

**STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE**

Case 05-C-0616 - Proceeding on Motion of the Commission to  
Examine Issues Related to the Transition to  
Intermodal Competition in the Provision of  
Telecommunications Services.

**TELEPHONE REGULATORY CONVERGENCE MATRIX**

July 13, 2005

## INTRODUCTION

Staff of the Department of Public Service has conducted a comprehensive review of Commission requirements applicable to telecommunications providers in New York. The intent of this effort is to identify the full range of regulatory requirements that apply to telecommunications providers so as to highlight asymmetries, constraints and impediments that may need to be streamlined, relaxed or otherwise modified in view of the competitive environment.

This "Telephone Regulatory Convergence Matrix" prepared by Staff also can be obtained from the Commission's web site <http://www.dps.state.ny.us/05C0616.html>. The matrix is composed of two parts—a "summary" section consisting of statutory and regulatory references, and a "source" section containing explanatory materials linked to parts of the summary section. Clicking on the references in the summary section takes the reader to related explanatory materials in the source section.

This document is a resource to assist the parties in providing input to the Commission regarding which areas of regulatory requirements can be streamlined, relaxed or otherwise modified in view of the competitive environment. Staff has used its best efforts to include all relevant Public Service law,

rules and regulations that apply to telecommunications providers in New York State. This is not a legal document or binding statement of interpretation and, therefore, should not be used for any purpose other than in this proceeding.

# **TELEPHONE REGULATORY CONVERGENCE MATRIX**

## **SUMMARY OF APPLICABLE LAWS, REGULATIONS AND ORDERS**

<b>ECONOMIC REGULATION</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless (see Notes 1 and 2 below)</b>
Price	<a href="#">PSL 92, 97, 16 NYCRR Part 61</a> <a href="#">PSL 113, 114</a> <a href="#">PSL 117, 16 NYCRR Parts 600, 634</a> <a href="#">PSL 119a</a>	<a href="#">PSL 92, 97, 16 NYCRR Part 61</a> <a href="#">PSL 113, 114</a> <a href="#">PSL 117, 16 NYCRR Parts 600, 634</a> <a href="#">PSL 119a</a>	
Ownership	<a href="#">PSL 100, 16 NYCRR Parts 31, 39</a> <a href="#">PSL 111</a> <a href="#">PSL 101, 16 NYCRR Parts 18, 37</a> <a href="#">PSL 101, 16 NYCRR Part 620</a> <a href="#">PSL 101a, 108, 119, 16 NYCRR Parts 38, 47</a> <a href="#">PSL 106</a>	<a href="#">PSL 100, 16 NYCRR Parts 31, 39</a>  <a href="#">PSL 101, 16 NYCRR Parts 18, 37</a> <a href="#">PSL 101, 16 NYCRR Part 620</a> <a href="#">PSL 101a, 108, 119, 16 NYCRR Parts 38, 47</a> <a href="#">PSL 106</a>	
Affiliate Transactions	<a href="#">PSL 110, Case 88-C-136</a> <a href="#">PSL 107, 16 NYCRR Part 56</a>	<a href="#">PSL 110, Case 88-C-136</a> <a href="#">PSL 107, 16 NYCRR Part 56</a>	

(Note 1) The regulatory status of Cable Digital Voice and VOIP are the subject of litigation over the FCC's Order that these services are not subject to state jurisdiction. See, In the Matter of Vonage Holding Corporation Petition for Declaratory Ruling (19 FCC Rcd 22404 (11/12/04)); National Association of State Utility Consumer Advocates (NASUCA) et al v. FCC (Case 05-71238, U.S. Court of Appeals (Ninth Circuit) (2005)). See also, Vonage Holding Corp. v. New York Public Service Commission, No. 04 Civ. 4306 (S.D.N.Y. 2004) (Order Granting Preliminary Injunction)(Challenge to New York Jurisdiction).

(Note 2) Currently, wireless services are not regulated by the Commission. See, Public Service Law section 5(6)(a); 47 U.S.C. section 332 (c)(3).

<b>ECONOMIC REGULATION</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless</b>
Financial Reporting	<a href="#">PSL 95, 16 NYCRR Part 641</a> <a href="#">PSL 94, 16 NYCRR Parts 46, 48, 660-684</a> <a href="#">PSL 99(2), 16 NYCRR Part 31</a> <a href="#">PSL 94(2), 16 NYCRR Part 55</a> <a href="#">PSL 94(2), 16 NYCRR Parts 642, 651</a> <a href="#">PSL 92, 16 NYCRR Part 89.3</a> <a href="#">PSL 115, 16 NYCRR Parts 685, 686</a> <a href="#">PSL 18-a</a> <a href="#">Case 96-C-0647</a>	<a href="#">PSL 99(2), 16 NYCRR Part 31</a> <a href="#">PSL 94(2), 16 NYCRR Part 55</a>  <a href="#">PSL 92, 16 NYCRR Part 89.3</a>  <a href="#">PSL 18-a</a> <a href="#">Case 96-C-0647</a>	

<b>OPERATIONAL REGULATION</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless</b>
Market Entry	<a href="#">PSL 99</a>	<a href="#">PSL 99</a>	(See Notes 1 and 2 on Summary opening page.)
Local/Municipal	<a href="#">PSL 99, 16 NYCRR Part 604</a>	<a href="#">PSL 99, 16 NYCRR Part 604</a>	<a href="#">47 U.S.C. section 541(b)(3)(A)(i)</a>
Contractual/Tariff	<a href="#">PSL 92(1)</a>	<a href="#">PSL 92(1)</a>	
Universal Service	<a href="#">Opinion 96-13</a>	<a href="#">Opinion 96-13</a>	

<b>SERVICE QUALITY</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless</b>
Operating Requirements	<a href="#">PSL 92</a> <a href="#">Opinion 96-13</a> <a href="#">16 NYCRR 602.6</a> <a href="#">16 NYCRR 606.4</a> <a href="#">16 NYCRR 606.5</a> <a href="#">16 NYCRR 609.4 - 609.11</a> <a href="#">NYCCR 609.12</a> <a href="#">16 NYCRR 634</a> <a href="#">PSL 92-a</a> <a href="#">16 NYCRR 602.8</a> <a href="#">16 NYCRR 602.10</a>	<a href="#">Opinion 96-13</a> <a href="#">16 NYCRR 647, 648</a>	
Consumer Protection & Privacy	<a href="#">PSL 117</a> <a href="#">PSL 92-b</a> <a href="#">16 NYCRR 602.3 – 602.7</a>	<a href="#">PSL 117</a> <a href="#">PSL 92-b</a> <a href="#">16 NYCRR 602.3 – 602.7</a>	
Reporting Requirements	<a href="#">16 NYCRR 603.4</a> <a href="#">PSL 95</a>	<a href="#">16 NYCRR 603.4</a> <a href="#">PSL 95</a>	
System Construction & Performance	<a href="#">16 NYCRR 603.1, 603.3, 603.4</a>	<a href="#">16 NYCRR 603.1, 603.3, 603.4</a>	

<b>NETWORK RELIABILITY</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless</b>
"Primary" Considerations	<a href="#">PSL 94, 98</a> <a href="#">16 NYCRR 753</a> <a href="#">16 NYCRR 603.5</a>	<a href="#">PSL 94, 97, 98</a> <a href="#">16 NYCRR 753</a> <a href="#">16 NYCRR 603.5</a>	
"Secondary" Considerations	<a href="#">Case 27635</a> <a href="#">Case 03-C-0922</a>	<a href="#">Case 27635</a> <a href="#">Case 03-C-0922</a>	
Security Requirements	<a href="#">PSL 94</a>	<a href="#">PSL 94</a>	

<b>PUBLIC SAFETY</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless</b>
E-911	<a href="#">PSL 97</a> <a href="#">16 NYCRR 602.8(c)</a> <a href="#">16 NYCRR 602.9(a)</a> <a href="#">16 NYCRR 602.10(a)(2)</a> <a href="#">Case 28358</a> <a href="#">Case 26443</a>	<a href="#">PSL 97</a> <a href="#">16 NYCRR 602.8(c)</a> <a href="#">16 NYCRR 602.9(a)</a> <a href="#">16 NYCRR 602.10(a)(2)</a> <a href="#">Case 28358</a> <a href="#">Case 26443</a>	
Construction / Maintenance	<a href="#">PSL 94</a> <a href="#">16 NYCRR 604</a> <a href="#">16 NYCRR 607</a> <a href="#">16 NYCRR 607.3</a> <a href="#">16 NYCRR 608</a> <a href="#">16 NYCRR 689</a> <a href="#">16 NYCRR 753</a>	<a href="#">PSL 94</a> <a href="#">16 NYCRR 604</a> <a href="#">16 NYCRR 607</a> <a href="#">16 NYCRR 607.3</a> <a href="#">16 NYCRR 608</a> <a href="#">16 NYCRR 689</a> <a href="#">16 NYCRR 753</a>	
Reporting Requirements	<a href="#">PSL 95</a> <a href="#">16 NYCRR 602.7</a> <a href="#">16 NYCRR 603.5</a>	<a href="#">PSL 95</a> <a href="#">16 NYCRR 602.7</a> <a href="#">16 NYCRR 603.5</a>	

## SOURCE FILES

### Economic Regulation

[\*Opinion Nos. 89-12 (Case 29469) and 96-13 (Case 94-C-0095) set the framework for lightened regulation of competitive carriers.]

Item No.	Description	ILEC	CLEC/IXCs/Resellers*	Cable Digital Voice/VOIP/Wireless
1.	Annual Report	<u>PSL 95</u> (described in <u>16 NYCRR Part 641</u> ) requires various financial, operating and statistical data to monitor company activities in a consistent manner.	In Case 96-C-0647 (Orders dated 5/20/97 and 2/18/00), CLEC/IXC/Resellers were only required to file a Transition Competition Monitoring Report (TCMR). In Case 04-C-1637 (Notice dated 2/3/05), the Commission will consider revising this report.	
2.	Information Required in the Annual Report	<u>PSL 111</u> requires the disclosure of security holder information when the holdings are 1% or more of the voting capital.	In Case 96-C-0647 (Order dated 5/20/97), this requirement was dropped.	
3.	Transfer and Ownership of Stock	<u>PSL 100</u> (described in <u>16 NYCRR Parts 31, 39</u> ) requires Commission approval when a telephone company acquires another telephone company's common stock or if 10% or more is acquired by anyone.	Same as ILEC.	
4.	Financing Petition	<u>PSL 101</u> (described in <u>16 NYCRR Parts 18, 37</u> ) requires Commission approval prior to issuing long-term securities.	Same as ILEC. Part 37 provides for limited filing requirements for radio-telephone utilities and resellers.	
5.	Reorganizations, Mergers, Dissolutions, and Bankruptcy	<u>PSL 101-a</u> , <u>PSL 108</u> , and <u>PSL 119</u> (described in <u>16 NYCRR Parts 38, 47</u> ) requires Commission approval of a company's reorganization and bankruptcy plan.	Same as ILEC.	
6.	Loans to Other Parties	<u>PSL 106</u> requires public utilities to receive Commission approval	Same as ILEC.	

Item No.	Description	ILEC	CLEC/IXCs/Resellers*	Cable Digital Voice/VOIP/Wireless
		to make loans to an affiliate or any officer.		
7.	Use of Revenues	<u>PSL 107</u> (as described in <u>16 NYCRR Part 56</u> ) requires Commission approval for utilities to use funds from the rendition of public service to make investments in non-regulated businesses.	Same as ILEC.	
8.	Control over Holding Companies and Affiliate Transactions	<u>PSL 110</u> gives the Commission jurisdiction of holding companies that control utilities, and of affiliate transactions (as described in Case 88-C-136, Order dated 2/8/90).	Same as ILEC.	
9.	Interest on Customer Overpayments	<u>PSL 117</u> requires utilities to pay customers interest on deposits and customer overpayments under certain circumstances. (as described in 16 NYCRR, Parts 600 and 634)	Same as ILEC.	
10.	Notification Concerning Tax Refunds	<u>16 NYCRR 89.3</u> requires utilities whose rates for utility service are under the jurisdiction of the Commission to notify the Commission of certain tax refunds.	Same as ILEC.	

<b>Item No.</b>	<b>Description</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless</b>
11.	Uniform System of Accounts (USOA)	<u>PSL 94, 95</u> (as implemented in <u>16 NYCRR Parts 660-684</u> ) require telephone utilities to subscribe to certain accounting requirements in a consistent manner. In Case 00-C-1945 (Order Instituting Verizon Incentive Plan, dated 2/27/02), the Commission authorized Verizon to file certain financial data based on GAAP.	In Opinion No.89-12, the Commission determined that CLEC/IXCs/Resellers would be lightly regulated, including requiring only basic financial statements. In Opinion 96-13, the Commission determined that non-dominant carriers are not required to subscribe to a USOA and may file financial data based on GAAP.	
12.	Requirements for Applications Under the USOA and Accounting Changes	<u>PSL 95</u> (as implemented in <u>16 NYCRR Parts 46, 48</u> ) requires companies to file certain information when requesting to defer items beyond the calendar year. It also requires the Commission be notified of any material accounting changes.	See discussion on USOA (Item 11).	
13.	Notification of the Issuance of Securities	<u>PSL 101, 16 NYCRR Part 620</u> requires a telephone company to notify the Commission when it issues securities.	Same as ILEC.	

<b>Item No.</b>	<b>Description</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/ VOIP/Wireless</b>
14.	Transfer of Property	<u>PSL 99 (2)</u> (as implemented in 16 NYCRR Part 31) requires approval from the Commission when a telephone company sells utility property.	Same as ILEC.	
15.	Request for New Rates	<u>PSL 92, 97</u> (as implemented in 16 NYCRR Part 61) addresses the Commission's ratemaking authority and telephone company requirements.	Same as ILEC.	
16.	Refunds and Emergency Rates	<u>PSL 113, 114</u> (as implemented in 16 NYCRR Part 61) permit the Commission to establish reparations, refunds and temporary rates.	Same as ILEC.	

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17.	Pole Attachment Rates	PSL 119a requires just and reasonable rates for attachments to poles or conduit for all utilities. In Opinion 97-10, the Commission adopted the FCC's approach.	Same as ILEC.	
18.	Other: Line Extensions	PSL 92(1), 94(2), 96(1) (as implemented in <u>16 NYCRR Parts 600, 604, 607, 608</u> ) establish the rules for providing telephone service to residential and non-residential customers. They also establish rules for new construction of facilities in residential subdivisions, including undergrounding.	Same as ILEC.	
19.	Destruction of Records	<u>16 NYCRR Part 55</u> (as described in Part 661.8 in the USOA), provides that companies shall not destroy any records beyond those specifically under Part 42 of the Federal Communications Commission governing the preservation of records of communication common carriers.	CLECs and IXCs are required to comply with Part 55. Resellers are exempt per <u>16 NYCRR Part 648</u> .	

<b>Item No.</b>	<b>Description</b>	<b>ILEC</b>	<b>CLEC/IXCs/Resellers</b>	<b>Cable Digital Voice/VOIP/Wireless</b>
20.	Preservation and Retention of Records	PSL 94(2) (as implemented in <u>16 NYCRR Parts 642, 651</u> ) states the Commission can prescribe the regulations governing the preservation of records for telephone companies. These regulations include the time period records must be kept.	<u>16 NYCRR Part 651</u> does not require CLECs, IXCs, and resellers to comply with these rules and regulations.	
21.	Utility Contract and Procurement Procedures	<u>PSL 115</u> (as implemented in <u>16 NYCRR Parts 685, 686</u> ) requires telephone companies to file with the Commission the procedures used to contract and procure services, equipment or materials to be used in their utility operations. This regulation also requires telephone companies to submit to the Commission certain contracts that are of a cost plus nature and all contracts over \$1,000,000.	In Opinion No. 89-12, the Commission determined that CLEC and IXCs would be lightly regulated, requiring only basic financial statements. Resellers are exempt per <u>16 NYCRR Part 648</u> .	
22.	Annual Capital Construction Filings	In Opinion 96-13 (as implemented in <u>16 NYCRR 644.3</u> ), the Commission required all ILECs to file construction budgets with the Office of Telecommunications	Facilities-based CLECs that provide local service are required to file construction budgets.	

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23.	Regulations Applicable to Radio-Telephone Utilities	Does not apply to ILECs.	16 NYCRR Parts 645 and 646 exempt Radio-Telephone Utilities from complying with Part 601 (Trial Service Installation), Part 602 (Consumer Relations), Part 603 (Service Standards), Part 604 (New Construction of Distribution Facilities), Part 641 (Annual Reports), Part 644 (Service Records and Reports)	
24.	Applicability of Regulations to Resellers of Telephone Service	Does not apply to ILECs.	16 NYCRR Part 648 exempts resellers from 16 NYCRR except Part 620 (Notice of the Issuance of Securities), Part 630 (Interest on Overpayments) and Part 644 (Service Records and Reports). Does not apply to facilities-based CLECs or IXCs	
25.	Annual Intrastate Operating Revenues	Pursuant to <u>PSL 18-a</u> , companies report intrastate operating revenues to PSC's Office of Finance and Budget to determine assessment.	Same as ILEC.	

**Operational Regulations**

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/ VOIP/Wireless
26.	Market Entry	<u>PSL 99</u> 1. Certificate of Public Convenience and Necessity (CPCN) 2. File Tariff	Same as ILEC.	(See Notes 1 and 2 on first page of Summary section.)
27.	Local/Municipal	<u>PSL 99, 16 NYCRR Part 604</u> 1. NYC--Approval of DoITT and licenses/pole attachment agreements from Empire City Subway to install physical plant. Individual landowners require ROW agreements.  2. Rest of State—Franchise required generally. If no franchise and/or row agreement and/or licenses, then eminent domain rights as a Transportation Corporation, if qualified.  [Note: All facilities-based providers must have authority to do business in each municipality, usually in the form of a local franchise.]	Same as ILEC if a facilities provider.  [Note: All facilities-based providers must have authority to do business in each municipality, usually in the form of a local franchise.]	<u>Cable Digital Voice</u> 47 U.S.C. section 541(b)(3)(A)(i) bars states and municipalities from requiring cable franchise holder or affiliate to obtain another franchise to provide telecommunications services.
28.	Contractual/Tariff	<u>PSL 92(1)</u> Tariff governs terms of service.	Same as ILEC.	(See Notes 1 and 2 on first page of Summary section.)

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/ VOIP/Wireless
29.	Universal Service	Opinion 96-13 Establishes common carrier obligations.	Same as ILEC.	

**Service Quality**

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
30.	Operating Requirements	<p><u>PSL 92</u> Requirement for rate schedules to be filed and amended as necessary with every Commission approved rate or service change. Provides detail on how tariff schedules shall be printed and submitted to the Commission and be open to public inspection. Statute provides for a minimum of 10 to 30 days prior to implementation of any proposed and/or "major changes".</p> <p>CPCN Requirements, Opinion 96-13. General description of services offered.</p> <p>Opinions 92-37 and 94-9 (Cases 89-C-191 and 90-C-0165) – Automatic Number Identification (ANI). Contains terms and conditions for the use of ANI, the technology which identifies, among other things, the telephone number of the billing party.</p> <p><u>16 NYCRR 602</u> Minimum Basic Service Req. Opinion 96-13. (Case 94-C-0095, 5/22/96)</p>	<p>Opinion 96-13 New entrants not required to provide any particular service. Should meet Minimum Basic Service.</p> <p><u>16 NYCRR Parts 647, 648</u> Exempt resellers from most obligations of telephone companies contained in <u>16 NYCRR Parts 600-648</u>.</p> <p>Same as ILEC.</p>	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
		<p><u>16 NYCRR 602.10</u> Directory Listing. All service providers must publish or cause their customers' numbers to be published, and distribute free of charge, directories of their customers annually and provide emergency instructions to contact police, fire, etc., and instructions for placing long distance calls, and a local contact number and a representative for customers to call for trouble assistance.</p> <p>Privacy Protections found in Case 90-C-0075 (Order dated 3/22/91) address customer privacy expectations, consideration of privacy when new services are introduced and customer education of any new technologies and services that may affect privacy.</p>	<p>Same as ILEC.</p> <p>Same as ILEC.</p>	
31.	Billing Notice Requirements	<p><u>16 NYCRR 602.6</u> Bills shall be issued monthly unless otherwise provided for in the company's tariff and must list all charges and credits on the customer's monthly account. Billing for local calls and services can cover one month in advance along with a detailed listing of all toll calls. Providers shall have a representative available during business hours to explain any charges on the</p>	Same as ILEC.	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/ VOIP/Wireless
		<p>billing statement. List all charges and credits on bills. Credit for wrong numbers. Requires agents to credit bills within one business day of payment.</p> <p><u>16 NYCRR 606.4</u> Provides that in any non-payment situation, basic telephone service may only be disconnected for non-payment of basic local telephone service charges.</p> <p><u>16 NYCRR 609</u> (TEFPA Rules for residential customers) Covers the rules for disconnections of non-payment of basic local telephone service. Provide itemized statements, call detail provided at no extra charge. May block non-standard services for non-payment. Blocking for non-payment may not restrict access to 911 or operator.</p> <p><u>16 NYCRR 606.5</u> Covers application of partial payments to charges specified by the customer or if not specified, in the following order: a) full amount of the partial payment to basic local service excluding unrelated features and long</p>	<p>Same as ILEC.</p> <p>Same as ILEC.</p> <p>Same as ILEC.</p>	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
		<p>distance calls; b) after payment of basic charges, applies to interLATA long distance; c) charges for other regulated services.</p> <p><u>16 NYCRR 606.5(d)</u> Requires any amounts in dispute to be deducted from the amount owing prior to the application of any payment.</p> <p><u>16 NYCRR 609.4-609.11</u> The TEFPA Rules governing provision of telephone service to residential customers and the steps to be followed before a disconnection of service is executed for non-payment of basic charges or the failure to make a deferred payment on a schedule agreed to by the company and its customer.</p> <p><u>16 NYCRR 609.6</u> Allows a residential customer to designate a third-party to receive copies of bills as a protection against non-payment.</p> <p><u>16 NYCRR 609.12</u> Requires the content of bills sent to residential customers to include detailed information about the account, its location and activity along with a due date and instructions on how the bill may be paid along with an</p>	<p>Same as ILEC.</p> <p>Same as ILEC.</p> <p>Same as ILEC.</p> <p>Same as ILEC.</p>	

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		<p>itemized statement of charges contained within the bill. New customers will be given 60 days to determine if the services delivered are the services wanted and can change such within that period of time. All bills shall be clear and understandable and accurate.</p> <p>Specific information shall include: name, address, account #, name of service provider, business address, telephone # to contact provider, amount owed, date due, late payment charges, credits, adjustments, statement as to how bill may be paid, itemized list of services.</p> <p><u>16 NYCRR 634</u> Requires telephone companies to provide interest on customer overpayments (payment of more than the amount due and not refunded within 30 days). Interest shall be based on the greater of the unadjusted customer deposit rate OR the applicable late payment rate, if any, under the service class the customer was billed.</p>	Same as ILEC.	
32.	Service Suspension	<p><u>16 NYCRR 609.4 - 609.11</u> Establishes suspension of service rules for customer failure to pay charges due during a 6 month period or failure to pay amounts related to a deferred payment plan.</p>	Same as ILEC.	

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		<p>Requires telephone companies to verify that no payment has been received or posted on the day of suspension or termination. Prevents termination until 20 days after a notice has been served on customer and no suspension can be made until at least 8 days since providing notice.</p> <p>There shall be no deposits for service as a condition for receiving local telephone service (exceptions listed in NYCRR 609.9)</p> <p>Where a deposit is required customers may pay it in installments not to exceed 6 months.</p> <p>Deposits may not be required when customer is on any state assistance.</p> <p>Interest is required to be paid on deposits (<u>PSL 117</u>).</p> <p>Deposits may not exceed twice the monthly bill for local service.</p> <p>May not bill for unbilled service more than 24 months old.</p> <p>May not terminate service for nonpayment of amounts unbilled over 6 months old.</p> <p>Must offer fixed income and disabled customers a deferred payment schedule adjusted to receipt of income.</p> <p>No late fees may be charged without prior PSC approval.</p>		

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
33.	Consumer Protection	<p><u>PSL 117</u> May require deposits of up two months service. Must pay interest and be refundable after one year with no delinquencies.</p> <p><u>PSL 118-3(a)</u> Requires a refund or credit to a customer when there has been an overpayment.</p> <p>FCC requires LifeLine service to be offered to low income eligible and public assistance customers. Opinion 96-13 sets the framework for continued support of LifeLine services for New York carriers.</p> <p>Case 26443 (Orders dated 11/20/73 amd 1/27/75) and Case 28358 (Order dated 4/11/84) establish the framework for 911 services.</p> <p>Opinion 84-7 (Case 28358) provided the framework for provision of enhanced or E-911.</p> <p><u>PSL 92-b</u> Limitation on deposits for elderly customers (62 years of age or over).</p> <p><u>16 NYCRR 602.3 – 602.7</u> Provides for public access to information concerning rates, rate zones or boundaries upon</p>	<p>Same as ILEC.</p>	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/ VOIP/Wireless
		<p>which rates are based and information relating to changes in services and rates proposed in an informational filing, a pending tariff or rate filing. Customers have access via toll free telephone # to service centers.  Routed to representative within 60 seconds.  Notices to customers and public on means to contact service centers.  Customer service centers accessible during normal working hours.  Rate and service information available on request.  Advise customers of options where special circumstances exist for installation or maintenance.  Installation appointments within 5 days.  Reasonable effort to advise customer of any delay.  Emergency trouble calls cleared at all hours.  Out of service not requiring unusual repair cleared within 24 hours.  Reasonable attempts to notify customers when trouble will be cleared.  Public notice of major outages.  Notify customers of estimated first bill prior to processing a request.</p>		

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
		<p>60 day grace period to select a different service when customer incurs an installation charge.  Prompt investigation of complaints.  Representatives available at all hours to receive trouble calls  Assist with reporting obscene calls.  Pre-subscribe and freeze long distance carriers.</p> <p>Case 00-C-0188 (Orders dated 1/8/01 and 12/4/01) adopted guidelines to standardize customer migrations between CLECs and from CLECs to Verizon and mass migrations in extraordinary circumstances (e.g., bankruptcy, out-of-business and/or otherwise terminate service). Establishes general principles and carrier responsibilities for, among other things, the use of end-user customer information.</p> <p><u>PSL 92-e</u>  Consumers are protected from any unauthorized switching of their service by federal and state rules against slamming.  Slamming penalty potential of up to \$5000 per occurrence.</p> <p><u>PSL 92-a (1)</u>  Requires sale or lease of equipment to hearing impaired</p>	<p>Same as ILEC.</p> <p>Same as ILEC.</p> <p>Same as ILEC.</p>	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/ VOIP/Wireless
		<p>by all regulated land line telephone corporations, the charge for which shall not exceed its cost if purchased or if by lease or lease with an option to buy under rates approved by the Commission.</p> <p><u>PSL 92-a (2)</u> establishes the telecommunications relay center in Syracuse, NY.</p> <p><u>16 NYCRR 602.8</u> Requires provision for 24 hour relay system to enable communications between persons with hearing disabilities.</p> <p>Cases 98-C-1479 (Order dated 2/4/99) and 04-C-1276/1297 (Orders dated 10/20/04 and 1/21/05) require blocking capability from each customer's phone of 900 and other pay numbers including chat lines.</p>	<p>Same as ILEC.</p> <p>Same as ILEC.</p> <p>Same as ILEC.</p>	
34.	Performance Requirements	<p><u>16 NYCRR 603.1, 603.3, 603.4</u> 603.1 declares service standards that apply to companies that provide local exchange service under normal operating conditions. No level of performance is required in force majeure situations. 603.3 sets forth a series of metrics and performance thresholds each provider is expected to meet or exceed</p>	Same as ILEC.	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
		<p>related to maintenance service, installations, network performance and answer time by the provider for problem calls.</p> <p>603.4 gives the Director of the Office of Telecommunications the authority to establish reporting guidelines and supporting reporting metrics for service performance reports.</p> <p>Performance Thresholds  Customer trouble report rate  5.5% or less per central office ( but 3.3% or less at 85% of central offices if company has 7 or more central offices)  20% or less out of service over 24 hours.  20% or less service affecting over 48 hours.  80% or greater installation performance within 5 days.  10% or less installation performance commitments missed.  80% or greater business office answer time within 30 seconds.  80% or greater answer time repair office.  90% or greater Operator answer time within 10 seconds.  Network Performance final trunk group blockages 3% or less</p>	<p>Same as ILEC.</p> <p>16 NYCRR 648 exempts resellers from certain reporting requirements.</p>	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
		<p><u>Opinion 96-13</u> Requires contributions to Targeted Accessibility Fund (TAF) for lifeline, safety and emergency services, 911 and Telecommunications Relay Services (TRS) support.</p> <p>Case 27635 (Order dated 4/2/80) provides guidelines specifying the transmission, operating and design parameters of a local loop, specifically attenuation, loop current and noise. Reiterates the necessity for phone companies to maintain adequate transmission performance in other areas as well.</p>	<p>Same as ILEC</p> <p>Same as ILEC if using own facilities</p> <p>Opinion 90-12 (Case 27946) adopted revised regulations for resellers of customer owned or leased currency operated telephones (COCOTS)</p> <p>PSL 90 (3) requires the PSC to establish and assess penalties for non-compliance with COCOT regulations. COCOT phones must provide information to users about the rates for local calls, the name and telephone number of the owner and information on how to obtain refunds.</p>	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
			<p><u>16 NYCRR Parts 648, 650</u> and Case 27946 define regulations applicable to COCOT resellers.</p> <p><u>PSL 92-c, 16 NYCRR Part 649</u> and Case 90-C-0666 establish requirements for providers of operator, alternative operator services (AOS) and COCOT services.</p>	
35.	Reporting Requirements	<p><u>16 NYCRR 603.4</u>          Authorizes the Director of the Office of Telecommunications to prescribe the format, content and reporting times (except where otherwise provided) of each report required to be filed. Exempts companies with fewer than 500,000 access lines from reporting on all metrics in 603.3 except customer trouble report rate; requires service inquiry report when final trunk group blockages exceed 3% for three months.</p>	<p>Same as ILEC. Resellers may seek exemptions.</p> <p><u>16 NYCRR Part 648</u> exempts resellers from certain reporting requirements.</p>	

**Network Reliability**

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/ VOIP/Wireless
36.	"Primary" Considerations	<p><u>PSL 94</u> General powers and duties of Commission.... This section states the Commission shall have general supervision of telephone and telegraph facilities for safe, secure and adequate operation. Empowers the Commission to inspect the property, equipment, buildings and telecommunications facilities of the telephone and telegraph corporations.</p> <p><u>PSL 98</u> Power of Commission to order repairs or changes including improvements to or changes to be made to any telephone line in order to secure adequate service.</p> <p><u>16 NYCRR Part 753,</u> Protection of Underground Facilities (Adopted Feb. 5, 1997) The purpose of these rules is to establish procedures for the protection of underground facilities in order to assure public safety and to prevent damage to public and private property.</p> <p><u>16 NYCRR 603.5</u> Service interruptions - (a) Each service provider shall establish and implement procedures regarding</p>	<p>Same as ILEC.</p> <p>Same as ILEC if using own facilities.</p> <p>Same as ILEC if using own facilities.</p> <p>Same as ILEC if using own facilities.</p>	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/VOIP/Wireless
		<p>the construction, operation, and maintenance of its network, which are intended to minimize service failures.</p> <p>(3) Be guided by accepted industry guidelines and best practices, such as the findings and recommendations of the FCC's Network Reliability Councils, relating to fiber optic, signaling, switching, digital cross-connect and power systems, 911, fire prevention, mutual aid and restoration, performance, interconnections, changing technologies, emergency communications, and other topics related to network reliability.</p>		
37.	"Secondary" Considerations	<p>Case 27635 (Order dated 4/2/80) Telephone Subscriber Loop Transmission Guidelines.</p> <p>Case 03-C-0922 (Order dated 7/28/04) Order Concerning Network Reliability Enhancements.</p> <p>Past incentive plans that have expired or soon will expire such as VIP, PRP, OMP (with sunset provisions) to require redundant and diverse CO interconnection (NRIC best practices).</p>	Same as ILEC.	

Item No.	Description	ILEC	CLEC/IXCs/Resellers	Cable Digital Voice/ VOIP/Wireless
		<u>16 NYCRR 644.3</u> The Commission requires all ILECs to file construction budgets with Office of Telecommunications.	Facilities-based CLECs that provide local service are required to file construction budgets.	
38.	Security Requirements	<u>PSL 94</u> General powers and duties of Commission to ensure the safety and security of telephone and telegraph lines and property.	Same as ILEC.	

**Public Safety**

Item No.	Description	ILEC	CLEC/IXC/Resellers	Cable Digital Voice/VOIP/Wireless
39.	E-911	<p><u>PSL 97</u> States that the Commission shall determine the just, reasonable, adequate, efficient and proper regulations, practices, equipment and service.</p> <p>Case 26443 Provision of Universal Emergency Telephone Number "911" by Telephone Companies</p> <p>Opinion 84-7 (Case 28358) concerning Terms for E911 Service</p> <p><u>16 NYCRR 602.7(c)</u> Troubles of an emergency nature shall be cleared at all hours, consistent with the bona fide needs of consumers and the personal safety of the service provider personnel.</p> <p><u>16 NYCRR 602.8(a)</u> Operator access requirements (a) Each service provider shall provide access from its exchanges at all hours to local assistance operators who shall be capable of connecting calls to appropriate emergency services.</p> <p><u>16 NYCRR 602.8(c)</u> E911 overflow requirements (c) All service providers shall provide network overflow to local operators on all originating trunking that carries emergency calls destined for enhanced</p>	Same as ILEC.	E911 service required. (E911 FCC Order 5/19/05).

Item No.	Description	ILEC	CLEC/IXC/Resellers	Cable Digital Voice/VOIP/Wireless
		<p>911 emergency report centers. Each such call overflowing to the operator shall be identified as an emergency call, and the operator shall have automatic number identification on the telephone line used by the calling party.</p> <p><u>16 NYCRR 602.9(a)</u> Intercept requirements Intercept shall consist of operator intercept or a suitable recorded announcement, providing sufficient information to callers to indicate the reasons for being intercepted as well as directions to assist them in completing the call.</p> <p><u>16 NYCRR 602.10(a)(2)</u> Directories. Information pertaining to emergency calls to such agencies as the police and fire departments shall appear conspicuously in the opening pages of the directory.</p>		
40.	Construction/ Maintenance	<p><u>PSL 94</u> Authorizes the Commission to supervise facilities for safe and adequate operation.</p> <p><u>16 NYCRR Part 604</u> New Construction of Distribution Facilities</p> <p><u>16 NYCRR Part 607</u> Underground Telephone Construction 607.2 Clearance requirements of new subsurface telephone facilities from gas and liquid petroleum pipelines</p>	Same as ILEC if using own facilities.	

Item No.	Description	ILEC	CLEC/IXC/Resellers	Cable Digital Voice/VOIP/Wireless
		<p><u>16 NYCRR 607.3</u> Clearance requirements of subsurface telephone facilities constructed to replace existing facilities. Whenever subsurface telephone facilities are replaced for any reason, the new facilities shall be constructed in accordance with section 607.2 of this Part, to the extent reasonable and economically practicable.</p> <p><u>16 NYCRR Part 608</u> New Construction Of Distribution Facilities In Certain Visually Significant Resources Outside Residential Subdivisions.</p> <p><u>16 NYCRR Part 689</u> Telephone Facility Construction – Clearance From Subsurface Gas and Liquid Petroleum Pipeline Facilities. These rules identify distances underground cables , conduits, manholes and other subsurface structures, including poles and anchors, must be maintained from gas and petroleum facilities.</p>		

Item No.	Description	ILEC	CLEC/IXC/Resellers	Cable Digital Voice/VOIP/Wireless
41.	Reporting Requirements	<p><u>PSL 95</u> The Commission shall prescribe the form of such telephone company reports and the character of the information to be contained therein.</p> <p><u>16 NYCRR 602.7</u> Public notification of major service outages, including areas affected and schedule for expected service restoration.</p> <p><u>16 NYCRR 603.5</u> Service Interruption Procedures – Plans and Filing Requirements to be made with the Commission.</p>	Same as ILEC.	