

TO BE RESCINDED

4901:1-6-17 **Customer contracts.**

- (A) A local exchange carrier may not enter into customer contracts for residential tier 1 services. All telephone companies are required to file nonresidential tier 1 and, with the exception of toll services, residential tier 2 customer contracts with the commission pursuant to division (E) of section 4905.31 of the Revised Code, and the terms of the contract shall be made available to all similarly situated customers on a nondiscriminatory basis.
- (B) Each telephone company filing contracts will be assigned, upon filing the first contract on a yearly basis, a contract filing (CTR) docket number that will remain open and represent the exclusive repository for customer contract filings for that company for that year. A new CTR docket will be opened each year utilizing the same case number except for the year denoted. Each telephone company subject to this provision is required to file all customer contracts involving regulated services in their respective CTR docket no later than fifteen days after execution.
- (C) Customer contracts are effective upon execution and are subject to a zero-day filing in the company's CTR docket. Pursuant to rule 4901:1-6-07 of the Administrative Code, customer contracts are subject to suspension in the event that the commission determines that the contract may not be in the public interest or is in violation of commission rules or regulations.
- (D) All docketed customer contracts must clearly identify the service or services to be provided by the contract and must disclose all terms and conditions of the service offering. Customer contracts must not reference some agreement or attachment which is not a part of the contract. Further, the case caption must clearly identify the service or services to be provided by the contract. Prior to docketing a copy of the executed customer contract, the telephone company may redact any customer identifying information such as the customer's name, the names of any employees of the customer, and the customer's business address, service location and telephone number pursuant to the provisions of case number 96-389-TP-AEC et. al. A telephone company must make a copy of the executed unredacted contract available to commission staff upon request.
- (E) All contracts that do not follow tariff provisions in their entirety must disclose all terms and conditions of service and must be inclusive (for example, if the tariff does not contain termination liability, but the contract does, then the contract must be filed). Contracts that do follow tariff provisions in their entirety do not require separate contract filings.
- (F) For companies that enter into multiple contracts of similar offerings to similarly situated customers, companies may employ an alternate method to meet the filing

requirements set forth in paragraph (C) of this rule by filing a summary matrix of its contracts on a zero-day notice in its CTR docket. The summary matrix will contain the following information: the contract identification number; type of service; length of contract in months; and tariff reference, if applicable. Customer identifying information may be redacted from the summary matrix consistent with paragraph (D) of this rule. An unredacted version of the summary matrix shall be provided to the chief of the telecommunications division, utilities department.

- (G) The contract must not foreclose the customer from disclosing the terms and conditions of the contract.
- (H) All contract filings must contain a notarized affidavit attesting that the total price of the contract (including all contracted services whether regulated or unregulated) exceeds the total incremental cost of all regulated contracted services.
- (I) Telephone companies are required to submit long run incremental service cost (LRSIC) studies to staff for any specific customer contract upon demand.
- (J) The customer contract associated with a submitted LRSIC study is subject to suspension, after the fact, should the commission find the company is providing service below the total incremental cost of all regulated services in the contract.
- (K) Commission authorization of contracts pursuant to the zero-day notice procedure does not constitute a determination of reasonableness. The filing of customer contracts is not intended to indicate that the commission has approved or sanctioned any terms or provisions contained therein. Signatories to such contracts shall be free to pursue whatever legal remedies they may have should a dispute arise.

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Certification

01/10/2011

Date

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