

TITLE 165. CORPORATION COMMISSION
CHAPTER 56. RESELLERS OF INTEREXCHANGE
TELECOMMUNICATIONS SERVICES

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**CHAPTER 56. RESELLERS OF INTEREXCHANGE
TELECOMMUNICATIONS SERVICES**

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

[**Source:** Codified 7/1/95, Amended at 26 Ok Reg 1137, eff 7-1-2009; Amended at 35 Ok Reg 1050, eff 9-14-2018]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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165:56-1-1. Purpose; short title

(a) This Chapter establishes the Oklahoma Corporation Commission rules governing the regulation and operations of resellers of interexchange telecommunications services in Oklahoma which may be cited by the short title as the Telecommunications Reseller Rules.

(b) This Chapter is intended to define good business practices under normal conditions, to assure adequate service, to prevent unfair charges to the customer, and to protect resellers of intrastate telecommunications toll services from unreasonable demands.

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-2. Jurisdiction

The Oklahoma Corporation Commission, by virtue of Article IX § 18 of the Constitution of the State of Oklahoma and Title 17 § 131 *et seq.* of the Oklahoma statutes, has authority and responsibility to supervise, regulate, and control the resale of intrastate telecommunications services in Oklahoma and to enact rules and regulations in connection therewith. No person or corporation not otherwise a reseller of telecommunications services within the meaning of this Chapter shall be deemed such solely because of the manufacture, distribution, installation or maintenance of customer premises communication equipment and accessories.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-3. Application of rules

This Chapter shall apply to every company that resells telecommunications services to the public, which company is by law subject to the jurisdiction of the Commission.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-4. Definitions

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

"Authorized carrier" means any telecommunications carrier that submits a change, on behalf of an end-user, in the end-user's selection of a provider of telecommunications service with the end-user's authorization verified in accordance with the procedures specified in this Chapter.

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

"CIC" means carrier identification code which identifies a provider of toll services by a three or four-digit number.

"Class of service" means a description of service furnished a customer in terms of grade of service, type of rate, location, and use.

"Clear and conspicuous" means notice that would be apparent to the reasonable consumer.

"Commission" means the Oklahoma Corporation Commission.

"Competitive service" means a telecommunications service determined by the Commission to be subject to effective competition for a relative geographic and service(s) market, after notice and hearing.

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

"Cramming" means the placement of unauthorized, misleading, or deceptive charges on a customer's telephone bill for products or services that were never ordered by the customer.

"Customer" means any person, firm, partnership, cooperative corporation, corporation, or lawful entity that receives regulated telecommunications services provided by an entity reselling intrastate telecommunications services.

"Customer class" means class of service provided to a group of customers.

"Customer trouble report" means any oral or written report given to the reseller's repair service or contact person, and/or the Commission's Consumer Services Division by a customer relating to a defect or difficulty or dissatisfaction with the provision of the telecommunications service provided by the reseller.

"Deniable charge" means a charge for those regulated services for which nonpayment may result in a disconnection of basic local service.

"Disconnection of service" means an arrangement made by the end-user or reseller for permanently discontinuing service by terminating the contract and/or removing the telephone service from the end-user's premises.

"End-user" means the customer to whom a telephone number is assigned.

"Exchange" means a geographic area established by a telephone company and approved by the Commission for the administration of local telephone service in a specified area which usually

embraces a city, town, or village and its environs. It may consist of one or more central offices together with associated plant used in furnishing communication service in that area.

"Executing carrier" means any telecommunications carrier that affects a request that an end-user's telecommunications carrier be changed. A carrier may be treated as an executing carrier, however, if it is responsible for any unreasonable delays in the execution of carrier changes or for the execution of unauthorized carrier changes, including fraudulent authorizations.

"FCC" means the Federal Communications Commission.

"IXC" means interexchange carrier or interexchange company which is a carrier or company authorized by the Commission to provide long distance communications services, but not local exchange services, within the State of Oklahoma borders.

"Initial Tariffs" means the first tariffs approved after, or in conjunction with, the granting of a Certificate of Convenience and Necessity.

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

"LEC" means a local exchange company which is providing local exchange service.

"Letter of Agency" ("LOA") means the written authorization that gives permission to change the customer's telecommunications services and/or the customer's provider or to share that customer's network information with representatives or associates of the telecommunication company.

"New service provider" means a service provider that did not bill the end-user for service during the service provider's last billing cycle. This definition excludes service providers which bill the customer solely on a per transaction basis.

"Non-deniable charge" means a charge for those non-regulated services for which nonpayment shall not result in a disconnection of basic local service.

"Not-regulated service" means the offering of service(s) where the rates and/or terms and conditions for such service(s) are not regulated by the Commission. These would include any services offered from FCC tariffs such as interstate service offerings and any taxes, fees and surcharges applicable to those services, as well as any intrastate services not contained in tariffs approved by the Commission.

"Regulated telecommunications service" means the offering of telecommunications service(s) directly to the public where the rates and/or terms and conditions for such service(s) are regulated by the Commission. These would include services offered from intrastate tariffs approved by the Commission and any taxes, fees and surcharges applicable to those services, and interstate services when the Commission is enforcing the FCC slamming rules.

"Reseller" means any person, partnership, cooperative corporation, corporation, or lawful entity that offers interexchange telecommunications services to the public through the use of the transmission facilities of other carriers or a combination of its own facilities and the transmission facilities of other carriers for resale to the public for profit. The term "reseller" as used in this Chapter shall not include LECs or IXCs, which shall be regulated as provided for by 165:55.

"Rules of Practice" means OAC 165:5.

"Service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Service shall not include the provision of non telecommunications services, including but not limited to the printing, distribution, or sale of advertising in telephone directories, maintenance of inside wire, customer premises equipment and billing and collection, nor does it include the

provision of mobile telephone service, enhanced services and other services which are not-regulated.

"Service provider" means any entity that offers a product or service to a customer, the charge for which appears on the bill of the billing agent. This definition shall include only providers that have continuing relationships with the end-user that will result in periodic charges on the end-user's bill, unless the service is subsequently canceled.

"Slamming" means the unauthorized switching of an end-user's presubscribed IXC or reseller.

"Streamlined tariff revision(s)" means revision(s) proposed by a reseller which will become effective without notice and hearing or order of the Commission, in the time frame established in OAC 165:56-5-5, unless suspended.

"Submitting carrier" means any telecommunications carrier that requests on the behalf of an end-user that the end-user's telecommunications carrier be changed and seeks to provide retail services to the end user. A carrier may be treated as a submitting carrier, however, if it is responsible for any unreasonable delays in the submission of carrier change requests or for the submission of unauthorized carrier change requests, including fraudulent authorizations.

"Suspension of service" means an arrangement made at the initiative of the reseller for temporarily discontinuing service without terminating the contract or removing the telephone service from the customer's premises.

"Telecommunications company" or **"Telecommunications carrier"** means a reseller.

"Telecommunications service" means service provided by a reseller including voice, data, and all other types of communications services, under the reseller's tariffs on file with the Public Utility Division of the Commission.

"Telephone bill" means a billing agent's invoice, issued in compliance with this Chapter, for products or services rendered by itself and by a service provider(s), if any.

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

"Territory" means the reseller's area of operation which may include the entire State of Oklahoma or some specified portion thereof.

"Unauthorized carrier" means any telecommunications carrier that submits a change, on behalf of an end-user, in the end-user's selection of a provider of telecommunications service but fails to obtain the end-user's authorization verified in accordance with the procedures specified in this Chapter.

"Unauthorized change" means a change in an end-user's selection of a provider of telecommunications service that was made without authorization verified in accordance with the verification procedures specified in this Chapter.

"Underlying carrier(s)" means the provider of facilities utilized by a reseller in the provisioning of its interexchange service to its customers.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-15-97; Amended at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 18 Ok Reg 2437, eff 7-1-01; Amended at 35 Ok Reg 1050, eff 9-14-2018]

165:56-1-5. Interpretation of rules

The words contained in this Chapter shall be given their ordinary and customary meaning, with technical terms and words being construed as generally understood within the telecommunications

industry, except where otherwise expressly provided. Where, by its context, this Chapter establishes service standards or objectives, substantial compliance therewith under normal operating conditions will be deemed in compliance with this Chapter. Where, by its context, this Chapter imposes an absolute obligation upon the reseller, strict compliance is required.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-6. Relief from rules

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended 14 Ok Reg 2855, eff 7-15-97]

165:56-1-7. Exceptions or variances

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-8. Supremacy

Every tariff, rule, regulation, or agreement relating to the subject matter of this Chapter is superseded by this Chapter and is deemed amended to conform with this Chapter.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-9. Rules conform to law

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-10. Controversy over rules

Whenever a controversy exists in connection with the interpretation of this Chapter or its applicability, or any right or any duty imposed thereby, the Commission, upon application of any interested person and after notice and hearing, in accordance with the provisions of OAC 165:5, will enter such order thereon as it may deem appropriate.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended 14 Ok Reg 2855, eff 7-15-97]

165:56-1-11. Severability

This Chapter shall not relieve, in any way, a reseller or customer from any of its duties under the laws of this State or the United States. If any provision of this Chapter is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable. This Chapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Commission or the substantive rights of any person.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-12. Conflict with Commission order

This Chapter shall not alter or amend any order of the Commission directed to a reseller, except where the provisions thereof are in direct conflict with this Chapter, in which case this Chapter shall supersede the provisions of any such order to the extent of conflict only.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Revoked at 14 Ok Reg 2855, eff 7-15-97]

165:56-1-13. Tariff conformance [REVOKED]

[Source: Revoked at 14 Ok Reg 2855, eff 7-15-97]

165:56-1-14. Exclusions

The term "reseller" as used in this Chapter shall not include LECs or IXC's, which shall be regulated as provided for by 165:55.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-1-15. Universal service

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

[Source: Added at 15 Ok Reg 3075, eff 7-15-98]

SUBCHAPTER 3. CERTIFICATES, REPORTS, AND RECORDS**Section**

- 165:56-3-1. Certificate of Convenience and Necessity
- 165:56-3-2. Notice requirements when filing for Certificate of Convenience and Necessity
- 165:56-3-3. Company contact names

165:56-3-1. Certificate of Convenience and Necessity

(a) **Requirement for Certificate of Convenience and Necessity.** No person shall resell any telecommunications service obtained from a certificated carrier to any customer in Oklahoma, without first having secured a Certificate of Convenience and Necessity from the Commission.

(b) **Application for Certificate of Convenience and Necessity.** An application for a Certificate of Convenience and Necessity shall be made pursuant to the requirements of 17 O.S. § 131 *et seq.* and shall conform to the requirements thereof and with the Commission's Rules of Practice, OAC 165:5, and any additional requirements set forth in this Chapter. An original and four (4) copies of the application for a Certificate of Convenience and Necessity shall be filed with the Commission's Court Clerk. A filing fee pursuant to the Commission's Rules of Practice, OAC 165:5, shall be required.

(c) **Application requirements for Certificate of Convenience and Necessity.** An applicant to the Commission for a Certificate of Convenience and Necessity to provide reseller service in the State of Oklahoma shall be required to demonstrate its financial, managerial, and technical ability to provide the requested reseller service in the State of Oklahoma. An application for a Certificate of Convenience and Necessity to provide reseller services shall include as attachments to the application the following information, which must be certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant, in a format approved by the Director of the Public Utility Division:

(1) As applicable, the complete name, including each and every trade name under which business will be conducted, corporate or other headquarters address and names/addresses of principal corporate officers or partners of the entity proposing to resell telecommunications service to the public in the State of Oklahoma. Also, include the telephone number and, if applicable, the toll-free telephone number.

(2) If different from those provided in paragraph (1) of this subsection, the name(s) and address(es) of all officers and corporate offices of the reseller located in the State of Oklahoma and the name(s) and address(es) of employee(s) responsible for Oklahoma operations.

(3) A copy of the applicable certificate, issued by Oklahoma's Secretary of State, to transact business in the State of Oklahoma.

(4) A copy of the Corporate Trade Name Report, issued by Oklahoma's Secretary of State, shall be provided for each and every trade name, i.e. a d/b/a, utilized by the reseller.

(5) A financial statement.

(6) Contact name(s), address(es) and telephone number(s) of the individual(s) responsible for providing service to customers, for repairs and maintenance, for answering complaints, and supplying refunds. This will be the principal contact to be utilized by the Commission's Consumer Services Division and Public Utility Division regarding questions and complaints against the reseller.

(7) A description of the reseller's proposed procedures used to verify customer-ordered changes in presubscribed carriers, including, but not limited to, a proposed letter of agency that is consistent with the requirements of 47 CFR Ch. I, Section 64.1150, proposed independent third-party verification script and/or proposed telephone contact script.

(8) A complete set of proposed tariffs which shall include terms and conditions of service and all rates, charges, and service classifications in a format approved by the Director of the Public Utility Division. The proposed tariffs shall comply with OAC 165:56-5-1 through OAC 165:56-5-3.

(9) A copy of the applicant's proposed complaint report form which is consistent with OAC 165:56-7-5. The complaint report form and complaint codes suggested by the Director of the Consumer Services Division are included as Appendix H and Appendix I, respectively, to this Chapter.

(10) A written affirmation, signed before a Notary Public by someone with authority to bind the applicant, that:

(A) The information contained in the application is true and correct;

(B) The reseller is familiar with and will comply with all applicable federal and state laws and the rules and orders of the Commission;

(C) The applicant possesses the financial ability to provide reseller services in the State of Oklahoma;

(D) The reseller will contribute to the Oklahoma Universal Service Fund annually pursuant to OAC 165:59;

(E) The reseller understands the Commission's contempt authority;

(F) A statement that the applicant is not currently under investigation, either in this state or in another state or jurisdiction, for violation of any deceptive trade or consumer protection law or regulation, if that is the case;

(G) A statement that the applicant has not been fined, sanctioned or otherwise penalized either in this state or in another state or jurisdiction for violation or any consumer protection law or regulation, if that is the case;

(H) If either of the statements required in (F) and (G) above is untrue, a detailed explanation of the circumstances of the investigation or fine, sanction, or penalization including a detailed description of the cause(s), the number of customers involved, and current status of the proceeding; and

(I) A statement as to whether the applicant currently seeks state or federal universal service funding of any kind for services provided in the state(s) in which applicant is currently authorized to provide service, and whether applicant intends to seek Oklahoma Universal Service Fund funding in Oklahoma.

(11) The reseller's carrier identification code (CIC) and a statement that the reseller will provide its CIC to each LEC providing service in the State of Oklahoma, in order for the reseller to be identified. In the event the reseller does not have an assigned CIC, proof shall be provided that efforts to obtain the code have been initiated. If the reseller uses more than one CIC, each CIC and all associated trade name(s) shall be provided.

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

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

(14) A description of the applicant's experience in providing telecommunications services in order to demonstrate its technical abilities. In the case of applicants for a Certificate of Convenience and Necessity without prior experience, the applicant shall provide

documentation which supports its technical abilities or other documentation as may be requested by the Commission.

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

(A) The applicant is authorized to operate;

(B) Authorization to operate is pending;

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

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

(16) A statement that the service territory is to be the State of Oklahoma or, if less than the State of Oklahoma, a description of the proposed service territory is to be provided.

(d) **Requirements for expanding authority under an existing CCN.** An Applicant wishing to expand its service authority under an existing Certificate of Convenience and Necessity granted pursuant to Chapters 55, 56, 57 and/or 58, must make application to the Commission and provide all information and notice as required in Sections 165:56-3-1(c) and 165:56-3-2. However, information submitted in support of a previous Application for certification, if such Application was approved by the Commission, may be used in support of the current Application by providing a written affirmation, signed before a Notary Public, and by someone with authority to bind the Applicant, stating that the previously submitted information is still true and correct, and circumstances have not changed. If the previously submitted information is no longer true and correct, or if circumstances have changed, Applicant shall submit updated information along with a written affirmation fully explaining all changed circumstances.

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

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

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

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

(f) **Additional information.** The Public Utility Division Staff may issue data requests for additional relevant information as may be necessary. Data request responses shall be submitted to the Staff member requesting the information, and not filed with the Commission's Court Clerk.

(g) **Approval requirement.** Unless provided otherwise in this Chapter, or by the laws of the State of Oklahoma, no Certificate of Convenience and Necessity shall be granted except by Order of the Commission, after such notice and hearing, if any, as directed by the Commission.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended 14 Ok Reg 2855, eff 7-15-97; Amended at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 19 Ok Reg 2000, eff 7-1-02; Amended at 21 Ok Reg 2123, eff 7-1-04; Amended at 35 Ok Reg 1050, eff 9-14-2018]

165:56-3-2. Notice requirements when filing for Certificate of Convenience and Necessity

Applicants seeking a CCN shall meet all notice requirements set forth in this Section.

- (1) Requirements for filing an Application of a CCN. An application of a CCN shall be delivered by mail, electronic mail or by personal service to the following people and/or entities:
 - (A) The Oklahoma Attorney General;
 - (B) The Commission's Director of the Public Utility Division;
 - (i) The Application delivered to the Director of the Public Utility Division shall be file-stamped by the Commission's Court Clerk and shall be delivered to the Director of the Public Utility Division in electronic copy form only.
 - (ii) The Director of the Public Utility Division shall update and post a report that includes reference to the Application of CCN on the Commission's website, within five (5) business days of receipt.
- (2) Publication of a Notice of Application of a CCN. The Notice required by 17 O.S. § 132 shall be published as follows:
 - (A) In newspapers of general circulation, sufficient to reach each territory affected, once a week for two (2) consecutive weeks with at least seven (7) days apart. Unless otherwise specified in the application, the reseller's area of CCN authority will be the State of Oklahoma.
 - (B) Publication shall be at the expense of the applicant.
 - (C) A "Proof of Publication" document shall be filed with the Commission's Court Clerk within fifteen (15) days of the last publication date.
- (3) Requirements for a Notice of Hearing on an Objection to a CCN.
 - (A) When an objection is made in a cause of an Application of a CCN, the Applicant shall promptly file a Notice of Hearing at the Commission's Court Clerk requesting a date for a hearing on the merits of the application.
 - (B) Within ten (10) business days prior to the date of the hearing, the Applicant shall serve the notice by delivering a file-stamped copy by mail, electronic mail or by personal service to the following people and/or entities:
 - (i) The Oklahoma Attorney General;
 - (ii) The Commission's Director of the Public Utility Division; and
 - (iii) Any Intervenors, including the person or entity filing the objection.

[Source: Reserved at 15 Ok Reg 3075, eff 7-15-98; Added at 16 Ok Reg 2290, eff 7-1-99; Amended at 35 Ok Reg 1050, eff 9-14-2018]

165:56-3-3. Company contact names

Each reseller shall notify, in writing, the Director of the Public Utility Division and the Director of the Consumer Services Division within thirty (30) days of a change in the company-designated contacts for Public Utility Division and Consumer Services Division issues.

- (1) The update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s).
- (2) The contact name(s) provided pursuant to this subsection shall be the individual(s) primarily responsible for:
 - (A) Providing customer service;
 - (B) Repair and maintenance;
 - (C) Answering complaints;
 - (D) Authorizing and/or furnishing refunds to customers; and,
 - (E) Tariff issues.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98]

SUBCHAPTER 5. TARIFFS

Section

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165:56-5-1. Tariffs and/or Terms of Service required

(a) All resellers must file a tariff describing the services offered, the terms and conditions under which each of the services are provided and all effective rates and charges. Except as provided in this Subchapter, only those services contained in the reseller's tariff filed and approved by the Commission or Terms of Service may be provided to customers and only those rates and charges contained in the reseller's tariff on file with the Commission or Terms of Service may be charged to customers. The filed tariffs or Terms of Service are binding on the reseller and no deviation of any kind from the filed tariff or Terms of Service is permitted. Notwithstanding the foregoing and OAC 165:56-3-1(c)(8), a reseller, shall not be required to file a written tariff with the Commission.

(b) A reseller which has a written tariff on file with the Commission may withdraw the tariff if the reseller:

- (1) provides written notice to the Director of the Public Utility Division and the Oklahoma Attorney General, that it is withdrawing the tariff,
- (2) posts the Terms of Service, and
- (3) provides the Commission with the web page information where the language is posted.

(c) The Commission maintains the same authority to review the Terms of Service, of a reseller, as permitted by OAC 165:56-5-5.

(d) Failure to comply with this Section may result in the filing of a Motion to Cease and Desist and could result in revocation of the reseller's Certificate of Convenience and Necessity.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 19 Ok Reg 2000, eff 7-1-02; Amended at 35 Ok Reg 1050, eff 9-14-2018]

165:56-5-2. Information to be included in tariffs

The tariff shall include the following information:

- (1) Table of contents.
- (2) Symbols for changes in tariff.
- (3) Applicability of the tariff.
- (4) Accessibility and availability of tariff. Each reseller shall, upon request by an end-user, provide a copy of any relevant portion of this Chapter, and/or the applicable portion of the requested tariff(s) to such customer, at a reasonable charge.
- (5) Detailed billing and collection information.
- (6) Detailed credit requirements and deposit information.
- (7) Detailed information regarding disconnection by reseller of customer/past due accounts.
- (8) Detailed information regarding handling of complaints and disputed charges.
- (9) All services provided by the reseller and a detailed explanation of each.
- (10) A schedule of all rates and charges applicable to services provided in Oklahoma.
- (11) Title sheet.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-15-97; Amended at 20 Ok Reg 2317, eff 7-15-03]

165:56-5-3. Requirements as to size, form, and identification of tariffs

- (a) All tariffs shall be in loose leaf form of a size eight and one-half inches by eleven inches (8-1/2" x 11") and shall be plainly printed or reproduced on only one side of paper of good quality. The tariff shall be in the format presented in Appendix B to this Chapter. The front page of the tariff shall contain the name of the reseller, including all trade names under which the reseller is providing telecommunications service in the State of Oklahoma, and the location of its principal office.
- (b) Tariff sheets are to be numbered consecutively per schedule. Each sheet shall show the Cause Number, wherein the tariff was approved by the Commission, and, where applicable, the Order Number for such approval. Each sheet shall show an effective date, an issue date, a revision number, section number or title, sheet number, name of the reseller, along with all trade names used by the reseller in the State of Oklahoma, and the name of the tariff in a consistent manner. Sheets issued under new numbers are to be designated as original sheets. Sheets being revised should show the number of the revision, and the sheet numbers shall be the same.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-15-97; Amended at 15 Ok Reg 3075, eff 7-15-98]

165:56-5-4. Symbols for changes

- (a) Each reseller shall include in their tariff, notations indicating each change made with the proposed application revision. Notations (referred to as tariff symbols) to be used are:
 - (1) (AT) means addition to text.
 - (2) (C) means correction.
 - (3) (CP) means change in practice.
 - (4) (CR) means change in rate.
 - (5) (CT) means change in text.

- (6) (DR) means discontinued rate.
- (7) (FC) means change in format lettering or numbering.
- (8) (MT) means moved text.
- (9) (NR) means new rate.
- (10) (RT) means removal of text.

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 15 Ok Reg 3075, eff 7-15-98]

165:56-5-5. Revisions to tariffs

- (a) Resold interexchange services are determined to be competitive.
- (b) New or revised tariffs describing resold interexchange services shall have an effective date on or after the day following the day the submission is delivered to the Director of the Public Utility Division, subject to the following conditions:
 - (1) The submission delivered to the Public Utility Division shall include a cover letter, a mark-up copy of the new or revised tariff pages in legislative format, and a final copy of the new or revised tariff pages.
 - (2) The effective date of the new or revised tariff submitted to the Commission shall be stated on the face of the new or revised tariff pages.
 - (3) A new or revised tariff submitted to the Commission shall comply with the notice requirements of OAC 165:56-5-12. A copy of the notice shall accompany the submission and shall include the date sent to customers.
 - (4) The Commission may permit electronic submission of new or revised tariffs when technically feasible.
- (c) Revisions to the Terms of Service on a reseller's website will become effective on the day following the day the revision is posted on the website, or as otherwise indicated on the website.
- (d) After an investigation, the Public Utility Division may file an application with the Commission seeking to revoke or modify any tariff or Terms of Service. After notice and hearing, the Commission may issue an order revoking or modifying any tariff or Terms of Service for good cause.
- (e) The burden of proof to show that a proposed or revised tariff or Terms of Service is just and reasonable shall be upon the company proposing the new or revised tariff or Terms of Service.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-15-97; Amended at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 20 Ok Reg 2317, eff 7-15-03; Amended at 21 Ok Reg 2125, eff 7-1-04, Amended at 26 Ok Reg 1137, eff 7-1-2009; Amended at 35 Ok Reg 1050, eff 9-14-2018]

165:56-5-5.1. Confidential information related to tariffs

- (a) With the exception of information and data related to the dollar and percentage impacts of the proposed change(s) on end-user rates and the rationale for the proposed tariffs, any additional financial or cost data, or data which is identifiable to a specific customer, that is requested by the Public Utility Division Staff shall be deemed confidential records or trade secrets of the reseller under the Oklahoma Open Records Act as provided for by 51 O.S. § 24A.22 and shall be kept confidential by the Commission, unless successfully challenged.

(b) All confidential information and data submitted to the Public Utility Division Staff under subsection (a) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:56-5-5.1".

(c) For each tariff filing submitted by a reseller in accordance with OAC 165:56-5-5, the same confidential information and data provided to the Public Utility Division Staff shall also be provided to the Office of the Attorney General upon the signing of a Proprietary Agreement by the Attorney General or its representative.

(d) All confidential information and data provided to the Office of the Attorney General of the State of Oklahoma under subsection (c) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:56-5-5.1."

[Source: Added at 15 Ok Reg 3075, eff 7-15-98]

165:56-5-5.2. Competitive services [REVOKED]

[Source: Added at 16 Ok Reg 2290, eff 7-1-99; Amended at 19 Ok Reg 2000, eff 7-1-02; Revoked at 21 Ok Reg 2126, eff 7-1-04]

165:56-5-5.3. Name changes and/or trade name additions

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

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

[Source: Added at 16 Ok Reg 2290, eff 7-1-99]

165:56-5-6. Suspension

(a) Any tariff filed with the Commission pursuant to OAC 165:56-5-5 may be suspended by Commission order, with or without notice or hearing, upon recommendation by the Commission Staff. The Commission may also order suspension of proposed revisions on motion by an aggrieved party, after notice and hearing.

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

- (1) The applicant shall file a motion pursuant to OAC 165:5-9-2(b), which requests that the suspension be lifted, giving notice to the Attorney General of the State of Oklahoma and to all parties of record; or,
- (2) The application may be set for hearing on the merits at a time to be agreed upon by the Public Utility Division and the applicant.
- (c) If the application is scheduled for hearing pursuant to paragraph (b)(2) of this Section and the time for filing an objection to the amended filing has not elapsed, the Notice of Hearing shall be sent to the Attorney General of the State of Oklahoma and to any party(ies) of record.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 15 Ok Reg 3075, eff 7-15-98]

165:56-5-7. Objections

Any entity wishing to object to the proposed tariff change, new service offering or revision filed pursuant to this Chapter may file objections with the Commission's Court Clerk's office within fifteen (15) days after the proposed tariff is filed. Any such objection shall comply with the requirements of the Commission's Rules of Practice and this Chapter, and must contain a specific description of the basis for the objection and all information necessary to allow evaluation of the objection. The objecting entity shall promptly serve its objection on the reseller which filed the proposed tariff changes or new service offering, the Director of the Public Utility Division and the State Attorney General.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-5-8. Conflict with filed tariffs

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-5-9. Promotional offerings

- (a) Resellers may offer Promotional rates and/or terms and conditions of services for any purpose. Promotional offerings are not intended to replace any obligation of a reseller to submit tariffs or to post the Terms of Service.
- (b) Resellers must maintain a log of all current promotional offerings and shall provide the log to the Commission upon request.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended 14 Ok Reg 2855, eff 7-15-97; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 19 Ok Reg 2000, eff 7-1-02, Amended at 26 Ok Reg 1138, eff 7-1-2009; Amended at 35 Ok Reg 1050, eff 9-14-2018]

165:56-5-10. [RESERVED]

165:56-5-11. [RESERVED]

165:56-5-12. Type of notices

End-user notice of rate increase. Prior to or concurrent with the effective date of any increased rate to a residential customer, for a service determined to be competitive, each reseller, shall provide notice to the affected end-users of the rate increase. The notice shall be provided by any of the following:

- (1) Prominent display on the end-user's bill;
- (2) Direct mailing;
- (3) Prominent display on an insert in the end-user's bill; or,
- (4) Any other method approved by the Director of the Public Utility Division.

[Source: Added at 16 Ok Reg 2290, eff 7-1-99; Amended at 17 Ok Reg 20, eff 9-27-99 (emergency); Amended 17 Ok Reg 2333, eff 7-1-00; Amended at 35 Ok Reg 1050, eff 9-14-2018]

165:56-5-13. Flow through of net reductions in access charges

(a) All net reductions to billings to resellers directly resulting from flow through of access charge rate reductions received by IXC's, which are ordered by State statute and/or the Commission, shall be flowed through to customers by resellers in a manner approved by the Commission.

(b) The application/notice to flow through net reductions in billings from IXC's to resellers, directly resulting from flow through of access charge rate reductions by IXC's pursuant to OAC 165:55-5-12.1, shall be filed thirty (30) days after the effective date of the IXC's tariff. Such reduction shall be effective the same date as the IXC's tariffs reflecting the reduction was effective. Upon request, the Director of the Public Utility Division may extend the filing period an additional thirty (30) days.

[Source: Added at 16 Ok Reg 2290, eff 7-1-99]

SUBCHAPTER 7. RECORD REQUIREMENTS

Section

- | | |
|-------------|--|
| 165:56-7-1. | Who shall file |
| 165:56-7-2. | Location of records |
| 165:56-7-3. | Retention of records |
| 165:56-7-4. | Records to be provided to the Commission |
| 165:56-7-5. | Record of customer complaints |
| 165:56-7-6. | Report attestation |

165:56-7-1. Who shall file

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-7-2. Location of records

All records required by this Chapter shall be kept at a location which has been identified to the Commission's Director of the Public Utility Division. The records required by this Chapter shall

be made available to the Commission or its authorized representative at any reasonable time upon request.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-7-3. Retention of records

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

165:56-7-4. Records to be provided to the Commission

(a) **Annual report.** Not later than April 1 of the year following the reporting year, each reseller shall provide to the Director of the Public Utility Division an annual report, in the format developed by the Director of the Public Utility Division and approved by the Commission after notice and hearing. The Oklahoma annual report will contain only Oklahoma operations.

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

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

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

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

(A) Providing customer service;

(B) Repair and maintenance;

(C) Answering complaints;

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

(E) Tariff issues;

(F) Billing inquiries;

(G) Regulatory matters;

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

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

(J) Primary emergency;

(K) Afterhours emergency;

(L) Annual reporting;

(M) Attorney for regulatory matters; and

(N) Community Liaison.

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-15-97; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 36 Ok Reg 712, eff 7-25-19]

165:56-7-5. Record of customer complaints

(a) Each reseller shall maintain a record of customer complaints that compiles complaints that have been received by the company and includes, at a minimum:

- (1) The customer name;
- (2) The account number;
- (3) The applicable complaint code;
- (4) The date the complaint was filed; and,
- (5) The resolution of the complaint, to include the amount of refund, if any, given.

(b) If the account number only is utilized, a cross reference with the end-user's name must also be readily available.

(c) The categories of complaints to be used shall be negotiated between the individual reseller and the Director of the Consumer Services Division, subject to the approval of the Commission. A list of the suggested customer complaint codes is attached as Appendix H to this Chapter.

(d) Each complaint shall count as a separate report regardless of whether subsequent reports relate to the same physical defect, difficulty, or dissatisfaction with the provision of the reseller's regulated services.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-15-97; Amended at 15 Ok Reg 3075, eff 7-15-98]

165:56-7-6. Report attestation

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

[Source: Added at 12 Ok Reg 2147, eff 7-1-95]

SUBCHAPTER 9. SUSPENSION AND DISCONNECTION**Section**

- 165:56-9-1. Billing disputes [REVOKED]
- 165:56-9-2. Deposits and interest [REVOKED]
- 165:56-9-3. Denial or termination of service after notice [REVOKED]
- 165:56-9-4. Notice of Disconnection and Notice of Suspension
 - 165:56-9-4.1 Suspension or disconnection for reasons other than nonpayment
 - 165:56-9-4.2 Notice of Disconnection or Notice of Suspension Requirements
- 165:56-9-5. Notification when reseller withdraws from business [REVOKED]
- 165:56-9-6. Notification of merger or acquisition [REVOKED]

165:56-9-1. Billing disputes [REVOKED]

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-15-97; Revoked at 15 Ok Reg 3075, eff 7-15-98]

165:56-9-2. Deposits and interest [REVOKED]

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Revoked at 15 Ok Reg 3075, eff 7-15-98]

165:56-9-3. Denial or termination of service after notice [REVOKED]

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 14 Ok Reg 2855, eff 7-1-97; Revoked at 15 Ok Reg 3075, eff 7-15-98]

165:56-9-4. Notice of Disconnection and Notice of Suspension

(a) When service to an end-user is to be disconnected for nonpayment of a bill for telephone service after service has been suspended or failure to make a security deposit after a reasonable time, the Reseller shall give at least ten (10) days notice of the Reseller's intent to discontinue service. Said notice shall be given by the Reseller as follows:

- (1) mailed or delivered to the end-user's billing address;
- (2) electronically via the internet to the email address provided by the end-user; or
- (3) telephonically to the end-user's assigned telephone number or other number provided by the end-user;

(b) If the mailed notice is returned from that address as undeliverable, the notice may be delivered to the premises at which the service was rendered. Mailed notice will be deemed given to the end-user three (3) business days after mailing by the Reseller.

(c) If electronic notice is returned from the email address as undeliverable, the Reseller shall give notice to the end-user using an alternative method as listed above. If the electronic notice is not returned, notice shall be deemed given to the end-user on the date the email was sent.

(d) If telephonic notice is not confirmed to have reached the end-user's telephone number, the Reseller shall give notice to the end-user using an alternative method as listed above. If confirmation of telephonic notice is obtained by the Reseller, notice shall be deemed given to the end-user on the date the telephonic notice as confirmed as given.

(e) Unless a dangerous condition exists or the end-user requests disconnection, a Reseller may suspend or disconnect service only on the date specified in the notice or within thirty (30) days thereafter, during regular business hours, so long as the suspension or disconnection does not occur within the last two (2) hours of the business day, nor shall service be disconnected on a holiday, nor after noon (12:00 p.m.) on Fridays until Monday morning.

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Amended at 18 Ok Reg 2437, eff 7-1-01, Amended at 26 Ok Reg 1139, eff 7-1-2009]

165:56-9-4.1. Suspension or disconnection for reasons other than nonpayment

(a) Unless otherwise provided in this Chapter, service to an end-user may be suspended or disconnected only upon order of the Commission after notice and hearing. Prior to the merit hearing, the Commission may order suspension or disconnection of service for good cause with or without notice to the end-user.

(b) End-users that communicate with the Reseller's employee(s) in any manner that is reasonably expected to frighten, abuse, torment, or harass such employee(s) or engage in actions reasonably

construed as threat(s) against the Reseller's physical assets are subject to immediate disconnection, without notice. A Reseller that disconnects an end-user's service under this section will:

- (1) provide written or verbal notice to the Consumer Services Division of the disconnect action prior to the actual disconnect;
- (2) within three (3) business days of the actual disconnect, provide a written description of the circumstances leading to the disconnect action; and
- (3) give the customer written notice, which will include an address and telephone number, for the Consumer Services Division.

(c) The Consumer Services Division may, after an informal inquiry and review of the written description of the circumstances leading to the disconnect action, direct the Reseller to restore services to the affected end-user and / or file an application with the Commission requesting a finding of contempt and the imposition of a fine or other penalty against a Reseller that unreasonably suspends or disconnects an end-user pursuant to subsection (b) of this section.

[Source: Added at 26 Ok Reg 1139, eff 7-1-2009]

165:56-9-4.2. Notice of Disconnection or Notice of Suspension requirements

- (a) A notice of disconnection or notice of suspension shall contain the following information:
- (1) The words "NOTICE OF DISCONNECTION" or "NOTICE OF SUSPENSION" or words with the same meaning, in print type larger than the print type of the notice text.
 - (2) Name, address, and telephone number of customer.
 - (3) Statement of reason for the proposed disconnection or suspension of service.
 - (4) The date on or after which service will be disconnected or suspended unless appropriate action is taken.
 - (5) The telephone number of the Reseller where the customer may make an inquiry.
 - (6) Charges and procedures for reconnection or approved charges and procedures to avoid suspension.
 - (7) The address and telephone number of the Commission's Consumer Services Division in print size which is smaller than the print size used for the Reseller's telephone number.
 - (8) A statement that the end-user must contact the Reseller regarding the disconnection or suspension, prior to contacting the Commission's Consumer Services Division.
 - (9) Notice of suspension of service relating to past-due amounts shall inform the end-user that the total amount due may include charges for non-deniable and/or not regulated services which would not cause interruption of local service. The notice must indicate a toll-free telephone number of a service center where questions can be referred and payment arrangements made.
- (b) The Reseller shall not be required to give the written notice provided for in this Section in situations where the Reseller has evidence of fraudulent or illegal use of the Reseller's services, which if allowed to continue, would present a high risk of financial loss to the Reseller.
- (c) The following additional information shall be in the notice unless said information can be obtained in the telephone directory and the notice refers the end-user to the location in the directory where the information can be obtained:
- (1) A statement of how an end-user may avoid the disconnection of service or suspension of service, including a statement that the end-user must notify the reseller on the day of payment as to the place and method of such payment when the bill is paid at a place other than the office of the reseller.

(2) A statement that informs the end-user where payments may be made or how to obtain a listing of authorized payment agencies.

(d) Notice of disconnection and/or notice of suspension shall be received via the United States mail, unless the end-user agrees with the Reseller to receive a bill through different means.

[Source: Added at 26 Ok Reg 1140, eff 7-1-2009]

165:56-9-5. Notification when reseller withdraws from business [REVOKED]

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Revoked at 15 Ok Reg 3075, eff 7-15-98]

165:56-9-6. Notification of merger or acquisition [REVOKED]

[Source: Added at 12 Ok Reg 2147, eff 7-1-95; Revoked at 15 Ok Reg 3075, eff 7-15-98]

SUBCHAPTER 10. CUSTOMER BILLING AND DEPOSITS

PART 1. BILLING AND PAYMENT REQUIREMENTS

Section

- 165:56-10-1. Billing period
- 165:56-10-1.1. Request for payments other than normal billings
- 165:56-10-2. Content of bills
- 165:56-10-3. Bills rendered by a billing agent
- 165:56-10-4. Due date and penalty
- 165:56-10-5. [RESERVED]
- 165:56-10-6. Billing disputes
- 165:56-10-7. Refunds for service interruptions

PART 3. DEPOSITS AND INTEREST

Section

- 165:56-10-11. Deposits and interest

PART 1. BILLING AND PAYMENT REQUIREMENTS

165:56-10-1. Billing period

Bills to end-users shall be issued monthly, unless the reseller's approved terms and conditions of service prescribe a different interval. Bills may be issued on a billing cycle. All end-users shall receive their bills via the United States mail, unless the end-user agrees with the reseller to receive a bill through different means, such as electronically via the Internet. Whatever the method of delivery, bills shall comply with 165:56-10-2.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 18 Ok Reg 2437, eff 7-1-01]

165:56-10-1.1. Request for payments other than normal billings

The reseller shall issue a bill for any additional charges other than those charges normally billed on the regular billing cycle. The reseller shall not issue a notice of disconnection prior to five days after the mailing of a bill for additional charges. Additional billings could include but are not limited to:

- (1) New or additional deposits.
- (2) High toll charges.
- (3) Other advance payments.

[Source: Added at 16 Ok Reg 2290, eff 7-1-99]

165:56-10-2. Content of bills

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

- (1) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill.
- (2) Where charges for two or more service providers appear on the same telephone bill, the charges must be separated by service provider.
- (3) The telephone bill must clearly and conspicuously identify any change in the service provider, including identification of charges from any new service provider.
- (4) The telephone bill shall clearly and conspicuously label all fees, surcharges, taxes, and usage rates, associated with the customer's use of the provider's service, including but not limited to, calling plans, universal service fees, access fees, and other separated charges.

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

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

- (1) Balance in each billed account at the beginning of the current billing cycle, using a term such as "previous balance";
- (2) Amount of the charges debited to each billed account during the current billing cycle, using a term such as "current service";
- (3) Amount of payments made to each billed account from the previous billing cycle, using a term such as "payments";
- (4) Amount of the charges debited to each billed account during the current billing cycle for untimely payment of past charges, using a term such as "late charge";
- (5) A listing of the closing dates of the current billing cycle and the outstanding balance in each billed account on that date, specifying the "current amount due" and the "past due";
- (6) A listing of the statement, or payment, due date.

(d) **Deniable and non-deniable charges.** Where a bill contains charges for basic local service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in disconnection of basic local service, and charges for which nonpayment will not result in such disconnection. The carrier must explain this distinction to the end-user and must clearly and conspicuously identify on the bill those charges for which nonpayment will not result in

disconnection of basic local service. Carriers may also elect to devise other methods of informing end-users on the bill that they may contest charges prior to payment.

(e) Disclosure of inquiry contacts.

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

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

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 18 Ok Reg 2437, eff 7-1-01]

165:56-10-3. Bills rendered by a billing agent

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

(b) A reseller shall not utilize the services of a billing agent unless the reseller requires that the billing agent follow the procedures set forth in OAC 165:56-10-1 through OAC 165:56-10-7 and OAC 165:56-10-11.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98]

165:56-10-4. Due date and penalty

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

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 18 Ok Reg 2437, eff 7-1-01]

165:56-10-5. [RESERVED]

[Source: Reserved at 15 Ok Reg 3075, eff 7-15-98]

165:56-10-6. Billing disputes

(a) In the event of a dispute between a customer and a reseller regarding charges billed by the reseller, the reseller shall investigate the particular case and report the results thereof to the customer. During the period that the disputed amount is under investigation, the reseller shall not pursue any collection procedures or assess late fees with regard to the disputed amount. The

customer shall be required to pay the undisputed part of the bill, and if not paid, the reseller may discontinue service.

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

(1) The street address of the Consumer Services Division, which is Oklahoma Corporation Commission, Consumer Services Division, 2101 N. Lincoln Blvd. Suite 460, Oklahoma City, OK 73105.

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

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

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

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 19 Ok Reg 2000, eff 7-1-02]

165:56-10-7. Refunds for service interruptions

Whenever service to any customer is inoperative, other than by reason of negligence, or willful act of the customer, or causes beyond the control of the reseller, and the service remains inoperative for more than twenty-four (24) consecutive hours after being reported by the customer or having been found to be interrupted by the reseller, the reseller shall refund, upon request of the customer, the prorated part of that month's monthly charge(s) for the period of days during which the telephone service was not provided. Credit shall be identified on the bill. The maximum credit during a single billing period shall not exceed the amount of toll charges and monthly recurring charges. The refund may be accomplished by a credit on the next bill. The reseller shall have no other liability for service interruptions.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98;]

PART 3. DEPOSITS AND INTEREST

165:56-10-11. Deposits and interest

(a) Each reseller shall prepare and submit a plan containing criteria for deposits to the Commission for approval. The plan shall include criteria for residential and nonresidential consumers with residential being defined in each reseller's tariffs.

(1) The residential plan shall conform to all subsections of this Section.

(2) The nonresidential plan shall conform to all subsections of this Section except for (b), (c), (d), and (k).

(b) No reseller shall require a deposit of a residential customer who has received the same or similar type of classification of service for twelve (12) consecutive months and to whom service was not terminated for nonpayment nor was payment late more than twice nor was a check for payment dishonored. The twelve (12) months service period shall have been within eighteen (18) months prior to the application for new service. The reseller plan may establish other relevant criteria which will qualify the customer for nonpayment of a deposit.

(c) The amount of the deposit shall not exceed an amount equal to two (2) months toll charges determined by actual or anticipated usage. The reseller plan may allow customers to pay deposits in installments.

(1) Upon written request by the customer, after a period of four (4) consecutive months during which time the average amount of toll charges is shown to have decreased by fifty percent (50%) or more, the reseller shall re-evaluate the amount of the deposit in order to determine if the original deposit amount continues to be consistent with the guidelines set forth in this Section.

(2) The amount of the deposit shall be reduced to an amount which is consistent with the deposit guidelines set forth in this Section.

(3) Any excess amount of the deposit resulting from the reduction required in paragraph (2) of this subsection shall be refunded to the customer.

(d) A present customer may be required to post a deposit as a condition of continued service if undisputed charges have become delinquent, with delinquent meaning a payment not received on or before the due date as posted on the bill, in two (2) out of the last twelve (12) billing periods or if the customer has had service disconnected during the last twelve (12) months pursuant to 165:56-12-2 or has presented a check subsequently dishonored.

(e) Interest on cash deposits shall be paid by each reseller at no less than the rate calculated as follows:

(1) For all consumer deposits returned more than thirty (30) days after receipt of the deposit, the interest rate shall be established the first day of January on each year to equal the average of the weekly percent annual yields on one (1) year U.S. Treasury Securities for September, October, and November of the preceding year. The interest rate shall be rounded to the nearest basis point.

(2) Provided, however, that after the interest rate is initially established pursuant to this subsection, the interest rate(s) shall not change unless the application of the formula in (e)(1) results in a change in interest rate(s) that is/are greater than fifty (50) basis points.

(3) The Director of the Public Utility Division shall calculate the interest rate(s) pursuant to (e)(1) of this Section, and shall provide notice to the resellers via mail, e-mail or posting on the Commission's website by December 15th of each year, pursuant to subsection (e); otherwise the current interest rate(s) will remain in effect.

(f) If refund of a deposit is made within thirty (30) days of receipt of deposit, no interest payment is required. If the reseller retains the deposit more than thirty (30) days, payment of interest shall be made retroactive to the date of deposit. No interest shall accrue on a deposit after discontinuance of service.

(g) The reseller shall provide payment of accrued interest for all customers annually by negotiable instrument or by credit against current billing.

(h) The deposit shall cease to draw interest on the date it is returned or credited to the customer's account.

(i) The amount of the deposit, with accrued interest, shall be applied to any unpaid charges at the time of a discontinuance of services. The balance, if any, shall be returned to the customer within thirty (30) days after settlement of the customer's account, either in person or by mailing it to the customer's last known address.

(j) If service is not connected, or after disconnection of service, the reseller shall promptly and automatically refund the customer's deposit plus accrued interest on the balance, if any, in excess of the unpaid bills for service furnished. A transfer of service from one (1) premise to another

within the reseller's service area shall not be deemed a disconnection within the meaning of this Chapter, and no additional deposit may be required unless otherwise permitted by this Subchapter.

(k) The reseller shall automatically refund the deposit for residential service, with accrued interest, after twelve (12) months' satisfactory payment of undisputed charges and where payment was not late more than twice; provided, however, that service has not been disconnected within the twelve (12) month period. Payment of a charge shall be deemed satisfactory if received on or prior to the date the bill is due. Payment of a charge shall be deemed not satisfactory if made by a check subsequently dishonored. If the customer does not meet these refund criteria, the deposit and interest may be retained in accordance with subsection (d) of this Section.

(l) The reseller may withhold refund or return of the deposit, pending the resolution of a dispute with respect to charges secured by the deposit.

(m) The reseller shall keep records to show:

- (1) The name, account number, and address of each depositor.
- (2) The amount and date of the deposit.
- (3) Each transaction concerning the deposit.

(n) The reseller shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is lost.

(o) Such records shall be retained for two (2) years after deposit and/or interest is refunded or applied.

(p) Upon the sale or transfer of any reseller or operating units thereof, the seller shall file, with the application of transfer, a verified list of the information in subsection (m) of this Section, and the unpaid interest thereon. The information provided shall be treated as confidential and shall not be available for public inspection unless ordered by the Commission after notice and hearing.

(q) The deposit made by the customer with the reseller at the time of application for service shall not constitute an advance payment to cover service bills, but for all purposes it is to be considered as security for the payment of monthly bills or other proper charges.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 35 Ok Reg 1050, eff 9-14-2018]

SUBCHAPTER 11. UNLAWFUL PRACTICES

PART 1. SLAMMING

Section

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PART 3. CRAMMING

Section

165:56-11-3. Cramming

PART 1. SLAMMING

165:56-11-1. Slamming

Slamming is prohibited.

[Source: Added at 14 Ok Reg 2855, eff 7-15-97; Amended at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 18 Ok Reg 2437, eff 7-1-01]

165:56-11-1.1. Verification of orders for telecommunications service

(a) No telecommunications carrier shall submit or execute a change on the behalf of an end-user in the end-user's selection of a provider of telecommunications service except in accordance with the procedures prescribed in Part 1 of this Subchapter.

(1) **Requirement for submission of changes of provider.** No submitting carrier shall submit a change on the behalf of an end-user in the end-user's selection of a provider of telecommunications service prior to obtaining:

(A) Authorization from the end-user, and

(B) Verification of that authorization in accordance with the procedures prescribed in this Section. The submitting carrier shall maintain and preserve records of verification of end-user authorization for a minimum period of two years after obtaining such verification.

(2) **Executing carriers shall not verify changes of provider.** An executing carrier shall not verify the submission of a change in an end-user's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures described in Part 1 of this Chapter shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.

(3) **Exclusion of commercial mobile radio services providers.** Commercial mobile radio services (CMRS) providers shall be excluded from the verification requirements of this Section as long as they are not required to provide equal access to common carriers for the provision of telephone toll services, in accordance with 47 U.S.C. § 332(c)(8).

(b) **Requirement for separate verification for each type of service.** Where a telecommunications carrier is selling more than one type of telecommunications service (*e.g.*, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) that carrier must obtain separate authorization from the end-user for each service sold, although the authorizations may be made within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in Part 1 of this Subchapter.

(c) **Requirement for confirmation of change order.** No telecommunications carrier shall submit a preferred carrier change order unless and until the order has been confirmed in accordance with one of the following procedures:

(1) **Written authorization.** The telecommunications carrier has obtained the end-user's written authorization in a form that meets the requirements of 165:56-11-1.2; or

(2) **Electronic authorization.** The telecommunications carrier has obtained the end-user's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information in (c)1 of this Section. Telecommunications carriers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect an end-user to a voice response unit, or similar mechanism, that records the required information regarding the preferred carrier change, including automatically recording the originating automatic number identification; or

(3) **Third-party authorization.** An appropriately qualified independent third party has obtained the end-user's oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data (*e.g.* the end-user's date of birth or social security number). The independent third party must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the end-user has authorized a preferred carrier change.

(d) **Submission of carrier changes to executing carriers.**

(1) Preferred carrier change orders submitted by resellers to an executing carrier other than through an electronic change order processing system must contain the customer name, telephone number to be changed, and a contact name and number for the submitting carrier. Failure of the submitting carrier to include the above information will relieve the executing carrier from complying with OAC 165:56-11-1.4(a).

(2) Preferred carrier change orders submitted by resellers to executing carriers through an electronic change order processing system must be submitted in the industry recognized standards established by the Alliance for Telecommunications Industry Solution (ATIS) Ordering and Billing Forum (OBF).

[Source: Added at 18 Ok Reg 2437, eff 7-1-01; Amended at 19 Ok Reg 2000, eff 7-1-02]

165:56-11-1.2.Letter of agency form and content

(a) A telecommunications carrier may use a letter of agency to obtain written authorization and/or verification of an end-user's request to change his or her preferred carrier selection. A letter of agency that does not conform with this Section is invalid for purposes of Part 1 of this Subchapter.

(b) The letter of agency shall be a separate document (or an easily separable document) containing only the authorizing language described in (e) of this Section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the end-user to the telephone line(s) requesting the preferred carrier change.

(c) The letter of agency shall not be combined on the same document with inducements of any kind.

(d) Notwithstanding (b) and (c) of this Section, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in (e) of this Section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the end-user is authorizing a

preferred carrier change by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

(e) At a minimum, the letter of agency must be printed with a type of sufficient size and readable type to be clearly legible and must contain clear and unambiguous language that confirms:

(1) The end-user's billing name and address and each telephone number to be covered by the preferred carrier change order;

(2) The decision to change the preferred carrier from the current telecommunications carrier to the soliciting telecommunications carrier;

(3) That the end-user designates [insert the name of the submitting carrier] to act as the end-user's agent for the preferred carrier change;

(4) That the end-user understands that only one telecommunications carrier may be designated as the end-user's interstate or interLATA preferred interexchange carrier for any one telephone number. To the extent the jurisdiction allows the selection of additional preferred carriers (e.g., intraLATA/intrastate toll, interLATA/interstate toll, or international interexchange) the letter of agency must contain separate statements regarding those choices, although a separate letter of agency for each choice is not necessary; and

(5) That the end-user understands that any preferred carrier selection the end-user chooses may involve a charge to the end-user for changing the end-user's preferred carrier.

(f) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the end-user.

(g) Letters of agency shall not suggest or require that an end-user take some action in order to retain the end-user's current telecommunications carrier.

(h) If any portion of a letter of agency is translated into another language then all portions of the letter of agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

165:56-11-1.3. Carrier liability for slamming

(a) **Carrier liability for charges.** Any submitting telecommunications carrier that fails to comply with the procedures prescribed in Part 1 of this Subchapter shall be liable to the end-user's properly authorized carrier in an amount equal to 150% of all charges paid to the submitting telecommunications carrier by such end-user after such violation, as well as for additional amounts as prescribed in 165:56-11-1.6. The remedies provided in Part 1 of this Subchapter are in addition to any other remedies available by law.

(b) **End-user liability for charges.** Any end-user whose selection of telecommunications services provider is changed without authorization verified in accordance with the procedures set in Part 1 of this Subchapter is liable for charges as follows:

(1) If the end-user has not already paid charges to the unauthorized carrier, the end-user is absolved of liability for charges imposed by the unauthorized carrier for service provided during the first 30 days after the unauthorized change. Upon being informed by an end-user that an unauthorized change has occurred, the authorized carrier, the unauthorized carrier, or the executing carrier shall inform the end-user of this 30-day absolution period. Any charges imposed by the unauthorized carrier on the end-user for service provided after this 30-day period shall be paid by the end-user to the authorized carrier at the rates the end-user was

paying to the authorized carrier at the time of the unauthorized change in accordance with the provisions of 165:56-11-1.5(e).

(2) If the end-user has already paid charges to the unauthorized carrier, and the authorized carrier receives payment from the unauthorized carrier as provided for in 165:56-11-1.2(a), the authorized carrier shall refund or credit to the end-user any amounts determined in accordance with the provisions of 165:56-11-1.5(c).

(3) If the end-user has been absolved of liability as prescribed by this Section, the unauthorized carrier shall also be liable to the end-user for any charge required to return the end-user to his or her properly authorized carrier, if applicable.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

165:56-11-1.4. Procedures for resolution of unauthorized changes in preferred carrier

(a) **Notification of alleged unauthorized carrier change.** Executing carriers who are informed of an unauthorized carrier change by an end-user must immediately notify both the authorized and allegedly unauthorized carrier of the incident. This notification must include the identity of both carriers.

(b) **Referral of complaint.** Any carrier, executing, authorized, or allegedly unauthorized, that is informed by an end-user or an executing carrier of an unauthorized carrier change shall direct that end-user to the Commission for resolution of the complaint.

(c) **Notification of receipt of complaint.** Upon receipt of an unauthorized carrier change complaint, the Commission will notify the allegedly unauthorized carrier of the complaint and order that the carrier remove all unpaid charges for the first 30 days after the slam from the end-user's bill pending a determination of whether an unauthorized change, as defined by 165:56-1-4, has occurred, if it has not already done so.

(d) **Proof of verification.** Not more than 30 days after notification of the complaint, or such lesser time as is required by the Commission, the alleged unauthorized carrier shall provide to the Commission a copy of any valid proof of verification of the carrier change. This proof of verification must contain clear and convincing evidence of a valid authorized carrier change, as that term is defined in 165:56-11-1.4 and 165:56-11-1.5. The Commission will determine whether an unauthorized change, as defined by 165:56-1-4, has occurred using such proof and any evidence supplied by the end-user. Failure by the carrier to respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

165:56-11-1.5. Absolution procedures where the end-user has not paid charges

(a) **Applicability.** This Section shall only apply after an end-user has determined that an unauthorized change, as defined by 165:56-1-4, has occurred and the end-user has not paid charges to the allegedly unauthorized carrier for service provided for 30 days, or a portion thereof, after the unauthorized change occurred.

(b) **Removal of charges for the first 30 days.** An allegedly unauthorized carrier shall remove all charges incurred for service provided during the first 30 days after the alleged unauthorized change occurred, as defined by 165:56-1-4, from an end-user's bill upon notification that such unauthorized change is alleged to have occurred.

(c) **Challenging an end-user's allegation of unauthorized charges.** An allegedly unauthorized carrier may challenge an end-user's allegation that an unauthorized change, as defined by 165:56-1-4, occurred. An allegedly unauthorized carrier choosing to challenge such allegation shall immediately notify the complaining end-user that:

(1) The complaining end-user must file a complaint with the Commission within 30 days of either:

(A) The date of removal of charges from the complaining end-user's bill in accordance with (b) of this Section or

(B) The date the allegedly unauthorized carrier notifies the complaining end-user of the requirements of this Section, whichever is later; and

(2) A failure to file such a complaint within this 30-day time period will result in the charges removed pursuant to (b) of this Section being reinstated on the end-user's bill and, consequently, the complaining end-users will only be entitled to remedies for the alleged unauthorized change other than those provided for in 165:56-11-1.3(b)(1). No allegedly unauthorized carrier shall reinstate charges to an end-user's bill pursuant to the provisions of this Section without first providing such end-user with a reasonable opportunity to demonstrate that the requisite complaint was timely filed within the 30-day period described in this Section.

(d) **Procedure if thirty (30) days or fewer of unauthorized charges were incurred.** If the Commission determines after reasonable investigation that an unauthorized change, as defined by 165:56-1-4, has occurred, the Consumer Services Division of the Commission shall issue a factual determination stating that the end-user is entitled to absolution from the charges incurred during the first 30 days after the unauthorized carrier change occurred, and neither the authorized or unauthorized carrier may pursue any collection against the end-user for those charges.

(e) **Procedure if more than thirty (30) days of unauthorized charges were incurred.** If the end-user has incurred charges for more than 30 days after the unauthorized carrier change, the unauthorized carrier must forward the billing information for such services to the authorized carrier, which may bill the end-user for such services using either of the following means:

(1) The amount of the charge may be determined by a re-rating of the services provided based on what the authorized carrier would have charged the end-user for the same services had an unauthorized change, as described in 165:56-1-4, not occurred; or

(2) The amount of the charge may be determined using a 50% Proxy Rate as follows: Upon receipt of billing information from the unauthorized carrier, the authorized carrier may bill the end-user for 50% of the rate the unauthorized carrier would have charged the end-user for the services provided. However, the end-user shall have the right to reject use of this 50% proxy method and require that the authorized carrier perform a re-rating of the services provided, as described in (e)(1) of this Section.

(f) **End-user payments for services provided after the first thirty (30) days.** If the unauthorized carrier received payment from the end-user for services provided after the first 30 days after the unauthorized change occurred, the obligations for payments and refunds provided for in 165:56-11-1.5 shall apply to those payments.

(g) **Re-billing.** If the Commission determines after reasonable investigation that the carrier change was authorized, the carrier may re-bill the end-user for charges incurred.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

165:56-11-1.6. Reimbursement procedures where the end-user has paid charges

(a) **Applicability.** The procedures in this Section shall only apply after an end-user has determined that an unauthorized change, as defined by 165:56-1-4, has occurred and the end-user has paid charges to an allegedly unauthorized carrier.

(b) **Order requirements.**

(1) If the Consumer Services Division of the Commission determines after reasonable investigation that an unauthorized change, as defined by 165:56-1-4, has occurred, it shall issue a factual determination requiring the unauthorized carrier to forward to the authorized carrier the following:

(A) An amount equal to 150% of all charges paid by the end-user to the unauthorized carrier; and

(B) Copies of any telephone bills issued from the unauthorized carrier to the end-user.

(2) This factual determination shall be sent to the end-user, the unauthorized carrier, and the authorized carrier.

(c) **End-user refund or credit by authorized carrier if payment is received.** Within ten days of receipt of the amount provided for in this Section, the authorized carrier shall provide a refund or credit to the end-user in the amount of 50% of all charges paid by the end-user to the unauthorized carrier. The end-user has the option of asking the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the end-user, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the 50% of all charges paid by the end-user to the unauthorized carrier. The authorized carrier shall also send notice to the Commission that it has given a refund or credit to the end-user.

(d) **Billing and collection charges.** If an authorized carrier incurs billing and collection expenses in collecting charges from the unauthorized carrier, the unauthorized carrier shall reimburse the authorized carrier for reasonable expenses.

(e) **End-user refund or credit by authorized carrier if payment is not received.** If the authorized carrier has not received payment from the unauthorized carrier as required by (c) of this Section, the authorized carrier is not required to provide any refund or credit to the end-user. The authorized carrier must, within 45 days of receiving a factual determination as described in (b) of this Section, inform the end-user and the Commission if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the end-user of his or her right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier.

(f) **Reinstatement into programs.** Where possible, the properly authorized carrier must reinstate the end-user in any premium program in which that end-user was enrolled prior to the unauthorized change, if the end-user's participation in that program was terminated because of the unauthorized change. If the end-user has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the end-user any premiums to which the end-user would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this Section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the end-user.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

165:56-11-1.7. Preferred carrier freezes

(a) A preferred carrier freeze (or freezes) prevents a change in an end-user's preferred carrier

selection unless the end-user gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this Section.

(b) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all end-users, regardless of the end-user's carrier selections.

(c) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.

(d) Solicitation and imposition of preferred carrier freezes.

(1) All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:

(A) An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;

(B) A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the Commission's verification rules in 165:55-19-1.4 and 165:55-19-1.5 for changing an end-user's preferred carrier selections; and an explanation that the end-user will be unable to make a change in carrier selection unless he or she lifts the freeze; and

(C) An explanation of any charges associated with the preferred carrier freeze.

(2) No local exchange carrier shall implement a preferred carrier freeze unless the end-user's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(A) The local exchange carrier has obtained the end-user's written and signed authorization in a form that meets the requirements of (d)(3) of this Section; or

(B) The local exchange carrier has obtained the end-user's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the end-user's date of birth or social security number) and the information required in (d)(3)(B) of this Section. Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect an end-user to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or

(C) An appropriately qualified independent third party has obtained the end-user's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the end-user's date of birth or social security number) and the information required in (d)(3)(B) of this Section. The independent third party must not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the end-user has authorized a preferred carrier freeze.

(3) **Written authorization to impose a preferred carrier freeze.** A local exchange carrier may accept an end-user's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this Section is invalid and may not be used to impose a preferred carrier freeze.

(A) The written authorization shall comply with 165:55-19-1.5(b), (c), and (h) concerning the form and content for letters of agency.

(B) At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(i) The end-user's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;

(ii) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;

(iii) That the end-user understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and

(iv) That the end-user understands that any preferred carrier freeze may involve a charge to the end-user.

(e) **Procedures for lifting preferred carrier freezes.** All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer end-users the following procedures for lifting a preferred carrier freeze:

(1) A local exchange carrier administering a preferred carrier freeze must accept an end-user's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and

(2) A local exchange carrier administering a preferred carrier freeze must accept an end-user's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three-way conference call with the carrier administering the freeze and the end-user in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the end-user's date of birth or social security number) and the end-user's intent to lift the particular freeze.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

165:56-11-2. [RESERVED]

[Source: Reserved at 15 Ok Reg 3075, eff 7-15-98]

165:56-11-3. Cramming

(a) Cramming is prohibited.

(b) Resellers, after a complaint of cramming by the customer, shall not disconnect or seek payment of the charge(s) pending resolution of the dispute.

(c) The reseller shall be subject to a fine, per day per occurrence, for any violation of this Section, on an intrastate basis. The amount of the fine shall be determined pursuant to 17 O.S. § 1 *et seq.*,

after notice and hearing.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99]

SUBCHAPTER 12. SERVICE DENIAL

Section

- 165:56-12-1. Denial or termination of service without notice
165:56-12-2. Denial or termination of service after notice

[Source: Codified 7/15/98]

165:56-12-1. Denial or termination of service without notice

A reseller may refuse service or terminate existing service to an end-user without notice for tampering with the reseller's equipment, or misuse or abuse thereof in order to avoid payment of lawful charges or use thereof in such manner as to create danger to life or property of the reseller or other end-users.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98]

165:56-12-2. Denial or termination of service after notice

(a) A reseller may refuse service or terminate existing service to a customer pursuant to the disconnect procedure provided in OAC 165:56-9-4 for any of the following reasons:

- (1) Nonpayment of a bill within the period prescribed by this Chapter.
- (2) Failure to make a security deposit as set forth in this Chapter.
- (3) Violation of or noncompliance with any provision of law, or of this Chapter, or of the tariffs or terms and conditions of service of the reseller filed with and approved by the Commission.
- (4) Refusal to permit the reseller reasonable access to its telecommunications facilities for recovery, maintenance, and inspection thereof.
- (5) Interconnection of a device, line, or channel to the reseller's facilities or equipment contrary to the reseller's terms and conditions of service on file with and approved by the Commission.

(b) The reseller shall provide documentation to the customer, upon request, indicating the reason(s) that service is being withheld.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98]

SUBCHAPTER 14. NOTIFICATION OF TRANSACTIONS AFFECTING CUSTOMERS OR BUSINESS OPERATIONS

Section

- 165:56-14-1. Notification of certain transactions affecting the customers or operations of a reseller
165:56-14-2. [RESERVED]
165:56-14-3. Cessation of business in Oklahoma

[Source: Codified 7/15/98]

165:56-14-1. Notification of certain transactions affecting the customers or operations of a reseller

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

(b) The parties to an agreement, the performance of which will result in the transfer of a certificate of convenience and necessity, with or without the transfer of a tariff, from one legal entity to another legal entity shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and eight (8) copies of a Notification of Transaction with the Commission's Office of the Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

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

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

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

- (1) The name of the acquiring entity and the acquired entity.
- (2) Identification of the acquired assets.
- (3) The anticipated completion date and the effective date (if different) of the transaction.
- (4) The name of the entity(ies) which will be providing telecommunications services in Oklahoma subsequent to the effective date of the transaction (the "surviving entity").
- (5) The name, address and telephone number of a contact person for purposes of the Notification of Transaction.
- (6) The names and qualifications of the individuals who will serve as officers and management of the surviving entity.
- (7) The name(s), address(es) and telephone number(s) of the representatives of the surviving entity who will be the contact(s) for the Public Utility Division and the Consumer Services Division and will be primarily responsible for:
 - (A) Providing customer service;
 - (B) Repair and maintenance;
 - (C) Answering complaints;
 - (D) Authorizing and/or furnishing refunds to customers;
 - (E) Tariff issues; and,
 - (F) Receiving Notices related to causes docketed at the Commission.

- (8) An affidavit, including a financial statement, that states that the surviving entity possesses the financial ability to provide reseller services in the State of Oklahoma.
- (9) A copy of the notice which will be provided to affected customers informing them of the transaction and any change in the name of the entity which provides telecommunications services to them or in their rates, charges or terms and conditions of service as a result of the transaction.
- (10) Identification of any changes in services to be offered or tariffed rates to affected customers required by the transaction.
- (11) A narrative and/or schematic description of the relationship between or among the acquired and acquiring entities and the surviving entity.
- (12) An acknowledgment that any tariff revisions shall only be accomplished in a separate filing.
- (13) A statement of the approximate number of Oklahoma customers.
- (f) At the time of filing the Notification of Transaction, the acquiring entity shall provide a copy of the Notification of Transaction, with all attachments thereto, to the Office of the Attorney General of the State of Oklahoma.
- (g) The Commission Staff shall review the Notification of Transaction for the purpose of determining whether the proposed transaction should be approved and, in the case of mergers, whether the surviving entity should be allowed to provide telecommunications service in Oklahoma after the effective date of the transaction under the authority of any existing Certificate of Convenience and Necessity. The Commission shall act on a notification within thirty (30) business days of the date the notification is filed. No reportable transaction shall be consummated except by order of the Commission. Any person wishing to object to the proposed filing must file an objection with the Commission's Office of the Court Clerk no later than fifteen (15) days after the proposed filing. The Attorney General of the State of Oklahoma shall be granted intervention in such proceeding, if requested.
- (h) Within thirty (30) business days of the filing of the Notification of Transaction, the Commission Staff may file a Continuance of Review in the Cause stating that the Commission Staff has not completed its review of the transaction and shall require an additional specified time, not to exceed an additional thirty (30) calendar days, in which to complete such review. The Commission Staff shall accompany such a Continuance of Review with a specification of the additional information, if any, needed to complete this review.
- (i) The Commission Staff may, if it determines appropriate, file a Notice in the Cause requiring the acquiring entity and/or the surviving entity to show cause that the proposed transaction and/or merger is lawful, fair to the customers and in the public interest. The filing of such Notice by the Commission Staff will not alone suspend the authority of any entity to operate under an existing Certificate of Convenience and Necessity. Simultaneously with the filing of any such Notice, the Commission Staff shall propose a procedural schedule, including a date for hearing which shall be held within ninety (90) calendar days of the date of the filing of the Notification of Transaction, unless otherwise ordered by the Commission. If such a Notice is filed by the Commission Staff, the acquiring entity and/or surviving entity shall have the burden of establishing that the proposed transaction(s) is lawful, fair to the customers and in the public interest.
- (j) After approval of notification of transaction(s), and not later than thirty (30) days after transaction consummation, an original and two (2) copies of the approved tariffs, if necessary, which conform to OAC 165:56-5-3, shall be provided to the Public Utility Division.

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99; Amended at 18 Ok Reg 2437, eff 7-1-01; Amended at 19 Ok Reg 2000, eff 7-1-02]

165:56-14-2. [RESERVED]

[Source: Reserved at 15 Ok Reg 3075, eff 7-15-98]

165:56-14-3. Cessation of business in Oklahoma

(a) At least thirty (30) days before the effective date of the cessation of the provisioning of telecommunications service(s) in the State of Oklahoma, a reseller shall file an original and eight (8) copies of an application for withdrawal of its Certificate of Convenience and Necessity and cancellation of its tariffs and provide Notice of such filing to the Attorney General of the State of Oklahoma.

(b) An application for withdrawal shall include as attachments the following information, which must be certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant:

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

(2) A statement regarding the amount of any outstanding customer deposits and the date refund checks will be sent to customers; and,

(3) The date of withdrawal;

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

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

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

[Source: Added at 15 Ok Reg 3075, eff 7-15-98; Amended at 16 Ok Reg 2290, eff 7-1-99]

SUBCHAPTER 16. PAY-PER-CALL SERVICES

Section

165:56-16-1. Prohibition of certain pay-per-call services or interactive programs

[Source: Codified 7/1/99]

165:56-16-1. Prohibition of certain pay-per-call services or interactive programs

Each reseller is prohibited from violating 17 O.S. § 140.1 *et seq.*

[Source: Added at 16 Ok Reg 2290, eff 7-1-99]

SUBCHAPTER 17. SERVICE QUALITY STANDARDS

Section

165:56-17-1. Response to customer complaint inquires

165:56-17-2. Customer access to reseller

156:56-17-1. Response to customer complaint inquiries

A reseller shall respond to the Commission upon written or electronic inquiry from the Commission within the following time periods:

- (1) Inquiries regarding disconnection, suspension or termination of service - within one (1) business day of receipt of inquiry from the Commission.
- (2) Inquiries other than for disconnection, suspension or termination of service - within three
- (3) business days of receipt of inquiry from the Commission.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

165:56-17-2. Customer access to reseller

Any reseller that utilizes a mechanized answering system for answering of any customer calls regarding billing or repair during regular business hours must provide access to a live customer representative during the recitation of the mechanized options. If a customer is utilizing a rotary dial phone, they should be transferred to live customer representative during the recitation of the mechanized options.

[Source: Added at 18 Ok Reg 2437, eff 7-1-01]

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

[Source: Added at 12 Ok Reg 2147, eff 7/1/95; Revoked and reenacted at 14 Ok Reg 2855, eff 7/15/97; Revoked at 16 Ok Reg 2290, eff 7/1/99]

APPENDIX B. SAMPLE TARIFF FORMAT [REVOKED]

[Source: Added at 12 Ok Reg 2147, eff 7/1/95; Revoked and reenacted at 14 Ok Reg 2855, eff 7/15/97; Revoked at 16 Ok Reg 2290, eff 7-1-99]

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

[Source: Added at 12 Ok Reg 2147, eff 7/1/95; Revoked and reenacted at 14 Ok Reg 2855, eff 7/15/97; Revoked at 16 Ok Reg 2290, eff 7/1/99]

APPENDIX D. PUBLICATION FORMAT [REVOKED]

[Source: Added at 14 Ok Reg 2855, eff 7/15/97; Revoked at 16 Ok Reg 2290, eff 7/1/99]

APPENDIX E. AMENDED APPLICATION [REVOKED]

[Source: Added at 14 Ok Reg 2855, eff 7/15/97; Revoked at 16 Ok Reg 2290, eff 7/1/99]

APPENDIX F. ANNUAL REPORT FORMAT [REVOKED]

[Source: Added at 14 Ok Reg 2855, eff 7/15/97; Revoked at 16 Ok Reg 2290, eff 7/1/99]

APPENDIX H. TELECOMMUNICATIONS COMPLAINT REPORT FORM

Company Name _____

Date Complaint Received _____ Time of Call _____

Customer (or Account) Name _____

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

Customer Address _____ City _____

Exchange _____

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

Complaint Code _____

Nature of the Complaint:

Company findings and resolution:

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

Date closed _____ Closed by _____

[Source: Added at 15 Ok Reg 3075, eff 7/15/98]

APPENDIX I. CUSTOMER COMPLAINT CODES

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

[Source: Added at 15 Ok Reg 3075, eff 7/15/98]