

CHAPTER 4
TELECOMMUNICATIONS COMPANIES

Section 1. Definitions.

(a) All definitions contained within Wyoming Statute §§ 37-15-103 through 105, Commission Rules Chapter 1, Section 2, and Chapter 5, apply to Chapter 4, as applicable. In addition:

(i) **ANSI:** American National Standards Institute.

(ii) **Application for telecommunications service:** where a construction agreement is not required, an application for telecommunications service shall be considered made when the customer either verbally or in writing requests service utilizing the Company's designated service request procedures. Where a construction agreement is required, an application shall be considered as made when the customer accepts the Company's cost estimate as evidenced by the Company's receipt of the applicable construction agreement signed by the customer, and the customer makes any required advance payment to the Company and complies with any other requirements in the Company's approved price schedules;

(iii) **Central office:** the inside plant of the Company as an operating unit, including the switch or remote switching terminal or module, or other central offices within the same or at other local exchange areas providing telecommunications services to the general public for terminating and interconnecting lines and trunks, for both local and long distance;

(iv) **CFR:** the Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.

(v) **Channel:** a transmission path for telecommunications between two points. Channel may refer to a one-way path or, when paths in the two directions are always associated, a two-way path. A channel is the smallest subdivision of a transmission system by means of which a single type of telecommunications service is provided;

(vi) **Class of service:** a subgrouping of customers for the purpose of rate distinctions, such as nature of use (business or residence) or type of rate (flat or measured);

(vii) **Community of interest:** an area consisting of one or more local exchange areas in which the general population has similar governmental, health, public safety, business or educational interests, or a geographic area determined by the Commission;

(viii) **Company or companies:** means "telecommunications company" as defined in Wyoming Statute § 37-15-103(a)(xi);

(ix) **Customer:** any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency or other legal entity which has applied for, been accepted and is currently receiving telecommunications service. This definition does not apply to

those telecommunications services provided pursuant to an interconnection and/or wholesale agreement;

(x) **Customer trouble report:** any customer report to a Company's repair telephone number or written report to the Company relating to physical defects or operational deficiencies in the Company's facilities. All reports received about a specific physical defect or operational deficiency shall be counted as one trouble report until the defect or deficiency is corrected;

(xi) **Eligible Telecommunications Carrier (ETC):** a common carrier that is authorized by the Commission to receive federal universal service support as required by 47 U.S.C. 214(e)(2).

(xii) **Facility or facilities:** equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment (including upgrades). Also referred to as "telecommunications equipment";

(xiii) **FCC:** the Federal Communications Commission is the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable in all 50 states, the District of Columbia and U.S. territories;

(xiv) **Interconnection:** the linking of two networks for the mutual exchange of traffic;

(xv) **Local access line:** the transmission telecommunications service and facilities necessary for the connection between the customer's premises and local network switching facility, including the necessary signaling service used by customers to access essential telecommunications services;

(xvi) **Local calling area:** the geographic area approved by the Commission as a community of interest in which customers may make calls without payment of a toll charge. The local calling area may include other local exchange areas in addition to the serving local exchange area;

(xvii) **Local exchange area:** a designated geographical area established by a Company for telecommunications services approved by the Commission;

(xviii) **NESC:** the National Electrical Safety Code is published by the Institute of Electrical and Electronics Engineers. The NESC sets ground rules for installation, operation or maintenance of electric supply and communication lines and associated equipment;

(xix) **Out-of-service:** when the customer's telecommunications service quality is such that the customer cannot effectively originate or receive calls, or otherwise use the telecommunications service;

(xx) **Price schedule or tariff:** the schedule of prices, tolls, rentals, policies, charges, classifications, practices and rules and regulations which a Company files with the

Commission or maintains on its website;

(xxi) **Service interruption:** the inability of an end user to establish or maintain a channel of telecommunications service as a result of failure or degradation of a Company's network;

(xxii) **Single party service:** a grade of local exchange area telecommunications service which provides that only one customer shall be served by a single channel connecting the customer's telecommunications service location with the serving central office;

(xxiii) **Station equipment:** a device and any other necessary equipment at the customer's premises which allows the customer to establish and continue telecommunications service and which conforms to and does not exceed the requirements and specifications for the specific telecommunications service ordered as described by price schedule, contract or tariff;

(xxiv) **Telecommunications Services:** telecommunications services as defined by Wyoming Statutes §§ 37-15-103(a)(xii), 37-15-104 and 37-15-105;

(xxv) **USAC:** The Universal Service Administrative Company is an independent, not-for-profit corporation designated by the FCC as the administrator of the universal service fund. USAC collects contributions from telecommunications carriers and administers support programs designed to help communities across the country secure access to affordable telecommunications services.

Section 2. Quality and Adequacy of Service.

(a) The Company shall employ prudent management, engineering and maintenance practices, including budgeting and prioritizing resources, to assure that sufficient equipment and personnel are available to provide safe, adequate and continuous telecommunications service.

(b) Acceptable standards for the basic elements of telecommunications service, which are technically feasible and economically reasonable to provide safe, adequate and continuous service, include at a minimum, the following:

(i) The Company shall construct, operate and maintain all local access lines used for individual line telecommunications service so that the transmission loss does not exceed 8.5 dB measured at a frequency within 2% of 1,000 Hz (1,000+/-20). Loss is measured at the interface with the Company's network at the customer's network interface device and must account for all losses between the central office and the customer's premises;

(ii) All local access lines shall receive a minimum of 20 milliamperes of line current into an assumed station resistance of 430 ohms. Total line resistance, excluding station equipment, shall not exceed the basic operational limits of the central office. Range extension equipment shall be applied to customer lines which are longer than the basic working limits of the central office;

(iii) Local access lines shall be capable of transmission of a bandwidth of 2,700 Hz with a frequency range of 300 Hz to 3,000 Hz;

(iv) Dual tone multi-frequency signaling (DTMF), or its functional equivalent, shall be supported for all access lines;

(v) Single party telecommunications service shall permit the user to have exclusive use of a wireline subscriber loop or local access line channel for each call placed or, in the case of wireless telecommunications, a dedicated message path for the duration of a user's particular transmission; and

(vi) Local access lines shall be capable of accessing operator, directory assistance, toll services and emergency (911 and E911 where implemented) telecommunications services.

(c) The Company shall maintain its network so as to minimize customer trouble reports for telecommunications services and shall not exceed five reports per 100 access lines, per month per specific local exchange area for any consecutive three-month period.

(d) This section does not establish a level of telecommunications service quality to be achieved during periods of emergency, catastrophe and natural disaster affecting large numbers of customers, nor shall it apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest or force majeure.

Section 3. Provision of Service During Emergencies.

(a) Companies shall make reasonable provisions to meet emergencies, including the ability to reroute traffic around damaged facilities and manage traffic spikes.

(b) For any central office, toll switching facility, tandem switching facility or any facility critical to network integrity, permanent auxiliary power generation capable of sustaining functionality for a minimum of eight hours shall be installed and operable. Quarterly functional tests shall be conducted to assure auxiliary power sources correctly activate and continue uninterrupted facility operation.

Section 4. Service Interruptions.

(a) Companies shall make all reasonable efforts to avoid interruptions of telecommunications service and, when interruptions occur, shall re-establish service in a timely and safe manner.

(b) Companies shall notify the Commission of all planned major telecommunications service interruptions, defined per tariff, at least 48 hours in advance, except in emergencies. Companies shall make reasonable efforts to provide affected customers two business days' notice of a planned service interruption.

(c) Local access line telecommunications service interruptions affecting public safety or which apparently will result in prolonged and serious loss of service to a significant number of a Company's customers shall be reported to the Commission by contacting, within two hours of onset of the event, the Commission's Service Interruption Reporting Telephone number (SIRT). A Company shall follow up any incident reported to the SIRT with an email report within 24 hours of the initial SIRT notification or as otherwise directed by the Commission. Reports to the Commission shall include, but not be limited to:

- (i) Location and geographic extent;
- (ii) Damage assessment;
- (iii) Date and time the telecommunications service interruption began;
- (iv) Number of customers or individuals affected;
- (v) Cause;
- (vi) Estimated time of telecommunications service restoration and basis for estimate;
- (vii) Efforts being undertaken to restore telecommunications service;
- (viii) Efforts being undertaken to assist affected individuals;
- (ix) Other governmental agencies notified;
- (x) Contact information for reporting individual(s);
- (xi) If the event is ongoing, the time interval until the Commission will be updated; and
- (xii) Any other information that may be necessary to assess threats or damage.

(d) Any outage report filed with the FCC shall be simultaneously provided to the Commission.

(e) Companies shall submit a written, confidential list of contact names and telephone numbers to be used when a telecommunications service interruption occurs. The list shall:

- (i) Be resubmitted each January and July, whether or not the contact person(s) have changed since the last submittal;
- (ii) Be updated as soon as a contact changes;

(iii) Include contact information with individuals who are knowledgeable about telecommunications service interruptions, the estimated duration and the possible causes of service interruptions; and

(iv) Include contact information to communicate with the individual(s) who are available to confer with the Commission at all times.

Section 5. Construction and Maintenance Standards.

(a) Construction standards.

(i) Companies shall use the following safety standards for construction of new facilities:

(A) NESC approved by ANSI, Standard C2; and

(B) Current accepted engineering standards for the construction of telecommunications plant.

(ii) All telecommunications cables, both direct and in conduit, shall be installed at least 12 inches below the final surface grade. This requirement is not waived if a Company opts to install buried cable before the final grade is established.

(iii) Companies shall use Part 68, Title 47 of the CFR for the connection of its new or existing telecommunications plant with terminal equipment of a customer;

(iv) Companies shall coordinate with utilities and other Companies to avoid or eliminate any interference. The owner of new facilities interfering with existing facilities constructed in accordance with relevant and applicable standards shall bear the cost of correction and mitigation.

(b) Maintenance standards.

(i) Companies shall use the following safety standards for maintenance and operation of facilities:

(A) The NESC approved by the ANSI, Standard C2; and

(B) Practices standard in the industry.

(ii) Each Company shall adopt and comply with maintenance programs, including periodic testing, inspections and prevention, to ensure efficient operation of its system for the rendering of safe, adequate and continuous telecommunications service.

Section 6. Information to Applicants and Customers.

(a) The Company shall provide access to information relating to its telecommunications services and prices, accept and process applications for service, explain charges on customers' bills, adjust charges made in error and generally provide assistance to its customers.

(b) The Company shall provide customers the following information:

(i) Price schedules and terms and conditions of telecommunications service applicable to the service being requested;

(ii) Maps for each local exchange area's price zones and boundaries in sufficient size and detail to determine customers' mileage and zone charges;

(iii) Information about the availability of telecommunications services at customer-specified locations and public information concerning plans for major service changes in the area; and

(iv) Information pertaining to telecommunications services and prices as proposed in pending price schedule filings.

(c) Companies posting prices, telecommunications services and information online through a website shall provide the Commission with a current Uniform Resource Locator (URL) for each location where such information is posted.

Section 7. Requests for Telecommunications Service.

(a) The Company shall employ prudent management, engineering, planning and design practices to assure that adequate facilities are in place to meet customer requests for essential telecommunications service within a reasonable time. All Companies shall file or post approved price schedules, standard construction agreements or other documents describing the conditions and costs under which telecommunications service extensions are available.

(b) Where adequate facilities to and on the customer's premises exist, local exchange telecommunications service shall be provided 95% of the time within five working days from the customer's application date. Companies shall maintain records to demonstrate compliance with this section.

(c) Where construction is necessary and charges apply, the Company shall provide a written good faith cost estimate of the construction charge to the customer within 30 days of a request. The estimate shall inform the customer that receipt of a signed construction agreement is required before the customer's request will be considered an application for telecommunications service. The customer shall have no fewer than 30 days to accept and return the signed construction agreement. A signed construction agreement and customer payment of any required construction advances shall be notice to the Company that the customer desires service. The date of receipt by

the Company of the signed construction agreement, any advance payment and compliance with any other advance requirements in the Company's approved price schedules shall be considered the application date, unless a later date is mutually agreed upon by the customer and the Company.

(d) Applicants for local exchange telecommunications service shall be given written or verbal notice documenting the expected date of service. The applicant shall be notified immediately if the expected date of service changes. The notice shall state the reason for the change, the expected date of service and, in case of delay, all remedies available to the applicant.

Section 8. Held Service Orders.

(a) An application to the Company for local exchange telecommunications service shall be considered a held service order if not completed within 30 days after the application date or a later date mutually agreed upon by the customer and the Company.

(b) If the Company can reasonably provide initial local exchange telecommunications service without major construction and fails to provide it within 30 days of the customer's application date, the Company shall provide the customer an alternative form of local exchange service or payment for an alternative form of service, at the Company's option.

Section 9. Customer Deposits.

(a) A Company may require a deposit to guarantee payment. This deposit shall not be considered advance payment of bills, but shall be held as security for payment for telecommunications service rendered. The Company may refuse service to an applicant or terminate service to a customer for failure to comply with this section. Company policies governing deposits shall be applied uniformly.

(b) The Company may require a customer deposit if:

(i) A prior telecommunications service account with the Company remains unpaid and undisputed at the time of application for telecommunications service;

(ii) Telecommunications service from the Company has been terminated for:

(A) Nonpayment of any undisputed delinquent bill;

(B) Failure to reimburse the Company for damages due to the customer's negligent or intentional acts; or

(C) Acquisition, diversion or use of service without the authorization or knowledge of the Company.

(iii) Information provided upon application for telecommunications service is materially false or misrepresentative;

(iv) The application is for initial telecommunications service with the Company or the applicant did not have service with the Company for a period of at least 12 consecutive months during the past four years;

(v) The applicant or customer is unable to pass an objective credit screen;

(vi) The request is for telecommunications service at an address where a former customer with an undisputed delinquent bill for service still resides or conducts business; or

(vii) The applicant for telecommunications service, or the customer, has been brought within the jurisdiction of the bankruptcy court or has had a receiver appointed in a state court proceeding, within the five-year period immediately preceding the request for service.

(c) A Company shall not require a deposit as a condition of new or continued telecommunications service based upon any criterion not specifically authorized by these Rules.

(d) Unless otherwise ordered by the Commission, the required deposit shall not exceed the amount of the average estimated bill for 60 days of telecommunications service.

(e) The Company shall retain records showing:

(i) The name and address of each customer making the deposit;

(ii) The date and amount of the deposit; and

(iii) Each accounting transaction concerning the deposit.

(f) The Company shall provide the customer a non-assignable receipt or other record of deposit, showing the date and amount received.

(g) The Company shall calculate simple interest on deposits at the Commission's Authorized Interest Rate. Interest shall apply only to deposits held for at least six months, but will accrue from the initial date of deposit through the date the deposit is returned to the customer.

(h) Deposits and any unpaid interest earned on deposits shall be applied as a credit to customer's bill, unless requested by the customer to be refunded, when:

(i) The accrued interest equals or exceeds \$10.00. The Company shall apply the credit at least annually;

(ii) A customer has received 12 consecutive months of telecommunications service, with no cause to disconnect and bills have been paid when due; or

(iii) Telecommunications service is discontinued. The Company shall not require the customer to provide the original receipt in order for the deposit to be returned. Any credit balance on the account after the deposit is applied shall be refunded to the customer. If the

Company is unable to make the refund due to lack of knowledge of the customer's location, additional interest will not accrue after the service discontinuation date. The Company shall manage such deposits as unclaimed property as required by Wyoming law.

Section 10. Advance Payment for Telecommunications Service, Billing, and Refunds to Customers.

(a) A Company may require an applicant for telecommunications service to pay, in advance, the monthly service charge and fixed charges applicable for the first month of service.

(b) All bills shall be rendered periodically to customers and shall reflect all call details and other factors upon which the bill is based. Each bill shall bear upon its face the date of the bill and the latest date on which it may be paid without penalty.

(c) Refunds shall be provided to customers when:

(i) A customer's telephone remains out of service in excess of 48 consecutive hours after report thereof by the customer to the Company. The Company shall refund or credit to the customer the prorated portion of that month's charges for the period the telephone was out of service. Out-of-service credits shall not be available when the service interruption is due to conditions identified in section 2(d) of these Rules;

(ii) The amount due to the customer is greater than the amount due the Company for telecommunications services rendered; or

(iii) Telecommunications service is discontinued after payment in advance, either upon request of a customer or by the Company for violation of its rules and regulations. The Company shall refund to the customer that portion of the month's charges for the time the telephone was not used, except where:

(A) Charges for a minimum term of service, as provided by the Company's price schedule, are applicable; or

(B) The customer, at the time service is discontinued, is indebted to the Company in an amount sufficient to offset the amount of refund.

Section 11. Discontinuation of Telecommunications Service to Customers and Reconnection After Service Discontinuation.

(a) Unless otherwise ordered by the Commission, no Company shall terminate service to any customer for violating its rules and regulations or for nonpayment of bills for service until the Company has given at least seven calendar days' notice to the customer.

(b) Notice shall be effective when a copy is provided to the customer in person, by telephone after customer verification, or received by U.S. mail at the customer's last known mailing address. Additional notice may be provided electronically. The notice shall contain:

(i) The name of the person whose account is delinquent and the service address to be discontinued;

(ii) The rule or regulation that was violated or the amount of the unpaid delinquent bill;

(iii) The effective date of the notice and the date on or after which service is to be discontinued;

(iv) The Company's specific address and phone number for information regarding how to avoid service discontinuation; and

(v) A statement advising the customer how to contact the Commission if discontinuation is disputed.

(c) The notice shall inform the customer that, if prior to the initial date for the discontinuation, the customer provides the Company with written verification from a health care provider responsible for the care of a customer or his/her co-habitants stating that their health or safety would be seriously endangered if telecommunications services were discontinued, the Company shall extend the date for discontinuation set forth in the notice by 15 days (22 days total) to allow for bill payment.

(d) The Company may discontinue service between 8:00 a.m. and 4:00 p.m., Monday through Thursday, without further notice when:

(i) The notification period has elapsed and the delinquent account has not been paid;

(ii) Acceptable payment arrangements have not been made with the Company;
or

(iii) The Company is not satisfied the customer has ceased violating the Company's rules and regulations.

(e) Any Company may discontinue service to a customer without advance notice for reasons of safety, health, cooperation with civil authorities, fraudulent use, or tampering with or destroying Company service facilities.

(f) If a telecommunications bill, or portion of a bill, is in dispute and, if the customer pays the portions not in dispute, the Company may not disconnect service for nonpayment of the disputed bill while the dispute is unresolved.

(g) When telecommunications service has been disconnected for violation of the Company's rules and regulations, nonpayment of bills or fraudulent use of service, and the customer desires the service to be reconnected, the Company may require the customer to pay in full all bills due for service rendered up to the date service was discontinued, plus such reasonable

reconnection charge as is stated in the Company's tariffs, prices, price schedules, rules and regulations. The Company shall not be required to restore service in such cases until the customer has complied with all of the Company's rules and regulations on service reconnections.

Section 12. Complaints.

- (a) Informal complaints may be resolved at the discretion of the Commission.
- (b) Formal complaints to the Commission:
 - (i) A formal complaint to the Commission shall contain:
 - (A) A clear and concise statement of the relevant facts;
 - (B) Reference to the statutes, rules or orders that the complainant alleges have been violated;
 - (C) The name and contact information of the complainant;
 - (D) The name and address of attorneys involved, if any; and
 - (E) The name of the respondent against which the complaint is made and whether a hearing is requested. A formal complaint requesting a hearing must be in writing.
 - (ii) A respondent shall file an answer to a formal complaint within 20 days after the date of its receipt. The respondent may request a hearing, in writing, on any formal complaint.
 - (iii) The complainant and respondent may resolve any formal complaint by written agreement filed with and approved by the Commission.
- (c) Complaints to a Company:
 - (i) Each Company shall make a full and prompt investigation of all complaints and shall retain a record of all such complaints received for a period of three years; and
 - (ii) The record shall include the name and address of the complainant, the date and character of the complaint and its resolution.

Section 13. Requirements for Commission Designation of ETCs Pursuant to the Annual Certification Guidelines and Standards Set Forth in Part 54 of Title 47 of the CFR.

- (a) The Commission shall review the carrier's application for ETC designation for compliance with 47 U.S.C. §§ 214(e) and 254(f). The Commission shall determine whether any such designation serves the public interest, convenience and necessity. The Commission's public interest analysis shall consider the carrier's application; the carrier's response to the provisions set forth below; any cost-benefit analysis prepared by the carrier relating to customer choice; any

advantages of the carrier's service offering; and evidence produced at hearing, if any hearing is held. The Commission shall consider the fundamental goals of preserving and advancing universal service to ensure the availability of quality telecommunications at just, reasonable, and affordable rates; and to promote the deployment of advanced telecommunications and information services to all regions of the state, including rural and high-cost areas.

(b) Each carrier seeking designation by the Commission as an ETC throughout a specified service area in order to receive "high cost support" as defined at 47 CFR § 54.5 shall satisfy the following subsections *except* (b)(xi). Each carrier seeking limited designation by the Commission as an ETC throughout a specified service area in order to receive Lifeline "low income" support as defined at 47 CFR § 54.400 *et seq.* shall satisfy the following subsections *except* (b)(v) and (viii).

(i) Demonstrate the carrier's technical, financial and managerial ability to provide to all customers making a reasonable request for service, and to advertise using media of general distribution, the following supported services throughout the service area for which it is requesting ETC designation:

(A) Voice grade access to the public switched network or its functional equivalent;

(B) Minutes of use for local service provided at no additional charge to end users;

(C) Access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 to the extent these systems have been implemented; and

(D) Toll limitation services to qualifying low income consumers.

(ii) Demonstrate the carrier will offer and advertise the prices and availability of the Lifeline and Tribal Linkup programs in a manner designed to reach those likely to qualify for these programs, throughout the service area for which the carrier is seeking ETC designation;

(iii) Demonstrate the carrier's commitment and technical, financial and managerial ability to provide service on a timely basis to requesting customers within the carrier's service area where the carrier's network already passes the requesting customer's premises;

(iv) Demonstrate the carrier's commitment and technical, financial and managerial ability to provide service within a reasonable period of time, if a requesting customer is within the carrier's licensed or certificated service area, but outside its existing network coverage, if service can be provided at reasonable cost;

(v) Submit a five-year plan detailing on a local exchange area basis proposed improvements or upgrades to the carrier's network throughout the carrier's proposed designated service area. Each carrier shall demonstrate: how service quality, coverage, capacity, call

completion and access, including broadband access, will improve due to the receipt of federal support; the projected start and completion dates and costs for each improvement; the specific geographic area where the improvements will be made; and the estimated population to be served as a result of the improvements;

(vi) Demonstrate the carrier's commitment and technical, financial and managerial ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities and is capable of managing traffic spikes resulting from emergency situations;

(vii) Demonstrate the carrier will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code will satisfy this requirement. Other commitments will be considered on a case-by-case basis;

(viii) Demonstrate the carrier will offer a plan or plans, including minutes, price and coverage area, comparable to those offered where the carrier is seeking ETC designation;

(ix) Provide a detailed map of the service area for which the carrier is seeking ETC designation, including the location and the effective coverage area of each cellular tower, if applicable. The Commission may require such maps be submitted in a designated electronic format;

(x) Demonstrate the carrier will offer the supported services using either entirely its own facilities or a combination of its own facilities and resale of another carrier's services or provide documentation from the FCC demonstrating approval of the carrier's "Compliance Plan" and receipt of forbearance from the "own facilities" provisions of federal law;

(xi) Provide documentation describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan; and

(xii) Provide a copy of the carrier's application to the affected Tribal government and Tribal regulatory authority, as applicable, at the time the carrier files with the Commission for any Tribal lands included as part of the carrier's request for ETC designation.

Section 14. Annual Reporting Requirements for All Previously Designated ETCs Pursuant to the Annual Certification Guidelines and Standards Set Forth in Part 54 of Title 47 of the CFR.

(a) For an ETC previously designated by the Commission, or previously designated by the FCC, to be certified to receive support for the following calendar year, or to retain its ETC designation, each ETC shall submit to the Commission the annual reporting information listed

below on or before July 15.

(b) Each ETC receiving any “high cost support” as defined at 47 CFR § 54.5, or any Lifeline “low income support” as defined at 47 CFR § 54.400 *et seq.*, shall file an unredacted copy of the federal annual ETC report with supporting documentation. To the extent the following requirements are not fully satisfied by the report, include additional supplemental information.

(i) Detailed information on a local exchange area basis of any outage, as that term is defined in 47 CFR § 4.5, of at least 30 minutes in duration for each service area in which an ETC is designated for any facilities it owns, operates, leases or otherwise utilizes that potentially affect: at least 10% of the end users served in a designated service area; or, a 911 special facility, as defined in 47 CFR § 4.5(e). Specifically, the ETC’s annual report must include information detailing:

- (A) The date and time of onset of the outage;
- (B) A brief description of the outage and its resolution;
- (C) The particular services affected;
- (D) The geographic areas affected by the outage;
- (E) Steps taken to prevent a similar situation in the future; and
- (F) The number of customers affected.

(ii) For high cost support recipients only, documentation detailing the number of requests for service from potential customers within the ETC’s service areas that were unfulfilled, including how it attempted to provide service to those potential customers, as set forth in Rules 13(b)(iii) and (iv);

(iii) Documentation detailing the number of complaints per 1,000 connections (fixed or mobile);

(iv) Documentation detailing how the carrier is complying with applicable consumer protection and service quality standards, or for wireless carriers, the CTIA Consumer Code;

(v) Documentation detailing how the carrier is able to function in emergency situations as set forth in Rule 13(b)(vi).

(vi) Documentation detailing the carrier’s holding Company, operating Companies, affiliates that are designated ETC’s and/or provide retail broadband service, and any branding (a “d/b/a” or brand designation), as well as universal service identifiers. “Affiliates” is defined as “a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.” “Own” means to own an equity interest

(or the equivalent thereof) of more than 10%;

(vii) For high cost support recipients only, to the extent the carrier serves federally recognized Tribal lands, documentation demonstrating the ETC had discussions with Tribal governments that, at a minimum, included:

(A) A needs assessment and deployment planning with a focus on Tribal community anchor institutions;

(B) Feasibility and sustainability planning;

(C) Marketing services in a culturally sensitive manner;

(D) Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and

(E) Compliance with Tribal business and licensing requirements. Tribal business and licensing requirements include business practice licenses that Tribal and Non-Tribal business entities, whether located on or off Tribal lands, must obtain upon application to the relevant Tribal government office or division to conduct any business or trade, or deliver any goods or services to the tribes, Tribal members or Tribal lands.

(viii) For low income only recipients, documentation describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, any additional charges for toll calls and rates for each such plan; and

(ix) Documentation detailing how the carrier offers and advertises the prices and availability of the Lifeline and Tribal Linkup programs in a manner designed to reach those likely to qualify for these programs, throughout the service areas for which the carrier has been designated an ETC.

(c) Each ETC shall submit the following additional documentation:

(i) If not already on file, a current detailed map of the service areas for which the carrier has been designated an ETC, including the location and the effective coverage area of each cellular tower, if applicable. The Commission may require such maps be submitted in a designated electronic format;

(ii) Documentation detailing the total amount of all federal “high cost” and “low income” support received in the previous calendar year and in the current year to date, categorized by “support mechanism;”

(iii) For high cost support recipients only, documentation detailing on a local exchange area basis, if available, expenditures for the previous calendar year and the current year to date, for the provision, maintenance and upgrading of facilities and services for which the

support is intended where the carrier has been designated an ETC;

(iv) Documentation, or reference to approved price schedule, detailing how the carrier offers the supported services, listed below, throughout the service areas in Wyoming where the carrier has been designated an ETC:

(A) Voice grade access to the public switched network or its functional equivalent;

(B) Minutes of use for local service provided at no additional charge to end users;

(C) Access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 to the extent these systems have been implemented; and

(D) Toll limitation services to qualifying low income consumers.

(v) If not already on file, a copy of the current service agreement the carrier offers to its universal service customers, including all terms and conditions.

(d) Each ETC receiving less than \$5,000 in the aggregate of either “high cost” or “low income” support, may apply to the Commission for a waiver of all or part of these annual filings. Waivers will be considered on a case-by-case basis.

Section 15. Records and Reports.

(a) Each Company shall file on or before May 1st of each year an annual report for the preceding calendar year in the form prescribed by the Commission. All annual reports shall be signed by the officer, manager or agent of the Company under whose direction the annual report is prepared.

(b) Companies and CPCN holders shall preserve the following records for at least three years after the date of entry of the record:

(i) Held service orders.

(A) The Company shall keep records, by local exchange area, of each instance of a held service order. The record shall indicate the name and address of each applicant for telecommunications service, the date of application, the class of service applied for, whether the held service is for a first line or an additional line, the reason for the delay, the expected date of service and whether a construction agreement was executed.

(B) The Company shall maintain by local exchange area the total number of held service orders categorized by reason for delay and by dates of application without regard to the length of time the application has been held or the estimated cost of fulfilling the

order.

(ii) Maintenance and operations records. Records of the tests and inspections, necessary for the Company to fulfill the requirements of these Rules, shall be maintained. Corrective maintenance records shall identify the line or facility tested or inspected. The records shall include sufficient detail to show that adequate testing conditions existed and that timely and effective corrective action was undertaken;

(iii) Customer trouble reports. The Company shall maintain customer trouble reports by local exchange area through which patterns and trends indicating the need for plant improvement may be identified;

(iv) Record of construction charge estimates. The Company shall maintain a record of each issuance of a construction charge estimate, as set forth in section 7(c) of these Rules. The record shall include the name and address of each applicant for telecommunications service, the date the construction charge estimate was sent to the applicant, the class of service applied for, if the request was for a first line or an additional line, the dollar amount of the estimate, a listing of materials needed and whether the estimate involved a group of applicants.

Section 16. Notices and Applications.

(a) When required, an application for a certificate of public convenience and necessity shall include, if applicable:

(i) The name and address of the applicant;

(ii) The type of plant, property or facility proposed to be constructed or acquired;

(iii) A description of the facilities proposed to be constructed or acquired, including preliminary engineering specifications in sufficient detail to properly describe the principal systems and components, and final and complete engineering specifications when they become available;

(iv) The rates, if any, proposed to be charged for the telecommunications service that will be rendered because of the proposed construction or acquisition;

(v) The estimated total cost of the proposed construction or acquisition;

(vi) The manner by which the proposed construction or acquisition will be financed;

(vii) Documentation of the financial condition of the applicant;

(viii) The estimated annual operating revenues and expenses that are expected to accrue from the proposed construction or acquisition, including a comparison of the overall effect

on the applicant's revenues and expenses; and

(ix) The estimated start and completion dates of the proposed construction or date of acquisition.

(b) A Company providing non-competitive essential local exchange telecommunications services shall file an application prior to discontinuing, abandoning or otherwise disposing of any utility facility or telecommunications service currently offered to the public. The application shall provide all studies of past, present and prospective customer use of the utility facility or telecommunications service.

(i) An application shall not be required:

(A) To remove individual facilities where a customer has requested telecommunications service discontinuance; or

(B) For *de minimis* sales and dispositions of utility plant or facilities that do not affect a Company's ability to provide safe, adequate and reliable telecommunications service. *De minimis* sales and disposition do not include the sale or disposition of distribution facilities, major utility facilities or facilities valued at more than 1% of a utility's Wyoming gross plant in service; or

(C) For easements and rights-of-way and leases or sale of real property that do not affect a Company's ability to provide safe, adequate and reliable telecommunications service, provided that such transactions shall be reported to the Commission on the 15th day of January and July each year. The reports shall include an itemized list of all transactions, their value and a description of the disposition of all funds received.

(c) Applications for price schedule changes:

(i) The proposed price schedules shall be posted on the Company's website and in offices and places of business in the territory affected when the proposed change is filed with the Commission. Approved tariff sheets shall be similarly posted for 30 days after their effective date;

(ii) Proposed price schedules shall be filed in clean and legislative formats. Legislative format shall indicate deleted material in strikeout and added material in underline. The version in legislative format shall not be part of the Company's price schedule.

Section 17. Price Schedules.

(a) All price schedules shall:

(i) Be accompanied by a cover page stating the Company's name and the location of the Company's principal office;

- (ii) Include a table of contents;
- (iii) Describe the territory the Company serves;
- (iv) Include the applicable price schedules, showing all prices and charges for the various separate classes of telecommunications service and the Company's rules and regulations. All prices shall be clearly and explicitly stated in cents or dollars and cents per defined unit;
- (v) Separately identify each price schedule where more than one price schedule is available for various classes of telecommunications service;
- (vi) State the area, city or other district in which the price schedules and charges apply;
- (vii) Be available for public inspection during the regular office hours;
- (viii) Identify the P.S.C. Wyo. Number of the price schedule. Subsequent price schedules filed shall continue such designation in consecutive numerical order. Companies shall file an entire set of price schedules that includes prices, rules and regulations, designating a subsequent P.S.C. Wyo. Number with each general price increase case. Further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," "First Revision of Original Sheet No. 1, canceling Original Sheet No. 1" etc., shall also be included when applicable. At the bottom of the page shall be shown the date of issue, the effective date of each page, the name and title of the issuing officer, agent or employee; and
- (ix) Include a summary sheet of all authorized rates for each class of telecommunications service. The summary sheet shall provide references to each detail sheet.
- (x) Include an explanation of any symbols, reference marks and abbreviations used in the price schedule. The following shall be used for the purpose indicated and shall not be used for any other purpose:
 - (A) [C] to denote changed regulations;
 - (B) [D] to denote discontinued rate or regulation;
 - (C) [I] to denote increase to a rate or charge;
 - (D) [M] to denote matter relocated without change;
 - (E) [N] to denote new rate or regulation;
 - (F) [R] to denote reduction to a rate or charge;
 - (G) [S] to denote matter reissued without change;

and

(H) [T] to denote a change in test but no change in rate or regulation;

(I) [Z] to denote a correction.

CHAPTER 5
WYOMING UNIVERSAL SERVICE FUND

Section 1. Authority, Scope and Definitions.

(a) These Rules are promulgated by authority of Wyoming Statutes §§ 37-15-501 et seq.;

(b) All telecommunications companies which provide telecommunications services, and providers of VoIP and internet protocol enabled services as defined by Wyoming Statute § 37-15-105, (Companies) are subject to this Chapter.

(c) All definitions contained within Wyoming Statute §§ 37-15-103 through 105, and Chapter 4 of these Rules apply to Chapter 5. In addition:

(i) **Contributions from the Federal Universal Service Fund (FUSF Contributions):** funds received from the FUSF as reported to the Commission for high cost support mechanisms that will assist customers located in areas with relatively high rates for noncompetitive essential local exchange service;

(ii) **Embedded Support Price:** the Commission-approved price paid for telecommunications service that includes a FUSF credit without explicitly stating the amount of the credit on the customer's bill;

(iii) **Essential local exchange service line:** a line providing essential local exchange services as defined by Wyoming Statute § 37-15-103(a)(iv);

(iv) **Essential local exchange service price:** those prices charged for the provision of essential local exchange services as defined by Wyoming Statute § 37-15-103(a)(iv), including when bundled with unregulated services;

(v) **Fund:** Wyoming Universal Service Fund;

(vi) **Incremental Federal High Cost Support Adjustment:** the difference between the amounts of Federal High Cost Support received in the most recent calendar year and the amount of Federal High Cost Support in the Embedded Support Price;

(vii) **Most recent annual filing of unseparated loop costs filed with USAC:** those costs found in a company's annual October 1 submittal made by the National Exchange Carrier Association (NECA) pursuant to 47 CFR § 54.1307;

(viii) **Most recent annual FUSF receipts:** the total of all high cost receipts disbursed to a company during the last completed calendar year, including all high cost support mechanisms except intercarrier compensation (ICC);

(ix) **Most recent annual local revenues:** local revenues as calculated using the statutory \$30 imputed price benchmark and all subscriber line charge revenue; and

(x) **Non-Embedded Support Price:** the Commission-approved price paid for telecommunications service that includes a FUSF credit that is explicitly stated on the customer's bill.

Section 2. General Administration of the Fund.

(a) In administering the Fund pursuant to Wyoming Statute § 37-15-501 et seq., the Commission may arrange for the services of a Fund Manager who shall perform routine collection, distribution and other activities related to the Fund, subject to the oversight and direction of the Commission. The Fund Manager's compensation and expenses directly related to the administration of the Fund shall be incorporated into the required Fund contributions and paid from the Fund;

(b) The Fund shall be audited by an independent accountant not affiliated with the Fund Manager at least once every three years. Expenses related to audits shall be included in the administrative cost of the Fund and shall be incorporated in the required contributions and paid from the Fund. The independent accountant shall be selected by the Commission under all applicable procurement rules. No accountant shall be eligible to perform more than three consecutive audits;

(c) No later than October 1st of each year, the Commission shall issue a public report that summarizes the preceding year's activity and includes:

(i) A statement of collected assessments and distributions from the Fund;

(ii) A record of total cost of Fund administration; and

(iii) Non-confidential audit reports and recommendations provided by the independent accountant referenced in subsection (b).

Section 3. Assessment Reporting, Payments and Annual Assessment Rate.

(a) For assessment purposes, all companies realizing any retail intrastate revenue from telecommunications services in Wyoming are required to quarterly report such gross revenues to the Commission. The report of revenue, whatever the amount, is required by the last day of the first month after the end of any calendar quarter in which a company realizes any intrastate revenue from its operations in Wyoming;

(b) By April 15 of each year, the Fund Manager shall issue a report that details the \$30 imputed price benchmark described in Wyoming Statute § 37-15-501(h), including a comparison to the weighted statewide average 130% price benchmark, the calculated proposed support distributions from the Fund and the proposed assessment rate that shall be applied to gross intrastate retail revenues. This proposed assessment rate shall be based on the computed amounts

needed for support distributions, the statutory cap described in Wyoming Statute § 37-15-501(e)(ii), the prior year gross intrastate retail revenues and any over-or under-collection in the Fund from the previous year;

(c) By May 15 of each year, the Commission shall by order set the Fund assessment rate for the 12 month period beginning July 1st of each year;

(d) The Fund assessment rate shall apply only to intrastate retail telecommunications service revenues and shall not apply to revenues associated with wholesale services. For purposes of the section, wholesale services include any service which is resold, with or without additional value-added features, to end users by the purchaser of the service, except lines purchased and resold by internet service providers;

(e) Fund assessment charges shall appear as a separate line item on each customer's bill unless the Company requests a waiver and the Commission grants the request;

(f) All Companies realizing intrastate retail revenue from telecommunications services in Wyoming are required to report such gross revenues to the Commission as described in (a) and contemporaneously pay into the fund the assessment amount calculated by multiplying the Company's gross revenue, less any wholesale transactions described in paragraph (d), by the assessment rate. Administrative costs incurred by Companies making payments into the Fund shall not be used as an offset to the required payments of assessment;

(g) For assessments of \$500 per month or less, payment is required quarterly. For assessments greater than \$500 per month, payment is required monthly. Payment is due on or before the last day of the first month following the assessment month or quarter;

(h) Assessments not timely paid shall be subject to a late payment charge equal to 1.5% on the balance each month until the assessment is paid.

Section 4. Annual Reports and Record Keeping.

(a) By February 15th of each year, all Companies shall provide the information required by the Commission to perform the computations necessary for collection and distribution of the Fund, along with any petition for confidential treatment of submitted data;

(b) Each Company shall report its number of essential local exchange service lines and calendar year-end essential local exchange service price(s) separately for each distinct geographic area, zone, mileage or other customer grouping to which different essential local exchange service prices apply;

(i) The price reported shall include all standard charges associated with each Company's essential local exchange service or each wireless Company's supported wireless service. Such charges include: the essential local exchange service price, whether flat or measured, zone and mileage charges;

(ii) The price reported shall exclude: bill credits related to prior period Fund receipts; federally mandated customer service line charges; mandatory extended area service charges; surcharges for 911; franchise taxes; and other similar charges or taxes.

(c) Each Company electing distribution pursuant to Wyoming Statute § 37-15-501(g) shall also submit:

(i) Its most recent annual filing of unseparated loop costs filed with USAC pursuant to 47 CFR § 54.1307, if applicable, or its equivalent. If the Company reports to USAC in a manner inconsistent with its distribution from the Fund, such as aggregated with another Company, or in conjunction with another jurisdiction, then it must conform its Commission submittal to enable individualized Fund distribution;

(ii) Its most recent annual FUSF receipts;

(iii) Its most recent annual local revenues and total local service exchange line counts; and

(iv) Companies shall preserve Fund-related records for at least three years after the date of entry of the record.

Section 5. Determining the Weighted Statewide Average Price and 130% Price Benchmark.

(a) The Fund Manager shall compute the weighted statewide average essential local exchange service price in a consistent manner based on end of calendar year essential local exchange service line counts and on prices authorized by Wyoming Statute §§ 37-15-203 and 204, taking into account the customer grouping options used by the Companies described in section 4(b) of this Chapter. The Fund Manager's computation of the weighted statewide average essential local exchange service price shall also include the reported prices for supported wireless services;

(b) The weighted statewide average essential local exchange service price shall be calculated as follows:

(i) Multiply the number of essential local exchange services lines by the price(s) applicable to each line reported pursuant to section 4(b) to determine the total revenue for each Company;

(ii) Add all reporting Companies' revenues to determine the statewide total revenues;

(iii) Add all reporting Companies' essential local exchange service lines to determine the statewide total number of service lines;

(iv) For those reporting Companies with Embedded Support Prices, determine the total embedded Federal High Cost Support as follows:

(A) Multiply each Company's Embedded Support Price by the number of its essential local exchange service lines reported in section 4(b) and multiply by 12 to annualize;

(B) Subtract the total embedded FUSF support from the Company's reported FUSF Contributions to determine its Incremental Federal High Cost Support Adjustment; and

(C) Add all reporting Companies' annual Incremental Federal High Cost Support Adjustments and divide by 12 to determine a statewide monthly Incremental Federal High Cost Support Adjustment.

(v) Subtract the statewide monthly Incremental Federal High Cost Support Adjustment from the statewide total revenues to determine the adjusted statewide total revenues; and

(vi) Divide the adjusted statewide total revenues by the statewide total number of essential local exchange service lines to determine the weighted statewide average price.

(c) The 130% price benchmark shall be calculated by multiplying the weighted statewide average price by 130%.

Section 6. Distributions from the Fund.

(a) The Fund Manager shall use the imputed price benchmark of \$30 to determine required Fund distributions pursuant to Wyoming Statute § 37-15-501(d), unless the Commission determines it does not approximate 130% of the weighted statewide average essential local exchange service price and that it should be adjusted by 10% or more pursuant to Wyoming Statute § 37-15-501(h);

(b) Companies providing non-competitive essential local exchange service that elect to receive distributions pursuant to Wyoming Statute § 37-15-501(d) shall receive funds only to the extent that their essential local exchange service prices or supported wireless service price(s), after consideration of FUSF Contributions, exceed the \$30 imputed price benchmark, or if determined by the Commission, the 130% price benchmark as calculated above. FUSF Contributions shall be credited monthly on a per-line basis. Each Company's incremental FUSF receipts resulting from changes in the Company's FUSF Contribution shall also be credited monthly to the bills of the customers on a per-line basis. The amount of the credit for each of the customers shall be computed and authorized by the Commission in a manner consistent with federal receipt of such funds and must be greater than zero to qualify for distribution from the Fund;

(c) Monthly total distributions to Companies that elect to receive distributions pursuant to Wyoming Statute § 37-15-501(d) shall be calculated as follows:

(i) For those reporting Companies with Embedded Support Prices:

(A) Divide each Company's Incremental Federal High Cost Support Adjustment as calculated in section 5(b)(iv)(B) by its total number of essential local exchange service lines and divide by 12 to determine its monthly per-line Incremental Federal High Cost Support Adjustment;

(B) Subtract the per-line Incremental Federal High Cost Support Adjustment from the net price(s) reported in section 4(b) to determine the total per line incremental adjusted net price.

(ii) If the Company's reported net price(s), whether incrementally adjusted or otherwise, exceed the imputed price benchmark of \$30, or if applicable, the 130% price benchmark, then the difference is the Company's eligible per-line distributions(s);

(iii) Multiply the Company's eligible per-line distribution(s) by the number of essential local exchange service lines applicable to each net price; and

(iv) Total these results to determine the Company's total monthly distribution.

(d) A Company providing non-competitive essential local exchange service that elects to receive distributions pursuant to Wyoming Statute § 37-15-501(g) shall receive funds only to the extent that its costs, as reflected in the Company's most recent annual filing of unseparated loop costs filed with the USAC, exceeds its most recent annual FUSF receipts and annual local revenues;

(e) Monthly total distributions to Companies that elect to receive distributions pursuant to Wyoming Statute § 37-15-501(g) shall be calculated as follows:

(i) To determine whether each Company's most recent annual filing of unseparated loop costs exceeds its most recent annual FUSF receipts and annual local revenue:

(A) Multiply each Company's reported total number of local service lines by the \$30 imputed price benchmark and multiply by 12 to annualize;

(B) Add all reported subscriber line charge revenues to determine total most recent annual local revenues;

(C) Add to each Company's most recent annual FUSF receipts to determine each Company's total most recent annual FUSF receipts and annual local revenue; and

(D) Subtract each Company's most recent unseparated loop costs from the Company's total most recent annual FUSF receipts and annual local revenue to determine the Company's excess loop costs and eligibility for distribution.

(ii) For each Company with excess unseparated loop costs, divide by 12 to determine the Company's eligible total monthly distribution.

(f) If calculated distributions for the upcoming Fund year will exceed the statutory cap described in Wyoming Statute § 37-15-501(e)(ii), then distributions to all Companies that elect to receive distributions pursuant to Wyoming Statute § 37-15-501(g) shall be subject to pro-rata distribution reductions calculated as follows:

(i) For those Companies eligible for monthly distributions as calculated in section 5(e) above:

(A) Add all Companies' eligible annual distributions to determine a statewide total of annual distributions;

(B) Divide each Company's total annual distribution by the statewide total of annual distributions to determine each Company's percentage of distributions;

(C) Multiply the statutory cap amount available for all Companies that elect distributions pursuant to Wyoming Statute § 37-15-501(g) by each Company's percentage of distributions to determine each Company's eligible reduced total pro-rata annual distribution; and

(D) Divide each Company's eligible reduced total pro-rata distribution by 12 to determine its reduced monthly pro-rata distribution.

(ii) If an eligible Company elects to receive distributions pursuant to Wyoming Statute § 37-15-501(g) after distributions have begun for the Fund year, then recalculate the pro-rata distribution reductions as described in subsection (f)(i)(A-C) above, adding the new elector. Then divide each Company's eligible reduced total pro-rata distribution by the number of months remaining in the Fund year to determine its reduced monthly pro-rata distribution.

(g) Distribution amounts from the Fund are public records and shall be made monthly. Distributions from the Fund for a supported wireless service shall not exceed the amount of per-line support available to wireline telecommunications customers in the geographic service area in which the supported wireless service is offered. Unlimited use of local exchange service shall be provided without any additional charge to end users as part of the supported wireless service;

(h) Mid-period revisions to a Company's essential local exchange service price or to a supported wireless service for purposes of receiving distributions from the Fund shall only be permitted upon application and approval by the Commission; and

(j) Companies receiving support from the Fund shall display the amount of such support as a separate line item credit on each affected customer's bill unless a waiver is requested by the Company and granted by the Commission.