

4901:1-6-29

Telephone company procedures for notifying the commission of changes in operations.

[Comment: For dates of references to a section of either the United States Code or a regulation in the code of federal regulations, see rule 4901:1-6-02 of the Administrative Code.]

- (A) Every telephone company shall update its certification authority if there is any change in its operations as identified in this rule.
- (B) Procedures for notifying the commission of updates to certification authority and certain changes in operations by a local exchange carrier (LEC) providing basic local exchange service (BLES).
- (1) A LEC providing BLES shall file a telecommunications filing form pursuant to paragraph (A) of rule 4901:1-6-04 of the Administrative Code and the required attachments as set forth on that form for an application notifying the commission of the following changes in its operations in the appropriate application listed in this paragraph:
- (a) ATC - An application to transfer a certificate to a preselected transferee.
- (b) ATR - An application to conduct a transaction involving one or more LECs providing BLES for the purchase, sale, or lease of property, plant, or business which may affect the operating authority of a party to the transaction.
- (c) ACN - An application to change the name of a LEC providing BLES.
- (2) All applications filed pursuant to paragraph (B)(1) of this rule are subject to a thirty-day automatic approval process as described in rule 4901:1-6-05 of the Administrative Code.
- (C) Procedures for notifying the commission of updates to certification authority and certain changes in operations by telephone companies.
- (1) All telephone companies, except LECs providing BLES subject to the exception set forth in paragraph (E)(2), shall file a telecommunications filing form pursuant to paragraph (A) of rule 4901:1-6-04 of the Administrative Code and the required attachments as set forth on that form when notifying the commission of the following changes in operations (CIO):
- (a) For any change in ownership which is transparent to customers.

- (b) For an application to transfer a certificate and/or conduct a sale or lease of property, plant, customer base, or business which may affect the operating authority of a party(ies) to the transaction.
- (c) For an application by two or more telephone companies to merge.
- (d) For an application to change the name of a telephone company.

(2) A CIO application is subject to a zero-day notice filing process as described in rule 4901:1-6-05 of the Administrative Code.

(D) Customer notification

A telephone company shall provide to its affected customers, in accordance with rule 4901:1-6-07 of the Administrative Code, at least fifteen days' advance notice (e.g., direct mail, bill insert, or bill notation) of any change in the company's operations identified by this rule that is not transparent to its customers and may impact service, and file a copy of such notice with the commission concurrent with the filing of an application under this rule. In the alternative, a telephone company subject to the notification procedures set forth in 47 C.F.R. 63.71, may submit evidence of a customer notice already provided for the purpose of informing subscribers of a change in operations consistent with the requirements of the federal communications commission.

(E) Procedures for merger and change in control applications of a LEC providing BLES

(1) A LEC providing BLES shall obtain the prior approval of the commission for a change in control (ACO) or approval of a merger with another telephone company (AMT) under section 4905.402 of the Revised Code. An applicant shall file with the commission a telecommunications filing form pursuant to rule 4901:1-6-04 of the Administrative Code and the required attachments as set forth on that form. An AMT and/or ACO application must demonstrate that the change in control or merger will promote public convenience and result in the provision of adequate service for a reasonable rate, rental, toll, or charge. If the commission considers a hearing necessary, it may fix a time and place for hearing. If, after review of the application, and after any necessary hearing, the commission is satisfied that approval of the application will promote public convenience and result in the provision of adequate service for a reasonable rate, rental, toll, or charge, the commission shall approve the application and make such order as it considers proper. If the commission fails to issue an order within thirty days of the filing of the application, or within twenty days of the conclusion of a hearing, if one is held, the application shall be deemed approved.

(2) Paragraph (E)(1) of this rule does not apply in any instance where there is a pending application with the federal communications commission (FCC) regarding either the acquisition of control of a domestic telephone company or a holding company controlling a domestic telephone company or a merger of a domestic telephone company. A domestic telephone company or a holding company controlling a domestic telephone company that files an application with the FCC seeking authority for a transfer of control or merger shall file, on the same day that the domestic telephone company or a holding company controlling a domestic telephone company files its application with the FCC, a telecommunications filing form pursuant to paragraph (A) of rule 4901:1-6-04 of the Administrative Code for a change in operations (CIO). Such notice shall include an internet link to the FCC application. A CIO application is subject to a zero-day notice filing process as described in rule 4901:1-6-05 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

Certification

02/07/2020

Date

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