

## TO BE RESCINDED

4901:1-6-12

**Withdrawal of tier 1 tariffed services.**

(A) A local exchange carrier (LEC) shall not discontinue a specific tier 1 service or services within exchange(s) without filing an application to withdraw (ATW) such service or services.

(1) ATW applications shall be filed at least thirty days prior to the effective date that the LEC will cease providing a specific tier 1 service. The application shall include copies of any notices provided pursuant to paragraphs (A)(2) to (A)(4), and (A)(11) of this rule, where applicable, as well as the list pursuant to paragraph (A)(13) of this rule, where applicable.

(2) At least thirty days prior to discontinuing a specific tier 1 service, a LEC shall provide written notice of its intent to cease providing service to each incumbent local exchange (ILEC) in whose certified territory the LEC operates.

(3) At least thirty days prior to discontinuing a specific tier 1 service, a LEC shall provide written notice of its intent to discontinue a specific service to its customers. At a minimum, the notice should provide the proposed effective date of the service withdrawal, instructions to the customers on how they may obtain replacement service(s), and the commission's toll-free and TTY-TDD telephone numbers.

(4) The LEC shall also provide notice of its tier 1 service withdrawal on each billing statement rendered to customers beginning at least thirty days prior to the effective date of the discontinuance and continue to provide such notice on all subsequent billing statements until the tier 1 service is withdrawn.

(5) A LEC withdrawing a specific tier 1 service shall return all deposits associated with the tier 1 service, including applicable interest, to its customers no later than thirty days after filing its ATW application.

(6) If the commission does not act upon the ATW application within thirty days of the filing date, the application will be approved in accordance with the thirty-day automatic approval process described in rule 4901:1-6-08 of the Administrative Code.

(7) An ILEC is not permitted to withdraw basic local exchange service. An ILEC ATW application, for the withdrawal of tier 1 services other than basic local exchange service, is not subject to an automatic approval process under this chapter.

- (8) No LEC may discontinue services provided to any customer until the ATW application has been approved by the commission.
- (9) For purposes of this rule, grandfathering of a tier 1 service offering means discontinuing the offering of a service to new retail customers or existing retail customers. Grandfathered tier 1 services shall continue to be available to those retail customers that subscribe to said service before the service was grandfathered until said retail customers choose to discontinue the service, relocate, or until the specified sunset date of the grandfathered service, whichever is earlier.
- (10) An ILEC is not permitted to grandfather basic local exchange service but may seek to grandfather other tier 1 services.
- (11) If a LEC chooses to grandfather a tier 1 service with a specified sunset date, the LEC shall file an ATW and provide notice to its affected customers at least thirty days prior to the sunset date that the service will be withdrawn pursuant to paragraph (A)(1) of rule 4901:1-6-12 of the Administrative Code.
- (12) A LEC that proposes to grandfather a tier 1 service without a specified sunset date shall file a zero-day tariff amendment (ZTA) and provide customer notice, pursuant to rule 4901:1-6-16 of the Administrative Code for ZTA filings, to its affected customers if grandfathering a tier 1 service immediately impacts such customers. When the impact to customers of grandfathering a tier 1 service is not immediate but occurs at the time the customer takes an action (e.g., a move or change of service), then, at that time, the LEC should verbally inform the customer that such action by the customer will result in the loss of the grandfathered service. Should a LEC subsequently choose to sunset a grandfathered service, the LEC is required to file an ATW application.
- (13) Where applicable, the LEC shall provide a list of its assigned area code prefix(es) or thousand block(s) including any proposed dates or timelines, due to its ATW proceeding, wherein the LEC's area code prefix(es) or thousand block(s) would be reassigned to another carrier and/or returned to the North American numbering plan administrator or pooling administrator.

Replaces: 4901:1-6-11, part of 4901:1-6-12  
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**CERTIFIED ELECTRONICALLY**

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Certification

01/10/2011

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Date

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