

TO BE RESCINDED

4901:1-6-05 **Tier 2.**

(A) Tier 2 definition

Tier 2 services include all regulated telecommunications services that are not subject to tier 1 regulatory treatment.

(B) Tier 2 regulatory framework

- (1) Tier 2 service rates are not subject to any rate cap and may be priced at market-based rates.
- (2) To demonstrate the cost of service, a telephone company may be required to submit a long run service incremental cost study upon request by the commission's staff.

(C) New services

New tier 2 services with the exception of those services set forth in paragraph (G) of this rule, are subject to a zero-day notice filed in the telephone company's tariff filing (TRF) docket consistent with the TRF procedures in paragraph (C) of rule 4901:1-6-06 of the Administrative Code.

(D) Residential service packages

- (1) All residential service packages or bundles are tier 2 service offerings.
- (2) A local exchange carrier (LEC) which markets a bundle of services that are all residential regulated local services and are required to be tariffed must include such a bundle or package in its tariff.
- (3) A LEC which packages any residential regulated local services with detariffed and/or unregulated services shall include in its tariff only the regulated components of a package or bundle of services, with the exception of those services detariffed in paragraph (G) of this rule. The LEC shall also include a rate for the regulated components of the package only if the components can be purchased as a discrete part of the whole package or bundle that is marketed to customers. The detariffed and unregulated service components of any package or bundle of services and any rate(s) associated with those components shall not be tariffed.

- (4) Upon request, a LEC shall provide to the commission and the office of consumers' counsel all current offers to residential consumers which bundle regulated local services with detariffed and/or unregulated services at a single packaged rate.

(E) Rate increases, change in terms and conditions and withdrawal

- (1) Rate increases, change in terms and conditions and withdrawal of tier 2 services, except for those services set forth in paragraph (G) of this rule, are subject to a zero-day notice filing in the telephone company's TRF docket consistent with paragraph (C) of rule 4901:1-6-06 of the Administrative Code.
- (2) In applications for rate increases, change in terms and conditions of an existing tariffed tier 2 service, the telephone company must follow the customer notice provisions of rule 4901:1-6-16 of the Administrative Code.

(F) Classification of new service offerings

All new services are tier 2 services unless otherwise determined by the commission.

(G) Detariffed tier 2 services

- (1) All regulated nonresidential tier 2 services and all regulated toll services, unless otherwise determined by the commission, shall not be included in tariffs or contracts filed with the commission, but shall still be subject to commission oversight and regulation.
- (2) Nonresidential tier 2 services and toll service rates may be priced at market-based rates.
- (3) A telephone company shall fully disclose to customers and make available to commission staff upon request, information concerning its current rates, terms and conditions for all of its detariffed nonresidential tier 2 services and toll services. Such information shall be in an easy to understand format and provided in a timely manner.
- (4) A telephone company may satisfy the obligation in paragraph (G)(3) of this rule by maintaining an internet web site which provides such information online in a timely and easily accessible manner. Such information shall be updated regularly and retained in accordance with Chapter 4901:1-5 of the

Administrative Code. This rule does not relieve the telephone company from any obligations under the minimum telephone service standards of Chapter 4901:1-5 of the Administrative Code related to customer transactions and the disclosure of material service provisions at the initiation or a change in service.

- (5) The telephone company must provide a customer notice consistent with rule 4901:1-6-16 of the Administrative Code, at least fifteen days in advance of rate increases, changes in terms and conditions and discontinuance of existing detariffed nonresidential tier 2 services and toll services. Such notice shall be provided to staff consistent with paragraph (B) of rule 4901:1-6-16 of the Administrative Code. In the case of residential toll service, a copy of such notice shall also be provided to the Ohio consumers' counsel.
- (H) Discounts for persons with communication disabilities and telecommunication relay service
- (1) Upon written application and certification of their disabled status, by a residential disabled customer or a disabled member of a customer's household, all telephone companies offering message toll service (MTS) must provide one of the following discounts:
 - (a) A forty per cent discount off the intrastate, interexchange, customer-dialed, station-to-station calls occurring between eight a.m. and four fifty-nine p.m. Monday to Friday; a sixty per cent discount off the intrastate, interexchange, customer-dialed, station-to-station calls occurring between five p.m. and ten fifty-nine p.m. Sunday to Friday, and New Year's day, Independence day, Labor day, Thanksgiving, and Christmas; and a seventy per cent discount off the intrastate, interexchange, customer-dialed, station-to-station calls occurring between eleven p.m. and seven fifty-nine a.m. any day; and eight a.m. and four fifty-nine p.m. Sunday, and all day Saturday.
 - (b) No less than a straight seventy per cent discount off the basic MTS, current price list day rates shall be made available on a twenty-four hour a day basis.
 - (c) For MTS which is offered similar to the mileage-banded rate structure established in the commission's April 9, 1985 opinion and order in Case No. 84-944-TP-COI, with the traditional day, evening, and night/weekend discounts: the "evening" discount off the intrastate, interexchange, customer-dialed, station-to-station calls placed during the "day" period Monday to Friday; and the "night/weekend" discount

off the intrastate, interexchange, customer-dialed, station-to-station calls placed during the "evening" period Sunday to Friday, New Year's day, Independence day, Labor day, Thanksgiving, and Christmas. Furthermore, the "night/weekend" discount plus an additional discount equivalent to no less than ten per cent of the company's current, price list, "day" rates for basic MTS shall be made available for intrastate, interexchange, customer-dialed, station-to-station calls placed during the "night/weekend" period any day, the "day" period Sunday, and all day Saturday.

- (2) Certification of disabled status can be evidenced by either a certificate from a physician, health care official, state agency, or diploma from an accredited educational institution for the disabled.
- (3) The aforementioned discounts are also applicable to all MTS calls placed through the telecommunications relay service. The discounts shall not apply to sponsor charges associated with calls placed to pay-per-call services, such as 900, 976, 900-like calls. Additionally, certified disabled individuals who utilize telebraille devices are eligible to receive free access to local and intrastate long distance directory assistance. Lines maintained by nonprofit organizations and governmental agencies, are also eligible to receive a discount off of their MTS rates upon written application and verification that such lines are maintained for the benefit of the disabled.

Replaces: 4901:1-6-05, 4901:1-6-21
Effective:
R.C. 119.032 review dates: 11/05/2010

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 4901.13
Rule Amplifies: 4901.13, 4927.03
Prior Effective Dates: 4/8/03, 9/18/07