

TO BE RESCINDED

4901:1-6-19 **Customer contracts.**

- (A) All telephone companies are required to file with the commission customer contracts pursuant to section 4905.31(E) of the Revised Code, and the terms of the contract shall be made available to all similarly situated customers on a nondiscriminatory basis.
- (B) A telephone company offering services through a customer contract must docket a copy of the executed contract with the commission. All docketed customer contracts must disclose all terms and conditions and 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. However, 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 no. 96-389-TP-AEC et al. A telephone company must make a copy of the executed unredacted contract available to commission staff upon request.
- (C) All contracts must clearly identify the service or services to be provided by the contract.
- (D) All contracts must disclose all terms and conditions of service and must be inclusive.
- (E) All contracts that do not follow tariff provisions in their entirety must disclose all terms and conditions of service and must be inclusive. Contracts that do follow tariff provisions in their entirety do not require separate contract filings (for example, if the tariff does not contain termination liability, but the contract does, then the contract must be filed).
- (F) Each telephone company filing contracts will be assigned, upon filing the first contract on a yearly basis, a "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.
- (G) Customer contracts are effective upon execution and are subject to a zero-day filing in the company's "CTR" docket.
- (H) The case caption for a contract filed pursuant to this provision must clearly identify

the service or services to be provided by the contract.

- (I) The contract must not foreclose the customer from disclosing the terms and conditions of the contract.
- (J) Tier one service contracts must be made available for resale.
- (K) All contract filings must contain an 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.
- (L) Telephone companies are required to submit LRSIC studies to staff for any specific customer contract upon demand.
- (M) 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.
- (N) 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.
- (O) Nothing in this rule is intended to supersede the exemption from filing requirements extended to telephone companies pursuant to rule 4901:1-3-06 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 06/18/2007

Certification

Date

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