSP that is actually handling the call.

(E) Parties shall not brand in the name of another party if:

(i) Rates are merely modeled on or copied from that party's rates;
and

(ii) That party has not consented to the use of its name in the brand.

(F) The second brand shall occur before connecting the call and before a charge is incurred by the end user.

(2) An OSP shall allow consumers to terminate calls without incurring a charge before a connection is completed.

(3)(A) An OSP shall disclose upon request and at no cost to the consumer information regarding its rates and charges.

(B) Any rates quoted by an OSP must be exact rather than approximate, based on the pricing of the specific call.

(4)(A) An OSP shall not:

(i) Bill for unanswered calls in areas where answer supervision is available; and

(ii) Knowingly bill for such calls where answer supervision is not available.

(B) This section shall not apply to providers of automated message delivery services (AMDS), provided that the AMDS provider does not bill for the initial call if it is unanswered or uncompleted.

(5) An OSP shall not splash a call except when a consumer:

(A) Specifically requests that the call be completed;

(B) Is informed that the bill for the call might reflect a different originating location; and

(C) Consents to having the call splashed.

(6)(A) OSPs, including automated services, must connect emergency calls to the appropriate emergency service serving a caller's location at no charge to the caller.

(B) Emergency calls shall be connected to the appropriate emergency service provider for the reported site of the emergency when the originating call location is different from the site of the emergency.

(7) An OSP shall provide consumers using its services access to a live operator:

(A) At the outset of the call; and

(B) Prior to the consumer incurring a charge.

(8) An OSP shall disclose, without a charge and upon request, the methods by which complaints concerning such rates, charges, or collection practices will be resolved.

(9)(A) An OSP shall not impose any charges over and above the rates on file with the Arkansas Public Service Commission.

(B) An OSP shall not bill or include as part of its operator service charges any surcharge imposed by the call aggregator for or in connection with telephone service provided by the OSP.

(10) The OSP shall render bills not later than ninety (90) days after service is provided.

(11) OSPs shall report intrastate usage to the administrator of the Arkansas Intrastate Carrier Common Line Pool for appropriate recovery of non-traffic-sensitive costs associated with the local loop.

(12) If an OSP satisfies subdivisions (a)(1) and (2) of this section by contract, the:

(A) OSP shall file sample location contracts with the Arkansas Public Service Commission; and

(B) Sample location contracts shall be maintained with the OSP's tariffs in the office of the secretary of the Arkansas Public Service Commission.

(c) **Exemptions.** Correction and inmate facilities are exempt from all OSP rules except subdivision (b)(11) of this section.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 15.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 466-1502. Answering time.

(a) **Operator assistance.**

(1) The operator answer time for operator-assisted calls should be ten (10) seconds or less.

(2) For purposes of evaluating the quality of service, the average operator answer time for one hundred percent (100%) of the calls shall be ten (10) seconds or less.

(b) Operator information or intercept service.

(1) The operator answer time for calls directed to an information operator or intercept service should be fifteen (15) seconds or less.

(2) For purposes of evaluating the quality of service, the average operator answer time for one hundred percent (100%) of the calls shall be fifteen (15) seconds or less.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 15.02 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.

Subpart 16. Public Telephone Service

23 CAR § 466-1601. Public interest payphone service.

(a)(1) To request that a public interest payphone be installed or operated in an exchange, an individual, municipality, governmental entity, nonprofit corporation, or public service organization shall submit a written request to the Arkansas Public Service Commission's General Staff identifying a specific public health, safety, or welfare objective that will be served by installation or operation of a public interest payphone within the requested exchange.

(2) If the General Staff determines after review and investigation of the written request that the request is justified and should be granted, it shall notify the eligible telecommunications carrier serving the requested exchange of the pending request and its determination.

(3) Unless the eligible telecommunications carrier submits written notification to the General Staff challenging its determination of need within twenty (20) days of

the receipt of the General Staff's notice, the eligible telecommunications carrier must ensure that at least one (1) public interest payphone, providing continuous twenty-four-hour service in a well-lighted area, is accessible to the public at all times in the exchange designated by the requesting party.

(b) If the eligible telecommunications carrier submits a written notification challenging the General Staff's determination of need, the General Staff shall request that the Arkansas Public Service Commission commence a proceeding naming the eligible telecommunications carrier to resolve whether a public health, safety, or welfare objective would be served by installing or operating a public interest payphone within the requested exchange.

(c) Under no circumstances shall an eligible telecommunications carrier be required to install or operate a public interest payphone in response to such a request if it can demonstrate that:

(1) Another telecommunications provider is already providing a payphone within the exchange; or

(2) The installation and/or maintenance of a public interest payphone within the requested exchange would be an undue/costly burden on the eligible telecommunications carrier.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 16.01 of the Telecommunications Providers Rules prior to codification in the Code of Arkansas Rules.