

4901:1-7-04

**Rural telephone company exemption.**

[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.]

- (A) A rural telephone company is subject to the provisional rural telephone exemption referenced in 47 U.S.C. 251(f)(1), until such time as the rural telephone company receives a bona fide request for interconnection, services, or network elements, and the commission terminates the rural telephone company exemption pursuant to paragraph (D) of this rule. Should a nonrural telephone company sell, devise, assign, or otherwise transfer any portion of its facilities to a rural telephone company and such facilities are subject to an interconnection agreement(s) at the time of the transfer, such facilities shall remain subject to all obligations of the existing interconnection agreement(s). Such facilities will be subject to requirements referenced in 47 U.S.C. 252(i), unless the commission rules otherwise.
- (B) If a rural telephone company receives a bona fide request for interconnection, services, or network elements pursuant to 47 U.S.C. 251(c), and it seeks to maintain a rural telephone company exemption, it shall file a UNC application with the commission within fifteen calendar days after receiving the request. The telephone company requesting interconnection shall file a response within fifteen calendar days after the rural telephone company's application for exemption. The burden of proof regarding the termination of a rural telephone company exemption pursuant to 47 U.S.C. 251(f)(1), rests upon the telephone company requesting interconnection.
- (C) The commission will review such application for exemption and the response to it on an individual case basis within one hundred twenty calendar days of the commission's notice of the bona fide request for interconnection.
- (D) In reviewing the request for a rural telephone company exemption, the commission will review the application and responses and terminate the exemption should the commission find that the interconnection request is not unduly economically burdensome, is technically feasible, and is consistent with 47 U.S.C. 254.
- (E) If the commission terminates the rural telephone company exemption, the timeframes established in rule 4901:1-7-07 of the Administrative Code begin anew with the issuance of the commission's order.
- (F) If a rural telephone company does not seek to maintain an exemption, it shall follow the negotiation procedures set forth in rule 4901:1-7-07 of the Administrative Code.

(G) If the commission, pursuant to the review process established in rule 4901:1-7-04(C) of the Administrative Code, grants the request for a rural telephone company exemption, the rural telephone company is still obligated to fulfill all the duties set forth in 47 U.S.C. 251(a) and (b), including the duty to interconnect and exchange traffic. The rural telephone company's obligations pursuant to 47 U.S.C. 251(a) and (b) is subject to the commission procedures set forth in rules 4901:1-7-06 to 4901:1-7-09 of the Administrative Code, as applicable, to implement 47 U.S.C. 252.

Effective:

Five Year Review (FYR) Dates: 08/11/2017

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 4901.13, 4927.03  
Rule Amplifies: 4901.13, 4927.04  
Prior Effective Dates: 11/30/2007, 3/2/2013