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TABLE OF CONTENTS
Of Appendix B

Telecommunications Industry Rules 1
Industry Rule 1. Additional Definitions 1
1.1 Basic Service 1
1.2 Carrier of Last Resort 1
~~1.3 Category I, II, III Service ..... 1~~
1.3 Compliance Advice Letter 1
~~1.5~~1.4 Freezing of Service 1
~~1.6~~1.5 GRC-LEC 1
~~1.7~~1.6 Industry Rule 2
~~1.8~~1.7 Market Trial; Technical Trial 2
~~1.9~~1.8 New Service 2
~~1.10 NRF-LEC ..... 2~~
~~1.11 Price Floor, Ceiling ..... 3~~
~~1.12~~1.9 Promotional Offering; Promotional Platform 2
1.10 Resale Service 2
~~1.13~~1.11 Staff 2
~~1.14~~1.12 Telecommunications Advice Letter Coordinator 2
~~1.15~~1.13 Transfer 2
1.14 URF Carrier 3
~~1.16~~1.15 Utility 3
~~1.17 Wholesale Service ..... 3~~
~~1.18~~1.16 Withdrawal of Service 3
Industry Rule 2. Submitting Documents for Filing; Telephone Directories 3
Industry Rule 3. Notice to Affected Customers 3
3.1 Customer Notice of Transfer 4
3.2 Customer Notice of Withdrawal 4
3.3 Customer Notice of Higher Rates, More Restrictive Terms 5
Industry Rule 4. Contracts and Other Deviations 5
Industry Rule 5. Detariffed and Non-tariffed Service 5
5.1 URF Carrier 5
5.2 Publication of Rates, Charges, Terms, and Conditions (URF Carriers) 6
5.3 Notice to Customers (URF Carriers) 6
~~5.1~~5.4 Market Trial; Technical Trial 7
~~5.2~~5.5 Commercial Mobile Radio Service Provider 7
~~5.3 Interexchange Carriers ..... 7~~
Industry Rule 6. Advice Letter Contents 7

TABLE OF CONTENTS
Of Appendix B
(Continued)

Industry Rule 7. Advice Letter Review 7
7.1 Matters Appropriate to a Tier 1 Advice Letter (Effective Pending Disposition) 8
7.2 Matters Appropriate to a Tier 2 Advice Letter (Effective After Staff Approval) 9
7.3 Matters Appropriate to a Tier 3 Advice Letter (Effective After Commission Approval) 10
7.4 Matters Requiring Review in a Formal Proceeding 11
Industry Rule 8. Procedures for Specific Types of Advice Letters 11
8.1 Negotiated Interconnection Agreements 11
8.2 Contracts for Tariffed Services 11
8.2.1 Deadline for Submittal; Effective Date 12
8.2.2 ~~Required Clauses~~Availability of Contract Rates 12
8.2.3 ~~Availability of Contract Rates~~Required Clauses (GRC-LEC) 12
8.2.4 Cost Justification (GRC-LEC) 12
~~8.2.5 Contract Rate Violating Commission Standards ..... 16~~
8.3 New Service 12
8.4 Change to Tariffed Rate, Charge, Term, or Condition 13
8.5 Withdrawing Basic Service 13
8.6 Transfer 14
8.6.1 Transfer of GRC-LEC or ~~NRF-LEC~~URF Carrier 14
8.6.2 Transfer of Interexchange or Competitive Local Carrier 14
8.6.3 Transfer of Commercial Mobile Radio Service Provider 14
8.7 Promotional Offering 14
Industry Rule 9. Notification of DBAs 14

~~**Exhibit A Schedule with Preferred Numbering System**~~
~~**Exhibit B Schedule with GO 96-A Numbering System**~~
~~**Exhibit C Example of Tariff Title Page**~~
~~**Exhibit D Example of an Advice Letter**~~
~~**Exhibit E Advice Letter Cover Sheet**~~
~~**Exhibit F Information-Only Filing Cover Sheet**~~

APPENDIX B
Page 1

Telecommunications Industry Rules

Industry Rule 1. Additional Definitions

In addition to the definitions in General Rules 3 to 3.16, the following definitions apply to the defined terms, which ~~will~~appear with the initial letter capitalized when used in these Industry Rules.

1.1 Basic Service

"Basic Service" means the service elements, as specified in Decision 96-10-066 (Appendix B, Part 4) and as modified from time to time by the Commission, that a provider of local exchange service must offer to each residential customer who requests local exchange service from the provider.

1.2 Carrier of Last Resort

"Carrier of Last Resort" means a carrier that has specific duties regarding the provision of Basic Service and universal service, as specified in Decision 96-10-066 and as modified from time to time by the Commission.

~~1.3 Category I, II, or III Service~~

~~"Category I, II, or III Service" refers to distinctions adopted by the Commission fo services that a NRF-LEC may offer. The distinctions indicate the degree of flexibility that the NRF-LEC has in the pricing and offering of a particular service, as specified by the Commission in Decision 89-10-031 and as modified from time to time by the Commission~~

~~1.4~~1.3 Compliance Advice Letter

"Compliance Advice Letter" means an advice letter seeking approval of the Utility's proposed implementation of a specific requirement in a statute or Commission order.

~~1.5~~1.4 Freezing of Service

"Freezing" or "Freezing of Service" means discontinuing a service's availability to customers, other than those customers receiving the service from the Utility as of the date that the Utility freezes the service.

~~1.6~~1.5 GRC-LEC

"GRC-LEC" is a local exchange carrier that is regulated through ~~periodic general rate case review of its costs, revenues, and services, after which review the Commission sets the Utility's rates and charges, based on its authorized rate of return.~~cost-of-service regulation.

~~1.7~~1.6 Industry Rule

"Industry Rule" means an Industry Rule in the Telecommunications Industry Rules, as set forth in General Order 96-B or its successor.

~~1.8~~1.7 Market Trial; Technical Trial

"Market Trial" or "Technical Trial" means a New Service offered only for a specified limited duration for the purpose of testing or evaluating the service.

~~1.9~~1.8 New Service

"New Service" ~~refers to~~ means a service ~~proposed by a Utility, which service~~that is distinguished from any existing service offered by the Utility by virtue of the technology employed and/or features, functions, and means of access provided.

~~1.10 NRF-LEC~~

~~"NRF-LEC" is a local exchange carrier that is regulated through the Commission's new regulatory framework, as specified in Decision 89-10-031 and as modified from time to time by the Commission.~~

~~1.11 Price Floor, Ceiling~~

~~Price "Floor" and "Ceiling" refer, respectively, to a lower and upper limit established by the Commission for pricing a Category II Service of a NRF-LEC.~~

~~1.12~~1.9 Promotional Offering; Promotional Platform

"Promotional Offering" means an existing service offered under tariffed terms temporarily deviating from the otherwise applicable tariff in order to promote the service. "Promotional Platform" means a tariffed description of service for which a GRC-LEC ~~or a NRF-LEC~~may make a Promotional Offering.

~~**1.13 Staff**~~

~~**"Staff" means the Telecommunications Division (or its successor).**~~

1.10 Resale Service

"Resale Service" means a tariffed service that a carrier offers to another carrier for resale.

1.11 Staff

"Staff" means the Communications Division (or its successor).

~~1.14~~1.12 Telecommunications Advice Letter Coordinator

"Telecommunications Advice Letter Coordinator" means the person who processes documents submitted to the ~~Tele~~Communications Division for filing.

~~1.15~~1.13 Transfer

"Transfer" means a Transfer of assets (including the entire customer base or an entire class of customers) and/or Transfer of control.

1.14 URF Carrier

"URF Carrier" is a public Utility that is regulated through the Commission's uniform regulatory framework, as established in Decision 06-08-030 and as modified from time to time by the Commission.

~~1.16~~1.15 Utility

"Utility" means a public Utility that is a telephone corporation as defined in the Public Utilities Code.

~~**1.17 Wholesale Service**~~

~~"Wholesale Service" means a tariffed service that a carrier offers to another carrier for resale.~~

~~**1.18**~~**1.16 Withdrawal of Service**

"Withdrawal" or "Withdrawal of Service" means discontinuing a service's availability to all customers, including those customers receiving the service as of the date it is withdrawn.

Industry Rule 2. Submitting Documents for Filing; Telephone Directories

For instructions on filing ~~A~~an advice letter, a document pertaining to an advice letter (e.g., a protest, response, reply, substitute sheet, or supplement), or an information-only filing, ~~shall be submitted for filing to the Telecommunications Advice Letter Coordinator, Telecommunications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. A Utility submitting an advice letter shall provide an original and three copies; if the Utility is requesting confidential treatment of any information (see General Rule 9), the Utility shall submit a single, sealed copy of such information. A Utility submitting an information-only filing shall provide an original and one copy.~~go to the Commission's Internet site (www.cpuc.ca.gov) and look for the Communications Division's link.

A Utility that issues a telephone directory ~~shall~~ must submit, concurrent with publication, two copies of each directory to the Telecommunications Advice Letter Coordinator~~;~~, Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. ~~h~~However, a directory is not a tariff and will not be listed in the table of contents of the Utility's tariffs or given Cal. P.U.C. sheet numbers. GRC-LECs~~,~~ and ~~NRF-LECs~~ URF Carriers~~, and competitive local carriers shall~~ must provide without charge copies of their current directories to public libraries in California.

Industry Rule 3. Notice to Affected Customers

~~On~~ No later than the date that is ~~25~~30 days before the advice letter's requested effective date, or on the date that the Utility submits the advice letter to the Telecommunications Advice Letter Coordinator, whichever date is earlier, the Utility ~~shall~~ must give notice to each affected customer of the advice letter if

it requests approval of a Transfer, Withdrawal of Service, or higher rates or charges or more restrictive terms or conditions.

However, no customer notice under this Industry Rule 3 or General Rule 4.2 is required of a Utility's Compliance Advice Letter that implements a prior Commission order approving the Utility's request for authorization of a Transfer, Withdrawal of Service, or higher rates or charges or more restrictive terms or conditions.

Whenever this customer notice is of an advice letter submitted or required to be submitted in Tier 3 (see Industry Rule 7.3), the notice ~~shall~~ must contain information regarding procedure for protests, as follows: "The proposed [insert Transfer, Withdrawal of Service, or higher rates or charges or more restrictive terms or conditions, as appropriate] is being submitted by Advice Letter _____ [insert advice letter number] for review and possible approval by the California Public Utilities Commission. The advice letter was filed with the Communications Division [insert date of filing]. Anyone may object to ~~that~~ the advice letter by sending a written protest to: Telecommunications Advice Letter Coordinator, ~~Telec~~Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. The protest ~~shall~~ must state specifically the grounds on which it is based. The protest must be received by the Telecommunications Advice Letter Coordinator no later than 20 days after the date that the advice letter ~~is reported~~ was filed.~~in the Daily Calendar of the California Public Utilities Commission.~~ On or before the day that the protest is sent to the Telecommunications Advice Letter Coordinator, the protestant~~shall~~ must send a copy of the protest to _____ [insert name and address of person whom the Utility has designated in the advice letter to receive protests]. To~~view the Commission's Daily Calendar or to get further~~ obtain information about the Commission's procedures for advice letters and protests, go to the Commission's Internet site (www.cpuc.ca.gov) and look for document links to General Order 96-B."

3.1 Customer Notice of Transfer

If a Utility requests approval of a Transfer, the notice~~shall~~ must identify the new service provider, describe the changes (if any) in rates, charges, terms, or conditions of service, and state that customers have the right to select a new service provider.

3.2 Customer Notice of Withdrawal

If a Utility requests approval of a Withdrawal of Service, the notice ~~shall~~ must also describe the proposed Withdrawal. In the case of a Withdrawal from providing Basic Service, the notice ~~shall~~ must describe the arrangements the Utility has made to ensure continuity of service to affected customers. If the Utility resells Basic Service (or service element thereof), the arrangements ~~shall~~ must include notice to affected customers that they may choose another service provider or (if no other service provider is chosen) receive Basic Service from the underlying carrier or Carrier of Last Resort. If the Utility is proposing Withdrawal of Basic Service that it provides using its own facilities, the Utility must arrange for Transfer of its customers to another Utility. (See Industry Rules 3.1, 8.5, 8.6.)

3.3 Customer Notice of Higher Rates, More Restrictive Terms

~~If a Utility requests approval~~A notice of higher rates or charges or more restrictive terms or conditions,~~the notice shall~~ must ~~also~~ state the current and proposed rates, charges, terms, or conditions (as appropriate). If the Utility~~requesting such approval~~ giving notice is a GRC-LEC, the notice~~shall~~ must also state the reasons for the proposed change and the impact of any proposed change~~to a~~ on the affected rate or charge, expressed in dollar and percentage terms.

Industry Rule 4. Contracts and Other Deviations

The Commission may authorize a Utility, on a case-by case basis, to provide service under a contract or other deviation that departs from rates, charges, terms, or conditions offered in the Utility's tariffs. A Utility that does not use tariffs to provide service other than Basic Service may provide such detariffed or non-tariffed service under a contract, without any additional authorization from the Commission.

~~The requirements of General Rule 8.5.6 (requiring a Utility's tariffs to include a list of its contracts and other deviations) shall apply to GRC-LECs; all other Utilities are excused from maintaining this list. However, nothing in this Industry Rule excuses a Utility from submitting any contract otherwise required to be submitted for filing with the Commission.~~

Industry Rule 5. Detariffed and Non-tariffed Service

An URF Carrier may cancel by advice letter any retail tariff currently in effect except for the following: Basic Service; 911 or e-911 service; a provision, condition, or requirement imposed by the Commission in an enforcement, complaint, or merger proceeding; a provision relating to customer direct access to or choice of an interexchange carrier; a service (such as Resale Service) not within the scope of services for which the Commission granted full pricing flexibility in Decision 06-08-030; or a provision pertaining to a Utility's obligations under state or federal law (such as California public policy surcharges or Carrier of Last Resort obligations).

The Commission ~~may grant~~ otherwise will consider granting exceptions from the general requirement (see General Rule 8.2.1) that a Utility serve its California customers under its filed tariffs. Such exceptions, allowing the Utility to provide detariffed service, may be granted to a specific Utility or type of Utility, or for specific services offered by the Utility or type of Utility. Industry Rules 5.1 ~~et seq.~~to 5.5, which will be updated as necessary, list the currently authorized exceptions and certain requirements that apply to service not provided under tariff.

5.1 URF Carrier

Subject to Industry Rule 5, an URF Carrier may request to detariff in whole or in part. The URF Carrier seeking to detariff a service not excluded under Industry Rule 5 must submit a Tier 2 advice letter. The advice letter must identify the service that the URF Carrier proposes to detariff and must attest that the service is not one of the services excepted from detariffing under Industry Rule 5.

After the Commission has authorized an URF Carrier to detariff in whole or in part, the URF Carrier may make available to the public New Service offerings on a detariffed basis to the extent consistent with the Commission's authorization. When an URF Carrier makes available to the public a New Service on a detariffed basis, the URF Carrier must file an information-only filing that describes the New Service and attests that the New Service is not one of the services excepted from detariffing under Industry Rule 5. (See General Rules 6.1, 6.2; Industry Rule 2.) The information-only filing must be submitted to the

Commission no later than the date on which the New Service is made available to the public.

5.2 Publication of Rates, Charges, Terms, and Conditions (URF Carriers)

For any service available to the public but not provided under tariff, the carrier providing the service must at all times and without charge publish, at a site on the Internet, the applicable rates, charges, terms, and conditions. The carrier must also publish at its Internet site an archive of its canceled rates, charges, terms, and conditions, going back ~~five~~ three years or to the date of detariffing, whichever is more recent. The carrier must comply with these publication requirements regardless of whether the service was detariffed at or after certification, or was ever provided under tariffs.

5.3 Notice to Customers (URF Carriers)

For any service available to the public but not provided under tariff, the carrier providing the service must notify each affected customer of a higher rate or charge, or more restrictive term or condition, or Withdrawal of Service, or Transfer of ownership or customer base. The carrier must give this notice at least 30 days before the date when the change will occur.

A carrier may satisfy a notice requirement in this Industry Rule by one or a combination of the following means: bill inserts; notices printed on bills; or separate notices sent by first-class mail (or by e-mail to a customer who receives bills from the carrier by e-mail). Notice by first-class mail is complete when the document is deposited in the mail, and notice by e-mail is complete upon successful transmission.

~~5.1~~5.4 Market Trial; Technical Trial

A Market Trial or Technical Trial~~shall~~ must be submitted as an information-only filing, ~~(see Exhibit F)~~and~~shall~~ must follow guidelines set forth in Resolution T-14944 (June 17, 1992)~~.~~ or Resolution T-16099 (December 16, 1997). Such an information-only filing will be treated as confidential pursuant to ~~Resolution T-14944~~General Rule 9.

~~5.2~~5.5 Commercial Mobile Radio Service Provider

A commercial mobile radio service provider~~cannot~~ may not file tariffs with the Commission but shall make available to the public schedules showing its rates, charges, terms, and conditions of service.

~~5.3 Interexchange Carriers~~

~~A currently certificated interexchange carrier that is unaffiliated with a GRC-LEC or NRF-LEC may submit an advice letter requesting Commission approval to detariff in whole or part. A currently certificated interexchange carrier that is affiliated with a GRC-LEC or NRF-LEC must file an application to request detariffing approval.~~

~~In all instances, an interexchange carrier that is detariffed in whole or part, regardless of whether it is detariffed at or after certification, shall make available to the public schedules showing its rates, charges, terms, and conditions for detariffed service.~~

Industry Rule 6. Advice Letter Contents

An advice letter ~~shall~~ must include (1) a copy of the notice to affected customers, if such notice is required by Industry Rule 3, and (2) the following statement: "Anyone may object to this advice letter, which was filed on [insert date of filing], by sending a written protest to: Telecommunications Advice Letter Coordinator, ~~Tele~~Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. The protest must state specifically the grounds on which it is based. The protest must be received by the Telecommunications Advice Letter Coordinator no later than 20 days after the date that the advice letter ~~is reported in the Daily Calendar of the California Public Utilities Commission~~ was filed. On or before the day that the protest is sent to the Telecommunications Advice Letter Coordinator, the protestant~~shall~~ must send a copy of the protest to _____ [insert name and address of person whom the Utility has designated in the advice letter to receive protests]. To ~~view the Commission's Daily Calendar or to get~~ obtain ~~further~~ information about the Commission's procedures for advice letters and protests, go to the Commission's Internet site (www.cpuc.ca.gov) and look for document links to General Order 96-B."

Industry Rule 7. Advice Letter Review

A Utility submitting an advice letter ~~shall~~ must designate the appropriate tier, based on the content of the advice letter. An erroneous designation is not binding on Staff. A Tier 1 or Tier 2 advice letter is subject to disposition under General Rule 7.6.1; a Tier 3 advice letter is subject to disposition under General Rule 7.6.2.

7.1 Matters Appropriate to a Tier 1 Advice Letter (Effective Pending Disposition)

~~A Utility submitting an advice letter in Tier 1 must comply~~By submitting an advice letter in Tier 1, a Utility represents that the advice letter is properly filed in Tier 1, and that the Utility has complied with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in ~~(1) to (16) of~~ this Industry Rule~~, and the~~ 7.1. ~~and the advice letter may be returned without filing if the Utility has not complied.~~ Pursuant to General Rule ~~5.6(7)~~4.2, the Utility ~~shall~~ must document its compliance with applicable customer notice requirements; if an advice letter accepted for filing is found not to have been noticed in compliance with these requirements, Staff will reject the advice letter~~.~~ without prejudice. The following matters may be filed under Tier 1:

(1) An editorial change to the text of a tariff that does not affect a rate, charge, term, or condition under the tariff.

(2) A change to the name of a product or service.

(3) A Compliance Advice Letter, unless the Commission order directing the submission of the advice letter specifies another tier.

(4) An exchange area boundary realignment that does not result in an increase to a rate or charge or in a more restrictive term or condition.

~~(5) A contract for a tariffed service by an interexchange carrier, competitive local carrier, or NRF-LEC, which contract meets the requirements of Industry rule 8.2 et seq.~~

(5) A change by an URF Carrier to a rate, charge, term, or condition of a regulated service other than Basic Service or Resale Service.

~~(6) A contract for a tariffed service by a GRC-LEC, if (i) the contract repeats the rates, charges, terms, and conditions of a NRF-LEC's contract, (ii) the contract involves a service for which the GRC-LEC concurs in that NRF-LEC's corresponding tariff, and (iii) the GRC-LEC participates in the intercompany settlement pool. Any such contract shall meet the requirements of Industry Rules 8.2 to 8.2.3. This procedure for submitting such a contract for approval by a Tier 1 advice letter is available only so long as the intercompany settlement pool is available.~~

~~(7) A change by an interexchange carrier or a competitive local carrier to a rate, charge, term, or condition (not including an exchange area boundary realignment, as described in Industry Rules 7.2(2) and 7.3(4)), which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).~~

~~(8) A change by a NRF-LEC to a rate or charge for a Category II Service, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and is at or within the applicable Price Floor and Ceiling.~~

~~(9)~~(6) A change by ~~a NRF-LEC~~an URF Carrier to (i) a ~~Wholesale~~Resale Service rate or charge, if the change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and such rate or charge is linked to a tariffed service ~~Category II Service~~ rate or charge by a discount adopted by the Commission, or (ii) a ~~Wholesale~~ Resale Service term or condition, if the change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and such term or condition incorporates a term or condition approved by the Commission for the corresponding ~~Category II Service.~~URF Carrier Service.

(7) A New Service offering of an URF Carrier where the New Service has full pricing flexibility. (See Industry Rule 8.3.)

(8) A contract for a tariffed service by an URF Carrier.

(9) A Withdrawal or Freezing of Service by an URF Carrier (not including

a Withdrawal or Freezing subject to Industry Rule 7.4(1). In the case of a Withdrawal, it must have been noticed in compliance with Industry Rules 3 and 3.2.

(10) A new Promotional Offering, or continuation of a Promotional Offering, by an URF Carrier.

~~(10) A change by a NRF-LEC to a rate, charge, term, or condition for a Category III Service, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).~~

~~(11) A New Service of an interexchange carrier, which service meets the requirements of Industry Rule 8.3.~~

~~(12)~~(11) A new Promotional Offering, or continuation of a Promotional Offering, by a GRC-LEC ~~or NRF-LEC~~ for which there is a Commission-approved Promotional Platform. (~~s~~See Industry Rule ~~7.3(.~~7.3(6).)

(12) Emergency Service provided by an URF Carrier pursuant to General Rule 8.2.3.

~~(13) A new Promotional Offering, or continuation of a Promotional Offering, by a competitive local carrier or interexchange carrier.~~

~~(14) Freezing of Service (not including a Freezing subject to Industry Rule 7.3(3) or 7.4(1)) by a competitive local carrier or interexchange carrier.~~

~~(15) Freezing of a Category III Service (not including a Freezing subject to Industry Ru.e 7.3(3) or 7.4(1)) by a NRF-LEC.~~

~~(16) A change to a tariff for an existing service by a GRC-LEC, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and adopts without modification the corresponding tariff of a NRF-LEC-LEC.~~

7.2 Matters Appropriate to a Tier 2 Advice Letter (Effective After Staff Approval)

~~A Utility submitting an advice letter in Tier 2 must comply~~By submitting an advice letter in Tier 2, a Utility represents that the advice letter is properly

filed in Tier 2, and that the Utility has complied with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in ~~(1) to (6) of~~ this Industry Rule~~,~~ 7.2. ~~and the advice letter may be returned without filing if the Utility has not complied.~~ Pursuant to General Rule ~~5.6(7)~~4.2, the Utility ~~shall~~ must document its compliance with applicable customer notice requirements; if an advice letter accepted for filing is found not to have been noticed in compliance with these requirements, Staff will reject the advice letter~~.~~ without prejudice. The following matters must be filed under Tier 2:

(1) A New Service of a GRC-LEC~~, NRF-LEC, or competitive local carrier, where the New Service complies with~~. (See Industry Rule 8.3.)

~~(2) An exchange area boundary realignment by a Utility other than a Carrier of Last Resort, which realignment results in an increase to a rate or charge or in a more restrictive term or condition, and has been noticed in compliance with Industry rules 3 and 3.3 (as applicable).~~

~~(3) A Withdrawal or freezing of Service (not including a Withdrawal or Freezing subject to Industry Rule 7.1(14), 7.1(15), 7.3(3), 7.3(11), or 7.4(1)), where the withdrawal has been noticed in compliance with Industry Rules 3 and 3.2.~~

~~(4) Detariffing by an interexchange carrier that is not affiliated with a GRC-LEC or NRF-LEC.~~

(2) A contract for a tariffed service by a GRC-LEC. (See Industry Rules 8.2.3, 8.2.4.)

(3) Detariffing by an URF Carrier. (See Industry Rules 5, 5.1.)

~~(5)~~(4) A ~~R~~request to Transfer by ~~an interexchange carrier or a competitive local carrier~~ a carrier other than a GRC-LEC or an URF Carrier that is an incumbent local exchange carrier. (See Industry Rule 8.6.2.)

~~(6)~~(5) An advice letter otherwise appropriate to Tier 1 but for which the Utility submitting the advice letter requests review and disposition under Tier 2.

7.3 Matters Appropriate to a Tier 3 Advice Letter (Effective After Commission Approval)

~~A Utility submitting an advice letter in Tier 3 must comply~~By submitting an advice letter in Tier 3, a Utility represents that the advice letter is properly filed in Tier 3, and that the Utility has complied with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in ~~(1) to (12) of~~ this Industry Rule~~,~~ 7.3.~~ and the advice letter may be returned without filing if the Utility has not complied.~~ Pursuant to General Rule ~~5.6(7)~~ 4.2, the Utility ~~shall~~ must document its compliance with applicable customer notice requirements; if an advice letter accepted for filing is found not to have been noticed in compliance with these requirements, Staff will reject the advice letter~~.~~ without prejudice. The following matters must be filed under Tier 3:

(1) A matter appropriate to an advice letter but not subject to review and disposition under Tier 1 or Tier 2. (See General Rule 5.1.)

(2) A negotiated interconnection agreement pursuant to Section 252 of the Telecommunications Act of 1996 (47 USC § 252). (See Industry Rule 8.1.)

~~(3) Withdrawal or Freezing of Basic Service (or service element thereof) or of Wholesale Service where a Carrier of Last Resort continues to offer such service within the affected area. In the case of a Withdrawal, it shall have been noticed in compliance with Industry Rules 3 and 3.2, and shall meet all applicable requirements of Industry Rule 8.5.~~

~~(4)~~(3) An exchange area boundary realignment by a ~~Carrier of Last Resort~~GRC-LEC, which realignment results in an increase to a rate or charge or in a reduction in service to existing customers, and has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).

~~(5) Except for a change appropriate for review and disposition under Industry Rule 7.1(8) or 7.1(12), a change for a Category II Service by a NRF-LEC to the applicable Price Floor or Ceiling, or to a term or condition, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).~~

~~(6) An annual update by a NRF-LEC to its Commission adopted price cap.~~

~~(7)~~(4) ~~Except for a change appropriate for review and disposition under Industry Rule 7.1(12) or 7.1(16), a change~~ A change by a GRC-LEC to a rate, charge, term, or condition, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).

~~(8)~~(5) An update by a GRC-LEC regarding its allocation from the high cost fund.

~~9) A contract for a tariffed service by a GRC-LEC, except for a contract appropriate for review and disposition under Industry Rule 7.1(6).~~

~~(10)~~(6) A Promotional Platform of a GRC-LEC. ~~or NRF-LEC.~~

~~(11)~~(7) Except where review in a formal proceeding is required by Industry Rule 7.4(1), Withdrawal or Freezing of Service by a GRC-LEC. In the case of a Withdrawal, it ~~shall~~must have been noticed in compliance with Industry Rules 3 and 3.2~~,~~. ~~and shall meet all applicable requirements of Industry Rule 8.5.~~

~~(12)~~(8) Emergency service provided by a GRC-LEC pursuant to General Rule 8.2.3. Emergency Service ~~provided~~ under this Industry Rule 7.3(8) may be provided pending disposition of the advice letter.

7.4 Matters Requiring Review in a Formal Proceeding

Staff will reject without prejudice an advice letter that requests relief or raises issues requiring an evidentiary hearing or otherwise requiring review in an application, petition for modification, or other formal proceeding. (See General Rules 5.2, ~~5.4~~ 5.3.) Matters requiring such review include, but are not limited to:

(1) Withdrawal or Freezing of Resale Service or of Basic Service (or any service element thereof). ~~or Wholesale Service where no Carrier of Last Resort continues to offer such service within the affected area.~~ In the case of a Withdrawal, it~~shall~~ must have been noticed in compliance with Industry Rules 3 and 3.2, and~~shall~~ must meet all applicable requirements of Industry Rule 8.5.

~~(2) Detariffing by a GRC-LEC, NRF-LEC, competitive local carrier, or an~~

~~interexchange carrier that is affiliated with a GRC-LEC or NRF-LEC.~~

~~(3) Request by a NRF-LEC to change (i) a rate, charge, term, or condition of a Category I Service, or (ii) the category of a Category I, II, or III Service.~~

~~(4)~~(2) A ~~R~~request for operating authority or for authority to expand service area.

~~(5)~~(3) A ~~R~~request to Transfer by a GRC-LEC or ~~NRF-LEC.~~an URF Carrier where the Transfer is subject to Commission review pursuant to Public Utilities Code Section 854.

(4) A request by an URF Carrier to modify or cancel a provision, condition, or requirement imposed by the Commission in an enforcement, complaint, or merger proceeding. (See Industry Rule 5.)

Industry Rule 8. Procedures for Specific Types of Advice Letters, Information-only Filings, and Formal Proceedings

8.1 Negotiated Interconnection Agreements

Promptly upon execution of an interconnection agreement arrived at through negotiation pursuant to Section 252 of the Telecommunications Act of 1996 (47 USC § 252), the agreement ~~shall~~must be submitted by advice letter for Commission approval.~~Staff will prepare a proposed resolution approving or rejecting the agreement, and the proposed resolution will be placed before the Commission for its consideration at a meeting no later than 60 days after staff accepts the advice letter for filing.~~ The advice letter will be subject to review and disposition within the timeframes provided for such advice letters by Resolution ALJ-181 (October 5, 2000), as may be modified by the Commission from time to time, and in conformity with federal law.

8.2 Contracts for Tariffed Services

Contracts for tariffed services~~shall~~ must be submitted ~~for approval~~ to the Commission under this Industry Rule. ~~and Industry Rules 8.2.1 to 8.2.5.~~ Except for negotiated interconnection agreements, a contract that involves only detariffed or non-tariffed services is not subject to Commission approval and is not to be submitted for filing.

8.2.1 Deadline for Submittal; Effective Date

Within 15 business days after the execution of a contract for a tariffed service, the contract ~~shall~~ must be submitted by advice letter for Commission approval. A Utility that violates the deadline for submittal is liable to such sanctions as the Commission may impose, including but not limited to the penalties set forth in Decision 91-07-010 and the Public Utilities Code, as appropriate. Violation of the deadline does not, in itself, invalidate a contract. In the case of a contract properly submitted for review and disposition by Tier 1 advice letter, the contract may be made effective ~~as soon as~~ on the date of execution.

~~8.2.3~~8.2.2 Availability of Contract Rates

The rate or charge under a contract then in effect~~shall~~ must be made available to any similarly situated customer that is willing to enter into a contract with the same terms and conditions of service.

~~8.2.2~~8.2.3 Required Clauses (GRC-LEC)

A contract by a GRC-LEC for a tariffed service~~shall~~ must contain the following clauses: "This contract at all times ~~shall be~~ is subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction.~~" If the contract is for tariffed service from a NRF-LEC, the contract shall also contain the following clause: "If any Category II Service rate or charge in this contract conflicts with an applicable Commission-approved Price Floor or Ceiling, the contract rate or charge shall be null and void, and the contract may be rescinded or renegotiated." If the contract is required to be submitted for review and disposition by Tier 3 advice letter, the contract shall also contain the following clause: "~~This contract does not become effective unless and until approved by the California Public Utilities Commission."

8.2.4 Cost Justification (GRC-LEC)

An advice letter by a ~~NRF-LEC or~~ GRC-LEC requesting approval of a contract ~~shall~~ must show that each rate or charge set in the contract is at or above cost~~,~~. ~~or in compliance with the applicable Commission-approved Price Floor and Ceiling. In the latter case, the advice letter shall state (1) the contract rate for~~

~~each covered Category II Service, and (2) each Commission-approved Price Floor or Ceiling that applies to such service.~~ Cost data provided in support of the contract may be submitted under seal together with a request for confidential treatment. (See General Rule 9.)

~~**8.2.5 Contract Rate Violating Commission Standards**~~

~~If a contract rate is below cost, or differs from the Utility's applicable tariff rate for a Category I Service, or violates any applicable Commission-approved Price Floor or Ceiling for a Category II Service, the Commission may invalidate the contract rate, or may require an amendment to conform the contract to the tariff rate or the Price Floor or Ceiling, as appropriate. In addition, the Commission may impose sanctions, including but not limited to a penalty on the Utility of the greater of $10,000 or twice the difference between the revenue to be realized over the term of the contract and the revenue that would have been realized by the Utility under the proper rate, as determined by the Commission. If the Commission finds that the Utility has engaged in a pattern of below-cost pricing, the Commission may impose further sanctions.~~

8.3 New Service

An advice letter requesting approval of a New Service~~shall~~ must ~~demonstrate~~ attest that the proposed service would:

(1) comply with all applicable provisions of the Public Utilities Code, including without limitation Sections 2891 to 2894.10, and with the applicable consumer protection rules adopted by the Commission;

(2) not result in a degradation in quality of other service provided by the Utility submitting the advice letter; and

(3) not be activated for a particular customer unless affirmatively requested by the customer.

An advice letter by a GRC-LEC requesting approval of a New Service must show that the rate or charge set for the New Service is at or above cost. Cost data provided in support of the New Service may be submitted under seal together with a request for confidential treatment. (See General Rule 9.)

8.4 Change to Tariffed Rate, Charge, Term, or Condition

An advice letter ~~by a NRF-LEC or GRC-LEC~~ requesting approval of a change to a tariffed rate, charge, term, or condition, if the change is required to be submitted for review and disposition by Tier 3 advice letter,~~shall~~ must demonstrate that the rate, charge, term, or condition, as proposed to be changed, would be just and reasonable. ~~Cost data, which must be provided for the purpose of this Industry Rule, may be submitted under seal together with a request for confidential treatment. (See General Rule 9.)~~ If Staff determines that a change requested by an advice letter to a rate, charge, term, or condition requires a hearing or otherwise requires review in a formal proceeding, Staff will reject the advice letter without prejudice. (See General Rule ~~5.4~~5.3.)

8.5 Withdrawing Basic Service

Prior to a Utility's Withdrawal, in whole or part, from offering Basic Service (or any service element thereof) within its service area, the Utility ~~shall~~ must ~~submit~~ file an ~~advice letter or~~ application, as appropriate (see Industry Rule~~s 7.2(3), 7.3(3), 7.3(11), and~~ 7.4(1)), requesting the Commission's authorization. ~~for such Withdrawal.~~ The application must conform to the Commission's Mass Migration Guidelines, as specified in Decision 06-10-021 and as modified from time to time by the Commission. The request ~~shall~~ must state the date and method by which the Utility notified affected customers of the proposed Withdrawal (see Industry Rules 3 and 3.2), and ~~shall~~ must describe the arrangements the Utility has made to ensure continuity of service to affected customers. If the Utility resells Basic Service (or any service element thereof), the arrangements ~~shall~~ must include notice to affected customers that they may choose another service provider or (if no other service provider is chosen) receive Basic Service from the underlying carrier or Carrier of Last Resort. If the Utility uses its own facilities to provide Basic Service, the arrangements ~~shall~~ must include notice to affected customers of the Utility's plans for Transfer of the customers to another carrier. (See Industry Rules 3.1, 8.6.)

8.6 Transfer

8.6.1 Transfer of GRC-LEC or ~~NRF-LEC~~URF Carrier (Incumbent Local Exchange Carrier)

Commission approval for the Transfer of a GRC-LEC, ~~or NRF-LEC~~ or an URF Carrier that is an incumbent local exchange carrier, ~~shall~~must be requested by ~~formal~~ application jointly submitted by the transferor and proposed transferee. See Rule~~s 35-36~~ 3.6 of the Commission's Rules of Practice and Procedure.

8.6.2 Transfer of Interexchange or Competitive Local Carrier

Commission approval for the Transfer of an interexchange carrier or competitive local carrier ~~shall~~ must be requested by advice letter submitted by the proposed transferee. If the proposed transferee does not have authority from the Commission to operate as a Utility, the transferee~~shall~~ must either (1) ~~either~~ register to operate as an interexchange carrier (using the registration form available at the Commission's Internet site), or (2) ~~apply~~ file an application to operate as a competitive local carrier~~,~~ and ~~(2) upon the grant of operating authority by the Commission, submit an advice letter~~ in the application request~~ing~~ approval of the Transfer. The ~~advice letter shall~~ application must include a financial statement, which may be submitted under seal together with a request for confidential treatment (see General Rule 9), demonstrating that the transferee has sufficient assets to operate through the transition period.

8.6.3 Transfer of Commercial Mobile Radio Service Provider

The transferee of a commercial mobile radio service provider ~~shall~~ must submit an information-only filing setting forth changes in the provider's registration information.

8.7 Promotional Offering

A GRC-LEC ~~or NRF-LEC~~ may not submit an advice letter requesting approval of a Promotional Offering unless and until the Utility has received approval for its Promotional Platform.

Industry Rule 9. Notification of DBAs

If a Utility does business under a name other than the name under which it was granted operating authority by the Commission~~,~~ ("doing business as" or "DBA"), the Utility ~~shall~~ must list, as part of its preliminary statement (see General Rule 8.5.3), each name under which the Utility does business. The Utility ~~shall~~ must update this list, as necessary, by submitting an advice letter (see Industry Rule 7.1(1)). If a detariffed ~~carrier~~ Utility does business under a name other than the name under which it was granted operating authority by the Commission, the ~~carrier shall~~ Utility must inform the Commission by submitting an information-only filing with a list of all names under which the ~~carrier~~ Utility does business. The detariffed ~~carrier shall~~ Utility must update this list, as necessary, by information-only filing.

(END OF APPENDIX B)