

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: John Wine, Chair
 Cynthia L. Claus
 Brian J. Moline

In the Matter of the General Investigation to)
Develop Procedures to Protect Consumers) Docket No. 01-GIMT-649-GIT
Against the Loss of Telephone Services.)

ORDER NO. 7: ORDER CLOSING DOCKET

The above matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration. After examining its files and records and being fully advised of all matters of record, the Commission finds as follows:

1. On February 1, 2001, the Commission opened this docket to develop procedures that will help protect customers from loss of service when a carrier stops operating in the state. On March 25, 2002, the Commission issued Order No. 5: Modifying Interim Rules. The interim rules were adopted and the Commission staff (“Staff”) was directed to proceed with developing a permanent regulation.

2. Staff developed the permanent regulation and submitted it for approval. A definitional regulation was also submitted. Both regulations were approved by the Commission and submitted to the Secretary of State’s office to be published in the January 9, 2003 edition of the Kansas Register. The regulations, K.A.R. 82-13-1 and K.A.R. 82-13-2, became effective on January 24, 2003. The regulations are attached to this order.

3. The Commission concludes that with the adoption of the permanent regulations, the interim rules are no longer needed and are no longer in effect. The Commission concludes that this docket should be closed.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission concludes that with the adoption of the permanent regulations, the interim rules are no longer needed and are no longer in effect. The Commission concludes that this docket should be closed.

B. Pursuant to K.S.A. 66-118b, any party may file a petition for reconsideration in fifteen days from the date of this Order. Three days may be added if service is by mail.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order or orders, as it may deem necessary


BY THE COMMISSION IT IS SO ORDERED.

Wine, Chr.; Claus, Com.; Moline, Com.

Dated: JAN 30 2003

ORDER MAILED

JAN 31 2003

 Executive Director

Jeffrey S. Wagaman
Executive Director

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82-13-1. Definitions. The following terms shall have the meanings specified below when used in these regulations: (a) "Commission" means the state corporation commission of the state of Kansas.

(b) "Competitive local exchange carrier" means a corporation, company, individual, or association of persons, and any trustees, lessees, or receivers of that corporation, company, individual, or association of persons providing switched telecommunications service within the state of Kansas. This term shall not include local exchange carriers or incumbent local exchange carriers as defined in this regulation.

(c) "Incumbent local exchange carrier" shall have the same meaning as that assigned to "local exchange carrier" in K.S.A. 66-1,187, and amendments thereto.

(d) "Underlying local exchange carrier" means the incumbent local exchange carrier or competitive local exchange carrier that owns, operates, or controls the facilities being provided on a wholesale or unbundled basis to another competitive local exchange carrier for the provision of switched telecommunications service to the customer, or the incumbent local exchange carrier that has been issued a certificate to serve the customer. (Authorized by and implementing K.S.A. 66-1,188; effective P-_____.)

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82-13-2. Procedures to protect customers from loss of telephone service when carriers

cease operations. (a) Each competitive local exchange carrier providing local service through a resale arrangement shall provide its customers with at least a 30-day notice before discontinuing service.

(1) The notice shall clearly state the steps that customers must take in order to select another local service provider and shall include a toll-free number that customers with questions can call. The exiting competitive local exchange carrier shall provide sufficient customer support to answer calls to the toll-free number during the 30-day period before discontinuing service. The notice shall also include the customer's billing address and service address, circuit identification number, telephone number, specific service being provided, the date on which service will be discontinued, and any other information that is reasonably necessary to assist the customer in obtaining service from another local service provider. If a customer had a preferred carrier freeze on the account, the exiting carrier shall remove this freeze, and the notice shall inform the customer that the preferred carrier freeze has been removed.

(2) A copy of the notice shall be provided to the commission, each underlying local exchange carrier, and all affected customers' presubscribed interexchange carriers.

(3) Within 10 days after the commission receives a copy of the notice, additional notice requirements may be prescribed by the commission, as it deems necessary.

(4) The exiting competitive local exchange carrier shall not market or solicit the sale of its customer base after notice is provided to customers in accordance with this subsection.

(b) If the competitive local exchange carrier providing local service through a resale arrangement either abandons service without providing notice consistent with the requirements of subsection (a) of this regulation or abandons service after notice is provided but before 30

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days have passed, the underlying local exchange carrier shall provide the customer with equivalent service for a limited time as required in this subsection.

(1) Within five days after the transfer of service, the underlying local exchange carrier shall notify each transferred customer that service is now being provided by the underlying local exchange carrier at that carrier's usual rate for the service. The notice shall inform customers that they have 30 days to select a local service provider. The notice shall include a list of providers approved by the commission and a toll-free number that customers with questions can call. The underlying local exchange carrier shall provide a copy of the notice to the commission when the notice is provided to the customers.

(2) At least 15 days but not more than 20 days after the transfer of service, the underlying local exchange carrier shall send a final notice to the transferred customers that have not chosen a new local service provider, reminding the customers of the date by which they must select a local service provider in order to avoid loss of service. The underlying local exchange carrier may discontinue service to customers who have not chosen a new provider by the specified date.

(3) The exiting competitive local exchange carrier that abandoned service without notice to its customers shall be required to reimburse the underlying local exchange carrier for the expense of the notices required in this subsection.

(4) The exiting competitive local exchange carrier shall not market or solicit the sale of its customer base after notice is provided to customers in accordance with this subsection.

(c) Each competitive local exchange carrier providing local service through an arrangement other than resale shall provide the commission and the underlying local exchange carrier with notice at least 45 days before discontinuing service. The notice shall include the

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billing address and service address, telephone number, circuit identification number, the specific service being provided, the date for discontinuance of service for each affected customer in the underlying local exchange carrier's service area, and any other information that is reasonably necessary to protect the customer from loss of service.

(1) The exiting competitive local exchange carrier and the underlying local exchange carrier shall be contacted by the commission's staff to arrange for continuing service to the affected customers.

(2) Unless otherwise directed by the commission, the exiting competitive local exchange carrier shall provide the affected customers with notice at least 30 days before discontinuing service. The notice shall include the information required in subsection (c), a list of providers available to the customer, and a toll-free number that customers with questions can call. The exiting competitive local exchange carrier shall provide sufficient customer support to answer calls to the toll-free number during the 30-day period before discontinuing service. A copy of the notice shall be provided to the commission, the underlying local exchange carrier, and all affected customers' presubscribed interexchange carriers. Within 10 days after the commission receives a copy of the notice, additional notice requirements may be prescribed by the commission, as it deems necessary.

(3) The exiting competitive local exchange carrier shall not market or solicit the sale of its customer base after notice is provided to customers in accordance with this subsection.

(d) The underlying local exchange carrier shall provide notice to the commission and the competitive local exchange carrier before discontinuing service to the competitive local exchange carrier for lack of payment or any other reason. The notice shall be provided in a

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manner that provides the competitive local exchange carrier with adequate time to comply with the notification requirements in this regulation.

(e) Each carrier that reaches an agreement to purchase or otherwise agrees to serve the entire customer base of another carrier shall provide notice to the affected customers pursuant to 47 C.F.R. 64.1120, as in effect on April 18, 2002, which is adopted by reference. Each carrier shall furnish the commission with a copy of each notice provided pursuant to 47 C.F.R. 64.1120 when the notice is sent to the federal communications commission.

(f) An underlying local exchange carrier shall not be subject to claims of unwanted or unlawful provision of service if the transfers of service are consistent with the requirements of this regulation.

(g) Each competitive local exchange carrier that has discontinued service shall relinquish all assigned central office codes and all assigned blocks of numbers and shall provide written notice of the relinquishment to the North American numbering plan administrator in accordance with the current guidelines of the industry numbering committee. The competitive local exchange carrier shall furnish the commission with a copy of the notice when the notice is sent to the North American numbering plan administrator. (Authorized by and implementing K.S.A. 66-1,188; effective P-_____.)

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