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 Rule ID(s): _____
 File Date: _____
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Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Public Utility Commission
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Revision Type (check all that apply):

☐ Amendment
☐ New
☒ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1220-04-02	Regulations for Telephone Companies
Rule Number	Rule Title
1220-04-02-.04	Location of Records
1220-04-02-.05	Retention of Records
1220-04-02-.06	Data to be Filed with the Commission
1220-04-02-.07	Meter Reading Records
1220-04-02-.08	Meter Reading Intervals
1220-04-02-.09	Billing Recording Equipment
1220-04-02-.10	Customer Billing
1220-04-02-.11	Customer Deposits
1220-04-02-.12	Reasons for Denying Service
1220-04-02-.13	Customer Complaints

1220-04-02-.14	Held Applications
1220-04-02-.15	Directories-Alphabetical Listing (White Pages)
1220-04-02-.16	Construction
1220-04-02-.17	Maintenance of Plant and Equipment
1220-04-02-.18	Grade of Service
1220-04-02-.19	Inter-exchange Trunks
1220-04-02-.20	Grounded Circuits
1220-04-02-.21	Selective Ringing
1220-04-02-.22	Switching Service
1220-04-02-.23	Emergency Operation
1220-04-02-.24	Construction Work Near Utility Facilities
1220-04-02-.25	Provisions for Testing
1220-04-02-.26	Meter and Recording Equipment Test Facilities
1220-04-02-.27	Accuracy Requirements
1220-04-02-.28	Adequacy of Service
1220-04-02-.29	Basic Utility Obligations
1220-04-02-.30	Traffic Rules
1220-04-02-.31	Transmission Requirements
1220-04-02-.32	Public Telephone Service
1220-04-02-.33	Interruptions of Service
1220-04-02-.34	Service Objectives and Surveillance Levels
1220-04-02-.35	Installation of Service
1220-04-02-.36	Operator Handled Calls
1220-04-02-.37	Local Dial Service
1220-04-02-.38	Direct Distance Dial Service
1220-04-02-.39	Customer Trouble Reports
1220-04-02-.41	Safety Program
1220-04-02-.42	Measured and Message Telephone Service
1220-04-02-.55	Regulatory Reform
1220-04-02-.56	Verification of Orders for Changes for Local and Long Distance Carriers
1220-04-02-.58	Billing Requirements for Charges on Consumer's Telephone Bills

Chapter Number	Chapter Title
1220-04-08	Regulations for Local Telecommunications Providers
Rule Number	Rule Title
1220-04-08-.07	Tariff and Pricing Requirements for Competing Local Telecommunications Service Providers – Local Service
1220-04-08-.13	Enhanced 911 Service Requirements after Deregulation

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1220-04-02
Regulations for Telephone Companies

1220-04-02-.04 Location of Records is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.05 Retention of Records is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.06 Data to be Filed with Commission is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.07 Meter Reading Equipment is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.08 Meter Reading Interval is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.09 Billing Recording Equipment is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.10 Customer Billing is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.11 Customer Deposits is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.12 Reasons for Denying Service is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.13 Customer Complaints is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.14 Held Applications is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.15 Directories-Alphabetical Listing (White Pages) is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.16 Construction is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.17 Maintenance of Plant and Equipment is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.18 Grade of Service is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.19 Inter-Exchange Trunks is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.20 Grounded Circuits is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.21 Selective Ringing is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.22 Switching Service is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.23 Emergency Operation is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.24 Construction Work Near Utility Facilities is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.25 Provisions for Testing is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.26 Meter and Recording Equipment Test Facilities is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.27 Accuracy Requirements is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.28 Adequacy of Service is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.29 Basic Utility Obligations is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.30 Traffic Rules is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.31 Transmission Requirements is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.32 Public Telephone Service is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.33 Interruptions of Service is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.34 Service Objectives and Surveillance Levels is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.35 Installations of Service is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.36 Operator Handled Calls is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.37 Local Dial Service is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.38 Direct Distance Dial Service is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.39 Customer Trouble Reports is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.41 Safety Program is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

1220-04-02-.42 Measured and Message Telephone Service is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106.

1220-04-02-.55 Regulatory Reform is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-4-104, 65-4-111, 65-4-201, 65-5-102, and 65-5-103.

1220-04-02-.56 Verification of Orders for Changes for Local and Long Distance Carriers is repealed in its entirety.

Authority: T.C.A. §§ 4-5-201, et seq., 65-2-102, 65-2-106, 65-4-101, 65-4-104, 65-4-123, 65-4-125, and 47 U.S.C. § 258.

1220-04-02-.58 Billing Requirements for Charges on Consumer's Telephone Bills is repealed in its entirety.

Authority: T.C.A. §§ 4-5-201 et seq., 65-2-102, 65-2-106, 65-4-101, 65-4-104, 65-4-123, 65-4-125, and 47 U.S.C. § 258.

Chapter 1220-04-08 Regulations for Local Telecommunications Providers

Rule 1220-04-08-.07, Tariff and Pricing Requirements for Competing Local Telecommunications Service Providers – Local Service is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-5-101, 65-5-102, 65-5-103, 65-5-104, and Chapter 408 of Public Acts of

1995.

Rule 1220-04-08-.13, Enhanced 911 Service Requirements after Deregulation is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102, 65-3-105, 65-4-101, 65-4-104, 65-4-124, and 65-5-108.

Please see the following redline for the content of the rules being repealed.

~~Chapter 1220-04-02
Regulations for Telephone Companies~~

~~**1220-04-02-.04 LOCATION OF RECORDS.**~~

- ~~(1) Unless otherwise authorized by the Commission, all records required by these rules shall be kept within the state or shall be made available to the Commission or its authorized representatives upon request.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~**1220-04-02-.05 RETENTION OF RECORDS.**~~

- ~~(1) All records required by these rules shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~**1220-04-02-.06 DATA TO BE FILED WITH THE COMMISSION.**~~

~~(1) Tariffs~~

- ~~(a) Each telephone utility shall file with the Commission tariffs which set forth the various exchange areas, base rate areas, the conditions and circumstances under which service will be furnished and defining the classes and grades of service available to customers, all in accordance with the rules and regulations governing the filing of tariffs as prescribed by the Commission in Chapter 1220-04-01 (General Public Utilities Rules).~~

~~(2) Exchange Maps~~

- ~~(a) Each telephone utility shall file exchange maps or descriptions with the Commission showing the exchange service area for each telephone exchange operated, and the maps, or descriptions shall be in sufficient detail to reasonably permit locating the exchange service area boundaries in the field. A copy of such map or description shall be available for public inspection at all points where the applicable tariff is available. With~~

every revised map or description, the telephone utility so filing shall submit proof of notice of the proposed revision to each telephone utility whose exchange area adjoins the boundary or is located reasonably near the unfilled territory which would be changed by such revisions unless otherwise provided by statutes or Commission order.

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; “Commission” and references to the “Commission” were changed to “Authority” and references to the “Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.07 METER READING RECORDS.~~

- ~~(1) When meters are used in connection with telephone service the meter reading records from which the customers’ bills are prepared shall show:~~
- ~~(a) Identifying number or when to determine readily the customer’s name, address, and service classification;~~
 - ~~(b) Meter readings;~~
 - ~~(c) Date of meter reading;~~
 - ~~(d) Multiplier or constant, if used.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.08 METER READING INTERVALS.~~

~~As nearly as practicable meters shall be read at monthly intervals.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.09 BILLING RECORDING EQUIPMENT.~~

~~Where mechanical and electronic means are used for recording information that will affect a customer’s bill, such equipment shall be frequently inspected to see that it is functioning properly.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.10 CUSTOMER BILLING.~~

- ~~(1) Bills to customers shall be rendered regularly and shall contain a listing of all charges. Utilities shall comply with reasonable customer requests for an itemized statement of charges.~~
- ~~(2) In the event the customer's service is interrupted other than by negligence or willful act of the customer and it remains out of order in excess of twenty-four (24) hours after being reported, appropriate adjustments or refunds shall be made to the customer, upon the customer's request. The refund to the customer shall be the pro-rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative. The refund may be accomplished by a credit on the subsequent bill for telephone service.~~
- ~~(3) A bill insert should be included in the first bill after the effective date of this rule informing the customer of his/her refund option. When new phone books are printed the Call Guide will contain a customer refund section.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1974. Amendment filed August 18, 1982; effective September 17, 1982. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.11 CUSTOMER DEPOSITS.~~

- ~~(1) No deposit shall be required as a condition for establishment of service other than as provided in the utility's rules and tariffs on file with the Commission.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.12 REASONS FOR DENYING SERVICE.~~

- ~~(1) Service may be refused or discontinued for any of the reasons listed below:
 - ~~(a) In the event of customer use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.~~
 - ~~(b) In the event of tampering with the equipment furnished and owned by the utility.~~
 - ~~(c) For violation of or noncompliance with the Commission's Regulations Governing Service Supplied by Telephone Utilities, or for violation of or non-compliance with the utility's rules on file with the Commission.~~
 - ~~(d) For failure to comply with municipal ordinance or other laws.~~
 - ~~(e) For failure of the customer to permit the utility reasonable access to its equipment.~~
 - ~~(f) For nonpayment of bill.~~~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter~~

~~94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.13 CUSTOMER COMPLAINTS.~~

- ~~(1) Each telephone utility shall make a full and prompt investigation of all types of complaints made by its customers, either directly to it or through the Commission.~~
- ~~(2) If the use of service interferes unreasonably with the necessary use of other customers, a customer may be required to take insufficient quantity or of a different class or grade.~~
- ~~(3) Each telephone utility shall within ten (10) working days, after receipt of a complaint forwarded by the Commission, file a written reply, with the Commission.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1974. Amendment filed August 18, 1982; effective September 17, 1982. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.14 HELD APPLICATIONS.~~

- ~~(1) During the period of time that telephone utilities may not be able to supply initial telephone service to an applicant or upgrade a customer's existing service after the date applicant desires service, the telephone utility shall keep a record of applicants for each exchange. The telephone utility shall furnish the Commission with the total number of held orders of both initial and upgrade service on a quarterly basis. The Commission may at any time, direct the telephone utility to provide the names of applicants, dates of application and any other necessary information.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1974. Amendment filed August 18, 1982; effective September 17, 1982. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.15 DIRECTORIES-ALPHABETICAL LISTING (WHITE PAGES).~~

- ~~(1) Telephone directories shall be regularly published, listing the name, address and telephone number of all customers, except public telephones and numbers unlisted at customer request.~~
- ~~(2) Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the Commission upon request.~~
- ~~(3) The name of the telephone utility, the area included in the directory and the month and year of issue shall appear on the front cover information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.~~
- ~~(4) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone company business offices~~

as may be appropriate to the area served by the directory.

- ~~(5) Information operators shall have access to records which include all listed telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing information services.~~
- ~~(6) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party either upon request or interception.~~
- ~~(7) Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires. Provided, however, the telephone utility may refuse to take such action for good and sufficient reason.~~
- ~~(8) When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.~~
- ~~(9) The inside cover of the directories shall contain the Commission's telephone number: 1-800-342-8359 (toll free).~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1974. Amendment filed August 18, 1982; effective September 17, 1982. Amendment filed November 9, 1984; effective December 9, 1984. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.16 CONSTRUCTION.~~

- ~~(1) Construction of telephone plant shall be subject to the provisions of the current National Electric Safety Code.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.17 MAINTENANCE OF PLANT AND EQUIPMENT.~~

- ~~(1) Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of reasonably safe, adequate, and continuous service at all times.~~
- ~~(2) Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and adequate service performance.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.18 GRADE OF SERVICE.~~

- ~~(1) Within the base rate area, no utility shall connect more customers on any line than are contemplated under the grade of service charged the customer on such line.~~
- ~~(2) On rural lines where multi-party service is provided no more than eight (8) customers shall be connected to any one circuit, unless approved by the Commission. All rural circuits now serving more than eight (8) shall be changed to meet this requirement within a three (3) year period following adoption of these rules. The telephone utility may regroup customers in such a manner as may be necessary to carry out the provision of this rule. Upon completion or delay in the meeting of this requirement a report to that effect shall be filed with the Commission.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.19 INTER-EXCHANGE TRUNKS.~~

- ~~(1) When trunk lines or toll circuits for communication are furnished by one (1) or more telephone utilities between exchanges, the circuits connecting such exchanges shall be non-grounded. No customer's instruments other than toll stations shall be regularly connected thereto.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.20 GROUNDED CIRCUITS.~~

- ~~(1) On and after the effective date of these rules, no additional telephone lines shall be constructed as single wire with ground return. All existing grounded telephone lines shall be converted to non-grounded circuits.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.21 SELECTIVE RINGING.~~

~~Each telephone utility shall have as an ultimate objective the provision of full selective ringing.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority"~~

~~references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.22 SWITCHING SERVICE.~~

- ~~(1) Effective with the adoption in of these rules, telephone utilities shall not provide additional switching service to lines which do not meet the technical criteria of these rules. Also, effective with the adoption of these rules, each telephone utility shall eliminate nonconforming switching service according to the following provisions:~~
 - ~~(a) Upon conversion to dial service or any other plan approved by the Commission.~~
 - ~~(b) All other shall be changed to company-owned stations within a period of five (5) years.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; “Commission” and references to the “Commission” were changed to “Authority” and references to the “Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.23 EMERGENCY OPERATION.~~

- ~~(1) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators, or from fire, storm or acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.~~
- ~~(2) It is essential that all central offices have adequate provision for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered on short notice, and which can be readily connected.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.24 CONSTRUCTION WORK NEAR UTILITY FACILITIES.~~

~~Even though all contractors working in the vicinity of utility lines or structures are responsible for exercising due diligence in preventing damage to utility property or interruption to utility services, telephone utilities shall, when requested, furnish to contractors appropriate information concerning location of underground conduit, cable, etc., in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability, or legal rights of any party under applicable laws or statutes.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.25 PROVISIONS FOR TESTING.~~

Each telephone utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.26 METER AND RECORDING EQUIPMENT TEST FACILITIES.~~

- ~~(1) Each utility furnishing telephone service, where local exchange billing is based on the number and/or duration of messages shall provide the necessary facilities, instruments, and equipment for testing its metering or recording equipment. Any utility may be exempted from this requirement by the Commission.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.27 ACCURACY REQUIREMENTS.~~

- ~~(1) All meters and/or recording devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All meters and/or recording devices shall accurately perform the following:~~
- ~~(a) For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the station which it is measuring.~~
- ~~(b) For message toll service, the meter and/or recording device shall show accurately the number of calls and the time involved in each call and the station making such call.~~
- ~~(c) Where the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.28 ADEQUACY OF SERVICE.~~

- ~~(1) Each utility shall employ engineering and administrative procedures to determine the adequacy of service being provided to the customer.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.29 BASIC UTILITY OBLIGATIONS.~~

- ~~(1) Each telephone utility shall provide telephone service to the public in its service area. Such service shall meet or exceed the standards set forth in Chapter 1220-04-02—(Regulations for Telephone Companies).~~
- ~~(2) Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service.~~
- ~~(3) Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the Commission.~~
- ~~(4) Business offices shall be so located and staffed that customers and the public will have convenient access to qualified personnel, including supervisory personnel where warranted, to answer questions relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error and in general, represent the utility to the customer.~~
 - ~~(a) Where one business office serves several communities toll-free calling to the business office from such communities shall be provided. By means of directory information or assistance, signs on company buildings and property, newspaper advertising or other methods necessary, the utility shall keep its customers and the public advised as to means of contacting the business office.~~
 - ~~(b) Business office services will be available to the customers and the public during the normal hours of the normal work week, excluding holidays and at such other times as may be warranted by circumstances.~~
 - ~~(c) It will be the responsibility of the utility to insure that qualified personnel, instructed to be courteous, considerate and efficient, are available to promptly serve those who contact the business office.~~
 - ~~(d) The utility shall inform the customer of any service connection charge to be applied to his bill and the monthly charge for the service ordered, with the exception of business customers not requiring this information, prior to undertaking any action to furnish the service ordered. To customers inquiring about new service, the utility shall provide any information and assistance necessary to obtain service conforming to the customer's needs.~~

~~Authority:~~ ~~T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **~~Administrative History:~~** Original rule certified May 9, 1974. Amendment filed August 18, 1982; effective September 17, 1982. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.30 TRAFFIC RULES.~~

- ~~(1) Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers.~~
- ~~(2) Telephone operators shall be instructed to be courteous, considerate and efficient in the~~

handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications.

~~(3) All operator handled calls shall be carefully supervised and disconnects made promptly.~~

~~(4) When an operator is notified by a customer that he/she has reached a wrong number on a direct dialed call, the customer shall be given credit on his/her bill when the claim has been substantiated.~~

(Rule 1220-04-02-.30, continued)

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.31 TRANSMISSION REQUIREMENTS.~~

~~(1) Telephone utilities shall furnish and maintain adequate plant, equipment and facilities to provide satisfactory transmission of communications between customers in their service area.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1974. Amendment filed August 18, 1982; effective September 17, 1982. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.32 PUBLIC TELEPHONE SERVICE.~~

~~(1) The utility shall establish public telephone service at locations where the public convenience will be served. The Commission may direct installation of a public telephone where it is needed.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1982. Amendment filed August 18, 1982; effective September 17, 1982. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.33 INTERRUPTIONS OF SERVICE.~~

~~(1) When interruptions occur, the utility shall re-establish service with the shortest possible delay.~~

~~(2) Arrangements shall be made to receive customer trouble reports twenty-four (24) hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.~~

~~(3) Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.34 SERVICE OBJECTIVES AND SURVEILLANCE LEVELS.~~

- ~~(1) Certain measurements have been shown to be most important in determination of quality of telephone service. The results of these measurements may vary, however, depending on the size of the service area being measured, geography and demography of the service area, types of equipment operated by the telephone utility, season of the year (weather) and number of days in the month being measured. For these reasons, no single statistical standard can serve as a strict demarcation level between "good" and "poor" service for every company in Tennessee.~~
- ~~(2) Accordingly, the Commission has established herein a set of criteria which is generally recognized as being on the one hand, measures of reasonable and economically attainable service, and on the other hand, levels of service which indicate a need for scrutiny of service and corrective action.~~
- ~~(3) Each utility shall make measurements to determine the level of service for each item included in these rules to the extent feasible. In central offices of such size that recording equipment is not presently, or normally installed for the purpose of measuring accurately such functions as dial tone speed and central office overflows, this rule does not mandate the installation of such measuring equipment. Each utility shall, however, make the necessary physical checks and observations in such offices to assure that levels of service on any of the items included herein are being maintained.~~
- ~~(4) These rules require scheduled formal reports on a quarterly basis. In addition where continuing service problems are indicated by failure to meet surveillance levels and/or complaints in individual exchange areas, the Commission may require reports of investigation and corrective action be taken. If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the Commission for the modification of the rule or for temporary or permanent exemption from its requirements. The adoption of these rules by the Commission shall in no way preclude it from altering or amending them pursuant to applicable statutory procedures, nor shall the adoption of these rules preclude the Commission from granting temporary exemptions from its regulations in exceptional cases.~~

~~**Authority:** T.C.A. §§ 65-202, 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1982. Amendment filed August 18, 1982; Effective September 17, 1982. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.35 INSTALLATION OF SERVICE.~~

- ~~(1) (a) In any area where facilities are available, eighty-five percent (85%) of the utility's regular service order installations shall normally be completed within five (5) working days in exchanges of more than 3000 access lines. The intervals commence with the receipt of application unless a later date is requested by the applicant.~~

- ~~(b) In any area where facilities are available, seventy-five percent (75%) of the utility's regular service order installations shall normally be completed within five (5) working days in exchanges of less than 3000 access lines.~~
- ~~(c) Surveillance Level In any reporting entity of more than 3000 access lines, completion of less than seventy-five percent (75%) within five (5) working days on a continuing basis indicates a need for investigative or corrective action.~~
- ~~(d) Surveillance Level In any reporting entity of less than 3000 access lines, completion of less than sixty-five percent (65%) within five (5) working days on a continuing basis indicates a need for investigative or corrective action.~~
- ~~(2) Ninety percent (90%) of the utility's commitments to customers in a Reporting Entity as to the date of installation of regular service orders shall be met excepting customer caused delays and acts of God.~~
 - ~~(a) Surveillance Level A continued rate of less than eighty-eight percent (88%) indicates a need for investigative or corrective action.~~
- ~~(3) A regrade order shall normally be filled no later than thirty (30) days where facilities are available after the customer has made application for a different grade of service except where the customer requests a later date. In the event of the utility's inability to so fill such an order, the customer will be advised and furnished the estimated date when it will be available.~~
- ~~(4) If the Commission finds an applicant and/or area should be served, viewing all the surrounding circumstances, it may direct that the company serve that area.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule certified May 9, 1974. Amendment filed August 18, 1982; effective September 17, 1982. Amendment filed March 31, 1987; effective June 29, 1987. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

1220-04-02-.36 OPERATOR HANDLED CALLS.

- ~~(1) All operator handled calls shall be carefully supervised. Calls requiring timing shall be carefully timed.~~
- ~~(2) Each utility shall maintain adequate personnel to provide an average operator answering performance as follows on a monthly basis:~~
 - ~~(a) Ninety percent (90%) of toll and assistance operator calls answered within ten (10) seconds (equivalent measurements may be used).~~
 - ~~1. Surveillance Level Answering time of less than eighty-seven percent (87%) of calls within ten (10) seconds (or equivalent measurement) on a continuing basis indicates a need for investigative or corrective action.~~
 - ~~(b) Eighty-five percent (85%) of calls to Directory Assistance answered within ten (10) seconds (equivalent measurement may be used).~~
 - ~~(c) Surveillance Level Answering time within ten (10) seconds (equivalent measurement may be used) on less than seventy-eight percent (78%) of calls to Directory Assistance on a continuing basis indicates a need for investigative or corrective action.~~

- (3) ~~An “answer” shall mean that the operator is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an answer.~~

Authority: ~~T.C.A. § 65-2-102. Administrative History: Original rule filed February 2, 1976; effective March 3, 1976. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.37 LOCAL DIAL SERVICE.~~

- (1) ~~Sufficient central office capacity and equipment shall be provided to meet the following requirements during the average busy season—busy hour.~~
- (a) ~~Dial tone within three (3) seconds on ninety-eight percent (98%) of calls.~~
1. ~~Surveillance Level—Dial tone within three seconds on less than 97.4% of calls on a continuing basis indicates a need for investigative or corrective action.~~
- (b) ~~Completion of ninety-seven percent (97%) of local dialed calls without encountering an equipment busy condition(blockage).~~
1. ~~Surveillance Level—When the completion rate falls below ninety-two percent (92%) on a continuing basis investigative or corrective action should be initiated.~~

Authority: ~~T.C.A. § 65-2-102. Administrative History: Original rule filed February 2, 1976; effective March 3, 1976. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.38 DIRECT DISTANCE DIAL SERVICE.~~

- (1) ~~Engineering and maintenance of the trunk and related switching components in the internal network shall be such as to permit attaining the following objective on properly dialed calls, during the average busy season without encountering blockages or equipment irregularities.~~
- (2) ~~DDD Calls by customer (incoming trunks)—ninety-eight percent (98%).~~
- (3) ~~Surveillance Level—ninety-six percent (96%).~~

Authority: ~~T.C.A. § 65-2-102. Administrative History: Original rule filed February 2, 1976; effective March 3, 1976. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”~~

~~1220-04-02-.39 CUSTOMER TROUBLE REPORTS.~~

- (1) ~~Service shall be maintained in such a manner that the monthly rate of all customer trouble reports not exceed the following objective levels by reporting entity:~~
- (a) ~~Exchanges having 14,000 or more access lines—6.0 per 100 access lines.~~
- (b) ~~Exchanges having 3,000 to 14,000 access lines—6.5 per 100 access lines.~~

- ~~(c) Exchanges having less than 3,000 access lines 9.5 per 100 access lines.~~
- ~~(2) Surveillance Level A customer trouble rate exceeding the monthly level shown below for three consecutive months in a reporting entity indicates a need for investigation or corrective action:~~
 - ~~(a) Exchanges having 14,000 or more access lines 7.0 per 100 access lines.~~
 - ~~(b) Exchanges having 3,000 to 14,000 access lines 7.5 per 100 access lines.~~
 - ~~(c) Exchanges having less than 3,000 access lines 11.0 per 100 access lines.~~

Authority: ~~T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. Administrative History: Original rule certified May 9, 1974. Amendment filed February 2, 1976; effective March 3, 1976. Amendment filed August 18, 1982; effective September 17, 1982. Amendment filed March 31, 1987; effective June 29, 1987. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.41 SAFETY PROGRAM.~~

- ~~(1) Each utility shall adopt and execute a safety program fitted to the size and type of its operations. At a minimum, the safety program should:~~
 - ~~(a) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.~~
 - ~~(b) Instruct employees in safe methods of performing their work.~~
 - ~~(c) Instruct employees, whom in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in acceptable methods of first aid.~~

Authority: ~~T.C.A. § 65-2-102. Administrative History: Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.42 MEASURED AND MESSAGE TELEPHONE SERVICE.~~

- ~~(1) The marketing representative or other salesperson of every telephone company must explain the availability of all local exchange service options for residential service to each customer who requests new local residential service or a change in the customer's existing local, residential service.~~
- ~~(2) All advertising, promotional and informational materials regarding discounted or low use rates for one party, local exchange service must contain an explanation of all available rates for discounted one party, local service.~~
- ~~(3) Each telephone company under the jurisdiction of this Commission shall file a quarterly report with the Commission demonstrating the company's compliance with Rules 1220-04-02-.42(1) and (2). Such report shall include, but shall not be limited to, copies of all advertising, promotional, and informational materials used by the company concerning discounted or low use rates for one party, local service.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-4-104, and 65-4-106. **Administrative History:** Original rule filed October 20, 1983; effective January 16, 1984. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.55 REGULATORY REFORM.~~

- ~~(1) As an alternative to traditional rate making procedures, a local exchange carrier (LEC) may elect to operate under the regulatory reform plan described below. The Commission may modify the plan in order to meet the circumstances of a particular LEC as demonstrated by the record before the agency.~~
 - ~~(a) The Commission will project the carrier's earnings over a forecast test period of two to four years which will be the period of the regulatory reform plan. Neither the Commission nor the carrier will initiate proceedings to adjust the carriers earnings during the forecast period except as provided herein.~~
 - ~~(b) If under appropriate circumstances and the Commission so directs, all or part of projected earnings in excess of the carriers prescribed return may be placed in an interest bearing deferred revenue account and used to implement the technology schedule described in rules 1220-04-06-.01 through 1220-04-06-.05 or for such other purposes as the Commission directs. Interest on the deferred revenues account shall be calculated using the average monthly balance based on the beginning and ending monthly balances. The interest rate for each calendar quarter used to compute such interest shall be equal to the arithmetic mean (to the nearest one hundredth of one percent) of the prime rate value published in the Federal Reserve Bulletin or in the Federal Reserve's Selected Interest Rates for the 4th, 3rd, and 2nd months preceding the 1st month of the calendar quarter.~~
 - ~~(c) During the forecast period, earnings adjustments for large LECs (70,000 or more access lines) will be made as described in this section. Other LECs may elect to operate under section (1)(c) or under Section (1)(d).~~
 - ~~1. If the carrier earns within sixty (60) basis points of its prescribed return on capital, no earnings adjustment will be made.~~
 - ~~2. If the carrier earns more than four hundred sixty (460) basis points above its prescribed return, the amount of the excess will be used to benefit the carrier's customers. If the carrier earns more than four hundred sixty (460) points below its prescribed return, the Commission will take appropriate action to make up the amount of the deficit.~~
 - ~~3. If the carrier earns between sixty (60) and four hundred fifty (450) points above or below the carriers prescribed return, the excess or deficit will be shared with the carrier's customer on a 40-60, 45-55, 50-50, 55-45, or 60-40 basis depending upon the carrier's service rating level as determined by the Commission in accordance with section (f) of this rule.~~
 - ~~(d) For small LECs (less than 70,000 access lines) which do not choose to operate under section (1)(c), no earnings adjustment will be made unless the carrier's earned return on equity during the forecast period is more than two hundred (200) basis points above or below the carriers prescribed return. Should that occur, either the Commission or the carrier may initiate rate review proceedings for prospective relief.~~

- ~~(a) If during the forecast period, changes occur which jeopardize the interests of ratepayers or the financial stability of a carrier, the Commission or the carrier may initiate rate review proceedings for prospective relief.~~
 - ~~(f) Subject to Commission review, the Utilities Divisions shall, in cooperation with the carriers, develop appropriate accounting procedures, reporting requirements, and service standards necessary to implement these rules.~~
 - ~~(g) Any small LEC choosing to operate under this regulatory reform plan must so notify the Commission at least six (6) months prior to the beginning of the LEC's forecast test period. Any large LEC must notify the Commission at least nine (9) months in advance. For good cause shown, the Commission may amend these time limits.~~
- ~~(2) Intrastate InterLATA services.~~
- ~~(a) Definitions.~~
 - ~~1. "Certificated interLATA resellers" are non-facilities based telecommunications companies providing intrastate interLATA service as a reseller which are subject to Rule 1220-04-02-.57, and any portion of this rule subsection in which said resellers are specifically mentioned.~~
 - ~~2. Facility-based providers of intrastate interLATA services are companies owning facilities in the state which consist of network elements, switches, or other communication transmission equipment used to carry voice, data, image, and video traffic across the LATA boundaries within Tennessee (i.e., intrastate interLATA communications) or to carry any other communications traffic approved by the Commission for these carriers.~~
 - ~~3. "Intrastate interLATA services" are those services that provide two-way voice or data communications between points in different LATAs.~~
 - ~~4. "Tariff or price filing date" is the date on which the Commission receives a filing.~~
 - ~~(b) Tariff Rules and Regulations.~~
 - ~~1. All facility-based providers of intrastate interLATA services shall file tariffs for all intrastate services. Such tariffs shall include a description of every intrastate service offered and terms and conditions for each service. The Commission shall evaluate market share based on data obtained from the Federal Communications Commission and/or other sources as the Commission may require.~~
 - ~~2. Each service shall be made available at the rate specified in the tariffs to any customer meeting the terms and conditions for that service.~~
 - ~~3. Tariff filings involving new services or rate increases may be suspended by the Commission only upon a showing of good cause.~~
 - ~~(c) Rate and Price Setting Requirements.~~

~~Section (c) applies to facility-based providers with more than five percent (5%) of the intrastate interLATA market as determined by the Commission.~~

 - ~~1. Services will be categorized as Basic Residential Services or All Other Services.~~
 - ~~2. The Basic Residential Services category shall include 1+ traffic originated from a residential location, excluding calls made under an optional calling plan. This~~

~~category shall also include 0+ and 0 calls billed to a residential calling card or residential telephone number and person-to-person residential calls, excluding calls made under an optional calling plan. Operator surcharges and per minute rates are included in this category. The Commission shall designate the associated rate schedules to be included in the Basic Residential Services category.~~

- ~~3. The Commission shall establish a rate cap for the Basic Residential Services category. The initial cap will be the rates in effect on the effective date of this rule. The rate cap shall be adjusted to reflect any changes in switched access charges for services in the Basic Residential Services category within thirty (30) days of said access adjustments. The amount of any access charge change for the Basic Residential Services category shall be the average statewide per minute access reduction multiplied by most recent twelve (12) months to date total minutes of use in the Basic Residential Services category of each affected provider. Each provider shall submit evidence to support its calculations of its change in switched access charges.~~
- ~~4. Revenue neutral adjustments within the Basic Residential Services category are permitted as long as a provider of intrastate interLATA services demonstrates to the Commission that said rate adjustments will be revenue neutral to the service provider. Revenue neutral adjustments will be determined by using the most recent twelve (12) months to date minutes of use by rate band for each rate in the Basic Residential Services category multiplied by the existing and proposed rates.~~
- ~~5. Rates for the All Other Services category may be established as the provider deems appropriate, but may be reviewed by the Commission in accordance with the provisions of this rule subsection.~~
- ~~6. Upon a finding by the Commission that existing and potential competition is an effective regulator of the price of Basic Residential Service, the Commission may exempt such service from the rate cap established in 1220-04-02-.55(2)(c)3.~~
- ~~7. Upon a finding by the Commission that the existing competitive activity is not effectively regulating the price of a service in the All Other Services category to adequately serve the public interest, the Commission may place such service in the Basic Residential Services category.~~

~~(d) Price Adjustments.~~

- ~~1. Price reductions shall become effective on the tariff filing date. The Commission may, however, review these reductions upon its own motion or upon the petition of any interested party.~~
- ~~2. No tariff filing submitted pursuant to this rule that increases rates or changes terms and conditions which result in an increase in the billed rate of any service shall take effect sooner than thirty (30) days after notice to the Commission, unless otherwise directed by the Commission. Affected customers shall be notified in a conspicuous manner by direct mail and by publication of a notice in a newspaper of general circulation in the affected service area thirty (30) days prior to the effective date of any rate increases. A copy of such notice shall be filed with the Commission concurrent with the tariff filing.~~
- ~~3. Any change in the previously approved terms and conditions of a service requires thirty (30) days notice to both the Commission and the customer in order to enable the customer sufficient time to qualify for the service. At any time after a change in the terms or conditions of a customer's existing service by the carrier, a customer may cancel service without the application of termination charges.~~

~~(e) New Services.~~

- ~~1. New services shall become effective upon filing of tariffs with the Commission. The Commission may, however, review such tariffs upon its own motion or upon the petition of any interested party.~~
- ~~2. Services or calling plans that automatically convert customers from an existing service shall not be classified as a new service. New services are those that are independent from other previously approved services and are filed separately from any existing service or calling plan.~~

~~(f) Special Services or Contracts.~~

- ~~1. A summary of all special contracts shall be filed with the Commission. The contract shall be made available to the Commission upon request.~~
- ~~2. Special contracts or special pricing packages shall be permitted provided that the service being provided thereunder is available at the same rate to any customer meeting the special terms and conditions.~~

~~(g) Consumer Safeguards~~

- ~~1. No provider of intrastate interLATA services shall de-average rates for interLATA service without prior Commission approval.~~
- ~~2. No provider of intrastate interLATA services shall abandon residential services to any location in the state without prior customer notification and Commission approval.~~
- ~~3. Providers of intrastate interLATA services shall comply with all extended area service toll-free calling plans deemed to be in the public interest by the Commission.~~
- ~~4. Failure to comply with any rule or order adopted by the Commission may result in the investigation of whether a provider of intrastate interLATA services continues to operate in the public interest. The Commission may fine a provider of intrastate interLATA service pursuant to T.C.A. § 65-4-120 for violation of an Commission Order or pursue any other enforcement remedy provided by state law.~~
- ~~5. Nothing in this subsection precludes the Commission from acting on its own motion to suspend a tariff or initiate an investigation into any prices or tariffs filed pursuant to this rule sub-section.~~
- ~~6. Providers of intrastate interLATA services shall participate in any support mechanism for Universal Service as may be approved by the Commission.~~

~~(h) Reporting.~~

- ~~1. Providers of intrastate interLATA services are required to maintain books and records in a manner consistent with that required by the Federal Communications Commission for each company unless said reporting requirements are specifically waived or otherwise modified by the Commission.~~
- ~~2. The Commission shall monitor technology applications, quality of service and market share conditions through reports and oral presentations made by the providers of intrastate interLATA services. The Commission may request these reports and presentations on a periodic basis, as required, to evaluate service~~

levels and technology deployment results and plans.

3. ~~Providers of intrastate interLATA services shall respond to customer complaints pursuant to Commission rules.~~
4. ~~Facility-based providers of intrastate interLATA services with greater than five percent (5%) of the state's interLATA market as determined by the Commission shall file reports annually by April 1st containing: (1) the previous calendar year's intrastate minutes of use and revenues for the Basic Residential Services category, and (2) the previous calendar year's total intrastate revenues and minutes of use for the service in the All Other Services category.~~
5. ~~Nothing in this rule precludes the Commission from requiring additional reports.~~

Authority: ~~T.C.A. §§ 65-2-102, 65-4-104, 65-4-111, 65-4-201, 65-5-102, and 65-5-103. Administrative History: Original rule filed November 25, 1992; effective January 10, 1993. Amendment filed March 28, 1995; effective June 13, 1995. Amendment to rule 1220-04-02-.55 filed July 13, 2001; to be effective September 26, 2001; however, on September 25, 2001, the Joint Government Operations Committee of the General Assembly stayed 1220-04-02-.55, paragraph (2), until November 2, 2001. On October 31, 2001, the committee again stayed this section until January 2, 2002. Rule 1220-04-02-.55, paragraph (2) became effective January 2, 2002. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.56 VERIFICATION OF ORDERS FOR CHANGES FOR LOCAL AND LONG-DISTANCE CARRIERS.~~

~~(1) Definitions~~

- ~~(a) "Commission" refers to the Tennessee Public Utility Commission~~
- ~~(b) "Authorized individual" means a person authorized to make billing and service decisions regarding a telephone account. A person under the age of eighteen (18) does not qualify as an "authorized individual" unless they are the person responsible for the telephone bill.~~
- ~~(c) "A qualified and independent third party" means a person or corporation operating in a location physically separate from the telemarketing representative with no corporate affiliation with the telemarketing company that made the original sale contact with the end user.~~
- ~~(d) "LEC" refers to the local exchange telephone company that renders a telephone bill to an end user. This definition is inclusive of both incumbent and competitive local providers.~~
- ~~(e) "LOA" refers to a letter of agency. An LOA is a document granting permission to change a subscriber's local and/or PIC or LPIC carrier and requires the signature of an authorized individual.~~
- ~~(f) "LPIC" means an end user's preferred intraLATA carrier.~~
- ~~(g) "PIC" means an end user's preferred interLATA carrier.~~

- ~~(h) "Slamming" refers to the changing of an end user's local, PIC and/or LPIC service where the submitting carrier has not complied with Tenn. Code Ann. § 65-4-125.~~
- ~~(i) "Submitting carrier" means a telecommunications service provider, including but not limited to a LEC, ILEC, CLEC, CTSP, IXC, and reseller, that submits to an end user's primary local exchange carrier a change order requesting that the end user's preferred local exchange carrier, PIC, and/or LPIC be switched.~~
- ~~(2) No submitting carrier shall submit to an end user's primary local exchange carrier a change order requesting that the end user's PIC, LPIC, or primary local exchange service provider be switched unless and until the order has first been confirmed in accordance with one of the following procedures:~~
- ~~(a) The submitting carrier has obtained a written Letter of Agency from the end user that conforms with this section.~~
- ~~1. The Letter of Agency shall be a separate document, or an easily separable document containing only the authorizing language described in paragraph (d) below, whose sole purpose is to authorize a submitting carrier to initiate a local and/or interLATA or intraLATA long distance service change. The Letter of Agency must be signed and dated by an authorized individual for the telephone line(s) requesting the local and/or interLATA or intraLATA long distance service change.~~
 - ~~2. The Letter of Agency shall not be combined with inducements of any kind involving elements of chance on the same document.~~
 - ~~3. Notwithstanding paragraphs (1) and (2) of this section, the Letter of Agency may be combined with checks that contain only the required letter of agency language prescribed in subpart (iii) below and the necessary information to make the check a negotiable instrument. The Letter of Agency check shall not contain any promotional language or material and must comply, where appropriate, with Tenn. Code Ann. § 47-18-120 and any other lottery and gambling statutes. The Letter of Agency check shall contain, in easily readable, bold-faced type on the front of the check, a notice that the consumer is authorizing a local and/or interLATA or intraLATA long distance service change by signing the check. The Letter of Agency language also shall be placed near the signature line on the back of the check.~~
 - ~~4. At a minimum, the Letter of Agency must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:~~
 - ~~(i) The end user's billing name and address and each telephone number to be covered by the local and/or interLATA or intraLATA long distance service change order.~~
 - ~~(ii) The decision to change the local and/or interLATA or intraLATA long distance service carrier from the current carrier to the prospective carrier.~~
 - ~~(iii) The end user designates the telecommunications company to act as the end user's agent for the local and/or interLATA or intraLATA long distance service change. By designating a telecommunications company to act as the end user's agent, however, the end user does not permit the designated telecommunication company to change the end user's service to another telecommunications company.~~

- ~~(iv) Any carrier designated in a Letter of Agency as a preferred local exchange, preferred interLATA, or preferred intraLATA carrier must be the carrier directly setting rates for the end user, and~~
 - ~~(v) The end user understands that any local exchange and/or interLATA or intraLATA carrier selection the end user chooses may involve a charge to the end user for changing the end user's local and/or interLATA or intraLATA long distance carrier.~~
- ~~5. Letters of Agency shall not suggest or require that an end user take some action in order to retain the end user's current local and/or interLATA or intraLATA long distance carrier.~~
- ~~6. If any portion of a Letter of Agency is translated into another language, then all portions of the Letter of Agency must be translated into that language. Every Letter of Agency must be translated into the same language as any promotional materials, oral descriptions or instructions provided with the "Letter of Agency," or~~
- ~~(b) The end user, without being prompted to do so by a third party, initiates a call to his or her primary local exchange carrier, or the end user initiates a call to an automated toll-free number. Submitting carriers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to such automated toll-free telephone numbers must connect an end user to a voice response unit, or similar mechanism that records the required information regarding the preferred local exchange service provider, PIC, or LPIC changes; or~~
 - ~~(c) The submitting carrier has obtained the end user's verbal approval to change their preferred local exchange service provider, PIC, or LPIC during a telemarketing sales contact. Verbal approval must be given by an authorized individual and must be confirmed by the procedure listed below:~~
 - ~~1. An appropriately qualified and independent third party verifier has obtained the end user's verbal authorization to submit the change order. The change order shall include appropriate verification data described below. The independent verifier must confirm the carrier change with the end user who was originally solicited and must include the following disclosures during the confirmation call:~~
 - ~~(i) The company name of the independent third party verifier, the name of the individual verifying the change and the name of the carrier on whose behalf it is calling;~~
 - ~~(ii) Request whether the end user would like to verify his/her decision to switch service at the present time or wait until a later time;~~
 - ~~(iii) A verification that the end user is an authorized individual for the numbers to be changed by stating the customer's birthday or other appropriate information;~~
 - ~~(iv) The telephone number(s) of the service being switched;~~
 - ~~(v) The following specific question must be asked to the end users by the third party verifier: "Do you approve to change your service (i.e. local, intraLATA, and/or interLATA) to (company name)?" The end user must respond "yes" to the above question. If the end user responds "no" to the question, the third party verifier must end the confirmation call;~~

- ~~(vi) An explanation of what services (i.e. local, intraLATA, and/or interLATA) are about to be changed and the approximate time frame in which the change will occur;~~
 - ~~(vii) A statement whether the end user authorizes the change of carrier for the particular service to the telecommunications service provider; and~~
 - ~~(viii) A statement at the end of the conversation confirming that a request will or will not be submitted to the end user's LEC to change his or her preferred local exchange service provider, PIC, or LPIC.~~
- ~~2. The compensation paid to the qualified and independent third party verifier cannot be based upon a commission for successful conversions.~~
 - ~~3. A clear distinction is required between the telemarketing solicitation and the independent third party verification process. In order to ensure this division of labor, the following condition is required:~~
 - ~~(i) No telemarketer shall participate in or listen to an independent third party verification call to an end user to confirm the end user's authorization to switch service.~~
 - ~~4. A copy of the third party verification script shall be provided to the Commission upon request of the Consumer Services Division.~~
- ~~(d) In the case of a transfer of a customer base between two (2) or more telecommunications service providers, the Commission, upon petition by the acquiring telecommunications service provider, may deem that sufficient notice has been given and approval received from the affected customers when the following criteria are met:~~
- ~~1. The acquiring telecommunications service provider shall provide the Commission a copy of the self-certification letter it shall file with the Federal Communications Commission ("FCC"), as required in CC Docket No. 00-257, certifying that the customer transfer is in compliance with all FCC regulations governing such transactions.~~
 - ~~2. A notification letter, pre-approved by the Commission, shall be mailed by the current provider of telecommunications service to its customers describing the customer transfer and explaining that unless the customer selects another telecommunications service provider, the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a date specified in the notification letter. The notification letter shall be mailed by U.S. First Class Postage, with the logo or name of the current provider displayed on both the letterhead and the exterior envelope, no less than thirty (30) days prior to the actual customer transfer. For good cause shown, the Commission may waive any requirement of this part or order any requirement thereof to be fulfilled by the acquiring provider. Good cause includes, but is not limited to, evidence that the current provider is no longer providing service in Tennessee.~~
 - ~~3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-04-02-.56(2)(d)2. shall inform the customer of this provision.~~

- ~~4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-04-02 .56(2)(d)2. shall inform the customer of this provision.~~
- ~~(e) To provide evidence of a valid change order, telecommunications providers may elect to audio record the verbal authorization obtained by the independent third party verifier under Rule 1220-04-02 .56(2)(c)1. Failure to audio record or to produce such audio recording upon request of the Consumer Services Division of the Commission shall create a rebuttable presumption that the verbal authorization from the end user was not obtained.~~
- ~~(f) All LOAs, recordings, or any other evidence of change orders shall be maintained by the submitting carrier and the local exchange carrier for one year for dispute resolution and shall be provided to the Commission upon request.~~
- ~~(3) Any telecommunications service provider, or its agent, conducting telemarketing solicitations with the purpose of seeking to change an end user's local, intraLATA, or interLATA carrier must include the following disclosures:~~
- ~~(a) Identification of the name of the specific soliciting carrier the telemarketer is representing;~~
- ~~(b) A statement that the purpose of the call is to solicit verbal approval to change the end user's local, and/or intraLATA, or interLATA carrier along with the specific question to the end user, "do you want to change your service?" (i.e., local, PIC or LPIC);~~
- ~~(c) A statement that the end user's local, intraLATA, or interLATA carrier may not be changed unless and until the telemarketing sale is confirmed by at least one of the methods outlined in 2(a)-(c);~~
- ~~(d) A description of any charge(s) for processing the carrier change that may be imposed by the customer's local exchange carrier;~~
- ~~(e) An explanation of the type and amount of any monthly recurring fee or minimum usage fee that may be charged to the end user for the new service as well as the rate difference, if there is one, between intrastate and interstate toll charges;~~
- ~~(f) An explanation of what services (i.e. local, intraLATA, and/or interLATA) are about to be changed and the time frame when the change will occur; and~~
- ~~(g) A verification that the end user is an authorized individual.~~
- ~~(4) Copies of all telemarketing scripts used by telecommunications service providers, or their agents, for the purpose of soliciting end users to change their service (i.e., local, PIC and LPIC) shall be provided to the Commission upon the request of the Consumer Services Division.~~
- ~~(5) The Commission upon request of the Consumer Services Division, may require telecommunications service providers, or their agent, engaging in telemarketing to record on tape all telemarketing solicitations and/or the verbal authorization obtained by the independent third party verifier for the purpose of switching an end user's local, LPIC or PIC. These taping requirements may be invoked if it is determined that there is probable cause that the Commission's Rule 1220-04-02 .56 is not being followed. Copies of tapes between the~~

~~telemarketer and end users shall be provided to the Commission upon request. Taping of telemarketing solicitations shall continue hereunder at the discretion of the Commission.~~

- ~~(6) Telecommunications service providers, or their agents, engaging in telemarketing shall fully comply with all state and federal laws and rules and regulations including, but not limited to the following:
 - ~~(a) Tenn. Code Ann. § 47-18-1526, 47 CFR § 64 and 16 CFR § 310 regarding maintaining lists of persons who do not wish to receive telephone solicitations by or on behalf of persons or entities which are commonly referred to as "don't call lists." It shall be a separate violation of this Rule Chapter for the purpose of a fine to fail to place an end user on a "don't call list" or to call a customer that is on such a list in full conformity with appropriate state and federal laws, regulations or rules.~~
 - ~~(b) Telecommunications service providers shall comply with Tenn. Code Ann. §§ 47-18-1526(c)(1), (2)(A) and (B) as amended in Public Acts 1998, Chapter 734, which prohibit such providers from placing telephone calls to consumers from a telephone number if the telephone number of the caller is unlisted or if the telephone solicitor or verifier is using telephone equipment which blocks the caller ID function on telephone equipment.~~~~
- ~~(7) Any reseller of local, intraLATA, and/or interLATA services shall not disclose or otherwise identify which facilities-based resold services are being used unless the customer without being prompted by the telemarketer specifically requests that information.~~
- ~~(8) In the event that a telecommunications service provider is notified by an end user that he or she has been reassigned a local, interLATA, or intraLATA service provider without authorization, the telecommunications service provider shall suspend collection of all change charges from the end user until the dispute is resolved and shall initiate, within one business day, the switching of the end user back to the carrier identified by the end user as the end user's preferred carrier prior to the unauthorized switch.~~
- ~~(9) Telecommunications service providers are required to inform end users of their right to report slamming complaints to the Commission for investigation.~~
- ~~(10) Any subscriber to telecommunications services in the State of Tennessee who wishes to file a complaint involving an allegation of slamming against a telecommunications service provider, or a person acting on behalf of a telecommunications service provider pursuant to Tenn. Code Ann. § 65-4-125 and the provisions of this Rule Chapter, may do so in the manner set forth below:
 - ~~(a) The following procedures shall be followed with respect to subscriber complaints:
 - ~~1. A complaint must follow substantially the form of complaint provided by the Commission and must include such information, as required by that form, as necessary for the processing of the complaint, including, without limitation, whether the telecommunications service provider has been contacted and the results of any such contact.~~
 - ~~2. On the receipt by the Commission of any complaint, or inquiry, which appears to involve slamming, the complaint or inquiry shall be referred to the Consumer Services Division.~~
 - ~~3. If the complaint is filed on, or substantially in compliance with, the approved form, the Consumer Services Division will contact the person filing the complaint ("Complainant") to verify the facts alleged, and to obtain any further information deemed necessary for the processing of the complaint.~~~~~~

- ~~4. If the complaint or inquiry is not filed on the approved form, the Consumer Services Division will contact the Complainant, to determine if that person wishes to proceed with a complaint, and, if so, to determine and verify such information as may be necessary for the processing of the complaint, which information shall be included in the complaint.~~
- ~~5. If the Consumer Services Division determines that the complaint is without merit on its face, the Consumer Services Division will so advise the person making the complaint, and will further advise such person that he or she has the right to file a formal complaint with the Commission under the general procedures for the filing of complaints.~~
- ~~6. If the Consumer Services Division determines that the complaint is in proper form for processing, and is not without merit on its face, the Consumer Services Division will serve a copy thereof, by e-mail, by facsimile, by personal delivery, or by regular mail, on the telecommunications service provider, or other person, who is alleged to have violated Tenn. Code Ann. § 65-4-125(a).~~
- ~~7. Within ten (10) days after service of the complaint (three (3) additional days from the date of mailing, if service is by mail) or within such further time as may be allowed by the Consumer Services Division on the request of the Respondent, the telecommunications service provider, or other person served, shall file a written response with the Consumer Services Division admitting or denying the factual allegations of the complaint, and including defenses based on any issues of law, and providing such other information, justification or argument as the Respondent may deem appropriate. A copy of that response will be served on the Complainant.~~
- ~~8. Promptly after the receipt of that response, the Consumer Services Division will determine if further information is necessary, and, if so, shall endeavor to obtain it; and will attempt to mediate the complaint to the satisfaction of both parties.~~
- ~~9. If the parties agree to a resolution of the matter, written evidence of that resolution shall be placed in the file of the Consumer Services Division and the matter will be closed.~~
- ~~10. If the Respondent fails to file a timely response to the complaint, the factual allegations thereof shall be deemed to have been admitted.~~
- ~~11. If the Respondent fails to file a timely response, or if the parties fail to agree to a resolution of the matter, the Consumer Services Division shall certify the matter to the Commission, with recommendations in the premises. Any such certification shall identify the issues raised by the parties and shall include a computation of the amounts which may be due to the Complainant.~~
- ~~12. The Commission shall consider the matter as certified by the Consumer Services Division in an open meeting; and shall determine whether the matter involves only legal issues or involves contested issues of fact. If the matter involves only legal issues the Commission shall set a briefing schedule and may set the matter for oral argument. If the matter involves contested issues of fact, the Commission may either convene a contested case and follow contested case procedures for its determination; or the Commission, on the basis of the investigation made by the Consumer Services Division, may issue a show cause order pursuant to Tenn. Code Ann. § 65-2-106.~~

- ~~13. The Commission may, however, in its discretion entertain and decide any subscriber complaints itself, without referring the matter to the Consumer Services Division, under the general procedures provided for the disposition of complaints, including, without limitation, the issuance of a show cause order pursuant to Tenn. Code Ann. § 65-2-106.~~
- ~~(b) A telecommunications service provider, or person acting on behalf of a telecommunications service provider, who is found by the Commission to have violated Tenn. Code Ann. § 65-4-125(a), or any provision of Rule 1220-04-02-.56 shall:~~
- ~~1. Be subject to the imposition of the civil penalty provided in Tenn. Code Ann. § 65-4-125(f), as the Commission may determine.~~
 - ~~2. Provide upon request of the end user's previous carrier, all billing records to the original telecommunications service provider that are related to the unauthorized provision of service to the customer within forty five (45) days of the end user's request to return the customer to the original telecommunications service provider.~~
 - ~~3. Pay the original telecommunications service provider any amount paid to it by the end user that would have been paid to the original telecommunications service provider if the unauthorized switch had not occurred, within thirty (30) days of the end user's request to return the end user to the original telecommunications service provider. If the unauthorized carrier has already made payments to the end user's original carrier pursuant to any federal laws or regulations, the payment under this rule shall be reduced by the amount already paid pursuant to such federal laws and regulations.~~
 - ~~4. Be required to pay to the subscriber wronged by such violation any amount which the Commission is authorized by law to require to be paid.~~
- ~~(c) In addition to the remedies provided by this rule to subscribers, the Commission may, on its own motion, or on the recommendation of the Consumer Services Division, or on the motion of the Consumer Advocate Division or any other interested person, order the investigation of the practices of any telecommunications service provider, or persons acting on behalf of a telecommunications service provider, to determine if such telecommunications service provider, or person acting on behalf of any telecommunications service provider, has followed a pattern of continued violation of Tenn. Code Ann. § 65-4-125(a), or of Rule 1220-04-02-.56; and if such investigation discloses such a pattern of continued violation, the Commission shall issue a show cause order with respect to such acts pursuant to Tenn. Code Ann. § 65-2-106.~~
- ~~(11) Any instance in which an employee, representative or agent of a submitting carrier forges an end user's signature on an LOA or otherwise falsifies evidence of an end user's authorization of a change order shall constitute a separate violation of this rule. Enforcement of this provision shall not foreclose private actions in tort or any criminal or civil liability of the employee, representative or agent of submitting carrier.~~
- ~~(12) Telecommunications service providers are required to maintain a detailed record of all slamming complaints filed against them in Tennessee for two (2) years. A telecommunications service provider shall, upon request by the Commission, file a report with the Commission stating the number of such slamming complaints they have received in Tennessee. This report shall identify the name, address and telephone number of the end user slammed along with the method used to switch the end user. The report shall also describe the action taken by the telecommunications service provider to remedy the complaint including the amount of adjustment given, as well as any other information requested. This report is to be submitted to the Consumer Services Division within twenty (20) business days of the request for the report unless additional time is granted.~~

- ~~(13) Local exchange carriers are required upon request by an end user to provide a freeze on an end user's local exchange service, PIC or LPIC without charge, unless the Commission otherwise approves such a charge. This freeze is designed to afford the end user added protection against slamming. ILECs and CLECs providing local exchange service in Tennessee are required to file tariffs with the Commission describing their freeze service within ninety (90) days of the effective date of this Rule Chapter. Specific guidelines regarding a local and/or PIC or LPIC freeze are described below.~~
- ~~(a) A local, PIC or LPIC freeze shall be implemented or removed by one of the following methods:~~
- ~~1. In written form by the use of a LOA which shall state how the freeze may be lifted by the end user;~~
- ~~2. Verbally, with the end user's ILEC or CLEC;~~
- ~~3. By a three way call with ILEC/CLEC and the long distance carrier.~~
- ~~(b) Carriers or resellers seeking to switch an end user's local, PIC or LPIC which has been frozen are required to advise the end user to remove the freeze status by one of the methods listed in (13)(a)1-3. on the service being changed. This provision in no way nullifies the carrier or reseller's responsibility to verify the service provider change as outlined in paragraph (2) of this rule.~~
- ~~(c) No ILEC shall provide to any end user an intraLATA carrier freeze option until intraLATA pre-subscription has been in effect for one hundred eighty (180) days.~~
- ~~(d) No ILEC shall provide to any end user a local carrier freeze option until the ILEC's local market has been open to competition for one hundred eighty (180) days, as determined by the Federal Communications Commission pursuant to Section 271 of the Telecommunications Act of 1996 for Regional Bell Operating Companies and as determined by the Commission for all other carriers.~~
- ~~(e) Carrier selection freezes shall be administered at the jurisdictional/service level (i.e. local, PIC, LPIC).~~
- ~~(f) ILECs/CLECs must send a confirmation letter to their end users who have elected to freeze their carrier selection. The confirmation letter shall contain a statement that a carrier freeze has been applied to what jurisdiction/service/telephone number account, the name of the carrier to which the freeze applies, and instructions regarding how the end user may remove the freeze from his or her service. This process should be performed regardless of the method used to obtain a carrier freeze.~~
- ~~(g) The ILEC/CLEC must make available an entire listing of all its end users who have elected to freeze their carrier's to any Commission-certified telecommunications service provider, upon request. The identification of the specific carrier selected by each end user account shall be excluded.~~
- ~~(14) Local exchange carriers that bill on behalf of long distance carriers are required to place a conspicuous notice on the first page of the end user's telephone bill indicating that the end user's preferred interLATA and/or intraLATA carrier has been switched. This notice is only required on the first telephone bill after the switch is made.~~

- ~~(15) If an end user alleges that he/she has been a victim of slamming, the end user's local exchange carrier is prohibited from disconnecting the end user's local exchange service for nonpayment of intraLATA or interLATA toll charges without the prior approval of the Commission, unless the local exchange carrier has advised the end user to report the alleged slamming to the Commission and the end user has failed to do so within thirty (30) days of being so advised by the local exchange carrier and that failure to do so may result in the disconnection of the end user's service.~~
- ~~(16) Telecommunications service providers are prohibited from using misleading, deceptive, or unfair marketing acts or practices for the purpose of soliciting, verifying, or obtaining in any way the end user's permission to switch his or her local, PIC and/or LPIC.~~
- ~~(17) Nothing in this Rule Chapter shall be construed to permit a telecommunications service provider or its agents to violate any state or federal law, regulation or rule.~~
- ~~(18) This Rule Chapter is to be liberally construed for the protection of consumers of the State of Tennessee and is remedial in nature.~~
- ~~(19) Any telecommunications service provider that may have a civil penalty assessed against it by the Commission for failure to comply with Tenn. Code Ann. § 65-4-125 or any provisions of this rule, may still be subject to other civil or criminal remedies or penalties available under state or federal law including, but not limited to, the Tennessee Consumer Protection Act.~~
- ~~(20) The provisions of this chapter shall not be construed to exceed the jurisdiction accorded to the Tennessee Public Utility Commission under state and federal law.~~
- ~~(21) If one or more of the term(s) or provision(s) of this rule or the application thereof, to any extent, are held to be invalid or unenforceable, then the remainder of this rule, shall not be affected thereby.~~

~~**Authority:** T.C.A. §§ 4-5-201, et seq., 65-2-102, 65-2-106, 65-4-101, 65-4-104, 65-4-123, 65-4-125, and 47 U.S.C. § 258. **Administrative History:** Original rule filed December 15, 1993; effective April 30, 1994. Amendment filed September 14, 1999; effective November 26, 1999. Amendment filed October 31, 2001; effective January 14, 2002. Amendment filed January 27, 2005; effective April 12, 2005. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

~~1220-04-02-.58 BILLING REQUIREMENTS FOR CHARGES ON CONSUMER'S TELEPHONE BILLS.~~

- ~~(1) Definitions~~
- ~~(a) "Commission" refers to the Tennessee Public Utility Commission~~
- ~~(b) "Authorized individual" means a person authorized to make billing and service decisions regarding a telephone account. A person under the age of eighteen (18) does not qualify as an "authorized individual" unless they are the person responsible for the telephone bill.~~
- ~~(c) "CLEC" refers to a competitive local exchange carrier.~~
- ~~(d) "Cramming" is the submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on a subscriber's local telephone bill.~~
- ~~(e) "ILEC" refers to an incumbent local exchange carrier.~~
- ~~(f) "LPIC" means a subscriber's preferred intraLATA carrier.~~
- ~~(g) "PIC" means a subscriber's preferred interLATA carrier.~~

- ~~(h) — “Submitting carrier” means a telecommunications service provider, including but not limited to a LEC, ILEC, CLEC, CTSP, IXC, and reseller, that submits to a subscriber’s primary local exchange carrier a charge for inclusion on the subscriber’s telephone bill.~~
 - ~~(i) — “Third Party Service Provider” refers to a company other than the subscriber’s local and/or PIC or LPIC provider that bills a subscriber for services on their telephone bill.~~
- ~~(2) — No telecommunications service provider, as defined in Tenn. Code Ann. § 65-4-101(c), authorized to do business in Tennessee by the Commission shall cause a charge for its services or that of another service provider to be placed on a subscriber’s telephone bill unless the following procedures are followed:~~
 - ~~(a) — Telecommunications service providers and/or billing agents may not bill for services provided by submitting carriers that lack any required certification by the Commission to do business in Tennessee. Obtaining a copy of the submitting carrier’s certification order issued by the Commission shall constitute compliance with this rule.~~
 - ~~(b) — Charges on telephone bills shall have sufficient detail and explanation to allow a subscriber to understand the charge’s purpose and origin. Lists of fees such as “service fee,” “membership,” “miscellaneous,” and “calling plan” are deemed insufficient detail and are not permitted. The charge should, at a minimum, describe the service, the date the service was provided to the subscriber, the name of the service provider and a toll-free number of the service provider.~~
 - ~~(c) — A toll-free number shall be listed on the telephone bill of the company billing the charge so that subscribers can inquire about the nature of the charge. This toll-free number shall be answered weekdays from 8:00 AM to 5:00 PM local time.~~
 - ~~(d) — Upon request by the subscriber, the submitting carrier shall provide the name of the authorized individual who approved the charge and the date of the approval. Failure to supply this information to the subscriber within three (3) business days from the initial request shall be sufficient grounds to waive disputed charges.~~
 - ~~(e) — Intrastate and interstate charges shall be listed on the subscriber’s telephone bill within three (3) billing cycles after the service was provided. International charges shall be listed on the subscriber’s telephone bill within four (4) billing cycles.~~
 - ~~(f) — Authorization for the placing of such charges for services on a customer’s telephone bill shall not be combined with inducements of any kind involving the element of chance on the same document.~~
 - ~~(g) — Telecommunications service providers shall place a statement on the subscriber’s telephone bill indicating that non-payment of disputed third-party charges will not result in the disconnection of local service.~~
 - ~~(h) — Telecommunications service providers shall fully comply with Tenn. Code Ann. § 47-18-1526, 47 CFR § 64 and 16 CFR § 310 regarding maintaining lists of persons who do not wish to receive telephone solicitations by or on behalf of persons or entities which are commonly referred to as “don’t call lists.” It shall be a separate violation of this Rule Chapter for the purpose of a fine to fail to place a subscriber on a “don’t call list” or to call a customer that is on such a list in full conformity with appropriate state and federal laws, regulations or rules.~~
 - ~~(i) — Telecommunications service providers shall comply with Tenn. Code Ann. § 47-18-1526(c)(1), (2)(A) and (B) as amended in Public Acts 1998, Chapter 734, which prohibits placing telephone calls to a consumer from a telephone number if the telephone number of the caller is unlisted or if the telephone solicitor or verifier is using telephone equipment which blocks the caller ID function on telephone equipment.~~
- ~~(3) — No telecommunications service provider may submit charges for telecommunications services to be included on a subscriber’s telephone bill without first having obtained the prior consent of an~~

~~authorized individual for such charges to appear on the telephone bill. Casual billing, including but not limited to collect calls, third party calls and calls to a carrier's toll access number, is exempt from the provisions of this subsection. Telecommunications service providers may not use the following practices to obtain the subscriber's consent:~~

- ~~(a) — Misleading, deceptive, or unfair marketing acts or practices.~~
- ~~(b) — The entry to a contest or the awarding of a prize or other similar enticements involving an element of chance.~~
- ~~(4) — Telecommunications service providers are required to offer their customers a service that blocks the placing of monthly recurring charges on telephone bills by third party service providers. This blocking service will give the subscriber the ability to better prevent unauthorized charges appearing on his or her telephone bill by not allowing third party service providers the ability to place monthly recurring charges on the customer's bill without proper verification. Authorized casual billing of toll calls such as collect, third party and calls to a carrier's toll access number as well as authorized charges for directory advertising are excluded from this blocking service. The method of verifying charges for customers with the third party bill block service is described below:~~
 - ~~(a) — The third party service provider shall not submit charges to a subscriber's ILEC/GLEC without first obtaining a letter of authorization ("LOA") from an authorized individual for the telephone account. The LOA shall include the name and address of the company providing the service, a description of the service, an itemization of the cost including whether the charge is one-time or a recurring fee, and a statement confirming that the person signing up for the service is an authorized individual for the telephone service.~~
 - ~~(b) — The LOA shall not be combined with inducements of any kind on the same document.~~
 - ~~(c) — A copy of the LOA must be provided to the telecommunications service provider, if requested, as authority from the customer to place a monthly recurring charge on his or her telephone bill.~~
 - ~~(d) — ILECs/GLECs will not remove a third party service provider block without first calling the subscriber and obtaining his or her verbal approval.~~
- ~~(5) — Telecommunications service providers are required to file tariffs with the Commission describing the third party service provider block service and the procedures to remove the blocking service within one hundred eighty (180) days of the effective date of this Rule Chapter. Requests for additional time to file a tariff for this blocking service must be filed with the Commission within the one hundred eighty (180) days mentioned above. Such requests shall contain an explanation of why the telecommunications service provider cannot provide the third party service provider blocking service.~~
- ~~(6) — Any subscriber to telecommunications services in the State of Tennessee who wishes to file a complaint involving an allegation of cramming against a telecommunications service provider, or a person acting on behalf of a telecommunications service provider, pursuant to Tenn. Code Ann. § 65-4-125 and the provisions of this rule chapter, may do so in the manner set forth below:~~
 - ~~(a) — The following procedures shall be followed with respect to subscriber complaints:~~
 - ~~1. — A complaint must follow substantially the form of complaint as provided by the Commission, and must include such information, as required by that form, as necessary for the processing of the complaint, including, without limitation, whether the telecommunications service provider has been contacted and the results of any such contact.~~
 - ~~2. — On the receipt by the Commission of any complaint, or inquiry, which appears to involve cramming, the complaint or inquiry shall be referred to the Consumer Services Division.~~

- ~~3. If the complaint is filed on, or substantially in compliance with, the approved form, the Consumer Services Division will contact the person filing the complaint ("Complainant") to verify the facts alleged, and to obtain any further information deemed necessary for the processing of the complaint.~~
- ~~4. If the complaint or inquiry is not filed on the approved form, the Consumer Services Division will contact the Complainant, to determine if that person wishes to proceed with a complaint, and, if so, to determine and verify, such information as may be necessary for the processing of the complaint, which information shall be included in the complaint.~~
- ~~5. If the Consumer Services Division determines that the complaint is without merit on its face, the Consumer Services Division will so advise the person making the complaint, and will further advise such person that he or she has the right to file a formal complaint with the Commission under the general procedures for the filing of complaints.~~
- ~~6. If the Consumer Services Division determines that the complaint is in proper form for processing, and is not without merit on its face, the Consumer Services Division will serve a copy thereof, by e-mail, facsimile, by personal delivery, or by regular mail, on the telecommunications service provider, or other person, who is alleged to have violated Tenn. Code Ann. § 65-4-125(b).~~
- ~~7. Within ten (10) days after service of the complaint (three (3) additional days from the date of mailing, if service is by mail) or within such further time as may be allowed by the Consumer Services Division on the request of the Respondent, the telecommunications service provider, or other person served, shall file a written response with the Consumer Services Division admitting or denying the factual allegations of the complaint, and including defenses based on any issues of law, and providing such other information, justification or argument as the Respondent may deem appropriate. A copy of that response will be served on the Complainant.~~
- ~~8. Promptly after the receipt of that response, the Consumer Services Division will determine if further information is necessary, and, if so, shall endeavor to obtain it; and will attempt to adjust the complaint to the satisfaction of both parties.~~
- ~~9. If the parties agree to a resolution of the matter, written evidence of that resolution shall be placed in the file of the Consumer Services Division and the matter will be closed.~~
- ~~10. If the Respondent fails to file a timely response to the complaint, the factual allegations thereof shall be deemed to have been admitted.~~
- ~~11. If the Respondent fails to file a timely response, or if the parties fail to agree to a resolution of the matter, the Consumer Services Division shall certify the matter to the Commission, with recommendations in the premises. Any such certification shall identify the issues raised by the parties and shall include a computation of the amounts which may be due to the Complainant.~~
- ~~12. The Commission shall consider the matter as certified by the Consumer Services Division in an open meeting; and shall determine whether the matter involves only legal issues or involves contested issues of fact. If the matter involves only legal issues the Commission shall set a briefing schedule and may set the matter for oral argument. If the matter involves contested issues of fact, the Commission may either convene a contested case and follow contested case procedures for its determination; or the Commission, on the basis of the investigation made by the Consumer Services Division, may issue a show cause order pursuant to Tenn. Code Ann. § 65-2-106.~~
- ~~13. The Commission may, however, in its discretion entertain and decide any subscriber complaints itself, without referring the matter to the Consumer Services Division, under the general procedures provided for the disposition of complaints, including, without~~

~~limitation, the issuance of a show cause order pursuant to Tenn. Code Ann. § 65-2-106.~~

- ~~(b) — A telecommunications service provider, or person acting on behalf of a telecommunications service provider, who is found by the Commission to have violated Tenn. Code Ann. § 65-4-125(a), or any provision of Rule 1220-04-02 .56 shall:~~
 - ~~1. — Be subject to the imposition of the civil penalty provided in Tenn. Code Ann. § 65-4-125(f), as the Commission may determine;~~
 - ~~2. — Provide upon request of the subscriber's previous carrier, all billing records to the original telecommunications service provider that are related to the unauthorized provision of service to the customer within forty-five (45) days of the subscriber's request to return the customer to the original telecommunications service provider.~~
 - ~~3. — Pay the original telecommunications service provider any amount paid to it by the subscriber that would have been paid to the original telecommunications service provider if the unauthorized switch had not occurred, within thirty (30) days of the subscriber's request to return the subscriber to the original telecommunications service provider. If the unauthorized carrier has already made payments to the subscriber's original carrier pursuant to any federal laws or regulations, the payment under this rule shall be reduced by the amount already paid pursuant to such federal laws and regulations.~~
 - ~~4. — Be required to pay to the subscriber wronged by such violation any amount which the Commission is authorized by law to require to be paid.~~
- ~~(c) — In addition to the remedies provided by this rule to subscribers, the Commission may, on its own motion, or on the recommendation of the Consumer Services Division, or on the motion of the Consumer Advocate Division or any other interested person, order the investigation of the practices of any telecommunications service provider, or persons acting on behalf of a telecommunications service provider, to determine if such telecommunications service provider, or person acting on behalf of any telecommunications service provider, has followed a pattern of continued violation of Tenn. Code Ann. § 65-4-125(b), or of Rule 1220-04-02 .58; and if such investigation discloses such a pattern of continued violation, the Commission shall issue a show cause order with respect to such acts pursuant to Tenn. Code Ann. § 65-2-106.~~
- ~~(7) — Telecommunications service providers shall maintain a list of subscriber complaints by service provider concerning disputed billings for services for twenty-four (24) months and shall provide this list and any other information required by the Commission upon request. This information shall be submitted to the Commission within twenty (20) days unless the request for additional time is approved by the Commission. The list shall include the following information:~~
 - ~~(a) — The name, address, and telephone number of the subscriber;~~
 - ~~(b) — The name of the service provider and the amount charged to the subscriber, and a description of the disputed charge;~~
 - ~~(c) — The date the complaint was filed and the date the complaint was resolved; and~~
 - ~~(d) — A brief summary how the complaint was resolved including any adjustment awarded to the subscriber.~~
- ~~(8) — Telecommunications service providers are required to notify the Commission's Consumer Services Division of third-party service providers that receive greater than fifty (50) subscriber complaints within one month.~~
- ~~(9) — Telecommunications service providers are required to provide, without charge, blocking services to their subscribers that will prevent calls to 900-number companies and international numbers.~~

~~ILECs/GLECs are required to file appropriate tariffs for these services with the Commission within 90 days of the effective date of this rule chapter.~~

- ~~(10) Telecommunications service providers shall inform their subscribers twice a year of their third party, 900 and international blocking services and how to subscribe to the services. This notification can accompany the subscriber's telephone bill.~~
- ~~(11) Each telecommunications service provider is required to itemize the charges for its services it submits for inclusion on an subscriber's telephone bill at least twice a year, or upon the request of the subscriber, but not more frequently than once a month.~~
- ~~(12) Nothing in this rule chapter shall be construed to permit a telecommunications service provider, third party service provider or their agents to violate any state or federal law, regulation or rule.~~
- ~~(13) This rule chapter is to be liberally construed for the protection of consumers of the State of Tennessee and is remedial in nature.~~
- ~~(14) Any telecommunications service provider that may have a civil penalty assessed against it by the Commission for failure to comply with Tenn. Code Ann. § 65-4-125 or any provisions of this rule, may still be subject to other civil or criminal remedies or penalties available under state or federal law including, but not limited to, the Tennessee Consumer Protection Act.~~
- ~~(15) The provisions of this chapter shall not be construed to exceed the jurisdiction according to the Tennessee Public Utility Commission under state and federal law.~~
- ~~(16) If one or more of the term(s) or provision(s) of this rule chapter or the application thereof, to any extent, are held to be invalid or unenforceable, then the remainder of this rule chapter, shall not be affected thereby.~~

~~*Authority:* T.C.A. §§ 4-5-201 et seq., 65-2-102, 65-2-106, 65-4-101, 65-4-104, 65-4-123, 65-4-125, and 47 U.S.C. § 258. *Administrative History:* Original rule filed September 14, 1999; effective November 26, 1999. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

Chapter 1220-04-08
Regulations for Local Telecommunications Providers

~~**1220-04-08 .07 TARIFF AND PRICING REQUIREMENTS FOR COMPETING LOCAL TELECOMMUNICATIONS SERVICE PROVIDERS- LOCAL SERVICE.**~~

- ~~(1) Tariff Requirements~~
 - ~~(a) Competing Telecommunications Service Providers providing local service unless otherwise exempted by the Commission from these requirements at the time of certification, shall be required to comply with the following:~~
 - ~~1. File informational tariffs describing all offered services;~~
 - ~~2. File lists of individual service prices or a price range with the highest price listed to be no greater than twenty-five percent (25%) above the lowest price in the range for all services offered;~~
 - ~~3. File tariffs for any interconnection arrangements entered into as described in Rule 1220-04-08-.10.~~
 - ~~(b) Any tariff filed under this rule sub-section shall constitute notice to customers of the terms and~~

~~conditions under which the services shall be provided, and shall be binding upon the providers subject to this rule and their customers. Any such tariff shall be nondiscriminatory.~~

- ~~(c) Tariffs and price lists for new services shall be effective on the tariff or price filing date as defined in this rule chapter.~~

~~(2) Pricing~~

- ~~(a) A price may be decreased at any time, if such decrease is within the range of prices for a service on file with the Commission.~~
- ~~(b) Price increases for all local services, that are within the range of prices for a service on file with the Commission shall become effective thirty (30) days following notification by direct mail to affected customers or by publication of a notice for the increase in a newspaper of general circulation in the affected service area. New price increases that are not within such range shall not become effective until a new informational tariff is filed with the Commission.~~
- ~~(c) Withdrawal of a non-basic local service offering shall be permitted on thirty (30) days notice to the Commission, and on thirty (30) days direct or public notification to customers.~~
- ~~(d) Withdrawal of a basic local service offering may be permitted after ninety (90) days prior notice to the Commission, and after sixty (60) days prior notice to individual customers by direct mail or by publication of a notice in a newspaper of general circulation in the affected service area. Any such withdrawal shall be approved by the Commission before implementation.~~

~~(3) Special Contract Provisions~~

- ~~(a) Special contracts and any tariffs for interconnection services shall comply with the provisions of Rule 1220-04-08 .10.~~
- ~~(b) Special contracts with end users which are not unduly discriminatory shall be permitted. However, the Commission shall be notified of the existence of the contract upon execution, and shall be provided with a written summary of the contract provisions including a description of the services provided. The Commission shall make a copy of the summary available for inspection by any interested party. A copy of the contract shall be made available for Commission review upon request.~~
- ~~(c) Any special pricing package, contract, or discount shall be made available to any similarly situated customer satisfying the required terms and conditions of the special agreement upon request.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-5-101, 65-5-102, 65-5-103, 65-5-104, and Chapter 408 of Public Acts of 1995. **Administrative History:** Original rule filed April 15, 1998, effective June 15, 1998. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

1220-04-08-.13 — ENHANCED 911 SERVICE REQUIREMENTS AFTER DEREGULATION.

- ~~(1) The purpose of this rule chapter is to provide specific rules for Incumbent Local Telecommunications Service Providers and Competing Local Telecommunications Service Providers to ensure the continuation of reliable and affordable Enhanced 911 Emergency Service after deregulation occurs as provided for in T.C.A. §§ 7-86-101, et seq.~~

- ~~(2) For a period of four (4) years from June 6, 1995, the date of the Act, within each Emergency Communications District, the Incumbent Enhanced 911 Emergency Service Provider shall continue to offer Enhanced 911 service and shall:~~
- ~~(a) Provide an Enhanced 911 Tandem Central Office to:~~
 - ~~1. Provide Enhanced 911 trunks to each Public Service Answering Point (PSAP).~~
 - ~~2. Deliver Automatic Number Identification (ANI) with each 911 call.~~
 - ~~3. Provide Selective Routing to route 911 calls to the proper PSAP.~~
 - ~~(b) Provide Automatic ECD Routing.~~
 - ~~(c) Provide a Data Management System (DMS) to provide Automatic Location Identification (ALI) with each Enhanced 911 call.~~
 - ~~(d) Offer Interconnection Agreements to all other Incumbent Local Telecommunications Service Providers, Competing Local Telecommunications Service Providers and Shared Tenant Service Providers which will provide for:~~
 - ~~1. The connection of dedicated 911 Centralized Automatic Message Accounting (CAMA) trunks to the Enhanced 911 Tandem Central office.~~
 - ~~2. The acceptance of Automatic Number Identification (ANI) associated with the Enhanced 911 call.~~
 - ~~3. The acceptance of the daily update of Automatic Location Identification (ALI) database information by the DMS.~~
 - ~~4. The assurance of confidentiality in the use of the ALI database information so provided and a stipulation that such database will be restricted to providing emergency response to in-progress Enhanced 911 calls.~~
 - ~~5. Fair and equitable agreements with the other Service Providers referenced above based on the Incumbent Enhanced 911 Service Provider billing the ECD for its portion of the Enhanced 911 service as provided for in the tariffs, and the other service providers billing the ECD for their portions of the Enhanced 911 service.~~
 - ~~(e) Provide an Enhanced 911 trouble reporting center for the reporting of all Enhanced 911 repair, maintenance, data base and technical problems by an ECD and be responsible for determining and dispatching the trouble report to the appropriate Local Service Provider for correction.~~
 - ~~(f) Maintain Enhanced Universal Emergency Number Service (E911) tariffs at the rate on file with the Commission consistent with price regulations and the requirements of the Telecommunications Reform Act of 1995.~~
 - ~~(g) Bill, collect and remit the Enhanced 911 fees associated with its subscribers (including non-facilities based resellers) to the appropriate Emergency Communications District unless authorized by an Emergency Communications District to do otherwise on a customer-specific basis; and to provide a mutually agreeable means of auditing the subscriber base by number and type by the Emergency Communications District auditor.~~
- ~~(3) All other Incumbent Local Telecommunications Service Providers, Competing Local Telecommunications Service Providers and Shared Tenant Service Providers providing basic local exchange telephone service or its equivalent shall enter into Interconnection Agreements with the Incumbent Enhanced 911 Emergency Service Provider to provide Emergency 911 Service and shall:~~

- ~~(a) Provide dedicated CAMA trunks to the Incumbent Enhanced 911 Service Providers designated demarcation point in the network.~~
 - ~~(b) Provide Automatic Number Identification (ANI) of the 911 caller with each 911 call.~~
 - ~~(c) Provide Automatic ECD Routing.~~
 - ~~(d) Provide an initial download and daily down-loads of existing subscribers, new subscribers, changes to subscriber's information and the disconnection of existing subscribers to the Incumbent Enhanced 911 Service Providers DMS system.~~
 - ~~(e) Bill, collect and remit the Enhanced 911 fees associated with its subscribers (including non-facilities based resellers) to the appropriate Emergency Communications District unless authorized by an Emergency Communications District to do otherwise on a customer specific basis; and to provide a mutually agreeable means of auditing the subscriber base by number and type by the Emergency Communications District auditor.~~
 - ~~(f) Bill the ECD for its reasonable cost to provide E-911 Service to the District for its subscribers.~~
- ~~(4) After June 6, 1999, the incumbent Enhanced 911 Service Provider or the dominant Local Telecommunications Service Provider within an ECD territory shall be required to offer Enhanced 911 service as provided for in Paragraph (2) above to the ECD at a reasonable cost until such time as the Commission determines that an ECD has a minimum of two (2) or more Enhanced 911 Service Provider alternatives based on cost, service and support to choose Enhanced 911 service from within the ECD territory.~~

~~**Authority:** T.C.A. §§ 65-2-102, 65-3-105, 65-4-101, 65-4-104, 65-4-124, and 65-5-108. **Administrative History:** Original rule filed April 15, 1998, effective June 15, 1998. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chair David F. Jones	X				N/A
VC John Hie	X				N/A
Comm. Herbert H. Hilliard	X				N/A
Comm. Robin L. Morrison	X				N/A
Comm. Clay R. Good	X				N/A
Comm. Kenneth C. Hill	X				N/A
Comm. David Crowell	X				N/A

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Public Utility Commission on 11/18/2024, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 11/18/2024

Signature: _____

Name of Officer: Kelly Cashman-Grams

Title of Officer: General Counsel

Agency/Board/Commission: Tennessee Public Utility Commission

Rule Chapter Number(s): Rules 1220-04-02 and 1220-04-08

All proposed rules provided for herein have been examined by the Attorney General and 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.

Jonathan Skrmetti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

(1) The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

The rules in Chapter 1220-04-02 reflect antiquated, obsolete telecommunications operating standards and business practices applicable primarily to telephone companies. The regulatory requirements are no longer necessary or otherwise conflict with the Market Regulation Act of 2009 (MRA), codified in T.C.A. §§ 65-5-109(l)-(r) and (t), which largely deregulated the telecommunications industry in Tennessee and removed much of the Commission's jurisdiction over telecommunications providers that elect market regulation under the MRA.

Rule 1220-04-02-.56 is duplicative of federal rules and does not adhere with the limited jurisdiction of the Commission over telecommunication service providers since passage of the MRA.

Rule 1220-04-02-.58 overlaps with federal rules and does not adhere with the limited jurisdiction of the Commission over telecommunication service providers since passage of the MRA.

Rule 1220-04-08-.07 is outdated and does not adhere with the limited jurisdiction of the Commission over telecommunication service providers since passage of the MRA.

Rule 1220-04-08-.13 is obsolete and is, in part, duplicative of federal rules requiring carriers to provide access 911 service. The rule also does not adhere with the limited jurisdiction of the Commission over telecommunication service providers since passage of the MRA .

(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

The repeal of these rules eliminates obsolete telecommunications standards within the Commission's telecommunications rules. Elimination of these rules makes the remaining rule provisions more concise and eliminates ambiguity.

(3) The establishment of flexible compliance and/or reporting requirements for small businesses.

No impact.

(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

No impact.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses.

No impact.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

No impact.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

No impact.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, “On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues.”

The repeal of these rules will have no financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Chapter 1220-04-02, Regulations for Telephone Companies, Rules .04-.39, .41, .42, .55, – consist operating standards and business practices, applicable to telephone service providers that are obsolete and not applicable to telephone companies that have elected deregulation under the Tennessee Market Regulation Act of 2009 (MRA).

Rules 1220-04-02-.56, and .58 are regulations addressing consumer choice of telecommunications providers and provider billing practices that are outdated, overlap federal rules, and are not applicable to companies that have elected deregulation under the MRA.

Rule 1220-04-08-.07 addresses filing requirements for competitive telephone companies. The rule is outdated and not consistent with the limited jurisdiction afforded the Commission under the MRA.

Rule 1220-04-08-.13 addresses 911 standards for all telephone companies. The rule is outdated and not consistent with the limited jurisdiction afforded the Commission under the MRA.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Tenn. Code Ann. § 4-5-213(b), Periodic Report Concerning Administrative Rules.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule repeal will not impact any foreseen entities as the repeals are made to remove obsolete rules and align with current operational practices.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no known opinions of the attorney general and reporter or judicial rulings that directly relate to these rules their promulgation or repeal.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No fiscal impact to local governments is anticipated.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

David Foster, Director of Utilities Division
Jerry Kettles, Chief Economist

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Kelly Cashman-Grams, General Counsel
David Foster, Director of Utilities Division
Jerry Kettles, Chief Economist

Tim Schwarz, Director of Communications

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Tennessee Public Utility Commission, Office of General Counsel
Andrew Jackson State Office Building, 502 Deaderick Street, 4th Floor, Nashville, TN 37243
615-770-6856, Kelly.Grams@tn.gov, 615-770-6884, David.Foster@tn.gov,
615-770-6894, Jerry.Kettles@tn.gov, 615-770-6881, Tim.Schwarz@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.