

## TO BE RESCINDED

4901:1-6-09

**Telephone company certification.**

- (A) Any telephone company desiring to offer telecommunication services, other than CMRS (except fixed wireless), in the state of Ohio shall file an application for certification (ACE) with the commission using the telecommunications application form. The form is available from the commission's website, 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. The telecommunications application form must be signed by an officer of the applicant and must identify any agents or employees authorized to make filings on behalf of the applicant before the commission.
- (B) In addition to a completed telecommunications application form, an applicant's initial ACE application must include simultaneously a complete tariff in conformance with rule 4901:1-6-03 of the Administrative Code. An ACE application filed without both a completed telecommunications application form, as well as a completed tariff, is subject to immediate dismissal pursuant to paragraph (A)(3) of rule 4901:1-6-03 of the Administrative Code.
- (C) The commission's docketing division will assign a TRF docket number, and the applicant will be informed 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 staff prior to the thirtieth day from initial filing of the ACE application will result in dismissal of the application. Final tariffs 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 and posted on its website, if applicable.
- (D) A CLEC and a provider of competitive telecommunication services may issue stocks, bonds, and notes, pursuant to sections 4905.40 and 4905.41 of the Revised Code, without notifying or requesting approval from the commission.
- (E) Minimum requirements to be filed by all applicants seeking certification as a telephone company include:
- (1) Certificate of good standing or certificate to operate as an out-of-state entity and, if applicable, fictitious name authorization.
  - (2) Full address and telephone number.
  - (3) Verification of compliance with any applicable affiliate transaction requirements.

- (4) Verification that the applicant will maintain accounting records pursuant to generally accepted accounting principles (GAAP).
  - (5) Documentation attesting to the applicant's technical expertise relative to the proposed service offering(s).
  - (6) Documentation indicating the applicant's corporate structure and ownership.
  - (7) Information pertaining to any similar operations provided by the applicant in other states.
  - (8) Evidence of notice to the Ohio department of taxation, public utilities tax division, of its intent to provide service.
  - (9) Any waivers sought by the applicant, submitted pursuant to rule 4901:1-6-06 of the Administrative Code.
- (F) Additional requirements to be submitted by CLECs seeking certification as a provider of basic local exchange services.
- (1) Proposed end user and carrier-to-carrier tariffs, if applicable, including a full description of proposed services and operations as well as all relevant terms and conditions for all tier one and tier two services. Tariffs may incorporate by reference the exchanges of the large ILECs if the applicant is proposing to mirror the ILECs' serving and/or local calling areas.
  - (2) All CLECs must specifically define their service and local calling areas in commission-approved tariffs. The applicant must provide a list of the ILEC exchanges which the applicant intends to serve. CLECs are permitted to use either clear and descriptive maps or textual descriptions that define, on an exchange basis, the company's local calling areas. CLECs must maintain up-to-date maps in their TRF dockets, which clearly delineate the company's serving area.
  - (3) An affidavit signed by a company officer verifying that the applicant has entered into negotiations to establish an interconnection and/or transport and termination agreement with, at a minimum, the ILEC(s) serving the geographic area(s) where the applicant will be providing its tariffed services.
  - (4) A CLEC is permitted to modify its local calling area on a zero-day basis after the applicant files in its TRF docket an updated textual description and/or

maps in a manner prescribed by the commission.

- (5) Documentation attesting to the applicant's financial viability including, at a minimum, a balance sheet.

(G) Scope of operating authority

- (1) The commission shall grant providers of competitive telecommunication services statewide operating authority provided the company meets the associated requirements.
- (2) The commission shall grant operating authority to all companies seeking certification as a CLEC on an exchange basis. Exchange information for Ohio is currently available on the commission's website at: <http://www.puc.state.oh.us/pucogis/>. Applications to amend a CLEC certificate to add additional exchanges, subsequent to certification, shall be filed as a zero-day application to amend certificate (AAC) case caption. A CLEC must include with its AAC application an affidavit signed by a company officer verifying that the CLEC has an interconnection and/or transport and termination traffic agreement with the ILEC serving the exchange area into which the CLEC intends to expand and identifying the specific case numbers in which the agreements were approved. Should a CLEC file an AAC application seeking to remove an exchange or exchanges from its service territory, affected customers must be given notice by electronic mail (should the customer consent), direct mail, or bill message, fifteen days prior to the filing the AAC application with the commission modifying its service territory.

- (H) All CLECs are required to file periodic reports in the format prescribed by the commission regarding the CLEC's service offerings and locations. CLECs are required to update the commission quarterly (March first, June first, September first, and December first) on their actual serving areas using the form set forth currently on the commission's website at <http://www.puco.ohio.gov/ohioutil/telecommunications/CLECFilingInfo/clecfileinfo.html>.

- (I) Nothing precludes the staff of the commission from requiring additional information consistent with this chapter.

(J) Certification timeline

- (1) Interested entities 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 shall respond to any motion to intervene within 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.

(K) Conditions of approval

It is the applicant's responsibility to satisfy the commission that the requirements of section 4905.24 of the Revised Code, have been met. Section 4905.24 of the Revised Code, conditions the approval of multiple entities providing service upon a finding by the commission that such operations are proper and necessary for the public convenience. For a provider of basic local exchange service, such determination shall include a review of the applicant's financial, managerial, and technical ability to provide the proposed service.

(L) Hearing

In addition to these minimum guidelines, a hearing to review the application for certification may be ordered.

(M) Basic local exchange service

- (1) Any LEC providing local voice service shall, at a minimum, ensure that each customer is provided with the services and access described in section 4927.01 of the Revised Code, and any other services that the commission may require.
- (2) Within the ILEC's traditional service territory, the ILEC has an obligation to provide a stand-alone basic local exchange service according to the ILEC tariff upon request from any customer.
- (3) A certified LEC shall not start providing service before it files with the commission, for the commission's approval, an interconnection and/or transport and termination agreement as required pursuant to paragraph (F)(3) of rule 4901:1-6-09 of the Administrative Code.

Effective:

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Certification

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Date

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