

4901:1-6-08

Telephone company certification.

(A) Any telephone company desiring to offer telecommunication services in Ohio shall file an application for certification (ACE) with the commission using the most up-to-date telecommunications filing form available from the commission's web site. The telecommunications filing form shall be signed by counsel for the applicant, an officer of the applicant, or an authorized agent of the applicant and shall identify any agents or employees authorized to make filings on behalf of the applicant before the commission. The form serves to identify the specific types of telecommunication services the applicant wishes to offer, and to verify the applicant's commitment to comply with all applicable commission rules and regulations.

(B) Paragraph (A) of this rule does not apply to any incumbent local exchange carrier (ILEC) with respect to its geographic service area as that area existed on September 13, 2010. An ILEC or its holding company seeking to operate outside of its geographic service area as that area existed on September 13, 2010 shall file an application for certification.

(C) Certificate timeline

(1) Interested persons who can show good cause why such application should not be granted must file with the commission a written statement detailing the reasons, as well as a motion to intervene, within fifteen calendar days after the application is docketed. The applicant may respond to any motion to intervene no later than seven calendar days after the filing and service of the motion.

(2) Absent full or partial suspension, applications seeking certification as a telephone company will be approved in accordance with the thirty-day automatic approval process described in rule 4901:1-6-05 of the Administrative Code.

(D) The commission's docketing division will assign a tariff filing (TRF) docket number, if applicable, and inform the applicant of that number within fourteen days of filing so that the applicant may finalize its tariff and price lists prior to the automatic approval date of the ACE. Failure to file all necessary tariff revisions requested by commission staff prior to the thirtieth day from initial filing of the ACE application will result in suspension or dismissal of the application. Final tariffs, where applicable, must be filed in the ACE case as well as in the applicant's TRF docket no later than ten days after the automatic approval date.

(E) Minimum information required to be filed by all applicants seeking certification as a telephone company to operate in the state of Ohio shall include:

(1) A certificate of good standing and a certificate to operate as an out-of-state entity issued by the Ohio secretary of state and, if applicable, fictitious name

authorization.

- (2) The company's name and address, and if available, e-mail address and web site.
- (3) The name of a contact person and that person's contact information.
- (4) A general description and list of the types of telecommunications service(s) proposed to be offered and a description of the general geographic area served (maps are not required).
- (5) Verification that the applicant will follow federal communications commission (FCC) accounting requirements, if applicable.
- (6) Documentation attesting to the applicant's satisfactory technical expertise relative to the proposed service offering(s).
- (7) Documentation indicating the applicant's satisfactory corporate structure, managerial expertise, and ownership.
- (8) Information pertaining to any similar operations provided by the applicant in other states.
- (9) Evidence of notice to the Ohio department of taxation, public utilities tax division, of the applicant's intent to provide service.
- (10) Any waivers sought by the applicant, submitted pursuant to rule 4901:1-6-02 of the Administrative Code.
- (11) Documentation attesting to the applicant's financial viability, including, at a minimum, an actual and pro forma income statement and balance sheet.
- (12) For competitive local exchange carriers (CLECs), a notarized affidavit signed by an authorized employee and accompanied by the bona fide request for interconnection letter sent to the ILEC that verifies that the applicant has entered into negotiations to establish an interconnection and/or transport and termination agreements with, at a minimum, the ILEC(s) serving the geographic area(s) where the applicant will be providing its services. If the agreements(s) have already been filed with the commission for approval, the specific case numbers should be stated. To the extent the agreements have not been filed, the applicant should state the estimated timeframe for such filing. An applicant that intends to provide service to customers by solely reselling the retail services of an underlying facilities-based CLEC is exempt from this requirement. A CLEC shall not start providing service before it files with the commission, for the commission's approval, an interconnection and/or transport and termination agreement with the ILEC and/or a resale agreement with another CLEC as required pursuant to this rule.

(F) Additional requirements to be submitted by a telephone company seeking to offer basic local exchange service (BLES) or other services required to be tariffed under Chapter 4927 of the Revised Code and rule 4901:1-6-11 of the Administrative Code include:

- (1) Proposed tariffs, including a full description of proposed services and operations as well as all relevant terms and conditions for BLES and other retail services set forth in rule 4901:1-6-11 of the Administrative Code if offered to customers. Tariffs may incorporate by reference the exchanges of an ILEC if the applicant is proposing to mirror the ILEC's local service areas in its entirety. If an applicant is a facilities-based CLEC, it must provide a carrier-to-carrier tariff, which at a minimum includes an access tariff. Other wholesale services set forth in rule 4901:1-6-11 of the Administrative Code, if offered to wholesale customers, must also be tariffed in its carrier-to-carrier tariff.
- (2) A list of the ILECs in whose territory the applicant intends to serve. If the applicant is not mirroring an ILEC's entire local service area, the CLEC shall specifically define its local service area.
- (3) Nothing precludes the staff of the commission from requiring additional information consistent with this chapter.

(G) Scope of operating authority

- (1) The commission shall grant statewide operating authority to a telephone company seeking to offer telecommunications services provided that the company meets the associated certification requirements.
- (2) A CLEC shall update its certification if it seeks to expand its operation within its statewide authorization subsequent to certification. To do so, the CLEC must file in its TRF case a notarized affidavit signed by an authorized employee verifying that the CLEC has an interconnection and/or transport and termination traffic agreement with the ILEC serving the territory into which the CLEC intends to expand and identifying the specific case numbers in which the agreements were filed. The CLEC must also file any tariff update, if applicable.

(H) The commission may suspend or reject the certification application of a telephone company if it finds, within thirty days after filing and based on the information provided in the application, that the applicant lacks financial, technical, or managerial ability sufficient to provide adequate service to the public consistent with law.

(I) Suspension or revocation of certificate

Nothing contained within these rules precludes the commission, after reasonable notice and an opportunity to be heard, from suspending, rescinding or conditionally rescinding the certification of a telephone company upon a demonstration that the company has engaged in a pattern of conduct in violation of Ohio law. This includes the failure to comply with the rules of the commission, including the failure to file the requisite annual reports and the failure to pay all corresponding assessments.

Replaces: 4901:1-6-05, 4901:1-6-08, 4901:1-6-10

Effective:

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Certification

Date

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