

TO BE RESCINDED

4901:1-6-24

Telecommunication relay services assessment procedures.

- (A) This rule is limited to the commission's administration and enforcement of the assessment for the intrastate telecommunications relay service (TRS) in accordance with section 4905.84 of the Revised Code.
- (B) For the purpose of funding the TRS, the commission shall collect an assessment to pay for the costs incurred by the TRS provider for providing the service in Ohio, from each service provider that is required under federal law to provide its customers access to TRS, including telephone companies, commercial mobile radio service (CMRS) providers, and providers of advanced services or internet protocol-enabled services that are competitive with or functionally equivalent to voice-grade, end user access lines. Advanced services and internet protocol-enabled services have the meanings ascribed to them by federal law, including federal regulation.
- (C) Each service provider indentified in paragraph (B) of this rule shall be assessed according to a schedule established by the commission.
- (D) The commission staff shall allocate the assessment proportionately among the appropriate service providers using a competitively neutral formula. To determine the assessment amount owed by each provider the commission staff shall use the number of voice-grade, end user access lines, or their equivalent, as reflected in each provider's most recent federal communications commission (FCC) form 477 submitted to the commission staff. All local exchange carriers shall submit their FCC form 477 to the commission staff in accordance with rule 4901:1-7-27 of the Administrative Code. All other providers subject to the TRS assessment shall submit to the commission staff, on a semi-annual basis and at the same time it is filed with the FCC, the Ohio-specific relevant parts of their most recent FCC form 477 which contains the number of the voice-grade, end user access lines or their equivalent. All providers that do not submit FCC form 477 to the FCC, shall submit to the commission staff, on a semi-annual basis, a completed form, as prescribed by the commission staff, which contains the number of the provider's retail customer access lines or their equivalent.
- (E) Sixty days prior to the date each service provider is required to make its assessment payment in accordance with paragraph (C) of this rule, the commission staff shall notify each service provider of its proportionate share of the costs to compensate the TRS provider.
- (F) The commission staff shall annually reconcile the funds collected with the actual costs of providing TRS when it issues the assessment in accordance with paragraph (E) of this rule and shall either proportionately charge the service providers for any

amounts not sufficient to cover the actual costs or proportionately credit amounts collected in excess of the actual costs.

- (G) In accordance with division (C) of section 4905.84 of the Revised Code, each service provider that pays the assessment shall be permitted to recover the cost of the assessment. The method of the recovery may include, but is not limited to, a customer billing surcharge. Any telephone company, other than a CMRS provider, that proposes a customer billing surcharge or a change in the surcharge shall file a zero-day tariff application (ZTA) with the commission, in accordance with the application process rule 4901:1-6-06 of the Administrative Code. The ZTA will be subject to the approval time frames found in paragraph (B) of rule 4901:1-6-08 of the Administrative Code. Each regulated provider imposing a surcharge on its customers must provide notice to its customers a minimum of fifteen days prior to the effective date of the surcharge in accordance with paragraph (D) of rule 4901:1-6-16 of the Administrative Code.
- (H) In accordance with division (D) of section 4905.84 of the Revised Code, the commission shall take such measures as it considers necessary to protect the confidentiality of information provided pursuant to paragraph (D) of this rule.
- (I) The commission may direct the attorney general to bring an action for immediate injunction or other appropriate relief to enforce commission orders and to secure immediate compliance with this rule.

Effective: 01/20/2011

R.C. 119.032 review dates: 11/05/2010

CERTIFIED ELECTRONICALLY

Certification

01/10/2011

Date

Promulgated Under: 111.15
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Rule Amplifies: 4905.84, SB 162, Sec. 3
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