IDAPA 31

TITLE 42

Chapter 1

Rules for Telephone Corporations Subject to the

Regulation of the Idaho Public Utilities Commission

Under the Telecommunications Act of 1988

(The Title 62 Telephone Corporation Rules)

IDAPA 31.42.01

000.LEGAL AUTHORITY (Rule 0).

These rules are adopted under the general legal authority of the Telecommunications Act of 1988, as amended, chapter 6, title 62, Idaho Code, and the specific authority of sections 62-602, 62-606, 62-611, 62-614, 62-615,and 62-616 and 62-622. (7-1-93)(        )

(BREAK IN CONTINUITY OF SECTIONS)

303. --  999 400.  (RESERVED).

RULES 401 THROUGH 500.  ACCESS AND INTERCONNECTION STANDARDS

 IN UNSERVED AREAS.

401.DEFINITIONS (Rule 401).

As used in Rules 401 through 412:

01.Facilities-based competitor.“Facilities-based competitor” means a non-incumbent telephone corporation that offers basic local exchange service exclusively over its own telecommunications service facilities or predominantly over its own facilities in combination with the resale of telecommunications services of another carrier.(        )

02.Incumbent telephone corporation. “Incumbent telephone corporation” means a telephone corporation or its successor which was providing basic local exchange service on or before February 8, 1996.(        )

03.Network element. “Network element” means a facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

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04.Non-incumbent telephone corporation. “Non-incumbent telephone corporation” means a telephone corporation which was not providing basic local exchange service on or before February 8, 1996.(        )

05.Telephone corporation. “Telephone corporation” means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, providing basic local exchange services for compensation within this state, except municipal, cooperative, or mutual nonprofit telephone companies, or telephone corporations providing radio paging, mobile radio telecommunications services, answering services (including computerized or otherwise automated answering or voice message services), or one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service or surveying are not included.(        )

06.Unbundled element. “Unbundled element” means a single network element that a competitor telephone corporation may lease on its own, or if the competitor telephone corporation wishes, in combination with other elements.(        )

07.Unserved area. “Unserved area” means a geographic area in which no telephone corporation, including a municipal, cooperative, or mutual nonprofit telephone company, has facilities providing basic local exchange service to customers.(        )

402.INTERCONNECTION STANDARDS.  (Rule 402)

If a facilities-based competitor builds facilities to provide basic local service within an unserved area, it shall provide interconnection with its network for the facilities and equipment of any telephone corporation requesting the transmission and routing of telephone exchange service.(        )

403.EXCHANGE ACCESS QUALITY STANDARDS.  (Rule 403)

If a facilities-based competitor builds facilities to provide basic local service within an unserved area, it shall provide exchange access at any technically feasible point within its network that is equal in quality to that provided to itself or to any subsidiary, affiliate, or any other party to which it provides interconnection. (        )

404.UNBUNDLED ACCESS STANDARDS.  (Rule 404).

If a facilities-based competitor builds facilities to provide basic local service within an unserved area, it shall provide nondiscriminatory access to network elements to any telephone corporation requesting provision of a telecommunications service on an unbundled basis at any technically feasible point and shall provide such unbundled network elements in a manner that allows requesting telephone corporations to combine such elements in order to provide basic local exchange service.(        )

405.RESALE STANDARDS.  (Rule 405).

If a facilities-based competitor builds facilities to provide basic local service within an unserved area, it shall offer any telecommunications service for resale at wholesale rates that it provides at retail to subscribers who are not telephone corporations and shall not prohibit or impose unreasonable or discriminatory conditions or limitations on the resale of such telecommunications service.(        )

406.PHYSICAL COLLOCATION STANDARDS.  (Rule 406).

Subject to Rule 407, if a facilities-based competitor builds facilities to provide basic local service within an unserved area, it shall provide for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the telephone corporation, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.

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407.EXEMPTION FOR VIRTUAL COLLOCATION.  (Rule 407).

If a facilities-based competitor builds facilities to provide basic local service within an unserved area, it may provide for virtual collocation if it demonstrates to the commission that physical collocation is not practical for technical reasons or because of space limitations.(        )

408.VOLUNTARY NEGOTIATION.  (Rule 408).

Upon receiving a request for interconnection, services, or network elements, a facilities-based competitor that built facilities to provide basic local service within an unserved area may negotiate and enter into a binding agreement with the requesting telephone corporation without regard to the standards set forth in Rules 402 through 407. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement and shall be submitted to the commission for approval. Any party negotiating an agreement under this Rule may, at any point in the negotiation, petition the commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.

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409.ARBITRATION.  (Rule 409).

No earlier than ninety (90) days after the date on which a facilities-based competitor receives a request for negotiation pursuant to Rule 408, any party to the negotiation may petition the commission to arbitrate any open issues. The commission shall resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions as required.

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410.PETITION FOR EXEMPTION FROM RULES 402-409.  (Rule 410).

Any facilities-based competitor may petition the commission to exempt it from the application of Rules 402 through 409. The commission may grant the petition if the petitioner demonstrates there are functionally equivalent, competitively priced basic local services reasonably available to both residential and small business customers within the unserved area from a telephone corporation unaffiliated with the petitioner, or the petitioner demonstrates exemption is in the public interest.(        )

411.EFFECTIVE DATE.  (Rule 411).

The commission adopted Rules 401 through 411 by Order No. 27674 issued on August 10, 1998, in docket number 31-4201-9801.  The effective date for these rules is the date of that order, August 10, 1998.(        )

412. -- 999  (RESERVED).