

## Regulations and Fee Schedules for Telecommunications Providers

### STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS DIVISION OF PUBLIC UTILITIES AND CARRIERS

#### REGULATIONS AND FEE SCHEDULES FOR TELECOMMUNICATIONS PROVIDERS

Date of Public Notice: September 21, 1995

Date of Public Hearing: October 5, 1995

Effective Date: December 26, 1995

#### 1. INTRODUCTION

These regulations, enacted pursuant to 1995 P.L. Chapter 316, govern the fees payable by telecommunications providers who are not otherwise subject to the provisions of R.I.G.L. 1956 (1988 Reenactment), Sec.39-1-26(a) or (b). These fees represent the reasonable costs incurred by the Division of Public Utilities and Carriers and the Public Utilities Commission in docketing, investigation, and decision-making.

#### 2. DEFINITIONS

As used in these rules, except as otherwise required by the context:

a. "Applicant" means, in proceedings involving filings for permission or authorization which the Commission may give under statutory or other authority delegated to it, the party on whose behalf the filings are made.

b. "Clerk" means the Commission clerk, appointed by the Commission pursuant to R.I.G.L. Sec.39-1-9.

c. "Commission" means the Public Utilities Commission.

d. "Division" means the Division of Public Utilities and Carriers described in R.I.G.L. Sec.39-1-2(4) and Sec.39-1-3.

e. "Telecommunications provider" means any person, firm or corporation providing, inter alia, intrastate telecommunications services, which is not otherwise liable for payments to the Public Utilities Reserve Fund (currently .00025% of gross annual operating revenues attributable to intrastate operations in Rhode Island) or for rate case expense reimbursements. For the purpose of these regulations, telecommunications providers are subdivided into six classes:

(1) Class I: Competitive Access Providers ("CAP"). Entry is controlled by Docket No. 2129. These carriers are facilities-based, providing customers with some of the same services available through the local exchange carrier.

(2) Class II: Resellers doing business as Certified Switchless Resellers ("CSR"). Entry is controlled by Docket No. 2262, incorporating many of the requirements of Docket No. 2129. CSRs are non-facilities-based carriers which purchase access at a discount from facilities-based carriers and/or the local exchange carrier, and market or resell their services.

(3) Class III: Resellers doing business through the use of debit cards ("DCS"). DCS is a pre-paid calling-card service provided by a wholesale company that allows an in-state outbound call to be charged to a debit card, typically through the use of a "1+800" number and a personal identification number.

(4) Class IV: Operator Service Providers ("OSP") or Alternate Operator Services ("AOS"). These providers offer an alternate to operator services provided by the local exchange carriers and facilities-based interexchange carriers. OSPs furnish services to carriers who do not have their own operators, and to businesses such as hotels, hospitals, airports, and educational institutions. The services may include calling card, collect, and third-party calls.

(5) Class V: Private coin telephones. This class includes Customer-Owned, Coin-Operated Telephones ("COCOT") and Inmate Services. COCOTs generally secure alternative operator services for calling card, collect, and third-party calls, since the financial commissions are greater. Inmate Services provides outbound-only coin telephones for residents of the state and federal prisons.

(6) Class VI: Other service providers who are not covered by Classes I-V.

### 3. ORIGINAL APPLICATIONS

a. Class I. In addition to the materials required to be submitted to the Clerk pursuant to Docket No. 2129, CAP applicants shall tender \$300.00, in a check payable to the State of Rhode Island. No application shall be accepted for docketing in the absence of full payment and all required paperwork.

b. Class II. In addition to the materials required to be submitted to the Clerk pursuant to Docket No. 2262, CSR applicants shall tender \$250.00, in a check payable to the State of Rhode Island. No application shall be accepted for docketing in the absence of full payment and all required paperwork. Certain CSRs were granted interim authority by the Commission, pending action by the General Assembly. Holders of interim authority need not refile their materials, but will obtain permanent authority by submitting a letter requesting the same, accompanied by \$250.00, in a check payable to the State of Rhode Island.

c. Class III. In addition to a Statement of Business Operations and initial tariffs, DCS applicants shall tender \$250.00, in a check payable to the State of Rhode Island. No application shall be accepted for docketing in the absence of full payment and all required paperwork.

d. Class IV. Class IV applicants are required to file certain information with the Division, pursuant to the Rules and Regulations for Telephone Operator Service Providers in Rhode Island, issued April 8, 1991. In addition, OSPs shall tender \$250.00, in a check payable to the State of Rhode Island. No application shall be accepted for docketing in the absence of full payment and all required paperwork.

e. Class V. COCOTs with fifteen units or more who wish to offer service as Class V telecommunications providers, must submit a registration form, listing information required by Docket Nos. 1786, 1796, and 1899, and initial tariffs. Inmate Services providers must submit a copy of the contract with the State of Rhode Island or the United States of America. In addition to this paperwork, Class V telecommunications providers shall tender \$150.00, in a check payable to the State of Rhode Island.

f. Class VI. The Division will dictate entry requirements for these providers on a service-by-service basis. Class VI telecommunications providers shall tender a check payable to the State of Rhode Island, in an amount to be determined by the Division, not to exceed \$300.00.

#### 4. ANNUAL FEES

a. Class I. In addition to the materials required to be submitted to the Clerk annually pursuant to Docket No. 2129, CAPs shall tender \$250.00, in a check payable to the State of Rhode Island, not later than July 1 following the date on which authority was granted. Failure to remit the annual fee by August 1 shall result in suspension of authority. Such suspension shall automatically become revocation if the annual fee remains unpaid by September 1; Class I telecommunications providers whose authority has been revoked may reapply for authority by filing an original application with the appropriate fees, as described in Rule 3a.

b. Class II. In addition to the materials required to be submitted to the Clerk annually pursuant to Docket No. 2262, CSRs shall tender \$175.00, in a check payable to the State of Rhode Island, not later than July 1 following the date on which authority was granted. Failure to remit the annual fee by August 1 shall result in suspension of authority. Such suspension shall automatically become revocation if the annual fee remains unpaid by September 1; Class II telecommunications providers whose authority has been revoked may reapply for authority by filing an original application with the appropriate fees, as described in Rule 3b.

c. Class III. DCS providers shall tender \$175.00, in a check payable to the State of Rhode Island, not later than July 1 following the date on which authority was granted. Failure to remit the annual fee by August 1 shall result in suspension of authority. Such suspension shall automatically become revocation if the annual fee remains unpaid by September 1; Class III telecommunications providers whose authority has been revoked may reapply for authority by filing an original application with the appropriate fees, as described in Rule 3c.

d. Class IV. AOS or OSP providers shall tender \$175.00, in a check payable to the State of Rhode Island, not later than July 1 following the date on which authority was granted. Failure to remit the annual fee by August 1 shall be cause for notice of a Show Cause hearing, publication of the notice on the National Association of Regulatory Utility Commissioners' Electronic Bulletin Board, and potential revocation if the annual fee remains unpaid by September 1; Class IV telecommunications providers whose authority has been revoked may reapply for authority by filing an original application with the appropriate fees, as described in Rule 3d.

e. Class V. COCOTs and Inmate Services providers with fifteen or more units shall tender \$25.00 or \$0.10 per telephone, whichever is greater, in a check payable to the State of Rhode Island, not later than July 1 following the date on which operations began. Failure to remit the annual fee by August 1 shall be cause for notice of a Show Cause hearing and publication of the notice on the National Association of Regulatory Utility Commissioners' Electronic Bulletin Board. Class V telecommunications providers whose annual fees have not been paid by September 1 must reapply for authority by filing an original registration application with the appropriate fees, as described in Rule 3e.

f. Class VI. Class VI telecommunications providers shall tender a check payable to the State of Rhode Island, in an amount to be determined by the Division, not to exceed \$250.00.

## 5. ADDITIONAL FILING FEES

a. Class I. CAPs shall tender \$50.00, in a check payable to the State of Rhode Island, with each tariff revision or non-tariff filing, other than the annual filings required by Rule 4a. No filing shall be accepted for docketing unless the account is in full satisfactory status, and full payment is made.

b. Class II. CSRs shall tender \$50.00, in a check payable to the State of Rhode Island, with each tariff revision or non-tariff filing, other than the annual filings required by Rule 4b. No filing shall be accepted for docketing unless the account is in full satisfactory status, and full payment is made.

c. Class III. DCS providers shall tender \$50.00, in a check payable to the State of Rhode Island, with each tariff revision or non-tariff filing, other than the annual filings required by Rule 4c. No filing shall be accepted for docketing unless the account is in full satisfactory status, and full payment is made.

d. Class IV. AOS or OSP providers shall tender \$50.00, in a check payable to the State of Rhode Island, with each tariff revision or non-tariff filing, other than the annual filings required by Rule 4d. No filing shall be accepted for docketing unless the account is in full satisfactory status, and full payment is made.

e. Class V. COCOTs and Inmate Service providers shall tender \$25.00, in a check payable to the State of Rhode Island, with each tariff revision, other than the annual filing required by Rule 4e. No payment shall be required with non-tariff filings. No filing shall be accepted for docketing unless the account is in full satisfactory status, and full payment is made.

f. Class VI. Class VI telecommunications providers shall tender \$50.00, in a check payable to the State of Rhode Island, with each tariff revision or non-tariff filing, other than the annual filings which may be required by Rule 4f. No filing shall be accepted for docketing unless the account is in full satisfactory status, and full payment is made.

## 6. MISCELLANEOUS PROVISIONS.

a. Multi-class Providers. A telecommunications provider who has authority under more than one class must submit the paperwork for each class, and the associated with the highest class.

b. Publication of Arrearages. An AOS, OSP, COCOT, or Inmate Services provider which fails to submit the annual fee in a timely manner will be summoned for a Show Cause hearing. Notice of this hearing will be published on the National Association of Regulatory Utility Commissioners' Electronic Bulletin Board so that the regulators in other states can be alerted to the provider's failure to comply with regulations. The provider shall be classified "unsatisfactory" for all inquiries.

c. Limitation on Authority within a Class. The Clerk will not accept any original application for filing, if the telecommunications provider seeking authority currently holds authority in the same class (e.g. no CAP can file an application to provide service as a CAP, although it may seek authority as a CSR).

The foregoing rules and regulations, after due notice and an opportunity for hearing, are hereby adopted and filed with the Secretary of State this 4th day of December, 1995, to become effective twenty (20) days after filing, in accordance with the provisions of RIGL 1956 (1988 Reenactment) Secs. 42-35-2(a)(2), 42-35-3, and RIGL 1956 (1984 Reenactment) Sec. 39-1- 26(c).

James J. Malachowski, Administrator

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#### Fee Schedule for Telecommunications Providers

Provider Class	Original Applications	Annual Fees[i]	Filing Fees[ii]
Class I	\$300.00	\$250.00	\$50.00
Class II	\$250.00	\$175.00	\$50.00
Class III	\$250.00	\$175.00	\$50.00
Class IV	\$250.00	\$175.00	\$50.00
Class V	\$150.00	\$25.00 or \$.10 per phone whichever is greater	\$25.00 tariff filing only
Class VI	not to exceed \$300.00	not to exceed \$250.00	\$50.00

[i Payment required by 7/1 each year otherwise authority shall be suspended by 8/1 if fee remains unpaid.]

[ii Each tariff revision or non-tariff filing, except Class V tariff changes only.]

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#### STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS PUBLIC UTILITIES COMMISSION

##### Requirements for Registration Authority for Telecommunications Resellers

##### Filing Package Requirements

Submit Original plus 3 copies of Complete Package

1. A reseller of telecommunication services must file a Statement of Business Operations ("SBO"), including the following information.

- a. Corporate name, complete address, telephone/fax numbers
- b. Local Company name, complete address, telephone/fax numbers
- c. Business locations
- d. Service agent, complete address, telephone/fax numbers
- e. Attorney of record, complete address, telephone/fax numbers
- f. Corporate officers and major stockholders or partners holding a ten percent or Greater equity interest.
- g. General description of operations
- h. Description, in detail, of the customer service organization to be employed in Serving carriers and end users.
- i. Customer service contact, complete address, telephone/fax numbers
- j. Regulatory contact person, complete address, telephone/fax numbers

2. Provide evidence, in exhibit form, of authorization from the Rhode Island Secretary of State to do Business in Rhode Island.
3. All reseller applicants must file an independent auditor's report verifying the company's stated financial position.
4. Complete tariff filing package.
5. Fee regulations become effective on December 26, 1995. Please use the matrix supplied in the copy of "Regulations and Fee Schedules for Telecommunications Providers" included in this package. Select the highest class of tariffed services offered and remit check payable to "State of Rhode Island". A check must be remitted at time of filing.

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#### Package Review

The Division of Public Utilities and Carriers will review the SBO and make a recommendation to the Public Utilities Commission as to whether the reseller should be authorized to provide service in Rhode Island. NO service may be rendered unless and until the Commission has approved the reseller's initial tariff filing.

A reseller authorized to provide intrastate service shall file tariffs pursuant to Rhode Island General Laws, Section 39-3-11. However, the Commission will exercise its authority pursuant to Section 39-3-12 to modify certain of the tariff filing requirements. The Commission's rules of practice and procedure requires the filing of minimal supporting documentation and permits tariffs to go into effect thirty days after notice in the absence of a suspension order. The lowest price for any service provided by a reseller to a customer must be specified in the reseller's tariff filing as the low end of the price range. Any discounted pricing contracts entered into by a reseller must be filed with the Division.

#### Annual Requirements

The reseller with intrastate operating authority shall make annual filings with the Telecommunication Section of the Division of Public Utilities as follows:

- a. The SBO should be amended annually as of June 30 of each year and should include a twelve-month statement of income and a then-current balance sheet.
- b. Thirty days following the close of a CAP's (Class I) fiscal year, a filing shall be made disclosing the number of lines in service and the revenues derived therefrom.

c. Once audited figures are available, the information filed pursuant to (a) shall be supplemented.

d. BEFORE July 1st, and every year thereafter, a check for the annual fee in the highest class of tariffed services, should be issued to the "State of Rhode Island" along with the Annual Reporting requirements listed above. Mail to attention Telecommunication Section, Rhode Island Public Utilities Commission, 89 Jefferson Boulevard, Warwick, RI 02888. Failure to remit the annual fee by August 1st, will result in suspension of operating authority. After September, any provider whose operating authority has been revoked may reapply by filing an original application with appropriate fees.

#### Tariff Changes

There is a 30 day notice statute in Rhode Island. The day the filing is docketed will start the 30 day period; therefore, please allow adequate time, from mailing the filing.