

4901:1-7-01           **Definitions.**

[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 4901:1-7-02 of the Administrative Code.]

As used within this chapter, these terms denote the following:

- (A) "Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this chapter, the term "own" means to own an equity interest (or the equivalent thereof) of more than ten per cent.
- (B) "Commission" means the public utilities commission of Ohio.
- (C) "Competitive local exchange carrier" (CLEC) means, with respect to a service area, any facilities-based and nonfacilities-based, local exchange carrier that was not an incumbent local exchange carrier on the date of the enactment of the Telecommunications Act of 1996 (1996 Act), or is not an entity that, on or after such date of enactment, became a successor or assign of an incumbent local exchange carrier.
- (D) "Customer" means any person, firm, partnership, corporation, municipality, cooperative organization, government agency, etc. that agrees to purchase a telecommunications service and is responsible for paying charges and for complying with the rules and regulations of the telephone company.
- (E) "Exchange" is a geographic service area established by an incumbent local exchange carrier and approved by the commission.
- (F) "Facilities-based CLEC" means, with respect to a service area, any local exchange carrier that uses facilities it owns, operates, manages, or controls to provide telephone exchange service or access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service; and that was not an incumbent local exchange carrier on the date of the enactment of the 1996 Act. Such carrier may partially or totally own, operate, manage, or control such facilities. Carriers not included in such classification are carriers providing service(s) solely by resale of other local exchange carrier's local exchange services.
- (G) "Incumbent local exchange carrier" (ILEC) means any facilities-based local exchange carrier that: (1) on the date of enactment of the 1996 Act, provided basic local exchange service with respect to an area; and (2) (a) on such date of enactment, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or (b) is a person or entity that, on or after such date of enactment,

became a successor or assign of a member described in clause (2)(a).

- (H) "InterLATA service" means telecommunications between a point located in a local access and transport area and a point outside such area.
- (I) "Local access and transport area" (LATA) means, as designated by the "Modification of Final Judgment," *United States v. Western Electric Co.*, (C.A. No. 82-1092), 552 F. Supp. 131 (1982), an area in which a local exchange carrier is permitted to provide service. It contains one or more local exchange areas.
- (J) "Local exchange carrier" (LEC) means any facilities-based and nonfacilities-based ILEC and CLEC that provides telephone exchange service or access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service to the public. Such term does not include an entity insofar as such entity is engaged in the provision of a commercial mobile radio service (CMRS) under 47 U.S.C. 332(c), except to the extent that the federal communications commission finds that such service should be included in the definition of such term.
- (K) "Local presubscribed interexchange carrier" is a designation used to identify an intrastate intraLATA presubscribed interexchange carrier that provides intrastate intraLATA presubscribed interexchange service to customers.
- (L) "Network element" means the facility or equipment used in the provision of a telecommunication service. Such term also includes, but is not limited to, features, functions, and capabilities that are provided by means of such facility or equipment, including, but not limited to, subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.
- (M) "Number portability" means the ability of customers of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one telephone company to another.
- (N) "Rural carrier" means a LEC operating entity as defined in 47 U.S.C. 251(f)(2).
- (O) "Rural telephone company" means a LEC operating entity as defined in 47 U.S.C. 153~~(37)~~.
- (P) "Telecommunications" for purposes of this chapter, shall have the same meaning as defined in 47 U.S.C. 153~~(43)~~.

- (Q) "Telephone company" for purposes of this chapter, shall have the same meaning as defined in division (A)~~(4)~~ of section 4905.03 of the Revised Code and includes the definition of "telecommunications carrier" incorporated in 47 U.S.C. 153~~(44)~~, as effective in paragraph (A) of rule ~~4901:1-7-02~~ of the Administrative Code.
- (R) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers for exchange service.
- (S) "Toll service provider" means a provider of telephone toll service.
- (T) "Wireless service" means federally licensed commercial mobile service as defined in the "Telecommunications Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as ~~commercial mobile radio service (CMRS)~~CMRS in 47 C.F.R. 20.3. CMRS is specifically limited to include mobile telephone, mobile cellular telephone, paging, personal communication services, and specialized mobile radio service providers when serving as a common carrier in Ohio and excludes fixed wireless service.
- (U) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in the state of Ohio.

Effective:

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Certification

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Date

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