

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-7-22

Rule Type: Amendment

Rule Title/Tagline: Customer migration.

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 the addition of clarifying language to 4901:1-7-22(A), 4901:1-7-22(C), 4901:1-7-22(D), 4901:1-7-22(E), 4901:1-7-22(F), and 4901:1-7-22(H).

- 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? 30

4901:1-7-22(A) Removed a regulatory restriction requiring that each CLEC shall be required to provide systems to facilitate the migration of customers between local exchange carriers.

4901:1-7-22(A) Removed a regulatory restriction requiring that such systems shall include, but not be limited to, systems required to preorder, order, install and repair service, and billing for local service.

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4901:1-7-22(A) Removed a regulatory restriction requiring that CLEC responses to customer service record requests shall include information sufficient to facilitate customer migration between LECs.

4901:1-7-22(A) Removed a regulatory restriction requiring that such systems will be manual but must enable another LEC to migrate customers efficiently from that CLECs network.

4901:1-7-22(C) Removed a regulatory restriction requiring that all telephone companies shall use the relevant industry developed standards and timelines, where they exist or a mutually agreed upon equivalent for the exchange of customer account information between telephone companies.

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4901:1-7-22(D) Removed a regulatory restriction requiring that telephone companies responding to a request for customer service records shall provide such information to the requesting telephone company within the specified time frame.

4901:1-7-22(D) Removed a regulatory restriction requiring that telephone companies responding to a request for customer service records shall follow industry standards.

4901:1-7-22(D) Removed a regulatory restriction requiring that telephone companies responding to a request for customer service records shall provide such information to the requesting telephone company within the specified time frame.

4901:1-7-22(E) Removed a regulatory restriction requiring that no telephone company, having obtained facilities, resources, or information for the purpose of serving a specific customer shall, upon receipt of a request to migrate, fail to release said facilities, resources or information solely in order to prevent the delay of the migration of the customer.

4901:1-7-22(E) Removed a regulatory restriction requiring that no telephone company, having obtained facilities, resources, or information for the purpose of serving a specific customer shall, upon receipt of a request to migrate, fail to release said facilities, resources or information solely in order to prevent the delay of the migration of the customer.

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4901:1-7-22(F) Removed a regulatory restriction requiring that a telephone company losing its customer shall not use information obtained as a result of the customer migration process to solicit a competing telephone company's customer while the competing telephone company is in the process of obtaining from such company the facilities, resources, or information necessary to serve that same customer.

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4901:1-7-22(G) Removed a regulatory restriction requiring that no acquiring telephone company shall require, instruct, or advise any new customer to first establish service with, migrate to, or otherwise use transitionally another telephone company without consent of such other telephone company for an interim period of time before becoming a customer of the acquiring telephone company.

4901:1-7-22(G) Removed a regulatory restriction requiring that no acquiring telephone company shall require, instruct, or advise any new customer to first establish service with, migrate to, or otherwise use transitionally another telephone company without consent of such other telephone company for an interim period of time before becoming a customer of the acquiring telephone company.

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4901:1-7-22(H) Removed a regulatory restriction requiring that telephone companies shall submit customer service record requests to the customer's existing telephone company and not to the underlying network provider.

- 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