

MAY 09 2008

**BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING**

IN THE MATTER OF THE PROPOSED )  
ADOPTION OF CHAPTER 1, RULES OF )  
PRACTICE AND PROCEDURE, )  
SECTIONS 102 AND 122; CHAPTER 5, )  
SPECIAL REGULATIONS - ) Docket No. 90000-101-XO-08  
TELEPHONE UTILITIES ONLY, ) Record No. 11651  
SECTIONS 500-504, 506, 517 AND 547; )  
AND CHAPTER 9, GENERAL FORMS, )  
SECTION 901(J), OF THE )  
COMMISSION'S PROCEDURAL RULES )  
AND SPECIAL REGULATIONS )

COMMENTS OF BRYCE J. FREEMAN, IN HIS CAPACITY AS THE  
ADMINISTRATOR, AND DENISE KAY PARRISH, IN HER CAPACITY AS THE  
DEPUTY ADMINISTRATOR, OF THE WYOMING OFFICE OF CONSUMER  
ADVOCATE

(Submitted May 9, 2008)

On March 24, 2008, the Commission issued its *Notice of Intent to Adopt Rules and Regulations* (Notice of Intent). The Notice of Intent indicates that the primary purposes of these rule changes are to: (1) reflect statutory changes that were effective July 1, 2007; (2) update and modernize certain requirements; and (3) eliminate various typographical and grammatical errors and inconsistencies. Thus, the rulemaking does not appear to be limited to changes only associated with the new telecommunications statutes, but appears to be broader in scope. It is within this context that we offer our comments. Within these comments, we discuss each of our concerns and describe our additional language suggestions to the noticed proposed rules. Attached to these comments, we have provided a concise listing of our recommended language changes.

The Commission proposes to add a new section to the current rules that addresses expedited proceedings. The proposed language of the Commission is:

Section 122. Expedited Proceedings. Upon motion, and for good cause shown, or on its own initiative, the Commission may order expedited proceedings in any matter before the Commission. Expedited proceedings shall be scheduled and conducted in a manner consistent with the full and fair determination of the matter.

We are uncertain as to the need for this language. This language is unnecessary as the Commission currently has the discretion to establish what it deems to be a reasonable schedule for completing a case subject to the parameters of W.S. § 37-2-201<sup>1</sup>. Furthermore, utilities have the ability to seek implementation of tariff changes on a shorter than normal schedule.<sup>2</sup> Admittedly, many proceedings have extended beyond historically normal time frames in recent years. The remedy to this situation is not to implement an unnecessary rule, but rather to simply use the authority already given to the Commission. We suggest the Commission establish a regular practice of establishing procedural schedules early after the filing of the application, to assure that the case is completed in a reasonable time frame. This will not only assure that the case is completed in a timely manner, but will also allow interested parties early, advanced notice on the anticipated schedule. Again, all of this can be done without a change to the Commission's rules.

The Wyoming Supreme Court has stated that agencies are duty bound to resolve matters "expeditiously" but must also maintain a party's right to a "full and fair hearing."

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<sup>1</sup> W.S. § 37-2-201 states:

Whenever the commission shall determine to conduct an investigation of any matter provided for in chapter 64, Wyoming Compiled Statutes, 1945 [See §§ 37-1-101 through 37-3-114 and 37-12-201 through 37-12-213], either with or without complaint as in such chapter provided for, it shall fix a time and place for a public hearing of the matters under investigation, and shall notify, by registered letter requiring receipt, the complainant, the persons complained of and such other persons, as it may deem proper, of such time and place of hearing, at least twenty (20) days in advance thereof...

<sup>2</sup> See Section 212 of the Commission's Procedural Rules and Special Regulations which states:

Notice to the Commission of the establishment or change of a tariff shall be given by the utility by delivering to the Commission five (5) complete copies of the tariff, or revised sheets thereof, stating all the rates and other provisions it proposes to establish or change, at least thirty (30) days prior to the proposed effective date, unless filed with a petition to place the rates in effect on less than thirty (30) days' notice...

*(Wyoming Board of Equalization v. State of Wyoming, ex rel. Basin Electric Power Cooperative, 637 P.2d, 248)* It appears that the proposed “in a manner consistent with the full and fair determination of the matter” language may be an attempt to incorporate the parties’ rights that were affirmed by the Supreme Court. Yet, it does not appear to actually go far enough to incorporate the concept of a “full and fair hearing.”

If the Commission does choose to implement its proposed rule, we are concerned about what form the actual implementation of the rule may take. It would also be helpful to better understand the types of cases that the Commission believes need to be expedited to the point that a special rule is necessary. What is meant by expedited? Does this mean less than 30 days for routine matters? Does it mean less than 10 months for rate proceedings? The term “expedited” is not defined and that is troubling given that we have recently seen extreme swings in timing of hearings ranging between only a few weeks to nearly a year.

The language of the proposed rule is far too nebulous to allow us to understand its potential applicability. Furthermore, without a better understanding of how the rights of the parties will be protected and advanced in one of these expedited proceedings, we are concerned about the application of the terms of the proposed rule. We specifically and strongly ask the Commission to reject this proposed rule as found at proposed Section 122.

The next proposed modification to the existing rules upon which we wish to comment is found at Section 500(c). The Commission proposes to remove the word “properly” from the first sentence of this section:

(c) No later than February 15th of each year, all telecommunications companies shall provide the information required by the Commission and/or the Universal Service Fund manager to properly perform the computations necessary for collection and distribution of the Universal Service Fund.

We are concerned that the removal of this word from the rule will make the job of

the Wyoming Universal Service Fund Manager even more difficult than it already is. As evidenced by the two recent proceedings on the Wyoming universal service fund computations, without the precise detailed data necessary to perform the computations consistent with the rules, questions arise as to the appropriateness of the results. In some instances in these recent hearings, debates between the Manager and other interested parties ensued about whether all of the necessary data had been received and utilized in order to make the computations in a meaningful way and in a manner consistent with the rules. If the rule becomes weaker relative to the data that has to be provided (which is what removing the word “properly” does) there are likely to be even more difficulties in arriving at the proper end point relative to the universal service fund computations. We encourage the Commission to reject the proposed deletion of the word “properly” and leave this portion of the rule as it currently stands.

Proposed section 500(g) contains the following Commission proposed changes:

(g) The statewide weighted average essential local exchange service rateprice shall be computed by multiplying the number of residential and business access lines, ~~as contained in the definition of providing essential telecommunications services found in as defined by~~ W.S. § 37-15-103(a)(iv), plus the number of subscribers taking wireless service that meets meeting the criteria ~~of stated in~~ W.S. § 37-15-502 (~~supported wireless service~~), by the rateprice applicable to each such line or subscriber, ~~with the product of this computation~~ divided by the total number of access lines, ~~as contained in the definition of providing essential telecommunications services, found in W.S. § 37-15-103(a)(iv),~~ plus the total number of subscribers taking supported wireless service...

We have only one suggested additional change to the above section, in addition to those already proposed by the Commission. Our suggestion is in regard to the reference to W.S. § 37-15-502 when discussing the criteria for wireless service that qualifies for funds from the Wyoming universal service fund. In addition to the reference to W.S. § 37-15-502, there should also be a reference to W.S. § 37-15-103(a)(xvi). Both references are important. W.S. § 37-15-502 discusses important criteria in terms of actions that the wireless carrier must perform. W.S. § 37-15-103(a)(xvi) defines the types of services to be supported. While one might not see this initially as criteria for receiving support, we

disagree based on the language of W.S. § 37-15-103(a)(xvi)(B).<sup>3</sup> This language clearly shows that the criteria must be met to be eligible to receive universal service funds, unless a waiver is granted. Thus, we suggest the addition of the reference to W.S. § 37-15-103(a)(xvi) immediately following the proposed reference to W.S. § 37-15-502 .

Proposed section 500(h) contains the following Commission proposed changes:

(h) Each telecommunications company shall report its essential local exchange service rateprice separately for each distinct geographic area, zone or mileage grouping, or other distinct customer grouping to which differences in essential local exchange service prices apply that is applicable because of differences in customer rates...

Again, we have no objection to any of the Commission's proposed changes. We do, however, have one additional suggestion to the language. We suggest that the list of examples of distinct customer groups include the words "service offering." Therefore, when distinguishing the service lines and prices into various categories to report to the universal service fund manager, one would look at not only various prices for different geographic areas, and look at different prices for business customers versus residential customers, one would also look at whether there were different prices for services that are packaged versus unpackaged or one year versus two year offerings. This goes to the issue that was teed up in recent universal service fund proceedings – how to treat package services in the computation of the weighted statewide average essential service price. We opined, in those recent universal service fund proceedings, that the current language could be utilized to gather some of the additional information about essential service prices in today's market. However, the additional language that we suggest would assist to clarify the types of distinguishing of prices that is sought by the rule. We do acknowledge, however, that the entire issue of how to deal with package prices within the confines of this rule is a broader issue that will not be solved with the addition of a few words.

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<sup>3</sup> The commission may grant a company additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such petition is granted, the otherwise eligible company will be permitted to receive universal service support for the duration of the period designated by the commission...

Proposed changes to section 500(h) include one other wording change upon which we wish to comment. The Commission has proposed the following language:

...Distributions for a supported wireless service will shall not exceed the amount of per line support that would have been available offered to a wireline telecommunications customer in the geographic service area in which the supported wireless service is offered.

We suggest only one wording change to this proposal: the replacement of the word “offered” with the word “provided”. The distribution to the wireline customer that is referenced in this sentence is automatic once it is determined that the wireline customer’s price exceeds the computed 130% of the weighted statewide average price. There is no application or request that is necessary to receive the funds. Thus, the referenced support is not only available but it is given or freely offered to the qualified customer.

Our last comment on the proposed changes to the rules in Section 500 is in regard to Section 500(i). The Commission’s proposed language is:

(i) Mid period revisions to a telecommunications company’s essential local exchange service ~~rate~~price or to a supported wireless service, for purposes of drawing from the fund, shall only be permitted upon application and approval by the Commission ~~and after a showing of need or special circumstances.~~

We suggest that the Commission not delete the final phrase of this section. It makes clear that the application must show some need or delineate some special event that has occurred to necessitate a mid period change in the universal service fund distributions. Without this language, it is not clear what the application must contain or whether the function becomes simply a ministerial act. With the existing language and requirement of a showing, there have been few mid period adjustments and those few have come with a full explanation of the associated price changes. This is as it should be. We encourage the Commission to retain the “and after a showing of need or special circumstances” language.

Before leaving the universal service fund rules, we want to comment on one additional set of rule changes that have been suggested by Qwest and discussed by the Commission, although they do not appear to be incorporated in the current rulemaking.

However, in an abundance of caution, we remind the Commission that we are opposed to rule changes that would permit applicants to request that a portion of their federal high cost loop universal service support, received under the currently structured high cost support mechanism, be used to directly offset the cost of repairing and upgrading antiquated facilities. We will describe our concerns and objections further in the separate rulemaking in which we expect this issue to be more directly addressed. We remind the Commission of our position here, in case another interested person were to raise the issue as part of this rulemaking.

We have no particular comment about the changes to the Quality of Service rule changes that are proposed to Section 501. However, we note that none of the changes are to the substance or overall breadth of the rules. The current Quality of Service rules are approximately ten years old and may warrant some updating and a reexamination in light of technological and other advances in the telecommunications industry. Furthermore, if certain providers believe that they are in compliance with the current quality of service rules at the same time that new customers are unable to be added to certain routes, phantom ringing occurs regularly, and the phone goes out in the rain, something is clearly wrong. Part of the problem may be that the standards are set too low to be meaningful. But, rather than try to incorporate a number of substantive changes to the Quality of Service rules as part of this rulemaking, we suggest that the matter be taken up in a separate rulemaking. Additionally, quality of service standards may be one of the topics where a technical conference or a workshop is fully warranted in advance of further rulemaking.

In section 503(c)(iii) the Commission proposes an entirely new rule on Service Interruption Reporting. These rules are modeled on and refer extensively to similar rules of the Federal Communications Commission. Our first concern relates to the reference to Section 120 of the Commission's rules in proposed 503(c)(iii)(A):

(A) Reports filed under these rules are presumed to be confidential as defined in FCC Rule 47 C.F.R. §4.2 and Commission Rule

§120.

The reference to Rule 120 is confusing in the context in which it is used. The proposed language indicates that there is a presumption of confidentiality regarding the Service Interruption Reports. Yet, Rule 120 makes no advance presumption of confidentiality, but instead, allows *upon application and for good cause shown* confidential treatment of material. Rule 120 requires a showing and a specific procedure for having information declared confidential. Thus, if the Commission wishes to declare information to be confidential without any further discussion or showing, there is no need to reference Rule 120. We suggest a modification of the language to have the information declared confidential up front. This declaration would not prohibit the information from being shared with others as long as proper protections and confidentiality agreements are in place.

The next section of the Service Interruption Rules defines cable communications providers. In the definition, it refers back to the rules of the Federal Communications Commission as well as to Wyoming Certificates of Public Convenience and Necessity:

(I) Cable communications providers, as defined in 47 C.F.R. §4.3(a), or with Wyoming Certificates of Public Convenience and Necessity;

Unfortunately, there is no such thing as a certificate of public convenience and necessity for a cable communications provider in Wyoming. Pursuant to W.S. § 37-15-201, certificates are only given for local exchange service, and not to provide cable communications. So, the reference to Wyoming Certificates in this section does not make sense. The proposed rule makes more sense with only the reference to the definition in the Federal Communications Commission's rules and this is what we recommend. However, to assure that only companies that are serving Wyoming are required to report, language to that effect could be added, if necessary to clarify the rules. Our recommendation and argument is the same for the next subsection Rule 503(c)(iii)(A)(II), wherein there is a reference to Communications providers, as there is

also no Certificate provided for Communications providers in Wyoming.

The next subsection on which we wish to comment describes wireline communications providers:

(VI) Wireline communications providers, as defined in 47 C.F.R. §4.3(g), with Wyoming Certificates of Public Convenience and Necessity.

The same comment made relative to the earlier subsections also applies here: the only telecommunications certificates that are available are for local exchange services and not for the categories of communications as defined within the federal rules. So, the language does not make sense as proposed. Furthermore, for wireline communications providers, it is not clear on the face of the rule if this applies to both local and interexchange carriers, as both are wireline, but one receives a Wyoming certificate while the other only has to register with the Commission. We recommend further clarification of this subsection and removal of the language that refers to a Wyoming certificate.

Continuing with the discussion of the Commission's proposed rules on Service Interruptions, the next subsection is proposed as:

(C) Definition of outage, special offices and facilities and 911 special facilities in FCC Rule 47 C.F.R. §4.5, in its entirety.

We believe we understand what the Commission is attempting to do with its proposed language in this subsection. However, the way that the language is written reads poorly and is awkward. We recommend a rewrite of the language to more clearly indicate that the Wyoming rules are adopting the definition of *outage, special offices and facilities, and 911 special facilities*, as defined in the FCC's rules. We offer our suggested language in the attachment to these comments.

We make similar suggestions for cleaning up the language and making it more readable relative to the proposal as found in subsection (D) and (E) of the rules on

Service Interruptions. Our language is again found in the attachment to these comments.

The Commission has proposed a series of changes to the TSLRIC rules, including a number of changes to the wording. Included in this series of proposed changes are a number of wording changes to TSLRIC Study Surrogates (renumbered as Section 517(b)). We have no objection to the wording changes if the Commission determines that this section should remain in the rules. Yet, as we read the statute, TSLRIC surrogates are no longer permitted to be utilized in lieu of company specific TSLRIC studies.

Prior to the most recent change in the statute, W.S. § 37-15-402 specifically contained language that allowed for the use of TSLRIC surrogates<sup>4</sup>. This language was removed in the most recent rewrite of the statutes and was not reinserted in any similar form. In fact, the current statutory language is silent on TSLRIC surrogates, but infers that company specific studies are required when the law specifically indicates that the data to be used in the study must come from the time frame after January 1, 2008. Based on our reading of current law, we recommend the Commission eliminate its proposed Section 517(b) regarding TSLRIC Surrogates.

Lastly, we note that there are a number of other aspects of the Commission's rules that need some language clean-up that have not been included in the proposed rules in this rulemaking proceeding. Two rules come to mind that have required clean-up or modernization for some time. The first of these is Section 223 of the Commission's current Procedural Rules and Special Regulations. The second is Section 204.

Section 223 involves general recordkeeping and the application of the uniform system of accounts. Subsection (c) requires

Privately owned telephone utilities will maintain their accounting books and records on a uniform basis. The accounts will be numbered and titled

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<sup>4</sup> ...A telecommunications company having fewer than thirty thousand (30,000) access lines in the state may utilize a reasonable total service long-run incremental cost study surrogate, in lieu of conducting its own study, based on cost studies as are available for comparable, including unregulated, telecommunications companies in this state or other states.

in the same manner as the Uniform System of Accounts for Class A and Class B Telephone Utilities promulgated by the Federal Communications Commission.

The current rule contains no exception for competitive telecommunications carriers or carriers who are not traditional incumbent local exchange carriers, although these carriers are not subject to the USOA requirements by the Federal Communications Commission. Yet, it is our experience that only Wyoming incumbent local exchange carriers are fully complying with this rule. Current industry practice does not conform to the Commission's rules. Updating this rule to recognize the current industry practices makes sense to us. Alternatively, the Commission should enforce the current requirements for all carriers in order to avoid competitive inequities.

Section 204, Applications for Certificates of Public Convenience and Necessity, of the current rules states:

Any person who will become a public utility after the construction and operation of utility facilities shall prior to commencing construction file an application for a certificate of public convenience and necessity including the following information...

This language appears to be inconsistent with the language of W.S. § 37-2-205. The statute at subsection (a) requires that

No public utility shall begin construction of a line, plant or system, or of any extension of a line, plant or system without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction.

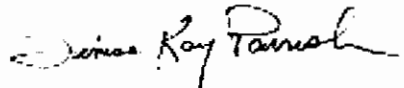
The rule only requires the application for a certificate if the entity *will become* a public utility whereas the statute requires all public utilities to file the certificate application. This inconsistency is problematic and we suggest that it be cleaned up as part of this proceeding. However, we have not submitted proposed language in the attachment regarding Rule 204, as a more extensive updating of the rules may be desirable. For example, the Commission may wish to also reexamine Rule 202(c) to determine if additional updating is necessary to what is considered a "major utility

facility.”

We appreciate the opportunity to provide comments on the proposed rules and the opportunity to seek clarity on some of these proposals. In the spirit of the broad based rulemaking contained herein, we have also offered some additional suggested language for incorporation into the rules. If the Commission chooses not to adopt the suggestions incorporated herein, we request pursuant to W.S. §16-3-103(a)(ii)(D) that the Commission state its reasons for not adopting or rejecting the suggestions of the Wyoming Office of Consumer Advocate Administrator and Deputy Administrator in this proceeding.



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**PROPOSED CHANGES  
OF THE ADMINISTRATOR AND  
DEPUTY ADMINISTRATOR OF  
THE WYOMING OFFICE OF CONSUMER ADVOCATE**

**DOCKET NO. 90000-101-XO-08**

CHAPTER I  
RULES OF PRACTICE & PROCEDURE  
PUBLIC SERVICE COMMISSION OF WYOMING

~~Section 122.—Expedited Proceedings.—Upon motion, and for good cause shown, or on its own initiative, the Commission may order expedited proceedings in any matter before the Commission. Expedited proceedings shall be scheduled and conducted in a manner consistent with the full and fair determination of the matter.~~

CHAPTER V  
SPECIAL REGULATIONS - TELEPHONE UTILITIES ONLY

Section 500. Telecommunications Universal Service Fund

(c) No later than February 15th of each year, all telecommunications companies shall provide the information required by the Commission and/or the Universal Service Fund manager to properly perform the computations necessary for collection and distribution of the Universal Service Fund. This information may include names and addresses of purchasers of intrastate access from each local telecommunications provider, names and addresses of pay telephone providers purchasing access to the local telecommunication provider's system, and rate and customer data. Specific customer data provided to the Commission and/or the fund manager under this section shall be deemed confidential unless otherwise determined by the Commission. The Universal Service Fund manager shall not request information from telecommunications companies without prior Commission approval.

(g) The statewide weighted average essential local exchange service price shall be computed by multiplying the number of residential and business access lines providing essential telecommunications services as defined by W.S. § 37-15-103(a)(iv) and 37-15-103(a)(xvi), plus the number of subscribers taking wireless service meeting the criteria stated in W.S. § 37-15-502 by the price applicable to each such line or subscriber, the product divided by the total number of access lines providing essential

telecommunications services, plus the total number of subscribers taking supported wireless service. The price used in the computation shall include all standard charges associated with each telecommunication company's essential local exchange service or each wireless company's supported wireless service. Such charges include, but are not limited to: the essential local exchange service price, whether flat rated or measured; touch-tone; as well as zone and mileage charges. The computation of the weighted statewide average essential local exchange service price shall exclude bill credits related to prior period Wyoming Universal Service Fund receipts; federally mandated customer access line charges; mandatory extended area service charges; surcharges for 9-1-1; franchise taxes; the telephone assistance program surcharge; and other similar charges or taxes. The manager shall annually compute both the statewide weighted average essential local exchange service price and each telecommunications provider's essential local exchange service price in a consistent manner based on end of calendar year line counts and prices authorized by W.S. § 37-15-203 and W.S. § 37-15-204, taking into account the classification options available to telecommunications companies under paragraph (h) of this rule. The manager's computation of the statewide weighted average essential local exchange service price shall also include the reported prices for supported wireless services.

(h) Each telecommunications company shall report its essential local exchange service price separately for each distinct geographic area, zone or mileage grouping, service offering, or other distinct customer grouping to which differences in essential local exchange service prices apply. The fund manager shall apply the provisions of subsections (g) and (p) in determining required Universal Service Fund distributions under W.S. § 37-15-501(d). Distributions for a supported wireless service shall not exceed the amount of per line support that would have been ~~available~~ provided to a wireline telecommunications customer in the geographic service area in which the supported wireless service is offered.

(i) Mid period revisions to a telecommunications company's essential local exchange service price or to a supported wireless service, for purposes of drawing from the fund, shall only be permitted upon application and approval by the Commission and after a showing of need or special circumstances.

Section 503. Records and Reports.

(A) Reports filed under these rules are presumed to be confidential, as defined in FCC Rule 47 C.F.R. §4.2 and Commission Rule §120.

(B) The following types of communications providers shall file the notification and reports required pursuant to 47 C.F.R. §4.11:

(I) Cable communications providers, as defined in 47 C.F.R. §4.3(a), or with Wyoming Certificates of Public Convenience and Necessity;

(II) Communications providers, as defined in 47 C.F.R. §4.3(b), or with Wyoming Certificates of Public Convenience and Necessity;

(III) IXC or LEC tandem facilities, as defined in 47 C.F.R. §4.3(c);

(IV) Signaling System 7 (SS7), as defined in 47 C.F.R. §4.3(e), offering Wyoming SS7 service;

(V) Wireless service providers, as defined in 47 C.F.R. §4.3(f), but only in so far as the wireless provider is an Eligible Telecommunications Carrier (ETC) in Wyoming; and

(VI) Wireline communications providers, as defined in 47 C.F.R. §4.3(g), with Wyoming Certificates of Public Convenience and Necessity.

(C) The definition of outage, special offices and facilities, and 911 special facilities are defined for the purpose of these rules in the same manner as they are defined in FCC Rule 47 C.F.R. §4.5, in its entirety.

(D) The definition of the metrics used to determine the general outage-reporting criteria, are defined for the purpose of these rules in the same manner as they are as defined in FCC Rule 47 C.F.R. §4.7, in its entirety.

(E) Communications providers as defined above in subsection (B) are subject to the outage reporting requirements – threshold criteria, as defined in 47 C.F.R. §4.9, Subsections (a), (b), (d), (e) and (f).

(F) Notification and initial and final Service Interruption Reports that must be filed by the types of communication providers listed in Commission Rule 503(c)(ii)(B), and as described in Paragraph 1 of 47 C. F. R. §4.11:

(I) Initial notification shall be made via voice call to the

Wyoming Public Service Commission or by other means approved by the Commission within 120 minutes of a Service Interruption, pursuant to the Commission's Event Plan telephone number and procedure.

(II) The initial documented notification and final Service Interruption Reports shall be submitted electronically or by FAX or by same day courier.

(G) Report Format. The initial and final Service Interruption Report format will shall follow the guidelines as defined in the FCC's most current Network Outage Reporting System, User Manual. The Service Interruption Report will shall be consistent with the FCC guidelines for outage reports in order to avoid unnecessary duplication and streamline the process, similar to the form of Section 901(j), (Form No. 10) of Chapter IX. These guidelines do not preclude the reporting entity from adding additional information it deems necessary.

#### Section 517.

~~(b) TSLRIC Study Surrogates. Telecommunications companies may propose reasonable TSLRIC study surrogates. Surrogate studies must be shown to be consistent across all services and representative of the costs and operations of the telecommunications company seeking to use it in an appropriate filing with the Commission. The criteria used, by the Commission, in determining the reasonableness and comparability of proposed TSLRIC surrogates shall include, but not be limited to the following:~~

- ~~—— (i) the subscriber density of the area to be studied;~~
- ~~—— (ii) the average loop length of the area to be studied;~~
- ~~—— (iii) all pertinent geographic features of the area to be studied, including but not limited to, topography, soil and weather conditions and distance to bed rock; and~~
- ~~—— (iv) any other characteristics of providing telecommunications services which could vary significantly among different locales within the state.~~

#### Section 223.

Privately owned telephone utilities will maintain their accounting books and records on a uniform basis. The accounts will be numbered and titled in the same manner as the Uniform System of Accounts for Class A and Class B Telephone Utilities promulgated by the Federal Communications Commission. A waiver of this provision may be granted, for good cause shown, upon application.