

4901:1-7-05

**Rural carrier suspensions and modifications.**

[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) If an incumbent local exchange carrier (ILEC), serving fewer than two per cent of the nation's subscriber lines installed in the aggregate, seeks a suspension or modification of any portion or portions of 47 U.S.C. 251(b) or (c), as a rural carrier, it ~~must~~is to file a UNC application with the commission within fifteen calendar days of receiving a bona fide request for interconnection.
- (B) Such application ~~must~~is to be filed and processed in accordance with federal law and is to set forth with particularity the provision or provisions from which the rural carrier seeks suspension or modification. ~~The commission shall act within one hundred eighty calendar days after receiving such application.~~ The burden of proof regarding the suspension or modification rests upon the rural carrier. A determination is to be rendered within one hundred and eighty calendar days after the filing of such application.
- (C) Pending such action, the commission may suspend enforcement of any requirement to which the application applies with respect to the requesting local exchange carrier. The commission may also consider such request in the context of the rural carrier's filings pursuant to rule 4901:1-6-08 of the Administrative Code.
- (D) The commission ~~shall~~is to grant such petition to the extent that, and for such duration as, the commission determines that:
- (1) The proposed suspension or modification is necessary in order:
    - (a) To avoid a significant adverse economic impact on users of telecommunications services generally.
    - (b) To avoid imposing a requirement that is unduly economically burdensome.
    - (c) To avoid imposing a requirement that is technically infeasible.
  - (2) The proposed suspension or modification is consistent with the public interest, convenience, and necessity.

Effective:

Five Year Review (FYR) Dates: 4/10/2023

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 4927.03, 4901.03  
Rule Amplifies: 4901.13, 4927.04  
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