

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-7-21

Rule Type: Amendment

Rule Title/Tagline: Resale.

Agency Name: Public Utilities Commission of Ohio

Division: Utilities

Address: 180 East Broad Street Columbus OH 43215-3793

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 4/10/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 111.15
4. What statute(s) grant rule writing authority? 4927.03, 4901.13
5. What statute(s) does the rule implement or amplify? 4901.13, 4927.04
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

To satisfy the five year review requirement and to comply with the requirements of R.C. 121.95(A) for state agencies to reduce the total number of regulatory restrictions by 30 percent by June 30, 2025.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule addresses the resale obligations for local exchange carriers. The rule is amended to reduce the number of regulatory restrictions and provide for the addition of clarifying language to rules 4901:1-7-21(A)(1), 4901:1-7-21(A)(2), 4901:1-7-21(A)(3), 4901:1-7-21(B)(1), 4901:1-7-21(B)(2), 4901:1-7-21(C)(1), 4901:1-7-21(C)(2), 4901:1-7-21(D)(1), 4901:1-7-21(D)(2)(a), 4901:1-7-21(D)(3), 4901:1-7-21(D)(3)(a)(i) and (ii), 4901:1-7-21(D)(8), and 4901:1-7-21(E).

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Exemption exists due to incorporation by reference of either sections of the Ohio Revised Code, rules in the Ohio Administrative Code, regulation in the Code of Federal Regulations, or sections of the United States Code. References to the incorporated materials are readily available online.

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

n-a

n-a

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

n-a

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

n-a

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 56

4901:1-7-21(A)(1) Removed a regulatory restriction requiring that all LECS must make all telecommunications services available for resale and shall

not contain unreasonable, discriminatory or anticompetitive conditions or limitations.

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4901:1-7-21(A)(2) Removed a regulatory restriction requiring that all ILECS must make available for resale at whole rates any telecommunications services that the ILEC provides to subscribers who are not telephone companies.

4901:1-7-21(A)(3) Removed a regulatory restriction requiring each ILEC to provide non discriminatory, automated operational support systems.

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4901:1-7-21(A)(3) Removed a regulatory restriction that such systems shall enable other LECS reselling the ILEC's retail telecommunications services to preorder and order service installation, repair, and number assignment; monitor network stations; and bill for local service.

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4901:1-7-21(A)(3) Removed a regulatory restriction that such systems shall include, but are no limited to: (a) preorder and order functionalities; (b) provisioning requirements to ensure electronic transmission of data to the LEC providing resale services, as well as order and service completion confirmations; and (c) repair and maintenance requirements.

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4901:1-7-21(B)(1) Removed a regulatory restriction that promotions of recurring charges for retail services offered by an ILEC lasting more than ninety calendar days or a promotion of the comparable cash value offered by an ILEC shall be made available for resale at the wholesale rates.

4901:1-7-21(B)(1) Removed a regulatory restriction that promotions of recurring charges for retail services offered by an ILEC lasting more than ninety calendar days or a promotion of the comparable cash value offered by an ILEC shall be made available for resale at the wholesale rates.

4901:1-7-21(B)(2) Removed a regulatory restriction that promotions of recurring charges for retail services offered by CLECS lasting more than ninety calendar days or a promotion of the comparable cash value offered by a CLEC shall be made available for resale.

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4901:1-7-21(C)(1) Removed a regulatory restriction that all LECS must make available for resale all retail telecommunication service contracts.

4901:1-7-21(C)(2) Removed a regulatory restriction requiring that ILECS must make the contracts available at the specified wholesale rate.

4901:1-7-21(D) Removed a regulatory restriction requiring that retail telecommunications services available for resale to any telephone company shall be priced on a wholesale basis.

4901:1-7-21(D)(1) Removed a regulatory restriction requiring that wholesale prices shall be determined on the basis of the retail rates charged to customers for telecommunications service under consideration excluding the portions attributable to any marketing, billing, collection, and other costs that will be avoided by the ILEC.

4901:1-7-21(D)(1) Removed a regulatory restriction requiring that wholesale prices shall be determined on the basis of the retail rates charged to customers for telecommunications service under consideration excluding the portions attributable to any marketing, billing, collection, and other costs that will be avoided by the ILEC.

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attributable to any marketing, billing, collection, and other costs that will be avoided by the ILEC.

4901:1-7-21(D)(2) Removed a regulatory restriction requiring that the commission may establish a single discount percentage rate that shall be used to establish interim wholesale rates for each telecommunications service.

4901:1-7-21(D)(3) Removed a regulatory restriction requiring that avoided costs for large ILECS shall be those costs that will be avoided when an ILEC provides a telecommunications service for resale at wholesale rates.

4901:1-7-21(D)(3)(a)(i)-(iii) Removed a regulatory restriction specifying avoided costs for Class A ILECs.

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4901:1-7-21(E) Removed a regulatory restriction that the ILEC shall continue to assess the intrastate access charges provided in its intrastate tariffs upon the requesting carrier.

4901:1-7-21(E) Removed a regulatory restriction requiring that ILEC access charges assessed to the requesting carrier must be at the tariffed rate and not at an avoided-cost discounted rate.

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C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable