

Rulemaking Hearing Rules
of the
Tennessee Regulatory Authority

Chapter 1220-4-2
Obligations of Resellers and Underlying Carriers of Local Service
upon the Termination of Service

Chapter 1220-4-2 is amended by adding the following language as a new rule.

1220-4-2-.40

- (1) The purpose of this rule is to protect those customers who are obtaining their local service from resellers from termination of their service without adequate notice. Because of the public safety implications, local service providers shall have additional obligations as listed below.
- (2) This rule applies to any local telecommunications reseller that ceases the provision of any telecommunications service in all or any portion of the State of Tennessee. This rule does not apply to:
 - (a) Cessation of a service when a reseller replaces the terminated service with comparable service without interruption as long as such change is in compliance with Rule 1220-4-2-.56; and
 - (b) Discontinuance of a service that has no subscribers.
- (3) No underlying carrier shall terminate local service to a reseller until the following requirements are met:
 - (a) The underlying carrier shall provide no less than thirty (30) days written notice to the reseller that service will be terminated on a date certain along with the reason(s) for such action. A copy of such written notice shall be timely provided to the Authority.
 1. Notwithstanding the above, where the underlying carrier alleges fraud, abuse, or unreasonable interference with the underlying carrier's network, the underlying carrier is allowed to disconnect the reseller after a two (2) business day notice to the Authority, unless the Authority chairman specifically orders otherwise prior to disconnection. If this emergency provision is invoked, the underlying carrier may be required to comply with the underlying carrier's service continuity plan per section (5).
 - (b) Within ten (10) days of receipt of the underlying carrier's written disconnection notice to the reseller, the reseller shall notify its customers advising that their service will be terminated on a day certain. Such notice shall be no less than fourteen (14) days prior to the date of disconnection. The notice shall advise end-users of the following:

1. Advise its customers of the need to choose another local telecommunications service provider to continue service after a date certain; and
 2. Provide customers any and all relevant information, if available, that may assist the customers in selecting another local telecommunications service provider.
- (c) If the reseller fails to fulfill its obligations under section (3)(b), the Authority will notify the reseller's customers seven (7) days prior to termination of the reseller's local service and recover costs associated with such a notice from the reseller.
- (4) Additional Local Service Obligations for Resellers:
- (a) The reseller must provide the Authority and the underlying carrier any and all relevant information, including but not limited to its customers' names and telephone numbers to ensure that end-user customers will not experience service outage. The reseller must use its best efforts to provide timely and accurate information to the Authority and the underlying carrier.
 - (b) The reseller must file with the Authority a copy of its notice or the text of the voice message to its customers no less than fourteen (14) days prior to the date of disconnection.
 - (c) The reseller shall refund to its customers any credits due as a result of the termination of service within thirty (30) days of the termination of the service. The reseller shall provide information to its customers on how such credits will be determined and distributed.
- (5) Additional Local Service Obligations for Underlying Carriers:
- (a) Within 60 days of the effective date of this rule, each telecommunications service provider having an agreement with a reseller of basic local exchange telecommunications service shall file a tariff which outlines a service continuity plan consistent with this Chapter and, at a minimum, contains the following provisions:
 1. The underlying carrier shall provide basic local exchange service, as defined in Tenn. Code Annotated § 65-5-108, to the customers of the reseller for at least seven (7) days following disconnection of the reseller's service, or until the customer selects another provider of local service, whichever is less. If a customer selects a new service provider, the underlying carrier may pass through to the new provider the charge for such service provided at the

tariffed rate of the underlying carrier. The new provider may pass through this charge to the end-user customer.

2. After the seven day period described in paragraph 1 above, the underlying carrier may terminate service to the customer unless the customer has either transitioned to a new service provider or has placed an order to transition to the underlying carrier.
- (b) Should the reseller fail or refuse to provide notice to its customers as required in (3) above, the underlying carrier shall provide reasonable assistance to the Authority in notifying the customers of the reseller.
- (6) Violation of this rule, including failure to provide customer notice in (3), shall be subject to the provisions and penalties of Tenn. Code Ann. § 65-4-120.

Authority: Tenn. Code Ann. § 65-2-102, § 65-4-104, § 65-4-123 and § 65-4-125.

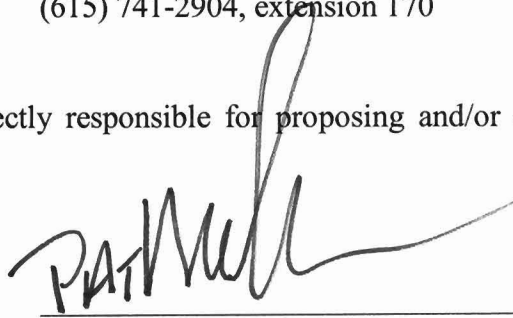
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Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:



Pat Miller, Chairman

The roll-call vote by the Tennessee Regulatory Authority on these rulemaking hearing rules was as follows:

	Aye	No	Abstain
Pat Miller, Chairman	<u>X</u>	<u> </u>	<u> </u>
Deborah Taylor Tate, Director	<u>X</u>	<u> </u>	<u> </u>
Sara Kyle, Director	<u>X</u>	<u> </u>	<u> </u>
Ron Jones, Director	<u> </u>	<u>X</u>	<u> </u>

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Regulatory Authority on the 27th day of September, 2004.

Further, I certify that the provisions of Tenn. Code Ann. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking has been filed in the Department of State on the 29th day of September, 2000, and such notice of rulemaking hearing having been published in the October, 2000 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 16th day of November, 2000.



Pat Miller, Chairman

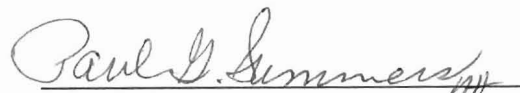
Subscribed and sworn to before me this the 6th day of July, 2005.



Notary Public

My commission expires on the 28th day of May, 2006.

All rulemaking hearing rules provided for herein have been examined by the Attorney General & Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, Section 211.



Paul G. Summers
Attorney General & Reporter

7/29/06

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 5 day of Dec, 2006, and will become effective on the 18 day of Feb, ~~2006~~ 2007.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: W. M. Al

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