

TITLE 165. CORPORATION COMMISSION

CHAPTER 57. OPERATOR SERVICE PROVIDERS
TELECOMMUNICATIONS SERVICES

Permanent Rules Effective 7-25-2019

Last Amended
The Oklahoma Register
Volume 36, Number 21
July 15, 2019 Publication
Pages 483-1092

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**CHAPTER 57. OPERATOR SERVICE PROVIDERS
TELECOMMUNICATIONS SERVICES**

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[**AUTHORITY:** Corporation Commission; Article IX, Section 18 of the Oklahoma Constitution, and 17 O.S. §§ 131 *et seq.*]

[**Source:** Codified 7-1-95, Amended at 35 Ok Reg 1057, eff 9-14-18]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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165:57-1-1. Purpose; short title

(a) This Chapter establishes the Oklahoma Corporation Commission rules and regulations governing the regulation and operation of operator service providers (OSPs) operating in Oklahoma which may be cited by the short title as the Oklahoma Operator Service Provider Rules.

(b) This Chapter is intended to protect consumers who make intrastate calls using the assistance of a live or automated operator or store and forward devices from pay telephones, hotels and hospitals, and other public locations and presubscribed customers against unreasonable charges and anti-competitive practices. This Chapter defines good business practices and adequate service standards, prevents unfair rates and charges, ensures that consumers can make an informed choice regarding OSPs and protects OSPs from unreasonable demands. This Chapter is further intended to include all OSP services provided to all subscribers in Oklahoma including operator services provided by IXC, telecommunications service providers, payphone service providers and Resellers.

(c) This Chapter is further intended to allow Oklahoma consumers to receive timely benefits from lawful market driven price and service competition among OSPs by applying only such regulatory requirements to those companies as are necessary to assure public access to telecommunications services under tariff provisions which are not unjustly discriminatory and to preclude unjust and unreasonable rates or charges in the operator services market.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98]

165:57-1-2. Jurisdiction

The Oklahoma Corporation Commission, by virtue of Article IX § 18 *et seq.* of the Constitution of the State of Oklahoma and Title 17 of the Oklahoma Statutes Sections 131 *et seq.*, has authority and responsibility to supervise, regulate, and control OSPs in Oklahoma and to enact rules and regulations in connection therewith.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-3. Application of rules

This Chapter shall apply to every OSP in Oklahoma, which provider is by law subject to the jurisdiction of the Commission, including but not limited to operator services provided by IXC's, telecommunications service providers, payphone service providers and Resellers.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97]

165:57-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Access code" means the preliminary digits that a user must dial to be connected to a particular outgoing trunk group or line.

"Aggregator" means any person or entity that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for intrastate telephone calls including calls using an operator services provider; i.e., customers of an OSP. Aggregators include, but are not limited to, hotels, motels, hospitals, universities, airports, gas stations, and to the extent permitted by law, payphone service providers. Aggregator does not include inmate-only coinless phones provided by correctional institutions but shall include telephones provided for use by the public in visitation areas of correctional institutions.

"Answer supervision" means a network control signal sent from the terminating location to the originating location to inform the originating location that a call has been answered and a network control signal from the originating end to the terminating end to inform the terminating end that a calling party has hung up. In the public switched network, the answer supervision signal is used to start and stop billing for a call.

"Billing agent" means an entity which provides bills to an end-user for services received from an OSP.

"Blocking" means any and/or all of the following:

- (1) The formatting of data into blocks for purposes of transmission, storage, checking, or other functions.
- (2) Denying access to, or use of, a facility, system, or component.
- (3) The failure of a telecommunications network to meet a user service demand, because of the lack of an available communications path.

"Brand" means the audible and distinct identification by the OSP to the consumer of the OSP presubscribed by the aggregator.

"Call splashing" means the transfer of a telephone call from one OSP to another such provider in such a manner that the subsequent provider is unable or unwilling to determine the location of the origination of the call and, because of such inability or unwillingness, is prevented from billing the call on the basis of the actual originating location.

"Commission" means the Oklahoma Corporation Commission.

"Complaint" means any oral or written report given to an OSP by an aggregator or consumer of an OSP's service and/or the Commission's Consumer Services Division relating to dissatisfaction with the provision of or the rate(s) charged for the OSP's service(s). Each complaint shall count as a separate report regardless of whether subsequent reports relate to the same situation giving rise to the dissatisfaction with the provision of or the rate(s) charged for the OSP's regulated

services.

"Consumer" means any person initiating any intrastate telephone call using the assistance of a live or automated operator or any person receiving an intrastate telephone call handled by an OSP in which the called party will be paying for the service.

"Customer trouble report" means any oral or written report given to the OSP's repair service or contact person by an aggregator or consumer of an OSP's service and/or the Commission's Consumer Services Division relating to a defect or difficulty or dissatisfaction with the provision of the OSP's services. Each trouble report shall count as a separate report regardless of whether subsequent reports relate to the same defect, difficulty, or dissatisfaction with the provision of the OSP's regulated services.

"End-user" means the consumer.

"Equal access" means a condition where the local exchange access service offered by a telephone company is made available in equal kind, quality and price to all long distance companies. Equal access also describes a condition where customers may choose for themselves the interexchange carrier to which their long distance calls are to be routed, using the same number of dialed digits regardless of which interexchange carrier is chosen.

"Equal access code" means an access code that allows the public to obtain access to the carrier associated with that code; i.e., 101XXXX.

"FCC" means Federal Communications Commission.

"ILEC" means an Incumbent Local Exchange Company, as defined in OAC 165:55.

"Interexchange telecommunications carrier" ("IXC") means any person, firm, partnership, corporation, or other entity, except incumbent LECs, resellers or OSPs, engaged in furnishing regulated interexchange telecommunications services under the jurisdiction of the Commission.

"InterLATA call" means any call which is originated in one LATA and terminated in another LATA.

"Interstate call" means any call which is originated in one state and terminated within the boundaries of another state.

"Intrastate call" means any call which is originated and terminated within the boundaries of the State of Oklahoma, regardless of whether such call is routed across state boundaries prior to reaching its termination point.

"Joint aggregator" describes a situation where more than one party exercises control over telephone equipment, whether through ownership of the equipment, control of access to the equipment or some other means. Each party is jointly responsible as an aggregator under these rules.

"LATA" means Local Access and Transport Area as defined in the Code of Federal Regulations, Title 47 Part 53.3.

"LEC" means local exchange company, which is a telephone company authorized by the Commission to provide telephone service in a telephone exchange or exchanges.

"Operator service provider" ("OSP") means any common carrier that provides intrastate operator services or any other person or entity determined by the Commission to be providing operator services.

"Operator services" means the initiation of any intrastate telecommunications service, including, but not limited to, services from an aggregator location, or to presubscribed customers, which services include, as a component, any automated or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call.

"Payphone service provider" means any person, firm, partnerships, corporation, cooperative corporation or other lawful entity providing payphone service as defined in OAC 165:58.

"Presubscribed customer" means a customer that has indicated their choice of a primary interexchange carrier for use at their location. The customer's toll calls will then be routed to their presubscribed interexchange carrier, unless the customer designates otherwise, on a per-call basis, by use of a carrier access code.

"Reseller" means any person, partnership, cooperative corporation, or lawful entity that offers telecommunications services to the public through the use of the transmission facilities of an underlying carrier or a combination of its own facilities and the transmission facilities of an underlying carrier for resale to the public for profit, as defined in OAC 165:56.

"Rules of Practice" means OAC 165:5.

"Service" means telecommunications service in its broadest and most inclusive sense, and includes any and all acts done, rendered, or performed and any and all things furnished or supplied by the OSP in the provision of regulated offerings to consumers.

"Streamlined tariff revision(s)" means revision(s) proposed by an OSP which will become effective without notice and hearing or order of the Commission, in the time frame established in OAC 165:57-7-5, unless suspended.

"Telecommunications service provider" means all authorized providers of local exchange service, whether an incumbent LEC or a competitive LEC as defined in OAC 165:55.

"Terms of Service" means rates, charges and terms and conditions for regulated services that a reseller elects to post, in a searchable format, on a publicly available website.

"Zero minus ("0-") call" means an operator-assisted call where the calling party dials zero ("0") for an operator and waits until an operator comes on the line. The caller then states the telephone number they want to reach and the nature (person-to-person, collect, etc.) of the call.

"Zero plus ("0+") call" means an operator-assisted call where the calling party dials zero ("0") followed by the number being called, including the area code. This dialing pattern is used mostly for collect, credit card, person-to-person and third-party-billed calls. The caller indicates the type of call after dialing is completed and an operator may come on line.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-99; Amended at 35 Ok Reg 1057, eff 9-14-18]

165:57-1-5. Interpretation of rules

The words contained in this Chapter shall be given their ordinary and customary meaning, with technical terms and words being construed as generally understood within the telecommunications industry, except where otherwise expressly provided. Where, by its context, this Chapter establishes service standards or objectives, substantial compliance under normal operating conditions will be deemed in compliance with this Chapter. Where, by its context, this Chapter imposes an absolute obligation upon the OSP, strict compliance is required.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-6. Relief from rules

Whenever compliance with any requirement of this Chapter would result in unreasonable hardship upon or excessive expense to the OSP or the consumer, or for other good cause shown, the Commission may, by order, waive or modify the requirements of this Chapter, upon application of any interested person, in accordance with the provisions of OAC 165:5. The Commission may grant temporary relief pending hearing.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97]

165:57-1-7. Exceptions or variances

If an OSP seeks an exception or variance from this Chapter in its tariffs, such exception or variance shall be clearly shown on such tariff, sufficient to plainly bring to the Commission's attention the exact nature of said exception or variance. Any exception not so marked or identified in such tariff shall be superseded by this Chapter to the extent that said exception or variance is in conflict therewith. Upon approval by the Commission, the variance shall indicate the number of the pertinent Commission order.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-8. Supremacy

Every tariff, rule, regulation, or agreement relating to the subject matter of this Chapter is superseded by this Chapter and is deemed amended to conform with this Chapter. With regard to LECs and IXCs, this Chapter is intended to supplement OAC 165:55, the Commission's rules, and where a conflict arises, the provisions of this Chapter shall supersede OAC 165:55 with respect to LEC-provided and IXC-provided operator services only.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 15 Ok Reg 3092, eff 7-15-98]

165:57-1-9. Rules conform to law

This Chapter shall be construed to conform with the Constitution and laws of the State of Oklahoma.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-10. Controversy over rules

Whenever a controversy exists in connection with the interpretation of this Chapter or its applicability, or any right or any duty imposed thereby, the Commission, upon application of any interested person and after notice and hearing, shall enter such order thereon as it may deem appropriate.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-11. Severability

This Chapter shall not relieve in any way an OSP or aggregator from any of its duties under the laws of this State or the United States. If any provision of this Chapter is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-12. Conflict with Commission order

This Chapter shall not alter or amend any order of the Commission directed to OSPs, except

where the provisions thereof are in direct conflict with any of this Chapter, in which case this Chapter shall supersede the provisions of such order to the extent of conflict only.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-13. Conflict with filed tariffs

All tariffs previously filed by an OSP and approved by the Commission are not revoked, altered or amended by this Chapter, except to the extent they are in direct conflict with any provision of this Chapter, in which event such tariffs are superseded by this Chapter to the extent of conflict only.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-1-14. Tariff conformance [REVOKED]

[Source: Revoked at 14 Ok Reg 2872, eff 7-15-97]

165:57-1-15. Universal service

Pursuant to OAC 165:59-3-40, every entity that operates or provides telecommunications service within the State of Oklahoma shall contribute, on a nondiscriminatory basis, into the Oklahoma Universal Service Fund.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-1-16. Operator service intended for exclusive use of inmates

Operator services provided to payphones located in a state, federal, local, or county jail or in a correctional facility, which are intended for the exclusive use of prisoners, shall not be required to meet the minimum service requirements set forth in OAC 165:57-3-1(a)(6)(A) and (B), OAC 165:57-3-2(b)(1),(2),(3),(4), and (7), OAC 165:57-3-2(c), and OAC 165:57-3-3.

[Source: Added at 16 Ok Reg 2312, eff 7-1-99]

SUBCHAPTER 3. OPERATIONS

Section

- | | |
|-------------|---|
| 165:57-3-1. | General operations - operator service providers |
| 165:57-3-2. | General operations - aggregators |
| 165:57-3-3. | Immediate routing of emergency calls |

165:57-3-1. General operations - operator service providers

(a) Every OSP shall:

- (1) Brand to the end-user at the beginning of each telephone call. For third party or collect calls, similar identification shall be made to the consumer who is responsible for payment.
- (2) If subscribing to a LEC's 0- Transfer or similar service, not knowingly take any action that would deny other OSPs who subscribe to said 0- Transfer or similar service an equal opportunity of being offered to and chosen by the end-user where the end-user is indifferent to

the OSP who carries the call. LECs who provide a 0- Transfer or similar service shall administer said service in a manner designed to assure that OSPs who subscribe to said service have an equal opportunity of being offered to and chosen by the calling party where the calling party does not have a preference.

(3) Permit the end-user to terminate the telephone call at no charge before the call is connected.

(4) Disclose immediately to the end-user, upon request and at no charge to the end-user:

(A) A quote of its rates or charges for the call.

(B) The methods by which such rates or charges will be collected.

(C) The methods by which complaints concerning such rates, charges, or collection practices will be resolved.

(5) Ensure, by contract or tariff, that each aggregator for which such provider is the presubscribed provider of operator services is in compliance with the requirements of this Chapter.

(6) Withhold payment (on a location by location basis) of any compensation, including commissions, to aggregators if such provider reasonably believes that the aggregator is:

(A) Blocking access to intrastate common carriers by means of "800", "888", "950", or 10XXX access codes.

(B) Blocking access to the LEC operator on 0- calls.

(C) Blocking access to emergency services in violation of the requirements of this Chapter.

(7) Not bill for unanswered telephone calls in areas where equal access and answer supervision is available.

(8) Not knowingly bill for unanswered telephone calls where equal access is not available.

(9) Not engage in call splashing, unless the end-user requests to be transferred to another provider of operator services, and the end-user consents to be transferred after it has been informed, prior to incurring any charges, that the rates for the call may not reflect the rates from the actual originating location of the call.

(10) Except as provided in (9) of this subsection, not bill for a call that does not reflect the location of the origination of the call.

(11) Be prohibited from billing and collecting any aggregator surcharges not specifically outlined in the tariffs required to be filed with the Commission under the provisions of this Chapter. In no case shall the tariffed aggregator surcharge exceed the amount of one dollar (\$1.00).

(b) OSPs using automated equipment that will under certain circumstances transfer a call to another carrier will be allowed to brand after the input of billing information, to avoid end-user confusion.

(c) OSPs shall not use the name of another party in the brand, unless that party has consented in writing to the use of its name in the brand.

(d) OSPs shall regularly publish, to coincide with the publishing requirements of the FCC, and make available at no cost to inquiring consumers, written materials that describe any recent changes in operator services and in the choices available to consumers in that market.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97]

165:57-3-2. General operations - aggregators

(a) An OSP and, to the extent permitted by law, a payphone service provider will have joint responsibility and liability for noncompliance as aggregators, unless otherwise agreed to in writing

by the parties. This "joint aggregator" status must be determined based on the facts of each situation.

(b) Aggregators/joint aggregators shall:

(1) Post signage on or near telephones that are presubscribed to an OSP. The signage will state the following information:

(A) The name, address, and toll-free telephone number of the OSP.

(B) A written disclosure that the rates for all operator-assisted calls are available on request, and that consumers have a right to obtain access to the intrastate carrier of their choice and may contact their preferred intrastate carriers for information on accessing that carrier's service using that telephone.

(C) The name, address, hours of operation (8:00 a.m. - 4:30 p.m., Monday through Friday), and toll free telephone number of the Consumer Services Division of the Commission, to which the end-user may direct complaints and questions regarding operator services.

(D) The amount of any property surcharge applicable to the aggregator's phones and billed and collected by the OSP.

(2) Ensure that each of its telephones presubscribed to an OSP allows the consumer to use "800", "888", "950" and 101XXXX access code numbers to obtain access to the OSP desired by the consumer.

(3) Ensure that no charge by the aggregator to the end-user for using an "800", "888", "950" or 101XXXX access code number, or any other access code number, is greater than the amount the aggregator charges for calls placed using the presubscribed OSP.

(4) Directly route all "0-" calls to the LEC operator without charge to the caller.

(5) In addition to the requirement of OAC 165:57-3-2(b)(1), an OSP/aggregator shall disclose, audibly and distinctly, to the end-user, at no charge and before connecting any intrastate 0+ call, how to obtain the total cost of the call, including any and all surcharges, or the maximum possible total cost of the call, including any and all surcharges, before providing further oral advice to the end-user on how to proceed to make the call.

(6) The oral disclosure required in this subsection shall instruct end-users that they may obtain applicable rate and surcharge quotations either, at the option of the provider of operator services, by dialing no more than two digits or by remaining on the line.

(7) The disclosure requirement established by paragraphs 5 and 6 of this Section shall be made on or before the date mandated by the FCC.

(c) The OSP identified in the brand must be consistent with the OSP identified on the signage posted on or near the aggregator's telephones.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-99]

165:57-3-3. Immediate routing of emergency calls

OSPs shall connect an emergency call immediately to the emergency service provider that responds to the type of reported emergency at the site of the emergency, if known, or, if not known, to the local exchange provider at the originating location of the call. In the case of automated systems, the end-user will be directed through a call sequence that allows them to speak with a live operator who will process the emergency call.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 15 Ok Reg 3092, eff 7-15-98]

SUBCHAPTER 5. CERTIFICATES, REPORTS, AND RECORDS

PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY

Section

- 165:57-5-1. Certificate of Convenience and Necessity
165:57-5-2. Notice of hearing for Certificate of Convenience and Necessity [REVOKED]
165:57-5-2.1. Notice requirements when filing an Application for Certificate of Convenience and Necessity
165:57-5-3. Approval of initial tariffs

PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS

Section

- 165:57-5-20. Who shall file
165:57-5-21. Location of records
165:57-5-22. Retention of records
165:57-5-23. Records to be provided to the Commission
165:57-5-24. Record of customer complaints
165:57-5-25. Report attestation

PART 1. CERTIFICATES OF CONVENIENCE AND NECESSITY

165:57-5-1. Certificate of Convenience and Necessity

(a) **Requirement for Certificate of Convenience and Necessity.** No person or entity shall furnish operator services to any end-user in the State of Oklahoma without first having secured a Certificate of Convenience and Necessity from the Commission. ILECs and certificated IXC's providing operator services prior to January 1, 1996, shall not be required to obtain a Certificate of Convenience and Necessity for the operator services being provided on that date.

(b) **Application for Certificate of Convenience and Necessity.** An applicant to the Commission for a Certificate of Convenience and Necessity to provide operator service in the State of Oklahoma shall be required to demonstrate its financial, managerial and technical ability to provide the requested operator service in the State of Oklahoma. An application for Certificate of Convenience and Necessity to provide operator services shall be made pursuant to the requirements of 17 O.S. § 131 *et seq.* and shall conform to the requirements thereof and with the Commission's Rules of Practice, OAC 165:5, and any additional requirements set forth in this Chapter. An application for a Certificate of Convenience and Necessity shall be in a format approved by the Director of the Public Utility Division. An original and four (4) copies of the application for a Certificate of Convenience and Necessity shall be filed with the Commission's Court Clerk. A filing fee pursuant to the Commission's Rules of Practice, OAC 165:5, shall be required.

(c) **Application requirements for Certificate of Convenience and Necessity.** An application to the Commission for a Certificate of Convenience and Necessity to provide operator services shall include as attachments to the application the following information, which must be certified as true

and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant, in the format set forth in Appendix G to this Chapter:

- (1) As applicable the complete name, including each and every trade name(s) under which business will be conducted, corporate or other headquarters address and names/addresses of principal corporate officers or partners of the entity proposing to provide operator services to the public in the State of Oklahoma. Also, include the telephone number and, if applicable, the toll free telephone number.
- (2) If different from those provided in paragraph (1) of this subsection, the name(s) and address(es) of all officers and corporate offices of the OSP located in the State of Oklahoma and the name(s) and address(es) of employee(s) responsible for Oklahoma operations.
- (3) A copy of the applicable certificate, issued by Oklahoma's Secretary of State to transact business in the State of Oklahoma.
- (4) A copy of the Corporate Trade Name Report, issued by Oklahoma's Secretary of State, shall be provided for each and every trade name, i.e. a d/b/a, used by the operator service provider in the State of Oklahoma.
- (5) A financial statement.
- (6) Contact name(s), address(es) and the toll free telephone number(s) of the individual(s) responsible for providing service to Aggregators and consumers, for repairs and maintenance, for answering complaints, and supplying refunds. This will be the principal contact to be utilized by the Commission's Consumer Services Division and Public Utility Division regarding questions and complaints against the company.
- (7) A description of the OSP's proposed procedures used to verify customer-ordered changes in presubscribed carriers, including, but not limited to a proposed "letter of agency" that is consistent with the requirements of 47 CFR Ch.1, Section 64.1150, proposed independent third-party verification script and/or proposed telephone contact script.
- (8) A complete set of proposed tariffs which shall include terms and conditions of service and all rates, tolls, charges, and service classifications in a format approved by the Director of the Public Utility Division. The proposed tariffs shall comply with OAC 165:57-7-1 through OAC 165:57-7-3.
- (9) An example of signage proposed to be utilized by the OSP which is in conformance with OAC 165:57-3-2.
- (10) A copy of the applicant's proposed complaint report form which is consistent with OAC 165:57-5-24. The complaint report form and complaint codes suggested by the Director of the Consumer Services Division are included as Appendix H and Appendix I, respectively, to this Chapter.
- (11) A written affirmation, signed before a Notary Public by someone with authority to bind the applicant, in a format approved by the Director of the Public Utility Division that:
 - (A) The information contained in the application is true and correct;
 - (B) The OSP is familiar with and will comply with all applicable federal and state laws, and the rules and orders of the Commission;
 - (C) The applicant possesses the financial ability to provide operator service(s) in the State of Oklahoma;
 - (D) The OSP will contribute to the Oklahoma Universal Service Fund pursuant to OAC 165:59; and,
 - (E) The OSP understands the Commission's contempt authority.

(12) A statement regarding whether the applicant intends to utilize the services of a billing agent to issue bills to end-users.

(13) A brief description of its history of providing the requested telecommunications service, or other telecommunications services, in order to demonstrate its managerial experience. The history shall include a list of the geographic areas in which it previously provided service and/or is currently providing service, and such other documentation as may be requested by the Commission. Applicants for a Certificate of Convenience and Necessity without prior experience shall list the experience of each principal officer, partner, or the sole proprietor in order to demonstrate its managerial ability, and/or provide other documentation as may be requested by the Commission.

(14) A description of the applicant's experience in providing telecommunications services in order to demonstrate its technical abilities. In the case of applicants for a Certificate of Convenience and Necessity without prior experience, the applicant shall provide documentation which supports its technical abilities, or other documentation as may be requested by the Commission.

(15) A list of all other states, if any, where:

(A) The applicant is authorized to operate;

(B) Authorization to operate is pending;

(C) A request for authorization has been denied, including the reason stated for denial, with a certified copy of the denial document attached; and/or,

(D) Authorization has been revoked, with a certified copy of the revocation document attached.

(d) **Requirements for expanding authority under an existing CCN.** An Applicant wishing to expand its service authority under an existing Certificate of Convenience and Necessity granted pursuant to Chapters 55, 56, and/or 58, must make application to the Commission and provide all information and notice as required in Sections 165:57-5-1(c) and 165:57-5-2. However, information submitted in support of a previous Application for certification, if such Application was approved by the Commission, may be used in support of the current Application by providing a written affirmation, signed before a Notary Public, and by someone with authority to bind the Applicant, stating that the previously submitted information is still true and correct, and circumstances have not changed. If the previously submitted information is no longer true and correct, or if circumstances have changed, Applicant shall submit updated information along with a written affirmation fully explaining all changed circumstances.

(e) **Amended Application.** During the Staff's review of the OSP's application, certain revisions and/or corrections to documents attached to the application may be requested. After the parties have agreed to the necessary revisions and/or corrections, such revisions and/or corrections shall be attached to an amended application. The OSP shall file an original and four (4) copies of its amended application with the Commission's Court Clerk. Requested revisions and/or corrections may include, but shall not be limited to:

(1) Revisions to the applicant's proposed tariffs;

(2) Provision of documents omitted from the originally filed application; and/or,

(3) Correction of the statement, in the body of the application only, regarding the services for which authority to provide is being sought.

(f) **Additional Information.** The Public Utility Division Staff may issue data requests for additional relevant information as may be necessary. Data request responses should be submitted

to the Staff member requesting the information, and not filed with the Commission's Court Clerk. (g) **Approval requirement.** Unless provided otherwise in this Chapter, or by the laws of the State of Oklahoma, no Certificate of Convenience and Necessity shall be granted except by Order of the Commission, after such notice and hearing, if any, as directed by the Commission.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-99; Amended at 19 Ok Reg 2006, eff 7-1-2002; Amended at 21 Ok Reg 2127, eff 7-1-04; Amended at 35 Ok Reg 1057, eff 9-14-18]

165:57-5-2. Notice of hearing for Certificate of Convenience and Necessity [REVOKED]

[Source: Added at 16 Ok Reg 2312, eff 7-1-99; Amended at 21 Ok Reg 2127, eff 7-1-04; Revoked at 35 Ok Reg 1057, eff 9-14-18]

165:57-5-2.1. Notice requirements when filing an Application for Certificate of Convenience and Necessity

Applicants seeking a Certificate of Convenience and Necessity shall meet all notice requirements set forth in this Section.

(1) Requirements for filing an Application of a Certificate of Convenience and Necessity. An Application for a Certificate of Convenience and Necessity shall be delivered by mail, electronic mail or by personal service to the following people and/or entities:

(A) The Oklahoma Attorney General;

(B) The Commission's Director of the Public Utility Division;

(i) The Application delivered to the Director of the Public Utility Division shall be file-stamped by the Commission's Court Clerk and shall be delivered to the Director of the Public Utility Division in electronic copy form only.

(ii) The Director of the Public Utility Division shall update and post a report that includes reference to the Application of Certification of Convenience and Necessity on the Commission's website, within five (5) business days of receipt.

(C) The governing body of each Enhanced 911 Public Safety Answering Point (E911 PSAP) operating in the proposed service territory of the Applicant.

(D) The ILEC in the proposed service territory.

(2) Publication of a Notice of Application of a Certificate of Convenience and Necessity. The Notice required by 17 O.S. § 132 shall be published as follows:

(A) In newspapers of general circulation once a week for two (2) consecutive weeks with at least seven (7) days apart in each service territory affected.

(B) Publication shall be at the expense of the applicant.

(C) A "Proof of Publication" document shall be filed with the Commission's Court Clerk within fifteen (15) days of the last publication date.

(3) Requirements for a Notice of Hearing on an Objection to a Certificate of Convenience and Necessity.

(A) When an objection is made in a cause of an Application of a Certificate of Convenience and Necessity, the Applicant shall promptly file a Notice of Hearing at the Commission's Court Clerk requesting a date for a hearing on the merits of the application.

(B) Within ten (10) business days prior to the date of the hearing, the Applicant shall serve the notice by delivering a file-stamped copy by mail, electronic mail or by personal service to the following people and/or entities:

- (i) The Oklahoma Attorney General;
- (ii) The Commission's Director of the Public Utility Division; and
- (iii) Any Intervenors, including the person or entity filing the objection.

[Source: Added at 35 Ok Reg 1057, eff 9-14-18]

165:57-5-3. Approval of initial tariffs

(a) No later than twelve (12) months after being granted a Certificate of Convenience and Necessity, pursuant to OAC 165:57-5-1, an operator service provider shall file an Application requesting approval of its initial tariffs, unless filed pursuant to OAC 165:57-5-1(c)(8), which include the terms and conditions of service and all rates and charges for each service classification, in a format consistent with Subchapter 5 of this Chapter.

(b) All entities seeking approval of an initial tariff shall serve the file-stamped Application by mail, electronic mail, or personal service to the Oklahoma Attorney General and the Director of the Public Utility Division.

(c) The initial tariffs shall not become effective except by order of the Commission after such notice and hearing, if any, as directed by the Commission.

(d) No later than thirty (30) days after approval of the initial tariffs, an original and two (2) copies of the approved tariffs, which conform to OAC 165:57-7-3, shall be provided to the Public Utility Division.

[Source: Added at 35 Ok Reg 1057, eff 9-14-18]

PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS

165:57-5-20. Who shall file

The record keeping, reporting, and filing requirements listed in this Chapter shall apply to all OSPs operating in the State of Oklahoma.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-5-21. Location of records

All records required by this Chapter shall be kept at a location which has been identified to the Commission's Director of the Public Utility Division. The records required by this Chapter shall be made available to the Commission or its authorized representative at any reasonable time upon request.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-5-22. Retention of records

All records required by this Chapter shall be preserved for two (2) years.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-5-23. Records to be provided to the Commission

(a) **Annual report of operations.** Not later than April 1 of the year following the reporting year each OSP shall provide to the Director of the Public Utility Division an annual report in a format approved by the Director of the Public Utility Division. In addition, OSPs shall file a copy of any annual reporting form required by the FCC. The Oklahoma annual report will contain only Oklahoma operations.

(b) **Other information.** Each OSP shall promptly furnish such other information as the Commission Staff may request, unless otherwise ordered by the Commission.

(c) **Contact names.** Each OSP shall notify, in writing, the Director of the Public Utility Division and the Director of the Consumer Services Division within thirty (30) days of a change in the company-designated contacts for Public Utility Division and Consumer Services Division issues. If the below information is unavailable, the OSP may seek a waiver from the PUD Director by making a request in writing.

(1) The update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s).

(2) The contact name(s) provided pursuant to this subsection shall be the individual(s) primarily responsible for:

(A) Providing customer service;

(B) Repair and maintenance;

(C) Answering complaints;

(D) Authorizing and/or furnishing refunds to customers; and,

(E) Tariff issues;

(F) Billing inquiries;

(G) Regulatory matters;

(H) Oklahoma Universal Service Fund (and Monthly Payout, Fee Assessment, Requests for Funding, if different);

(I) PUD Fee Assessment (and Fee Assessment Payments, if different);

(J) Primary emergency;

(K) Afterhours emergency;

(L) Annual reporting;

(M) Attorney for regulatory matters; and

(N) Community Liaison.

(d) **Other information.** Each OSP shall promptly furnish such other information as PUD or the Commission may request, unless otherwise ordered by the Commission.

[Source: Added at 12 Ok Reg 2157, eff 7-25-95; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-99; Amended at 19 Ok Reg 2008, eff 7-1-2002; Amended at 36 Ok Reg 713, eff 7-25-19]

165:57-5-24. Record of customer complaints

(a) Each OSP shall maintain a record of customer complaints, in the format suggested by the Director of the Consumer Services Division and included as Appendix H to this Chapter, that compiles complaints that have been received by the company and includes, at a minimum:

- (1) The aggregators and/or end-users name;
 - (2) The account number;
 - (3) The applicable complaint code;
 - (4) The date the complaint was filed; and,
 - (5) The resolution of the complaint, to include the amount of refund, if any, given.
- (b) If the account number only is utilized, a cross-reference with the aggregators and/or end-users name must also be readily available.
- (c) The categories of complaints to be used shall be negotiated between the individual OSP and the Director of the Consumer Services Division. A list of the suggested customer complaint codes is attached as Appendix I to this Chapter.
- (d) Each complaint shall count as a separate report regardless of whether subsequent reports relate to the same difficulty or dissatisfaction with the provision of the OSP's services.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-99]

165:57-5-25. Report attestation

All reports required by this Chapter to be submitted to the Commission shall be attested to by an officer or manager of the OSP under whose direction the report is prepared, or if under trust or receivership, by the receiver or a duly authorized person, or if not incorporated, by the proprietor, manager, superintendent, or other official in charge of the OSP's operation.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

SUBCHAPTER 7. TARIFFS

Section

- | | |
|---------------|--|
| 165:57-7-1. | Tariffs and/or Terms of Service required |
| 165:57-7-2. | Information to be included in an OSP's tariff |
| 165:57-7-3. | Requirements as to size, form, and identification of tariffs |
| 165:57-7-4. | Symbols for changes |
| 165:57-7-5. | Revisions to tariffs |
| 165:57-7-5.1. | Name changes and/or trade name additions |
| 165:57-7-5.5. | Confidential information related to tariffs |
| 165:57-7-6. | Suspension |
| 165:57-7-7. | Objections |

165:57-7-1. Tariffs and/or Terms of Service required

(a) All OSPs must file a tariff describing the services offered, the terms and conditions under which each of the services are provided and all effective rates and charges for operator services. Only those services contained in the OSP's tariff filed and approved by the Commission or Terms of Service may be provided to customers and only those rates and charges contained in the OSP's tariff on file with the Commission or Terms of Service may be charged to customers. The filed

tariffs and/or Terms of Service are binding on the OSP and no deviation of any kind from the filed tariff or Terms of Service is permitted.

(b) Except as required in OAC 165:57-7-5, not later than thirty (30) days after the effective date of the tariff, an original and two (2) copies of the approved tariff which conforms to OAC 165:57-7-3 shall be provided to the Public Utility Division.

(c) An operator service provider which has a written tariff on file with the Commission may withdraw the tariff if the operator service provider:

(1) provides written notice to the Director of the Public Utility Division and the Oklahoma Attorney General that it is withdrawing the tariff,

(2) posts the Terms of Service, and

(3) provides the Commission with the web page information where the language is posted.

(d) The Commission maintains the same authority to review the Terms of Service of an operator service provider, as permitted by OAC 165:57-7-5.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 16 Ok Reg 2312, eff 7-1-99; Amended at 19 Ok Reg 2008, eff 7-1-2002; Amended at 35 Ok Reg 1057, eff 9-14-18]

165:57-7-2. Information to be included in an OSP's tariff

The tariff shall include the following information:

(1) Table of contents.

(2) Symbols for changes in tariff.

(3) Applicability of the tariff.

(4) Accessibility and availability of tariffs. Each OSP shall, upon request by an aggregator or end-user, provide a copy of any relevant portion of this Chapter, and/or the applicable portion of the requested tariff(s) to such aggregator or end-user, at a reasonable charge.

(5) Detailed billing and collection information.

(6) Detailed information regarding handling of complaints and disputed charges.

(7) All services provided by the company and a detailed explanation of each.

(8) All rates and charges applicable to services provided in Oklahoma.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97]

165:57-7-3. Requirements as to size, form and identification of tariffs

(a) All tariffs shall be in loose leaf form of a size eight and one-half inches by eleven inches (8-1/2" x 11") and shall be plainly printed or reproduced on only one side of paper of good quality. The tariff shall be in the format presented in Appendix B to this Chapter. The front page of the tariff shall contain the name of the OSP and location of its principal office.

(b) Tariff sheets are to be numbered consecutively. Each sheet shall show the Cause Number, wherein the tariff was approved by the Commission, and, where applicable, the Order Number for such approval. Each sheet shall show an effective date, an issue date, a revision number, section number or title, sheet number, name of the OSP along with all trade names used by the OSP, and the name of the tariff in a consistent manner. Sheets issued under new numbers are to be designated as original sheets. Sheets being revised should show the number of the revision, and the sheet numbers shall be the same.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 19 Ok Reg 2008, eff 7-1-2002]

165:57-7-4. Symbols for changes

(a) Each OSP shall include in their tariff, notations indicating each change made with the proposed application or revision. Notations (referred to as tariff symbols) to be used are:

- (1) "AT" means addition to text.
- (2) "C" means correction.
- (3) "CP" means change in practice.
- (4) "CR" means change in rate.
- (5) "CT" means change in text.
- (6) "DR" means discontinued rate.
- (7) "FC" means a change in format lettering or numbering.
- (8) "MT" means moved text.
- (9) "NR" means new rate.
- (10) "RT" means removal of text.

(b) In addition to symbols for changes, each provision or rate element changed shall contain a vertical line which clearly shows the exact number of lines being changed.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95]

165:57-7-5. Revisions to tariffs

(a) New or revised tariffs describing operator services shall have an effective date on or after the day following the day the submission is delivered to the Director of the Public Utility Division, subject to the following conditions:

- (1) The submission delivered to the Public Utility Division shall include a cover letter, a mark-up copy of the new or revised tariff pages in legislative format, and a final copy of the new or revised tariff pages.
- (2) The effective date of the new or revised tariff submitted to the Commission shall be stated on the face of the new or revised tariff pages.
- (3) A new or revised tariff submitted to the Commission shall comply with the notice requirements of this subchapter. A copy of the notice shall accompany the submission. The submission shall clearly identify the date of notice and the method used to provide notice.
- (4) The Commission may permit electronic submission of new or revised tariffs when technically feasible.

(b) After investigating, the Public Utility Division may file an application with the Commission seeking to revoke or modify any tariff. After notice and hearing, the Commission may issue an order prospectively revoking or modifying any tariff for good cause.

(c) The burden of proof to show that a proposed or revised tariff is just and reasonable shall be upon the company proposing the new or revised tariff.

(d) Notice of rate increase. Prior to or concurrent with the effective date of any increased rate, the OSP shall provide notice to the Director of the Public Utility Division, the Oklahoma Attorney General, and the affected aggregators or end-users of the increase. Said notice shall be provided by any of the following:

- (1) Prominent display on the aggregator's or end-user's bill;
 - (2) Direct mailing;
 - (3) Prominent display on an insert in the end-user's bill; or,
 - (4) Any other method of notice approved by the Director of the Public Utility Division.
- (e) Failure to provide the information required by this Section at the time of submission may result in the proposed tariff revision(s) and/or new service offering(s) being suspended pursuant to OAC 165:57-7-6 and, if suspended, the tariff revision(s) and/or new service offering(s) shall not be placed into effect under any circumstances, until further order of the Commission.
- (f) The burden of proof to show that a proposed or revised tariff is just and reasonable shall be upon the company proposing the new or revised tariff.

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-99; Amended at 21 Ok Reg 2129, eff 7-1-04; Amended at 35 Ok Reg 1057, eff 9-14-18]

165:57-7-5.1. Name changes and/or trade name additions

Tariff revisions to reflect a change to the name and/or change, deletion or addition of a trade name under which the OSP will be doing business in the State of Oklahoma shall become effective, without Commission order, the date of filing such tariffs, provided the filing contains the attestation required by subparagraph (5) of this Section. The request for name change or request for change, addition, or deletion of a trade name shall be accompanied by the following, as applicable:

- (1) An amended Certificate of Incorporation effecting a change of name pursuant to 18 O.S. § 1076, 1077 or 1031;
- (2) A Trade Name Report filed with the Secretary of State as provided in 18 O.S. § 1140;
- (3) A Withdrawal of Trade Name Report filed with the Secretary of State as provided in 18 O.S. §1140.1;
- (4) A Transfer of Trade Name Report filed with the Secretary of State as provided in 18 O.S. § 1140.2; and,
- (5) An attestation that the tariffs are identical to the existing tariffs of the OSP except for the name change or change, addition or deletion of a trade name.

[Source: Added at 16 Ok Reg 2312, eff 7-1-99]

165:57-7-5.5. Confidential information related to tariffs

- (a) With the exception of information and data related to the dollar and percentage impacts of the proposed change(s) on aggregator or end-user rates and the rationale for the proposed tariffs, all information and data required by OAC 165:57-7-5(d) to be delivered to the Public Utility Division Staff concurrent with the filing of a proposed tariff revision and any additional financial or cost data, or data which is identifiable to a specific customer, that is requested by the Public Utility Division Staff, shall be deemed confidential records or trade secrets of the IXC, telecommunications service provider, payphone service provider, reseller or OSP under the Oklahoma Open Records Act as provided for by 51 O.S. § 24A.22 and shall be kept confidential by the Commission, unless successfully challenged.
- (b) All confidential information and data submitted to the Public Utility Division Staff under

subsection (a) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:57-7-5(d)."

(c) For each tariff filing submitted by an IXC, telecommunications service provider, payphone service provider, reseller or OSP in accordance with OAC 165:57-7-5(d), the same confidential information and data provided to the Public Utility Division Staff shall also be provided to the Office of the Attorney General of the State of Oklahoma upon the signing of a Proprietary Agreement by the Attorney General or its representative.

(d) All confidential information and data provided to the Office of the Attorney General under subsection (c) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:57-7-5(d)."

[Source: Added at 14 Ok Reg 2872, eff 7-15-97; Amended at 15 Ok Reg 3092, eff 7-15-98]

165:57-7-6. Suspension

(a) Any tariff filed with the Commission or submitted to the Director of the Public Utility Division pursuant to OAC 165:57-7-5 may be suspended by Commission Order, with or without notice or hearing, on recommendation by Public Utility Division Staff. The Commission may also order suspension of proposed revisions on motion by an aggrieved party, after notice and hearing.

(b) To lift the suspension of any filing or submission made by an OSP pursuant to this Chapter, whether the application has been subsequently amended after the suspension or not:

(1) The applicant shall file a motion pursuant to OAC 165:5-9-2(b), which requests that the suspension be lifted, giving notice to the Oklahoma Attorney General and to all parties of record; or,

(2) The application may be set for hearing on the merits at a time to be agreed upon by the Public Utility Division and the applicant.

(c) If the application is scheduled for hearing pursuant to paragraph (b)(2) of this Section and the time for filing an objection to the amended filing has not elapsed, the Notice of Hearing shall be sent to the Oklahoma Attorney General and to any party(ies) of record.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 15 Ok Reg 3092, eff 7-15-98; Amended at 35 Ok Reg 1057, eff 9-14-18]

165:57-7-7. Objections

Any entity wishing to object to an initial tariff filed pursuant to this Chapter may file objections with the Commission's Court Clerk within fifteen (15) days after the proposed tariff is filed. Any such objection shall comply with the requirements of OAC 165:5, the Commission's Rules of Practice, and this Chapter, and must contain a specific description of the basis for the objection and all information necessary to allow evaluation of the objection. The objecting entity shall promptly serve its objection on the OSP which filed the proposed initial tariff, the Director of the Public Utility Division and the Oklahoma Attorney General.

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 35 Ok Reg 1057, eff 9-14-18]

SUBCHAPTER 9. BILLING, DISPUTES AND CEASING OPERATIONS [REVOKED]

Section

- 165:57-9-1. Billing for unanswered calls [REVOKED]
- 165:57-9-2. Disputed charges [REVOKED]
- 165:57-9-3. Notification when an OSP withdraws from business [REVOKED]

165:57-9-1. Billing for unanswered calls [REVOKED]

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Revoked at 15 Ok Reg 3092, eff 7-15-98]

165:57-9-2. Disputed charges [REVOKED]

[Source: Added at 12 Ok Reg 2157, 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97; Revoked at 15 Ok Reg 3092, eff 7-15-98]

165:57-9-3. Notification when an OSP withdraws from business [REVOKED]

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Revoked at 15 Ok Reg 3092, eff 7-15-98]

SUBCHAPTER 10. BILLING AND BILLING PAYMENT REQUIREMENTS

Section

- 165:57-10-1. Billing period
- 165:57-10-2. Bills rendered by a billing agent
- 165:57-10-3. Content of bills
- 165:57-10-4. [RESERVED]
- 165:57-10-5. Due date and penalty
- 165:57-10-6. [RESERVED]
- 165:57-10-7. Request for payments other than normal billings
- 165:57-10-8. [RESERVED]
- 165:57-10-9. Disputed charges
- 165:57-10-10. [RESERVED]
- 165:57-10-11. Billing for unanswered calls

165:57-10-1. Billing period

Bills to customers shall be issued monthly, unless the OSP's approved terms and conditions of service prescribe a different interval. Bills may be issued on a billing cycle. All end-users shall receive their bills via the United States mail, unless the end-user agrees with the operator service provider to receive a bill through different means, such as electronically via the Internet. Whatever the method of delivery, bills shall comply with 165:57-10-3.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98; Amended at 19 Ok Reg 2008, eff 7-1-2002]

165:57-10-2. Bills rendered by a billing agent

(a) An OSP shall not act as a billing agent for a reseller, telecommunications service provider, IXC or another OSP, unless the OSP fully discloses on the bill the toll-free number of the certificated entity for whom the bill is being rendered or, if the billing agent has been given authority to make adjustments to the customer's bill, its toll-free number.

(b) An OSP shall not utilize the services of a billing agent unless the OSP requires that the billing agent follow the procedures set forth in OAC 165:57-10-5 through OAC 165:57-10-11.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-3. Content of bills

(a) **Bill organization.** Telephone bills shall be clearly organized, and must comply with the following requirements:

(1) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill.

(2) Where charges for two or more service providers appear on the same telephone bill, the charges must be separated by service provider.

(3) The telephone bill must clearly and conspicuously identify any change in the service provider, including identification of charges from any new service provider.

(4) The telephone bill shall clearly and conspicuously label all fees, surcharges, taxes, and usage rates, associated with the customer's use of the provider's service, including but not limited to, calling plans, universal service fees, access fees, and other separated charges.

(b) **Descriptions of billed charges.** Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that end-users can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the costs assessed for those services conform to their understanding of the price charged.

(c) **Quantification of billed charges.** All bills shall also contain the following:

(1) Balance in each billed account at the beginning of the current billing cycle, using a term such as "previous balance";

(2) Amount of the charges debited to each billed account during the current billing cycle, using a term such as "current service";

(3) Amount of payments made to each billed account from the previous billing cycle, using a term such as "payments";

(4) Amount of the charges debited to each billed account during the current billing cycle for untimely payment of past charges, using a term such as "late charge";

(5) A listing of the closing dates of the current billing cycle and the outstanding balance in each billed account on that date, specifying the "current amount due" and the "past due";

(6) A listing of the statement, or payment, due date.

(d) **Disclosure of inquiry contacts.**

(1) Billing agents shall prominently display, a toll-free number or numbers by which end-users may inquire or dispute any charges on each bill. Where the end-user does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this requirement by providing an e-mail or web site address on each

bill. Each carrier must make a business address available upon request from an end-user.

(2) An operator service provider may list a toll-free number for itself, a clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the end-user's account and is fully authorized to resolve the end-user's complaints on the service provider's behalf.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98; Amended at 19 Ok Reg 2008, eff 7-1-2002]

165:57-10-4. [RESERVED]

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-5. Due date and penalty

Unless otherwise authorized by the Commission, bills shall be payable immediately upon receipt and past due twelve (12) days after the date of the OSP mailing or after any deferred payment date previously established either by oral or written agreement between an end-user and the OSP. The date after which the bill is past due shall be stated on the bill. If the bill is not paid when past due, the OSP may apply late payment charges on any unpaid balance as provided in its filed, approved tariffs. Payment shall not be considered late if it is received by the due date at an authorized office.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-6. [RESERVED]

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-7. Request for payments other than normal billings

The OSP shall issue a bill for any additional charges other than those charges normally billed on the regular billing cycle. The OSP shall not issue a notice of disconnection prior to five (5) days after the mailing of a bill for additional charges.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-8. [RESERVED]

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-9. Disputed charges

(a) In the event of a dispute between an end-user and an OSP, the OSP shall make such investigation as is required by the particular case, and report the results thereof to the end-user.

(b) In the event the dispute is not resolved, the OSP shall inform the end-user that the end-user may utilize the complaint procedures of the Commission's Consumer Services Division. The information to be provided to consumers shall be:

(1) The street address of the Consumer Services Division, which is Oklahoma Corporation

Commission, Consumer Services Division, 2101 N. Lincoln Blvd. Suite 460, Oklahoma City, OK 73105.

(2) The mailing address of the Consumer Services Division, which is P. O. Box 52000, Oklahoma City, OK 73152-2000.

(3) The telephone numbers of the Consumer Services Division, which are (405) 521-2331 and (800) 522-8154.

(4) The hours of operation of the Consumer Services Division, which are 8:00 a.m. to 4:30 p.m., Monday through Friday.

(c) When a complaint has been made with the Commission's Consumer Services Division, the OSP shall be required to forego disconnect procedures on account of nonpayment of any portion of accumulated disputed charges pending investigation by the Commission's Consumer Services Division. The end-user shall be required to pay the undisputed part of the bill, and if not paid, the OSP may discontinue service.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-10. [RESERVED]

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

165:57-10-11. Billing for unanswered calls

OSPs shall not knowingly bill for unanswered telephone calls regardless of whether equal access is available. If a form of answer supervision is available in equal access areas, the OSP is restricted from billing for unanswered calls in those areas regardless of whether the OSP subscribes to equal access.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

SUBCHAPTER 12. NOTIFICATION OF CHANGES TO OWNERSHIP, CONTROL OR BUSINESS OPERATION

Section

165:57-12-1. Notification of transactions affecting the ownership or control of an OSP

165:57-12-2. [RESERVED]

165:57-12-3. Cessation of business in Oklahoma

165:57-12-1. Notification of transactions affecting the ownership or control of an OSP

(a) The parties to an agreement, the performance of which will result in the movement of some or all of the regulated telecommunications services customers of one or more certificated operator service providers to a different legal entity, shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and eight (8) copies of a Notification of Transaction with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

(b) The parties to an agreement, the performance of which will result in the transfer of a Certificate of Convenience and Necessity, with or without the transfer of a tariff, from one legal entity to

another legal entity shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and eight (8) copies of a Notification of Transaction with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

(c) The parties to an agreement, the performance of which will result in the merger of one or more legal entities with a surviving legal entity which is certificated to provide operator services, shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and eight (8) copies of a Notification of Transaction with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

(d) This Section shall not require notification to the Commission of transactions which involve only changes in the ownership of the stock of an operator service provider. Such transactions are not subject to regulation by the Commission.

(e) The Notification of Transaction shall include a copy of the agreement, with all exhibits and schedules, and set forth the following information, if applicable:

- (1) The name of the acquiring entity and the acquired entity.
- (2) Identification of the acquired assets.
- (3) The anticipated completion date and the effective date (if different) of the transaction.
- (4) The name of the entity(ies) which will be providing telecommunications services in Oklahoma subsequent to the effective date of the transaction (the "surviving entity").
- (5) The name, address and telephone number of a contact person for purposes of the Notification of Transaction.
- (6) The names and qualifications of the individuals who will serve as officers and management of the surviving entity.
- (7) The name(s), address(es) and telephone number(s) of the representatives of the surviving entity who will be the contact(s) for the Public Utility Division and the Consumer Services Division and will be primarily responsible for:
 - (A) Providing customer service;
 - (B) Repair and maintenance;
 - (C) Answering complaints;
 - (D) Authorizing and/or furnishing refunds to customers;
 - (E) Tariff issues; and,
 - (F) Receiving Notices related to causes docketed at the Commission.
- (8) An affidavit, including a financial statement, that states that the surviving entity possesses the financial ability to provide operator service provider services in the State of Oklahoma.
- (9) A copy of the notice which will be provided to affected customers informing them of the transaction and any change in the name of the entity which provides telecommunications services to them or in their rates, charges or terms and conditions of service as a result of the transaction.
- (10) Identification of any changes in services to be offered or tariffed rates to affected customers required by the transaction.
- (11) A narrative and/or schematic description of the relationship between or among the acquired and acquiring entities and the surviving entity.
- (12) An acknowledgment that any tariff revisions shall only be accomplished in a separate filing.

- (13) A statement of the approximate number of Oklahoma customers.
- (f) At the time of filing the Notification of Transaction, the acquiring entity shall provide a copy of the Notification of Transaction, with all attachments thereto, to the Office of the Attorney General of the State of Oklahoma.
- (g) The Commission Staff shall review the Notification of Transaction for the purpose of determining whether the proposed transaction should be approved and, in the case of mergers, whether the surviving entity should be allowed to provide telecommunications service in Oklahoma after the effective date of the transaction under the authority of any existing Certificate of Convenience and Necessity. The Commission shall act on a notification within thirty (30) business days of the date the notification is filed. No reportable transaction shall be consummated except by order of the Commission. Any person wishing to object to the proposed filing must file an objection with the Commission's Office of the Court Clerk no later than fifteen (15) days after the proposed filing. The Attorney General of the State of Oklahoma shall be granted intervention in such proceeding, if requested.
- (h) Within thirty (30) business days of the filing of the Notification of Transaction, the Commission Staff may file a Continuance of Review in the Cause stating that the Commission Staff has not completed its review of the transaction and shall require an additional specified time, not to exceed an additional thirty (30) calendar days, in which to complete such review. The Commission Staff shall accompany such a Continuance of Review with a specification of the additional information, if any, needed to complete this review.
- (i) The Commission Staff may, if it determines appropriate, file a Notice in the Cause requiring the acquiring entity and/or the surviving entity to show cause that the proposed transaction and/or merger is lawful, fair to the customers and in the public interest. The filing of such Notice by the Commission Staff will not alone suspend the authority of any entity to operate under an existing Certificate of Convenience and Necessity. Simultaneously with the filing of any such Notice, the Commission Staff shall propose a procedural schedule, including a date for hearing which shall be held within ninety (90) calendar days of the date of the filing of the Notification of Transaction, unless otherwise ordered by the Commission. If such a Notice is filed by the Commission Staff, the acquiring entity and/or surviving entity shall have the burden of establishing that the proposed transaction(s) is lawful, fair to the customers and in the public interest.
- (j) When applicable, after approval of notification of transaction(s), and not later than thirty (30) days after transaction consummation, an original and two (2) copies of the approved tariffs, which conform to OAC 165:57-7-3, shall be provided to the Public Utility Division.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-997; Amended at 19 Ok Reg 2009, eff 7-1-2002]

165:57-12-2. [RESERVED]

165:57-12-3. Cessation of business in Oklahoma

- (a) At least thirty (30) days before the effective date of the cessation of the provisioning of operator service(s) in the State of Oklahoma, an OSP shall file an original and eight (8) copies of an application for withdrawal of its Certificate of Convenience and Necessity and cancellation of its tariffs and provide Notice of such filing to the Attorney General of the State of Oklahoma.
- (b) An application for withdrawal shall include as attachments the following information, which

must be certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant:

(1) The contact person who will be responsible for concluding all outstanding business with the Commission and customers;

(2) The date of withdrawal;

(c) Notice of discontinuance shall be sent by regular mail to all of the OSP's customers. The notice shall be in a form approved by the Director of the Public Utility Division, and shall give the exact date that service will cease and contain information as to the procedure for any refunds due customers.

(d) Unless provided otherwise in this Chapter, no withdrawal and/or cancellation of an existing Certificate of Convenience and Necessity and tariff shall be granted except by Order of the Commission, after such notice and hearing, if any, as directed by the Commission.

(e) The Commission Staff may file a motion to cancel an existing Certificate of Convenience and Necessity and tariff, at the company's request and at the option of the Commission Staff. The request may be in the form of a letter to the Director of the Public Utility Division. The letter will conform with subsections (b) and (c) of this Section.

[Source: Added at 15 Ok Reg 3092, eff 7-15-98; Amended at 16 Ok Reg 2312, eff 7-1-99]

**APPENDIX A. APPLICATION FORM FOR CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY [REVOKED]**

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97;
Revoked at 16 Ok Reg 2312, eff 7-1-99]

APPENDIX B. SAMPLE TARIFF FORMAT [REVOKED]

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97;
Revoked at 16 Ok Reg 2312, eff 7-1-99]

APPENDIX C. APPLICATION FORM FOR CHANGES TO TARIFFS [REVOKED]

[Source: Added at 12 Ok Reg 2157, eff 7-1-95; Amended at 14 Ok Reg 2872, eff 7-15-97;
Revoked at 16 Ok Reg 2312, eff 7-1-99]

APPENDIX D. PUBLICATION FORMAT [REVOKED]

[Source: Revoked at 16 Ok Reg 2312, eff 7-1-99]

APPENDIX E. AMENDED APPLICATION [REVOKED]

[Source: Added at 14 Ok Reg 2872, eff 7-15-97; Revoked at 16 Ok Reg 2312, eff 7-1-99]

APPENDIX F. ANNUAL REPORT FORMAT [REVOKED]

[Source: Added at 14 Ok Reg 2872, eff 7-15-97; Revoked at 16 Ok Reg 2312, eff 7-1-99]

APPENDIX G. AFFIDAVIT OF AUTHORIZED AGENT FORM [REVOKED]

[Source: Added at 14 Ok Reg 2872, eff 7-15-97; Revoked at 16 Ok Reg 2312, eff 7-1-99]

APPENDIX H. TELECOMMUNICATIONS COMPLAINT REPORT FORM

COMPLAINT REPORT FORM

Company Name _____

Date Complaint Received _____ Time of Call _____

Customer (or Account) Name _____

Telephone No. _____ Contact No. (if different) _____

Customer Address _____ City _____

Exchange _____

Name of Caller (if not customer) _____ Contact No. for Caller _____

Complaint Code _____

Nature of the Complaint:

Company findings and resolution:

Refund made, if applicable, Yes _____ No _____ Amount \$ _____

Date closed _____ Closed by _____

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]

APPENDIX I. CUSTOMER COMPLAINT CODES

LIST OF CUSTOMER COMPLAINT CODES

<u>Code</u>	<u>Description</u>	<u>Code</u>	<u>Description</u>
B	Billing, general	SOD	Service order delay
BCRM	Cramming	SOUT	Outage
BDA	Delinquent Account	SREF	Service refusal
BEBM	Miscellaneous	SRG	Better grade of service
BED	Early demand of toll	SRS	Repair service
BIA	Billing in advance	SUDO	Unable to dial out
BIB	Incorrect billing, other	SURC	Unable to receive calls
BLMG	Slamming	TOS	Disconnection of service
BRDB	Reseller-disputed bill		
BRNB	Did not receive a bill		
BSUR	Universal Service Fund Contribution Recovery Fee		
BTNC	Third number calls		
DEPF	Deposit refund		
DEPR	Deposit requested by company		
GP	General business practices		
ORR	Rules & regulations		
PX	Payment extension		
RISC	Installation charges		
RDAC	Directory assistance		
RLP	Late payment charges		
ROUB	Overbilling		
RT	Rates and tariffs		
SEAS	Extended area service		
SLMR	Service Line maintenance		
SNF	No facilities		
SNOL	Noise on the line		

[Source: Added at 15 Ok Reg 3092, eff 7-15-98]