RULEMAKING ACTION:
PERMANENT final adoption

RULES:
Subchapter 3. Certificates, Reports, and Records
Part 5. Record Requirements
165:55-3-22. Records to be provided to the Commission [AMENDED]
Subchapter 7. Directories, Telephone Numbers, and Customer-Provided Equipment
165:55-7-1. Telephone directories [AMENDED]

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

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
Although the Oklahoma Corporation Commission is not subject to the requirements of Executive Order No. 2019-11, the proposed rules were submitted to the Governor and Cabinet Secretary on February 15, 2019.

COMMENT PERIOD:
November 7, 2018 through December 21, 2018

PUBLIC HEARING:
February 7, 2019

ADOPTION:
February 7, 2019

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
February 15, 2019

LEGISLATIVE APPROVAL:
Approved May 28, 2019 by HJR 1022

FINAL ADOPTION:
May 28, 2019

EFFECTIVE:
July 25, 2019

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

GIST/ANALYSIS:
The adopted rules move the submission of the Annual Report of Operations from May 1 to April 1. Additionally, the adopted rules require each telecommunications service provider to provide specific contact information to the Public Utility Division. Finally, the adopted rules create a notification process, and establishes requirements for a telecommunications service provider to discontinue preparing and distributing printed white pages to its customers.

CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2019:

SUBCHAPTER 3. CERTIFICATES, REPORTS, AND RECORDS
PART 5. RECORD REQUIREMENTS

165:55-3-22. Records to be provided to the Commission
(a) Annual report of operations. Each telecommunications service provider and IXC shall provide to the Director of the Public Utility Division an annual report, in a format developed by the Director of the Public Utility Division, no later than May April 1 of the year following the reporting year. Proposed revisions to the Annual Report format will be posted to the OCC website at least ninety (90) days prior to their effective date. All carriers will be notified of the posting via e-mail, based on addresses supplied by carriers. Any carrier that objects to the proposed revisions to the Annual Report format may file an Application with the Commission requesting relief from the applicability of the format changes. The filing of an Application will suspend the applicability of the proposed format revisions until an Order is issued by the Commission. Unless an Order revising the Annual Report format is entered at least 90 days prior to the May April 1 filing deadline, carriers will not be required to file an Annual Report in the revised format until the following year.
(b) Confidentiality of annual report. All non-publicly available information included in the annual report or an ETC's FCC Form 481 or FCC Form 555 will be considered confidential by the OCC.
(c) Proof of third-party surety bond, surety bond or irrevocable letter of credit. Where applicable, not later than May 1 of each year, each telecommunications service provider and IXC which does not have at least one million dollars ($1,000,000) net book value invested in telecommunications plant and/or telecommunications facilities located in the State of Oklahoma, shall provide annually, to the Director of the Public Utility Division, proof of the continuing existence and sufficiency of the required third-party surety bond, surety bond or irrevocable letter of credit providing coverage at a level of at least one hundred and ten percent (110%) of customer deposits. Such proof shall be in a format developed by the Director of the Public Utility Division and approved by the Commission.
(d) Exchange maps. Each telecommunications service provider shall provide the Director of the Public Utility Division two (2) copies of updated exchange maps when the boundaries of an exchange(s) are changed. The maps and descriptions shall be in sufficient detail to permit the location of exchange boundaries on the ground, and be consistent with the format set forth in this subsection.
   (1) Each exchange map provided after the effective date of this Chapter shall conform to the following:
      (A) One exchange service area per sheet.
(B) Each map shall be on eight and one-half by eleven inches (8.5" x 11") (or larger sheet which folds down to eight and one-half by eleven inches (8.5" x 11"), twenty pounds (20 lbs.) or heavier, white paper.

(C) Each township and range will be specified along the side of the map and, at a minimum, each corner section will be numbered.

(D) The outline of the exchange service area will be a heavy black line with an "E" every one inch (1") or two inches (2") along the boundary.

(E) The name of adjacent incumbent LEC exchanges will be indicated on the exchange map to identify their relative location.

(2) When said boundary map changes involve more than one telephone exchange and more than one incumbent LEC, the changes involved shall be coordinated between the incumbent LECs concerned and a "Joint Application" submitted. After an order is issued by the Commission the incumbent LECs shall submit revised exchange maps containing the revised territory, the new certificate number, the cause number, the order number, and the date of the order approving the change. A copy of each current exchange map shall be made available for review to any interested person upon reasonable notice containing:

(A) Application number.

(B) Maps showing the changes in contrasting colors.

(C) Metes and bounds of changes.

(D) Proposed orders (one for each exchange) with complete metes and bounds of the revised exchange(s).

(e) Competitive LEC service territories maps. Each competitive LEC shall either identify the LEC exchanges of their service territory or maintain up-to-date maps showing its service territory. The maps and descriptions shall be in sufficient detail to establish the location of incumbent LEC exchange boundaries on the ground. Each map provided shall conform to the format set out in OAC 165:55-3-22(c)(1). Two (2) copies of each map shall be provided to the Director of the Public Utility Division.

(f) Contracts and agreements. Upon request by the Director of the Public Utility Division, a TSP or IXC shall provide a copy of a contract entered into by the TSP or IXC for regulated services.

(g) Contact names. Each telecommunications service provider and IXC shall notify, in writing, the Director of the Public Utility Division within thirty (30) days of a change in the company-designated contacts for Public Utility Division and CSD issues. If the below information is unavailable, the telecommunications service provider or IXC may seek a waiver from the PUD Director by making a request in writing.

   1. The update shall include the name(s), physical street address(es), electronic mail addresses and 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.

(h) **Other information.** Each telecommunications service provider and IXC shall promptly furnish such other information as PUD or the Commission Staff may request, unless otherwise ordered by the Commission.

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**SUBCHAPTER 7. DIRECTORIES, TELEPHONE NUMBERS, AND CUSTOMER-PROVIDED EQUIPMENT**

165:55-7-1. Telephone directories

(a) **Provision of directory to end-users; frequency.** Each telecommunications service provider shall provide in conjunction with the provisioning of local exchange service, or make arrangements to provide to its end-users an alphabetical telephone directory for each service territory, exchange or group of exchanges. Telecommunications service providers may furnish white page directories in a variety of electronic formats, including CD-Rom, via the internet, or as printed directories. Such directory shall be issued at intervals consistent with satisfactory service, which, in the absence of unusual circumstances, will be at least once each year. If any alternative to a printed paper directory is provided, customers are also to be furnished with notification at the time the directory is issued that they may request a printed version of their local directory at no charge. The notification shall also include a toll free number established for honoring such customer requests. If any alternative format of a white page directory is to be provided in place of a printed paper directory, impacted customers are to be furnished with notification that the telecommunications service provider will no longer provide a printed directory at least ninety (90) calendar days prior to the date the printed directory will no longer be made available. The notification to impacted customers shall, at a minimum, include notice by bill insert. A directory for an exchange or calling area may be issued.

(b) **Listing in directory.** Each telecommunications service provider shall provide its end-users in conjunction with the provisioning of local exchange service, without charge, one listing in the white page directory issued pursuant to this Chapter and inclusion in a database used to provide directory assistance for the end-user's geographic area.

(c) **Provision of directory.** Unless the Commission directs otherwise, a telecommunications service provider that issues a printed paper directory shall furnish each customer, shall be furnished at the customer service address, one (1) directory for each access line being furnished him under current tariffs, unless the customer and the telecommunications service provider that issues a directory, regardless of format, agree this requirement can be fulfilled in an alternative manner. Each telecommunications service provider shall make available its directory to telecommunications service providers for distribution to their end-users.

(d) **Contents of directory.** The directory provided to end-users pursuant to this Section shall contain the following information:
(1) Minimum requirements. Each telecommunications service provider shall assure that its end-users receive a directory which includes the following information:

(A) The name of the exchange or area covered and the date of issue prominently displayed;
(B) Emergency numbers;
(C) Instructions to access directory assistance;
(D) Instructions to access repair service;
(E) Instructions for placing long distance and local calls;
(F) Instructions for obtaining an itemization of the end-user's current monthly statement;
(G) Instructions to access Telecommunication Relay Service; and
(H) A notice prominently displayed on the table of contents page which shall state: "This directory contains important information about your rights as a telephone end-user on page described at (Here the telecommunications service provider will insert the page number on a clear reference to the location at which the notice shall appear)". In the absence of a table of contents page, said notice shall be prominently displayed on the inside of the front cover within the directory.

(2) A statement shall be submitted to CSD for approval, at least thirty (30) days prior to being submitted for publication or inclusion in a directory or distributed as a mailing or otherwise. Unless notified to the contrary by CSD within fifteen (15) days after submission, the statement shall be considered approved. Once approved by CSD, the statement need not be resubmitted to CSD for further approval, unless and until this Chapter is changed by the Commission to require additional data. The statement shall at least describe or include:

(A) Billing procedures.
(B) Customer payment requirements and procedures.
(C) Deposit and guarantee requirements.
(D) Conditions of termination, discontinuance, and reconnection of service.
(E) Procedures for handling inquiries.
(F) A procedure whereby an end-user may avoid discontinuance of service during a period of absence.
(G) The telephone number and address of all offices of CSD.
(H) The statement that the telecommunications service provider is regulated by the Commission.
(I) Notification that the end-user may request an adjustment if service is interrupted for periods in excess of twenty-four (24) hours.

(3) Additional information. The directory shall contain additional information concerning a telecommunications service provider, as requested by a telecommunications service provider, to the same extent that the directory provider includes similar information for itself or its affiliates offering local exchange service within the geographic area covered by the directory based on rates, terms and conditions that are just, reasonable and nondiscriminatory.

(c) Liability for errors. The liability of the telecommunications service provider for an error or omission in its telephone directory, or for an error or omission on intercept service, shall not exceed the amount of actual damage suffered, and in no event shall its liability exceed an amount equal to local exchange service charged to the end-user for the listed service for the period during which the directory containing the error or omission is the last published directory of the exchange.
(f) **Access to publishing information.** Upon request, a telecommunications service provider shall provide directory listings gathered in its capacity as a provider of local exchange service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, and to any person upon request for the purpose of publishing directories.
ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to OAC 165:55, Telecommunications Services, which were considered finally adopted by the Oklahoma Corporation Commission on May 28, 2019, under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S., §§ 250 et seq.

I, the undersigned do hereby attest that such rules were finally adopted in substantial compliance with the Administrative Procedures Act.

__________________________________
Lindsay LaFevers Archer
Rules Liaison
Oklahoma Corporation Commission
May 31, 2019
NAME OF AGENCY:
Corporation Commission

TYPE OF DOCUMENT:
Final Adoption of Permanent Rules

LIAISON VERIFICATION:
I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the Administrative Procedures Act and the rules of the Secretary of State. Additional information may be obtained by contacting me at (405) 521-4259.

__________________________
Lindsay LaFevers Archer
Rules Liaison
Oklahoma Corporation Commission
May 31, 2019