

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Telecommunications

Readoption with Amendments: N.J.A.C. 14:10

Adopted Repeals: N.J.A.C. 14:10-1A.12, 4.2, 5.5, 6.2, 6.3, 6.5, 6.6, 9.3, 9.4, 9.5, 9.6, 9.7, and 12.12 and 14:10-12 Appendix B

Adopted Repeal and New Rule: N.J.A.C. 14:10-5.2

Proposed: September 2, 2014, at 46 N.J.R. 1864(b).

Adopted: January 21, 2015, by the New Jersey Board of Public

Utilities, Richard S. Mroz, President, Joseph L. Fiordaliso, Mary-Anna Holden and Dianne Solomon, Commissioners.

Filed: January 21, 2015, as R.2015 d.028, **without change**.

Authority: N.J.S.A. 48:2-13, 48:2-21.15 through 21.23, and 56:8-1 et seq.

BPU Docket Number: TX14060550.

Effective Dates: January 21, 2015, Readoption;

February 17, 2015, Amendments, Repeals, and New Rule.

Expiration Date: January 21, 2022.

Summary of Public Comments and of Agency Responses:

William D. Smith on behalf of Verizon, Jim Roberts on behalf of CenturyLink, and Chris White on behalf of Rate Counsel submitted timely comments on the notice of proposal:

Subchapter 1. General Provisions

N.J.A.C. 14:10-1.3 Recordkeeping, General Provisions

COMMENT: Verizon proposes that records be maintained if necessary to ensure compliance with requirements for back billing at N.J.A.C. 14:10-2.2. Currently, the rules state that records must be maintained for 18 months if the record relates to a wholesale customer, unless the carrier has negotiated a contract. Verizon also proposes removal of the six-year record retention requirement for retail customers, as well as the revision of the three-year record retention requirement for verification of a telecommunications service provider (TSP) switch be reduced to two years. Verizon commented that its proposed changes are reasonable and would eliminate administrative costs.

RESPONSE: The company must maintain records so that Board staff can investigate complaints accurately and be provided with the facts necessary to make a determination as to the merits of a complaint. Accordingly, the existing language in the rule will be maintained. Utilities have an obligation to address and resolve customer issues, which can only be accomplished through the maintenance of adequate records for a reasonable period of time.

Subchapter 1A. Telephone Utilities

N.J.A.C. 14:10-1A.2 General Provisions

COMMENT: Verizon indicates that it supports the Board's proposed modifications to this rule but adds that N.J.A.C. 14:3, which is currently applicable to all utilities and subject to the Board's jurisdiction, should *not* apply to communications providers because it makes no sense to heavily regulate competitive communications companies with the exact same rules that apply to monopoly rate-of-return gas, electric, and water utilities. Since the initial adoption of the rules in N.J.A.C. 14:3, Verizon commented, New Jersey's communications marketplace has changed dramatically and is now robustly competitive.

RESPONSE: N.J.A.C. 14:10-1.2 defines a telephone utility as a public utility, as well as any person that provides telecommunications services to the public for a fee. This section of the rules cross-references N.J.S.A. 48:2-13, which defines the term "public utility" and provides for the Board's general supervision, regulation, and control over public utilities. Consequently, the rules are accurate as written since N.J.A.C. 14:3 and

14:10 apply. Accordingly, Verizon's suggested modifications are not consistent with the statute.

COMMENT: Rate Counsel does not oppose the elimination of the requirement that telephone utilities provide maps of customer locations to the Board, but Rate Counsel submits that the information should be accessible on each company's website.

RESPONSE: The Board no longer believes the requirements concerning maps are necessary and, therefore, the rule should be eliminated, not modified to shift the obligation of filing the maps with the Board but instead to the company's website.

N.J.A.C. 14:10-1A.4 Directories

COMMENT: Verizon proposes additional changes to this section to make it consistent with the Board's approval of Verizon's request for a waiver of the rules regarding the publication and distribution of white pages. The Board granted Verizon's request to make white pages residential listings available electronically unless the customer specifically requests a paper copy. The waiver request is subject to the Board's review and discretion. Verizon suggests subsection (a) of the rule should be revised to indicate that "ILECs shall publish telephone directories regularly, [listing] that include business listings (yellow pages and business white pages), government pages and consumer guides on a regular basis. White page listings consisting of the name, location and telephone number of all customers whose numbers are provided to the ILEC, except telephone service not published at customers' request and public telephones, will be made available on a webpage or, at a customer's specific request, provided via CD-ROM or a printed copy. (additions indicated in underline; deletions indicated in brackets)

CenturyLink believes that this section should be eliminated since directory information is readily available from numerous competitors and Directory Assistance is a competitive service. In addition, CenturyLink points out that Verizon filed for a waiver of this regulation and obtained it. This regulation, including the requirement that the ILEC publish directories, is costly, unnecessary, and contrary to the public interest. Therefore, CenturyLink believes the regulation should be eliminated.

Rate Counsel does not oppose the revisions.

RESPONSE: The rules as proposed are designed to protect consumers and provide them with necessary information and guidance. In addition, not every customer has access to the internet or owns a computer. While the Board has in the past waived rules based on the circumstances outlined by the parties in their petition for waiver, the fact that a utility seeks a waiver is not grounds for a permanent elimination of the rules. Accordingly the rule will remain.

N.J.A.C. 14:10-1A.5 Held Applications

COMMENT: CenturyLink recommends that subsection (a) and (b) be eliminated or limited to subsection (a). Subsection (a) indicates that when a telephone company is unable to supply telephone service on dates requested by applicants, because of shortage of facilities, priority shall be given to furnish those services which are essential to public safety and health. Subsection (b) states that where a previously provided date for service installation cannot be met by the telephone utility, every reasonable effort shall be made to advise the customer of the reason for the delay, any interim service available, and the probable date that requested service will be provided. CenturyLink argues that these provisions serve no purpose in a competitive environment.

RESPONSE: The rules are designed to provide a process for providers and customers to follow when a telephone utility may be unable to supply service. Subsection (b) merely establishes a framework for communications between the company and customer. Absent a rule setting forth the process, applicants in need of service may suffer unnecessary delays. Customers need to be informed regarding the status of their service. Accordingly, the rule will be maintained.

N.J.A.C. 14:10-1A.6 Customer Complaints and Trouble Reports

COMMENT: CenturyLink seeks removal of this rule in its entirety since it serves 40 percent of the access lines in the territory, and the rule does not apply to the competitive providers of voice services.

RESPONSE: The Board must ensure maintenance of information regarding services consistent with the provision of safe, adequate, and proper service, and the rule serves to carry out that obligation by

guaranteeing that the necessary information is available in the event that there is an investigation or service complaint regarding the situation.

The rule ensures that service quality is monitored and should not be removed or reduced. CenturyLink is a Carrier of Last Resort and is therefore responsible for the maintenance of the network in its service territory.

N.J.A.C. 14:10-1A.7 Adequacy of Service

COMMENT: Verizon suggests that the language in the rule be edited to state that each telephone utility is encouraged to utilize fiber optic facilities and other advanced technologies where available and efficient to modernize its networks.

RESPONSE: The rules set forth requirements not recommendations and the proposed language by Verizon is too broad to be considered enforceable. The rules need to provide clarity not ambiguity. Accordingly, Verizon's suggested modifications are not appropriate.

COMMENT: CenturyLink commented that this section should be removed because it is inherent to day-to-day business practices and is unnecessary in a competitive market.

Rate Counsel supports improved reporting on installation and maintenance and supports the deletions/additions of regulations proposed by the Board.

RESPONSE: The Board believes the rules serve to clearly set forth the obligations of the regulated utilities. It is incumbent on incumbent local exchange carriers (ILECs) to provide safe, adequate, and proper service at all times. Competitive local exchange carriers (CLECs) utilize underlying ILEC facilities, and ILECs have the ultimate Carrier of Last Resort obligations. The rules preserve the obligations of the utilities and must remain.

N.J.A.C. 14:10-1A.8 Service Quality Standards

COMMENT: Verizon proposes that the service quality rules be modified and suggests a change of operator handled calls to include automated attendant. Verizon also suggests the elimination of language related to Acts of God or nature. Specifically in subsections (c) and (d), Verizon seeks a change in the language from operator handled calls to include the term automated attendant.

RESPONSE: The Board does not agree with Verizon's recommendations to remove the Act of God and nature language. The Board, after investigation, will determine the appropriate application of the standards set forth in the rules based on the circumstances presented. The language regarding operator calls appropriately represents that calls may be handled in varying manners and is not overly burdensome and therefore will remain in the rules.

COMMENT: CenturyLink's position is to relax and eliminate service quality standards because there are other service quality measurements that serve to measure the carrier's performance.

RESPONSE: The Board does not believe it is appropriate to relax or amend the rules. Service quality is essential to the provision of services.

N.J.A.C. 14:10-1A.9 Service Quality Reporting

COMMENT: Verizon supports the Board's amendments to the rules but, argues that service quality reporting rules are no longer necessary and should be eliminated. Verizon suggests that each telephone utility take measurements of its performance in relation to any applicable standards in N.J.A.C. 14:10-1A.8 and shall compile summaries of the measurements. Verizon commented that the rule has antiquated language that should be eliminated.

CenturyLink proposes that service quality reporting requirements be eliminated and that the Board handle service issues on an incremental complaint basis. Service quality, according to CenturyLink, is competitive and the rules should only apply to carriers with more than 200,000 access lines. Alternatively, CenturyLink recommends modifying the rule.

RESPONSE: Verizon's request to place service quality standards in the hands of the providers downplays the importance of fixed standards. Service quality standards are critical to measuring utility performance. More importantly, the rules cannot be eliminated for ILECs who must provide quality service to meet their obligation to customers, especially in light of their Carrier of Last Resort obligations. Further, the Board believes the language appropriately represents the varying manners in

which a call may be handled. Verizon's request to modify the rules to substitute the term operator handled calls with automated attendant or representative and to delete the language regarding second level managers is not overly burdensome and therefore will remain in the rules.

The Board believes that telephone utilities with fewer than 200,000 access lines require maintenance in the same manner as a company with more than 200,000 lines. The Board therefore cannot support the modifications recommended by CenturyLink.

Subchapter 2. Payments for Service

N.J.A.C. 14:10-2.2 Contents of Bills; Back Billing

COMMENT: Regarding N.J.A.C. 14:10-2.2(a)8, CenturyLink comments that an itemized list of the calls should be provided on an optional basis and only when it is requested by the customer, as this can save on paper. CenturyLink also believes a detailed list of calls should not be required if the customer has an unlimited calling plan.

CenturyLink also proposes adding the following language to subsection (a) "for voice services," which would change this subsection to only apply to voice services. However, CenturyLink does not provide reasoning for this change.

RESPONSE: New Jersey customers utilize both voice and data services. Many customers have packaged services that include both voice and data for one price. CenturyLink has not justified its recommendations. The rules ensure nondiscriminatory treatment and continuity for both CLEC's and ILEC's.

COMMENT: Regarding N.J.A.C. 14:10-2.2(b) through (f), Verizon states that the arbitrary nature of the rule is illustrated by how it seems focused more on wholesale carriers than retail customers. Paragraph (e)1 limits back billing and refunds to a wholesale customer to 18 months, while paragraph (e)2 limits back billing and refunds to retail customers to six (6) years. Given the fact that wholesale carriers have the ability to negotiate back billing limits in their interconnection agreements and other contracts, Verizon believes that back-billing and refund provisions should be left to contracts and not be subject to Board regulation. In addition, Verizon indicates that customers must promptly notify the telephone utility of any incorrect billing.

RESPONSE: The modifications sought by Verizon in effect would reduce the recordkeeping requirements to 18 months for wholesale and retail customers and would limit back billing refunds to that time period. The changes sought suggest that the burden rests on the customer to notify the company of any billing error. This shift is inappropriate as the customers are not the generator of the bill, nor are they responsible for accurate billing. Eliminating the six-year requirement is inconsistent with the practice employed for other utilities.

Six years is consistent with other utilities' billing dispute requirements for retail services. Thus, all utilities in New Jersey providing retail services would have the same responsibility. The Board believes the current language in this section is well thought-out and appropriate. Therefore, changing the back billing language in this section to have 18 months apply to both retail and wholesale customers is not warranted.

COMMENT: Rate Counsel supports the Board's proposal in this section.

RESPONSE: The Board thanks Rate Counsel for its support.

Subchapter 3. Number Reclamation

N.J.A.C. 14:10-3.3 Extension of Part 4 Form Submittal Deadline

COMMENT: Verizon comments that the Board should allow for more than one extension beyond the proposed 90-day extension now permitted. Verizon cites instances where construction delays limit its ability to place numbers into service. Verizon also notes that the North American Numbering Plan Administration (NANPA) does not limit the number of extensions.

RESPONSE: While the Board understands Verizon's comments and delays can and do occur, the Board has great latitude to address these situations as they occur. Therefore, there is no need to modify the existing rule.

COMMENT: Rate Counsel supports the Board's modifications.

RESPONSE: The Board thanks Rate Counsel for its comments.

Subchapter 4. Non-Financial Reporting RequirementsN.J.A.C. 14:10-4.1 General Provisions

COMMENT: Verizon argues that since the Board released its proposed amendments to the Telecommunications rules, the FCC has changed its requirements related to the filing of its Form 477 Reports. As a result of this FCC change, telecommunications carriers will be unable to satisfy the requirement contained in N.J.A.C. 14:10-4.1(b) to file 477 reports with the Board. Specifically, pursuant to the modified FCC requirements for the filing of the 477 reports, carriers are no longer able to download a copy of their submissions for filing with state commissions. The Company points out that the FCC allows state commissions to apply to receive these files directly and asks the Board to amend the rule to reflect the new FCC requirements.

Verizon proposes that the Board amend the rules to allow the Board's staff to apply to receive 477 files from the FCC rather than receive them directly from Verizon. Further, they request that the audit provisions and the certification of the data be supplied by an officer of the carrier be removed.

Rate Counsel supports the changes. However, it submits that subsection (b) should be clarified to remove the word "annually" to clarify the reports should be submitted every six months within five days of filing with the FCC because the word "annually" could be read to mean that both reports are submitted only once each year.

Rate Counsel also asks that the rules be amended by adding a new sentence to read: Each carrier shall also provide a copy of the Form 477 reports to Rate Counsel within five days after the carrier files with the FCC.

RESPONSE: The Board regulates utilities and does not have authority over the FCC or its filing process. As such, the filing of the information by the company should remain directly with the Board rather than require staff to engage in a procedure whereby they must contact the FCC to collect data after it is filed at the FCC.

The changes proposed by Verizon are unnecessary. It is clear that carriers have a responsibility to submit their 477s to the Board within five days of filing with the FCC and that commitment extends annually throughout the effectiveness of the rule. There is no need to amend the rule to provide a copy of the 477s. While the rule doesn't expressly provide copies of 477s directly to Rate Counsel, Board staff will share any non-proprietary information upon request.

Subchapter 5. Competitive Telecommunication ServicesN.J.A.C. 14:10-5.2 Informational Tariff Filings

COMMENT: Rate Counsel supports the Board's repeal of the current informational tariff filing requirements, which are based upon new legislation. The new provisions relate to posting tariffs on each carrier's website and providing copies upon a customer request. The Board also repeals N.J.A.C. 14:10-5.5, which requires interexchange carriers (IXC) to file tariffs for new competitive telecommunications offerings as it is no longer necessary. Finally, various changes are being made to N.J.A.C. 14:10-5.4, 5.6, 5.7, 5.8, and 5.9 and Rate Counsel also supports these changes.

RESPONSE: The Board thanks Rate Counsel for their comments.

N.J.A.C. 14:10-5.3 Tariff Revisions that Increase Charges

COMMENT: CenturyLink states that competitive service rate changes should not have associated regulations.

RESPONSE: Pursuant to N.J.S.A. 48:2-21.19, the Board continues to monitor the terms and conditions of competitive services to ensure that telecommunication companies do not impose unjust preferences or exercise discriminatory practices. These safeguards are necessary for competitive services and therefore should remain intact.

N.J.A.C. 14:10-5.4 Tariff Revisions that Do Not Increase Charges

COMMENT: Rate Counsel supports the amendments to delete references to CLEC and IXC tariffs and the reference to filing revised tariff pages with the Board from subsection (a). Language stating that a tariff is effective after customer notification is also being added. In addition, existing subsection (c) is deleted in its entirety, which indicates

that the proposed tariff revisions are to be served to Rate Counsel within 24 hours of filing with the Board.

RESPONSE: The Board thanks Rate Counsel for its comments.

N.J.A.C. 14:10-5.5 New Competitive Telecommunications Offerings by Interexchange Carriers

COMMENT: Rate Counsel agrees with the amendments to this section, which requires that tariffs must be posted on the carrier's website and that CLECs and IXCs are no longer required to file tariffs but must post their tariffs on their website.

RESPONSE: The Board thanks Rate Counsel for its comments.

N.J.A.C. 14:10-5.6 Board Monitoring of Competitiveness

COMMENT: Verizon comments that there was considerably less competition and fewer competitive services when this rule was implemented. Given the substantial amount of competition in the communications industry today, it is no longer necessary for the Board to monitor the development of competitive services. However, if the rule remains, the Board should repeal the requirement that customer complaints be included in an evaluation of the competitiveness of a service or product. In addition, the Board should eliminate any reference to "market share" from this rule, given that the Board has repeatedly held that "market share" and other antitrust concepts are not relevant to a determination of competitiveness.

Verizon further requests the elimination of rule provisions that repeat the criteria set forth in N.J.S.A. 48:2-21.19.b for reclassification of service as it is redundant.

Rate Counsel supports the rule.

RESPONSE: The rule in its current form addresses the factors for the Board to consider when monitoring a service to determine the appropriate classification. The statutory criteria provide the standards that, at a minimum, must be maintained. The rules seek to further the intent of the statute. Accordingly, the rule will not be modified.

N.J.A.C. 14:10-5.7 Withdrawal of a Competitive Service from Subscribers and N.J.A.C. 5.8 Discontinuance of a Competitive Service Offering

COMMENT: Verizon suggests that the Board should change the amendment language in the rule to indicate that any carrier providing competitive services may withdraw a competitive service from subscribers after 30 days' notice to all of its affected customers, without notice to the Board.

RESPONSE: Pursuant to N.J.S.A. 48:2-21.19, the Board continues to monitor the terms and conditions of competitive services to ensure that telecommunication companies do not impose unjust preferences or discriminatory practices on consumers. In addition, the Board monitors the impact revisions have on subscribers of the services to ensure that the effect of these modifications is not detrimental to the competitive designation of the service. Therefore, the suggested modifications are not consistent with those efforts as the Board requires notice of companies intent to withdraw a service.

COMMENT: Rate Counsel supports the proposed revisions submitted by the Board.

RESPONSE: The Board thanks Rate Counsel for its support.

Subchapter 6. Operator Service ProvidersN.J.A.C. 14:10-6.1 Scope

COMMENT: Verizon objects to the language that states that alternate operator service provider (AOS) providers must provide customers with dialing instructions for accessing the LEC operator and opposes the provisions that require "0" dialed calls to the ILEC operator be answered in four seconds, as Verizon feels that the FCC standard should apply.

Rate Counsel agrees with the Board's proposed amendments.

RESPONSE: Verizon commented that these rules are new, however, they are existing rules that have been relocated from other sections of the chapter. The obligation has been and will remain in effect. Moreover, callers have always had the option to reach the LEC regarding 0 dialed calls. Consumers should have the information available to make a decision on how, when, and whether or not they choose to conduct a call. The standard has existed since the AOS rules were implemented and can

be exceeded as they are a minimum not a maximum speed upon which the call must be answered.

In addition, Subchapter 6 has been restructured to eliminate unnecessary provisions and allow much more flexibility to carriers while maintaining essential consumer protection.

Subchapter 9. Public Pay Telephone Service

N.J.A.C. 14:10-9.1 and 9.2 Provision of Public Pay Telephone Service

COMMENT: Rate Counsel supports the proposed changes, deletions, and revisions to these sections and agrees with the Board that consumers are relying on wireless options rather than on payphones and alternate operator, and, therefore, it agrees with the elimination of unnecessary provisions while maintaining core consumer protections obligations.

RESPONSE: The Board thanks Rate Counsel for its support.

Subchapter 10. Intralata Toll Competition

N.J.A.C. 14:10-10.1 Scope, General Provisions

COMMENT: Rate Counsel agrees with the amendments to this section and supports the Board's conclusion that the IntraLATA telecommunications market place has matured and substantial portions of this chapter are no longer needed. Therefore, the Board has restructured Chapter 10 to eliminate unnecessary provisions while maintaining core consumer protections.

RESPONSE: The Board thanks Rate Counsel for its support.

Subchapter 11. Anti-Slamming Requirements for TSPs

COMMENT: Verizon proposes that Subchapter 11 be repealed because this subchapter closely mirrors Federal rules. This duplication of rules creates an unnecessary, additional administrative burden. However, if this subchapter is not repealed, Verizon suggests the Board amend N.J.A.C. 14:10-11.4(f), which requires a submitting telecommunications service provider to maintain and preserve customer authorization records from three years to two years. Under Federal law, carriers are required to maintain customer authorization records for a period of two years. Verizon adds that different record retention requirements are unnecessary and generate additional administrative costs and that two years is a reasonable time period to retain these records because slamming disputes are likely to arise within two years of a questionable transfer.

RESPONSE: The Board opted into the Federal rules with minor modifications appropriate to serve the needs of the State. The rules, therefore, in essence mirror the Federal rules. The record retention policy maintained by the Board serves the interests of consumers and has proven to be an acceptable standard and, therefore, should remain.

Subchapter 12. Mass Migration Upon TSP Departure from a Service Territory

N.J.A.C. 14:10-12.2 Purpose and Scope

COMMENT: Verizon proposes that language should be added to subsection (a) to read (additions indicated in underline): This subchapter governs any TSP operating in New Jersey and intending to depart a service territory therein including both voluntary and involuntary departures.

Verizon also proposed to add a new subsection (d) to read as follows: This subchapter shall not apply to TSPs that are voluntarily exiting the market and have arranged for a transfer of their customers to one or more affiliated TSPs approved to provide telecommunications services in New Jersey, provided that the departing, affiliated TSPs follow the Federal anti-slamming requirement set forth in 47 CFR 64.1120(e).

RESPONSE: The language that Verizon proposes would not change the current meaning of subsection (a). Therefore, the Board declines to amend the rule as suggested by Verizon.

The Board disagrees with the proposed language that Verizon suggests. If a TSP decides to re-organize its corporate structure and move its customers from one entity to another it does not preclude that TSP from complying with N.J.A.C. 14:10-12.

The Board decides each filing and requests for waivers of the rules based upon the circumstances in each case. The rules preserve the intent of the Board to protect customers from being migrated absent adequate processes being followed.

N.J.A.C. 14:10-12.3 Application to Depart Service Territory

COMMENT: Verizon proposes to add new language to subsection (c) to read (addition indicated in underline): Upon receipt of an application, Board staff will review the application and contact the petitioner regarding any deficiencies within seven days.

RESPONSE: The Board does not agree with the suggested timeframe proposed by Verizon for contacting a petitioner as each matter is unique and there is no way of predicting the time necessary to address each filing.

N.J.A.C. 14:10-12.5 Notice to End Users

COMMENT: Verizon proposes to add the following to recodified subsection (f) (additions indicated in underline): In the event a departing TSP fails to provide notice to the Board required under N.J.A.C. 14:10-12.3 or to provide notice to its end users required under this section, or the departure is involuntary.

Verizon proposes to add a new paragraph (f)3 as follows: The departing TSP shall reimburse the ILEC for the cost of notifying the departing TSP's customers of the disconnection of service. Moreover, the provisions herein shall not relieve the departing TSP of its responsibility to pay all application service charges to the ILEC under contractual arrangements between the TSP and the ILEC.

RESPONSE: The new language proposed by Verizon is standard contractual language which should be part of the negotiated agreement between the parties and not part of the rules.

COMMENT: Rate Counsel supports the proposed changes, deletions, and revisions and states that the Board notes that changes and revisions are being made to reflect the Board's experience with the mass migration process, in addition to conforming time requirements contained in its rule to be consistent with the FCC rules for mass migration.

RESPONSE: The Board thanks Rate Counsel for its comments.

Federal Standards Analysis

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 through 24 requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis.

The Federal rules that correspond to N.J.A.C. 14:10 are promulgated and implemented by the FCC. The Board has incorporated several FCC rules by reference in N.J.A.C. 14:10, including the FCC Uniform System of Accounts for Telephone Companies, 47 CFR Part 32.

The rules readopted with amendments, new rules, and repeals exceed the FCC's record retention requirements (see 47 CFR Part 42) for retail customers as regards billing. The Board requires a six-year period for retention of records, as regards any records necessary to facilitate back billing for retail customers. The Board believes this more stringent requirement is necessary in light of the complexity of bills and the fact that it is now common among customers to have multiple lines. The expanded timeframe for record retention allows customers an opportunity to review their bills and act on any discrepancies discovered in billing.

The non-financial reporting requirements in the rules readopted with amendments, new rules, and repeals are consistent with the FCC's reporting requirements at 47 CFR Part 43.

The readopted provisions relating to adult-oriented information access telephone service are in some ways more stringent than those of the FCC. At 47 CFR Part 64, the FCC requires that local exchange carriers offer to their subscribers an option to block access to services offered on the 900 access code. Pursuant to N.J.S.A. 48:17-22, the Board in N.J.A.C. 14:10-7 requires blocking not only of 900 number services, but also of 700 NXX adult-oriented lines. Unblocked access to adult oriented 700 NXX and 900 NXX may be obtained by written authorization by the subscriber. Further, customers have the ability to block all 900 calls, consistent with 47 CFR Part 64.

The readopted rules are consistent with the FCC rules at 47 CFR 64.703, which contain information disclosure requirements for interstate, interexchange, domestic, and 0+ operator assisted calls. The Board's rules permit the same standards to apply to intrastate as well as other operator service provider calls. The Board's rules contain the substance of the Federal regulations regarding notifying customers of the rates for operator service assisted calls. However, the Federal regulations

specifically address interstate calls. The Board lacks the authority to regulate interstate calls, and therefore, has tailored the rules to apply to intrastate calls.

The FCC anti-slamming regulations are found at 47 CFR 64.1100 et seq. The readopted rules at N.J.A.C. 14:10-11 contain the substance of the FCC rules. The rules include requirements that a TSP submit a change order within 60 days after obtaining a verified authorization and that the date of the verification be noted on the change order. The FCC does not impose these requirements and therefore these provisions are more stringent than the Federal ones. The Board believes, based on its experience with change orders, that this additional stringency is necessary to protect consumers. In addition, the rules add a detailed penalty section, which provides additional detail on the process that Board staff will follow to arrive at a penalty in each case.

N.J.A.C. 14:10-11 includes a verification mechanism, which requires that when a consumer initiates a change of telecommunications service provider, the new TSP must verify the change according to the process set forth in the rules. This confirmation procedure is designed to safeguard the rights of the consumer.

In addition to incorporating the FCC's letter of agency requirements from 47 CFR 64.1130, the rules require that the TSP notify consumers of the rates, terms, and conditions of service and advise them of the amount of the maximum charge to change TSP.

In addition to complying with this chapter the FCC regulations at 47 CFR 64.1190, are incorporated by reference as amended or supplemented. The Board's rules require that all TSPs responsible for the implementation of changes of primary TSPs adopt a primary TSP freeze plan, which provides for the imposition and lifting of freezes at no cost to the customer. These consumer protection features continue the Board's policy of protecting the consumer at minimal cost to the TSP. The public policy of consumer protection outweighs the minimal cost to the TSP.

The Board requires the TSP to provide quarterly reports detailing the status of slamming complaints and authorized primary TSP change orders. This is not required by the FCC. These reports assist the Board and the Division of Consumer Affairs in providing timely and accurate information regarding the resolution of the complaints and to ensure that change orders are processed promptly. This requirement does not pose a burden to the TSPs as they have an internal tracking system for the complaints and change orders.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 14:10

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 1. GENERAL PROVISIONS

14:10-1.1 Applicability

(a) This chapter applies to the following:

1. A public utility, as defined at N.J.S.A. 48:2-13.a;
- 2.-4. (No change.)

5. Any entity that is subject to the numbering guidelines of the FCC. See N.J.A.C. 14:10-3, Number Reclamation.

(b)-(d) (No change.)

14:10-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

...
 "Wholesale customer" means an entity that purchases telecommunications services for resale to others.

SUBCHAPTER 1A. TELEPHONE UTILITIES

14:10-1A.2 General provisions

- (a) (No change.)
- (b) (No change in text.)

14:10-1A.4 Directories

(a)-(b) (No change.)

(c) Data pertaining to emergency numbers shall be conspicuously listed in the front part of the directory pages.

(d) (No change in text.)

(e) The directory shall contain instructions concerning placing calls to repair.

(f) (No change in text.)

Recodify existing (i) and (j) as (g) and (h) (No change in text.)

Recodify existing 14:10-1A.6 and 1A.7 as 14:10-1A.5 and 1A.6

(No change in text.)

14:10-1A.7 Adequacy of service

Each telephone utility shall maintain equipment and facilities as necessary to ensure the provision of safe, adequate, and proper service at all times.

14:10-1A.8 Service quality standards

(a) (No change)

(b) A telephone utility shall meet the following minimum service quality standards regarding installations of service:

1.-2. (No change.)

(c)-(g) (No change.)

14:10-1A.9 Service quality reporting

(a) Each telephone utility shall take measurements of its performance in relation to the standards in N.J.A.C. 14:10-1A.8, and shall compile summaries of the measurements.

(b)-(c) (No change.)

(d) For the purpose of reports submitted under this section, each telephone utility shall provide Statewide totals of its performance measurements relating to all quality service standards set forth at N.J.A.C. 14:10-1A.8.

(e) In addition to the Statewide totals required under (d) above, each telephone utility shall sort and/or aggregate its performance measurements regarding the following service quality standards by the applicable reporting unit described below:

1. The additional reporting unit for measurements relating to the standards for installation of service under N.J.A.C. 14:10-1A.8(b), and for trouble reports under N.J.A.C. 14:10-1A.8(e), shall be the geographic area for which a second level manager in charge of installation and maintenance is responsible. For the purpose of this section, a second level manager is a person supervising one or more first level managers, where first level managers are supervisors of crews actually performing work on a telephone plant;

2. The additional reporting unit for measurements relating to the standards for operator handled calls at N.J.A.C. 14:10-1A.8(c)1 through 3 shall be the call center;

3. The additional reporting unit for measurements relating to the standards for dial service at N.J.A.C. 14:10-1A.8(d) shall be the geographic area for which a second level manager in charge of switching is responsible; and

4. The number of reporting units described in (e)1, 2, and 3 above shall be no less than three.

(f) All reports submitted under this section shall set forth the following:

Recodify existing 2.-4. as 1.-3. (No change in text.)

(g)-(h) (No change.)

Recodify existing 14:10-1A.13, 1A.14, 1A.15, and 1A.16 as 1A.10,

1A.11, 1A.12, and 1A.13

(No change in text.)

SUBCHAPTER 2. PAYMENTS FOR SERVICE

14:10-2.2 Contents of bills; back billing

(a) The customer's bill shall include the items listed in (a)1-13 below, except if the customer's calling plan or package of services makes an item inapplicable:

1.-6. (No change.)

Recodify existing 8.-13. as 7.-12. (No change in text.)

(b)-(f) (No change.)

SUBCHAPTER 3. NUMBER RECLAMATION

14:10-3.1 Number reclamation definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this subchapter can be found at N.J.A.C. 14:3-1.1 and 14:10-1.2.

“Guidelines” means, as regards to NXX codes, the FCC industry Numbering Committee’s Central Office Code Assignment Guidelines (COCAG); and as regards to thousands-blocks, the Thousands-Block Pooling Administration Guidelines (TBPA); both of which are incorporated herein by reference, as amended and supplemented, and are available at: www.atis.org/inc/docs.asp.

...

SUBCHAPTER 4. NON-FINANCIAL REPORTING REQUIREMENTS

14:10-4.1 General provisions

(a) (No change.)

(b) Each carrier shall submit to the Board an unredacted copy of its semi-annual FCC Local Telephone and Competition and Broadband Reporting Form 477. The carrier shall submit the form to the Board annually, within five days after the carrier files the form with the FCC.

(c)-(f) (No change.)

(g) The submittal to the Board shall include all proprietary data required and provided to the FCC.

(h) (No change.)

SUBCHAPTER 5. COMPETITIVE TELECOMMUNICATIONS SERVICES

14:10-5.1 Scope

(a) (No change.)

(b) This subchapter applies to the following:

1. Local exchange carriers and intrastate interexchange carriers offering competitive services; and
2. Competitive services offered by CLECs, IXC, and ILECs.

(c) Revisions to non-competitive telecommunications service tariffs are governed by the Board’s rules for all utilities at N.J.A.C. 14:3.

14:10-5.2 Informational tariff filings

Local exchange telecommunications companies and interexchange telecommunications carriers shall make available terms and conditions of any retail competitive services for public inspection on their website and a printed copy of those terms and conditions must be provided upon request of a customer. A local exchange telecommunications company or interexchange telecommunications carrier providing such services, may, in their discretion, file tariffs with the Board. A link to said local exchange telecommunications company and interexchange carrier websites must be provided to the Board for inclusion on the Board’s website.

14:10-5.4 Tariff revisions that do not increase charges

(a) Tariff revisions to existing competitive telecommunications services that do not increase charges to any customer shall become effective one day after notice of the proposed revision as described in N.J.A.C. 14:10-5.3(b), without the requirement of prior Board approval; except that a tariff revision for withdrawal of a service offering shall be governed by N.J.A.C. 14:10-5.7.

(b) (No change.)

14:10-5.5 Initial CLEC or IXC tariff

(a) Initial tariffs for CLECs and IXCs shall be effective 30 days following submittal to the Board, without the requirement of prior Board approval, except for a tariff covered under (b) below. The tariffs must be posted on the CLEC or IXC’s website as required under N.J.A.C. 14:10-5.2.

(b) (No change.)

(c) All initial tariffs of a CLEC or IXC shall be certified to be accurate, and in compliance with existing law, by an officer of the CLEC or IXC.

(d) Should an initial tariff be inconsistent with existing laws, Board staff shall forward a letter of deficiency to the submitting CLEC or IXC. The deficiency letter shall:

1.-4. (No change.)

(e)-(f) (No change.)

14:10-5.6 Board monitoring of competitiveness

(a) In monitoring the competitiveness of telecommunications services and/or providers of those services, the Board may request any information necessary from a carrier. In addition, the Board may use information collected pursuant to N.J.A.C. 14:10-4 to conduct an analysis as to whether individual services and/or the markets for telecommunications services are becoming more or less competitive.

(b)-(c) (No change)

14:10-5.7 (No change in text.)

14:10-5.8 Discontinuance of a competitive service offering

A carrier may discontinue offering a competitive service after providing one day notice of the discontinuance to all customers and the Board.

SUBCHAPTER 6. OPERATOR SERVICE PROVIDERS

14:10-6.1 Scope

(a) (No change.)

(b) In addition to this subchapter, those aggregators who are also public pay telephone service (PPTS) providers are subject to N.J.A.C. 14:10-9.1 and 9.2.

(c) An alternate operator service provider shall notify a caller, before inception of billing that the alternate operator service provider is handling the operator-assisted call by verbal identification by the alternate operator service provider and by a form of signage on the telephone equipment or controlled by the aggregator or by the alternate operator service provider if the alternate operator service provider owns or provides the telephones.

(d) An alternate operator service provider shall provide:

1. Instructions that detail its dialing procedures;
2. Dialing instructions for access to the LEC operator;
3. To the caller prior to connecting any intrastate, 0+ call, instructions on how the caller can obtain the actual, or maximum possible, total cost of the call, including any aggregator surcharge, and/or location specific charges; and
4. The address of the operator service provider and a complaint telephone number.

(e) Every contract between an alternate operator service provider and aggregator shall include a provision that provides a caller using a telephone owned or controlled by the aggregator or alternate operator service provider with the means to access, where technically possible, any other operator service provider operating in the relevant geographic area, through the access method chosen by the other operator service provider, or to access a local exchange operator or to access the emergency telephone number that serves the jurisdiction where the telephone is located. Such access must be provided free of charge.

(f) No alternate operator service provider shall transfer a call to another operator service provider unless that transfer is accomplished at, and billed from, the point or origination of the call. If such transfer is not technically possible, the alternate operator service provider shall inform the caller that the call cannot be transferred as requested and that the caller should hang up and attempt to reach another operator service provider through the means provided by that other operator service provider.

(g) All “0-” calls, which are calls originated by dialing “0” and no other digits within four seconds, shall be sent promptly and directly to the incumbent LEC operator serving the geographic area where the instrument is located.

(h) Board staff may investigate the conduct of any operator service provider or aggregator to evaluate compliance with this subchapter, and may take appropriate enforcement action.

14:10-6.2 AOS rates for intrastate operator-assisted calls

(a) An alternate operator service provider may charge the following maximum rates:

- 1.-3. (No change.)
- 4. For a call described at (a)1-3 above, that is greater than five minutes, an additional per minute rate may be charged, in addition to the charges under (a)1-3 above. The per minute rate shall equal the applicable per minute rate in the AT&T tariff contained on its website; and
- 5. Notwithstanding (a)4 above, an AOS's rate for a call described in (a)1, 2, or 3 above shall be capped at \$5.25 (\$4.25 plus \$1.00). The AOS shall not charge more than \$5.25 without prior Board approval. A request for Board approval of a higher rate shall conform to the requirements for petitions at N.J.A.C. 14:1-5.12.
- (b) Surcharges associated with non-pay telephones, which are not part of the actual telephone bill or imposed by an OSP, but are add-on charges imposed by hotels, motels, hospitals, universities, and/or other CPPTS providers, are not prohibited by this chapter. However, notice of any surcharge shall be displayed by the aggregator in accordance with N.J.A.C. 14:10-6.1(d).
- (c)-(d) (No change.)

14:10-6.3 Penalties for violations

- (a)-(c) (No change.)
- (d) The penalty amounts for violations of this subchapter are set forth in Table A below:

TABLE A
Penalties for Violations

<u>Violation</u>	<u>Penalty</u>
Exceeding maximum rates authorized under N.J.A.C. 14:10-6.2(a)	\$5,000
Noncompliance with emergency call procedures set forth at N.J.A.C. 14:10-6.1(g)	\$5,000
Slamming, in violation of N.J.A.C. 14:10-11	\$3,000
Noncompliance with the free access requirements at N.J.A.C. 14:10-6.1	\$2,500
Noncompliance with rate quote requirements at N.J.A.C. 14:10-6.1	\$2,000
or billing for uncompleted calls, in violation of N.J.A.C. 14:10-6.2(c)	
Recodify existing N.J.A.C. 14:10-6.8 and 6.9 as 14:10-6.4 and 6.5 (No change in text.)	

SUBCHAPTER 9. PUBLIC PAY TELEPHONE SERVICE

- 14:10-9.2 The PPTS instrument
 - (a) (No change.)
 - (b) Each PPTS instrument shall allow consumers free access to the following calls, without use of coin or credit cards to originate such calls:
 - 1.-2. (No change.)
 - Recodify existing 5. and 6. as 3. and 4. (No change in text.)

SUBCHAPTER 10. INTRALATA TOLL COMPETITION

- 14:10-10.1 Scope; general provisions
 - (a) (No change.)
 - (b) LECs that process PIC change orders shall adhere to the following:
 - 1. LECs are to process intraLATA PIC change orders within the same time frame as interLATA PIC change orders are processed; and
 - 2. (No change in text.)
- 14:10-10.2 Imputation standard

The rates that an LEC charges customers for toll service and/or interexchange private line service shall equal or exceed the total applicable switched access rates set forth in the LEC's tariff.

SUBCHAPTER 12. MASS MIGRATION UPON TSP DEPARTURE FROM A SERVICE TERRITORY

14:10-12.1 Definitions

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

...
 "Migration manager" or "migration coordinator" means a person designated by the departing and/or acquiring TSP to coordinate end user migrations between the departing TSP and the acquiring TSP or the alternative TSP. The migration manager would also be the point of contact with Board staff.
 ...

14:10-12.2 Purpose and scope

- (a)-(c) (No change.)
- (d) Board staff may, upon request and with good cause shown, waive provisions of this subchapter.

14:10-12.3 Application to depart a service territory

- (a) (No change.)
- (b) At least 60 days prior to its planned departure date, a departing TSP shall file an application with the Secretary of the Board that includes all of the following:
 - 1. (No change.)
 - 2. An exit plan that explains the steps the TSP will take to help facilitate the transfer of its end users to a new TSP. The exit plan shall include the following:
 - i. (No change.)
 - ii. A sample letter to be sent to the departing TSP's end users in accordance with N.J.A.C. 14:10-12.5(a), informing them of the departure of the TSP and the end users' option to choose another TSP. The departing TSP's letter shall contain all the information set forth in the sample letter in Appendix A to this subchapter, incorporated herein by reference;
 - iii. A proposed final departure date, on which the departing TSP must disconnect, or request that the underlying service provider disconnect, all end user accounts;
 - iv. The names, e-mail addresses, and telephone numbers of the migration manager for both the departing and acquiring TSP;
- Recodify existing vii., viii., and ix. as v., vi., and vii. (No change in text.)
- viii. (No change in text.)
- Recodify existing xiii., xiv., and xv. as ix., x., and xi. (No change in text.)
- (c) (No change.)
- (d) If the departing TSP believes that 60 days is not feasible for submittal of its application, it may request a modification of the timeline by making a request to Board staff. However, in all cases, the application shall be submitted early enough to provide sufficient time to migrate the departing TSP's end users to other TSPs.

14:10-12.4 Board notice to other TSPs

- (a) The Board will maintain a TSP service list on its website. The service list will include all of the full facilities-based TSPs operating within New Jersey and either have a tariff on file with the Board or have it posted on the TSP's website. Each TSP is responsible for providing the Board with up to date information for the service list.
- (b) (No change in text.)

14:10-12.5 Notice to end users

- (a) A departing TSP shall provide notice of its departure to its end users at least 30 days prior to its planned departure date, through a letter that complies with this section.
- (b) (No change.)
- (c) The departing TSP shall send a copy of the letter required under (a) above, electronically to Board staff and each ILEC and network service provider that provides service in the area served by the departing TSP, at the same time as the letter is sent to the departing TSP's end-users. In addition, the electronic copy of the letter that is sent to the Board and

each ILEC and NSP shall be accompanied by an attestation by an officer of the departing TSP that such notice has been mailed to all end users.

(d) An end user notification letter used to comply with this section shall do the following, at a minimum:

1.-2. (No change.)

3. Provide clear instructions to the end user as to how to choose an alternative TSP, which would include the Board's website for a complete list of licensed CLECs and or other sources of information that would give the end user an impartial choice for selection purposes;

4.-8. (No change.)

(e) Subchapter Appendix A contains two sample end user notification letters that may be used to provide notice to end users. Letter #1 is a sample letter, which includes the information that the departing TSP must send to its end users when there is an acquiring TSP 30 days prior to the planned departure date. Letter #2 is a sample letter, which includes the information that the departing TSP must send to its end users when there is no acquiring TSP 30 days prior to the planned departure date. The departing TSP may use these letters or may modify them, provided that the information required in this section is included in the letters.

(f) In the event a departing TSP fails to provide the notice to the Board required under N.J.A.C. 14:10-12.3 or to provide the notice to its end users required under this section, and there is no acquiring TSP, each ILEC that serves the departing TSP's end users shall, upon becoming aware that the departing TSP has failed to provide the notice to its end users of the mass migration as required under N.J.A.C. 14:10-12.5, provide notice of the departing TSP's pending departure to the departing TSP's end users, if these end users are known. The ILEC shall:

1. Notify the departing TSP's end users of the TSP's pending departure twice, using a letter, such as that contained in Subchapter Appendix A. The letters shall be sent 30 days prior to the planned departure date or, if the acquiring TSP or ILEC did not become aware of their obligation until after those dates, as soon as possible; and

2. (No change.)

(i) (No change.)

14:10-12.6 Mass migration process

(a) The departing and acquiring TSP shall designate a migration manager (or migration coordinator), who will be responsible for coordinating end user migrations between the departing TSP and the acquiring TSP.

(b) In accordance with Federal Communications Commission rules, on Preferred Carrier Freezes at 47 CFR 64.1190, incorporated herein by reference, as amended and supplemented, the departing TSP shall lift any existing preferred TSP freezes on a line involved in a mass migration, before the notification letter required under N.J.A.C. 14:10-12.5 is mailed to the departing TSP's end users. Therefore, an end user who wishes to have a preferred TSP freeze after a mass migration must contact their ILEC to arrange a new freeze.

(c) (No change in text.)

(d) (No change in text.)

14:10-12.7 End user lists to be supplied by departing TSP

(a) At least 45 days prior to the projected departure date, the departing TSP shall submit an end user list to the Board. Board staff may waive this requirement at the departing TSP's request due to competitive reasons.

(b)-(d) (No change.)

14:10-12.8 Progress reports

(a) The departing TSP shall file a progress report with the Board on the departure date, which would include the following:

1. (No change.)

Recodify existing 3., 4., and 5. as 2., 3. and 4. (No change in text.)

14:10-12.10 E-911 Number unlocking

(a) A TSP that departs a service territory shall unlock all of its telephone numbers in the E-911 database, in accordance with the National Emergency Numbering Association (NENA) standards, so as to provide the acquiring TSP or alternative TSP with access to the departing TSP's end users' E-911 records.

(b) In unlocking its E-911 numbers, the departing TSP shall comply with NENA standards for local number portability, contained in NENA Recommended Data Standards For Local Exchange Carriers, ALI Service

Providers & 9-1-1 Jurisdictions - NENA 02-011, which is incorporated herein by reference, as amended and supplemented, and may be obtained at www.nena.org.

(c) (No change.)

14:10-12.11 Local service request

The acquiring TSP shall send a valid LSR, as defined at N.J.A.C. 14:10-12.1, to the ILEC, NSP, and/or the departing TSP at least 15 days prior to the planned departure date.

14:10-12.12 (No change in text.)

APPENDIX A

Sample Notice Letters

Letter # 1: Sample End user Notification Letter (with acquiring TSP)

Date (30 Days prior to planned departure date)

End user Name

Address

City, NJ zip

Re: Your Service will be Transferred to (Name of Acquiring TSP) Unless You Choose A New Local Telephone Service Provider By (date)

Dear Telephone Service Customer:

We regret to inform you that as of (planned departure date), XYZ Company will no longer provide local telephone service in (their city). (Explanation of specific company circumstances).

You have two options:

OPTION 1: You can select a different local telephone service provider on or before (date). If you do this, XYZ company will allow your service to be transferred to your selected provider immediately, and you will assume responsibility for any charges associated with the transfer of your account from XYZ Company to your selected local telephone provider.

OPTION 2: You can do nothing, and let (name of acquiring TSP) automatically become your local telephone service provider. If you do this, XYZ company will transfer your service to (name of acquiring TSP) on (date).

If you do not want service from (name of acquiring TSP), your action is required! You must choose option 1 and select a new local telephone provider as quickly as possible, AND no later than (date).

IF YOU CHOOSE OPTION 1:

If you choose OPTION 1 and select a new local telephone service provider, you should also contact your local toll provider and your long-distance provider. Tell them to ensure that neither your current local toll plan nor your long distance calling plan is changed as the result of your change in local service. If you do not contact these providers, they may charge you different rates than before for local toll and long distance calls. You should also request that your new local telephone provider place any requested freezes on your account. However, if you choose OPTION 1 and select another provider of your choice, you will incur additional charges. If you choose to transfer your service to a telephone service provider other than (name of acquiring TSP), every effort will also be made to keep your telephone number and services the same as they are with (name of departing TSP).

IF YOU CHOOSE OPTION 2:

If you choose OPTION 2, you will not be charged for the change to (name of acquiring TSP).

Even if you choose OPTION 2, you will still keep the option to select another local telephone service provider in the future, but if you do select another provider in the future, there will be a delay in transferring your service to your selected provider until after the change to (name of acquiring TSP).

XYZ company will make every effort to transfer your telephone service to (name of acquiring TSP) in a way that will keep your local telephone number the same, and your existing local service and calling features will be transferred to (name of acquiring TSP).

If you have any questions regarding the discontinuance of XYZ Company's local telephone service, please call (toll free number). Questions regarding (acquiring TSP) should be directed to (toll free number of acquiring TSP). XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

Letter #2: Sample End user Notification Letter (without Acquiring TSP)

Date (30 Days prior to the planned departure date)

End user Name

Address

City, NJ zip

Re: You Must Choose a New Local Telephone Service Provider by (date)

Dear Telephone Service Customer:

We regret to inform you that as of (departure date), XYZ Company will no longer provide local telephone service in New Jersey (or their city). (Explanation of specific company circumstances).

Your action is required! You must select a new local telephone service provider as quickly as possible, AND no later than (date) or you may lose your local telephone service.

You can usually find a list of local telephone service providers in your local telephone directory or on the Board's website at www.bpu.state.nj.us. If you require assistance, please contact XYZ Company (current company) at (toll free number).

After selecting a new local telephone provider, you should also contact your current local toll provider and your long distance provider to ensure that neither your current intraLATA toll calling plan nor your long distance calling plan is changed as the result of your change in local service. If you do not contact these providers to ensure that your current calling plans remain in place after you transfer your local service, you may be charged basic rates (non-calling plan rates) for local toll and long distance calls.

XYZ Company regrets any inconvenience this change may cause you.

Sincerely,

STATE

(a)

NEW JERSEY CULTURAL TRUST

New Jersey Cultural Trust Rules

Readoption with Amendments: N.J.A.C. 15:27

Proposed: September 15, 2014, at 46 N.J.R. 1943(a).

Adopted: January 20, 2015, by the New Jersey Cultural Trust Board, Sara Cureton, Director.

Filed: January 20, 2015, as R.2015 d.026, **without change**.

Authority: N.J.S.A. 52:16A-72 et seq., specifically 52:16A-77.a.

Effective Dates: January 20, 2015, Readoption;
February 17, 2015, Amendments.

Expiration Date: January 20, 2022.

Summary of the Public Comment and Agency Response:

Comments were received from: (1) Jean Public and (2) Anne Marie Miller, Executive Director of the ArtPride New Jersey Foundation.

1. COMMENT: Following the financial crisis in 2008, the New Jersey economy and taxpayer is struggling every day. Therefore, spending levels for the New Jersey Cultural Trust (Trust) should be revised to completely eliminate or substantially cut - by at least 50 percent - all money spent on such items.

RESPONSE: The Legislature created the New Jersey Cultural Trust because it determined, among other things, that:

“a. Arts, history, and humanities contribute immeasurably to the quality of life in New Jersey, to the tourism industry and the

economy, to the health and vitality of our cities, and to the celebration of our rich cultural diversity and identity.

b. Hundreds of non-profit cultural organizations in the State play an individual role in ensuring that the benefits of the arts, history, and humanities are extended to the people and communities of New Jersey.

c. These non-profit cultural organization work diligently and responsibly to carry out their vital missions. However, as a whole, they are undercapitalized, which makes them vulnerable to economic downturns.”

P.L. 2000, c. 76 (N.J.S.A. 52:16A-72 et seq.).

The Legislature deemed the arts, history, and the humanities so important that it established the New Jersey Cultural Trust to build a permanent, stable, and additional source of funding to support private, non-profit arts, history, and humanities organizations. The funding awarded from the Cultural Trust Fund will continue to ensure stronger, financially stable arts, history, and humanities organizations, and improved facilities for those organizations, for decades to come. Furthermore, the funds provided to organizations play an important role in improving the economic stability of the organizations and the communities they serve, and in generating jobs in the non-profit sector. This is accomplished in part by a grant program that is supported by the interest earned on the investments of the Cultural Trust Fund, not through annual State appropriations.

In light of that considerable contribution to the State and its residents, the Legislature has determined that funding of the New Jersey Cultural Trust remains important and these rules readopted with amendments further that legitimate interest.

2. COMMENT: The proposed rules align with the Trust's mission to ensure a stable and healthy non-profit cultural industry in New Jersey that is sustainable even in the toughest of economic times. The New Jersey Cultural Trust, with extremely limited administrative support, continues to serve as a national model of public-private partnership. With increased resources, both administratively and in its interest generating account, the New Jersey Cultural Trust could continue to build on that reputation with additional funding for building endowments and capital improvements of cultural facilities.

RESPONSE: The New Jersey Cultural Trust thanks Ms. Miller for her supportive comment. Although the New Jersey Cultural Trust endeavors to distribute its funds in the most efficient and economical manner in order to provide the greatest good to New Jersey residents, its funding is limited by statute and available appropriations.

Federal Standards Statement

A Federal standards analysis is not required because the rulemaking requirements of the New Jersey Cultural Trust are directly authorized by the New Jersey Cultural Trust Act, N.J.S.A. 52:16A-72 et seq., and are not subject to any Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 15:27.

Full text of the adopted amendments follows:

SUBCHAPTER 1. ORGANIZATIONAL RULE

15:27-1.1 Organization; information contact; petition for rulemaking

(a) (No change.)

(b) To contact the New Jersey Cultural Trust, or to submit a petition for rulemaking pursuant to N.J.A.C. 1:30-4, write:

Board Secretary
New Jersey Cultural Trust
PO Box 305
Trenton, NJ 08625-0305
or
Feedback@sos.state.nj.us

(c) More information on the New Jersey Cultural Trust can be found at www.culturaltrust.nj.gov.