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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners: Kate Giard, Chairman  
Dave Harbour  
Mark K. Johnson  
Anthony A. Price  
James S. Strandberg

In the Matter of the Repeal and Modification of Regulations Governing the Competitive Provision of Statewide Directory Assistance ) R-97-7<sup>1</sup>  
) ORDER NO. 9  
)

**ORDER ADOPTING REGULATIONS**

BY THE COMMISSION:

We adopted regulations addressing directory assistance.<sup>2</sup> We then transmitted those regulations to the Department of Law (DOL) for review. During its review, the DOL proposed revisions to clarify vague language and remove internal inconsistencies. DOL also provided stylistic changes complying with the *Drafting Manual for Administrative Regulations* adopted by the Department of Law under AS 44.62.050.

We incorporated the DOL revisions and adopted regulations with those modifications at our October 13, 2004, Public Meeting. The regulations, attached as an Appendix to this Order, were adopted at our October 13, 2004 Public Meeting.

<sup>1</sup>Department of Law File No. 993-98-0028.

<sup>2</sup>Order R-97-7(8), *Order Adopting Regulations*, dated May 20, 2004.

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**ORDER**

THE COMMISSION FURTHER ORDERS, that, the regulations set out in the Appendix attached to this Order are adopted.

DATED AND EFFECTIVE at Anchorage, Alaska, this 22nd day of October, 2004.

BY DIRECTION OF THE COMMISSION

( S E A L )

3 AAC 48.820(49)(A)(ii) is amended to read:

(ii) under AS 42.05.325, 3 AAC 48.625, 3 AAC 52.360,

3 AAC 53.210, [3 AAC 53.630,] or 3 AAC 53.810; and

(Eff. 1/13/73, Register 44; am 1/19/80, Register 73; am 6/29/84, Register 90; am

6/27/92, Register 122; am 7/12/92, Register 123; am 1/10/99, Register 149; am

5/5/2000, Register 154; am 3/21/2003, Register 165; am 4/24/2004, Register 170; am

\_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 42.04.070	AS 42.05.361	AS 42.06.055
	AS 42.04.080	AS 42.05.391	AS 42.06.140
	AS 42.04.150	AS 42.05.411	AS 42.06.350
	AS 42.05.141	AS 42.05.431	AS 42.06.370
	AS 42.05.151	AS 42.05.441	AS 42.06.390

**Article 7. Criteria for the Provision of Statewide Directory Assistance.**

Section

610. Applicability [, NECESSITY, PURPOSE,] and waiver

620. Provision of directory assistance

**625. Directory assistance providers**

630. **(Repealed)** [CERTIFICATION REQUIREMENTS FOR DIRECTORY ASSISTANCE]

640. **(Repealed)** [STATEWIDE DIRECTORY ASSISTANCE BUREAU]

**645. Discontinuance of service**

650. Provision and use of subscriber data

660. Definitions

3 AAC 53.610 is repealed and readopted to read:

**3 AAC 53.610. Applicability and waiver.** (a) The provisions of 3 AAC 53.610 - 3 AAC 53.660 apply to all local exchange carriers, interexchange carriers, alternate operator service providers, pay telephone providers, and directory assistance providers.

(b) Unless otherwise required under AS 42.05, a requirement in 3 AAC 53.610 - 3 AAC 53.660 may be modified or waived, in whole or in part, by order of the commission and a showing of good cause or on the commission's own motion. An applicant shall file and the commission will consider an application in accordance with 3 AAC 48.805.

(c) Nothing in 3 AAC 53.610 - 3 AAC 53.660 precludes or otherwise limits a directory assistance provider from using partially or fully automated technologies in the provision of directory assistance services. (Eff. 5/24/95, Register 134; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 42.05.141	[AS 42.05.221]	AS 42.05.311
	AS 42.05.145	[AS 42.05.241]	AS 42.05.321
	AS 42.05.151	AS 42.05.291	

3 AAC 53.620 is repealed and readopted to read:

**3 AAC 53.620. Provision of intrastate directory assistance.** (a) A local exchange carrier shall provide 411 dialed intrastate directory assistance to its local subscribers either through an internal directory assistance bureau or through a directory assistance agent. On or before *{the date seven days after the effective date of regulations}*, each local exchange carrier must notify the commission of the name and address of the carrier's directory assistance provider. Within seven days after any change in the name or address of its directory assistance provider, a local exchange carrier must notify the commission of that change. A local exchange carrier shall include in its tariff its rates for 411 dialed intrastate directory assistance, unless the carrier is exempt from tariff filing requirements under AS 42.05.711. A local exchange carrier shall ensure that subscriber listings obtained by its subscribers through 411 dialed intrastate directory assistance are current within five business days after a change in subscriber status.

(b) An interexchange carrier may provide 907-555-1212 dialed intrastate directory assistance to its customers. On or before *{the date seven days after the effective date of regulations}*, each interexchange carrier that provides 907-555-1212 dialed intrastate directory assistance must notify the commission of the name and address of the carrier's directory assistance provider. Within seven days after any change in the name or address of its directory assistance provider, an interexchange carrier must notify the commission of that change. Except for intrastate directory assistance provided through a prepaid calling card service subject to 3 AAC 52.377, an

interexchange carrier shall include in its tariff its rates for 907-555-1212 dialed intrastate directory assistance. An interexchange carrier shall ensure that subscriber listings obtained by its subscribers through 907-555-1212 dialed intrastate directory assistance are current within five days after a change in subscriber status.

(c) Only a local exchange carrier may provide 411 dialed intrastate directory assistance. Only an interexchange carrier may provide 907-555-1212 dialed intrastate directory assistance. Charges for intrastate directory assistance provided through other numbers are not required to be included in a tariff or approved in advance by the commission.

(d) The rates for 411 dialed and 907-555-1212 dialed intrastate directory assistance from a pay telephone must be clearly posted.

(e) The answering time objective set out in 3 AAC 52.300(b) applies to all 411 dialed and 907-555-1212 dialed intrastate directory assistance. (Eff. 5/24/95, Register 134; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 42.05.141	AS 42.05.151	<b><u>AS 42.05.311</u></b>
	AS 42.05.145	AS 42.05.291	<b><u>AS 42.05.321</u></b>

3 AAC 53 is amended by adding a new section to read:

**3 AAC 53.625. Directory assistance providers.** (a) Upon petition or on its own motion, the commission may investigate the wholesale rates a directory assistance provider charges to local exchange carriers for 411 dialed intrastate directory assistance

or to intrastate interexchange carriers for 907-555-1212 dialed intrastate directory assistance.

(b) A directory assistance provider may not charge unjust and unreasonable rates for 411 dialed or 907-555-1212 dialed intrastate directory assistance, grant an unreasonable preference or advantage, or subject a customer to an unreasonable prejudice or disadvantage. If only one directory assistance provider serves all customers in the state, that provider shall file its contracts and contract amendments for the provision of 411 dialed and 907-555-1212 dialed intrastate directory assistance with the commission. Unless the commission initiates an investigation, a filing under this subsection becomes effective 30 days after filing. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 42.05.141	[AS 42.05.241]	<b><u>AS 42.05.391</u></b>
	AS 42.05.151	AS 42.05.291	<b><u>AS 42.05.411</u></b>
	AS 42.05.145	<b><u>AS 42.05.361</u></b>	<b><u>AS 42.05.421</u></b>
	[AS 42.05.221]	<b><u>AS 42.05.381</u></b>	<b><u>AS 42.05.431</u></b>

3 AAC 53.630 is repealed:

**3 AAC 53.630. Certification requirements for directory assistance.**

Repealed. (Eff. 5/24/95, Register 134; repealed \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

3 AAC 53.640 is repealed:

**3 AAC 53.640. Statewide directory assistance bureau.** Repealed. (Eff.

5/24/95, Register 134; repealed \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

3 AAC 53 is amended by adding a new section to read:

**3 AAC 53.645. Discontinuance of service.** A directory assistance agent may discontinue, suspend, or abandon service only after six months' notice to its customers and to the commission. The commission may require a directory assistance agent to continue providing service until another available directory assistance agent is capable of providing all services needed for the public convenience and necessity. (Eff.

\_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.261

3 AAC 53.650 is repealed and readopted to read:

**3 AAC 53.650. Provision and use of subscriber data.** (a) A local exchange carrier shall provide directory assistance, directory listings, and directory assistance databases to a competing provider of telephone exchange service, a competing provider of telephone toll service, or a directory assistance agent in a nondiscriminatory manner as required by 47 C.F.R. 51.217, revised as of October 1, 2003 and adopted by reference. The subscriber data that a local exchange carrier must provide under this subsection includes the directory listings and directory assistance databases of any total service reseller for which the provisioning local exchange carrier is the underlying carrier, unless the total service reseller undertakes the obligation to provide the data for its customers and requests the underlying carrier not to provide the data.

(b) A local exchange carrier shall ensure that the information provided to its own directory assistance provider, and to any competitive directory assistance provider, is

ORDER R-97-7(9)

**APPENDIX**

Page 6 of 10

accurate and updated within five business days after a change in subscriber status. A local exchange carrier shall make initial and updated subscriber listings available to each directory assistance provider within the same period.

(c) Unless it is exempt under AS 42.05.711 from tariff filing requirements, a local exchange carrier shall include charges for the directory listings and directory databases provided under (a) of this section in its tariff. Those charges must be a rate

(1) not to exceed \$.04 per listing for an initial list, and \$.06 per listing for a list of updates; or

(2) based on the following direct costs of producing a directory list:

(A) processing of the list or database request, including order-taking and invoicing;

(B) production of the list or database;

(C) cost of the distribution format such as diskette, compact disc, or paper;

(D) amortized programming costs necessary to set up the list or database.

(d) The charges for the directory listings and databases may not

(1) include any consideration of the market value or the intangible value associated with the local exchange carrier's exclusive access to the subscriber information;

(2) include the costs associated with the direct provision of directory assistance; or

(3) exceed the rate the local exchange carrier charges to itself, its own directory assistance agent, or an affiliated interest.

(e) If a local exchange carrier's proposed charges for directory listings and databases exceed the limits set out in (c)(1) of this section, the local exchange carrier has the burden of showing that its charges are based solely on the direct costs set out in (c)(2) of this section and do not include any of the costs set out in (d)(1) and (2) of this section.

(f) A directory assistance provider may not provide information contained in the directory listings and directory databases to any affiliated interest or other third party not otherwise entitled to obtain it directly under (a) of this section, except in the provision of directory assistance to that third party or a service ancillary to directory assistance, including call completion. (Eff. 5/24/95, Register 134; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 42.05.141	AS 42.05.291	AS 42.05.371
	AS 42.05.145	<b><u>AS 42.05.311</u></b>	AS 42.05.391
	AS 42.05.151	<b><u>AS 42.05.321</u></b>	AS 42.05.431

3 AAC 53.660 is repealed and readopted to read:

**3 AAC 53.660. Definitions.** Unless the context indicates otherwise, in

3 AAC 53.610 - 3 AAC 53.660,

(1) "affiliated interest" has the meaning given in AS 42.05.990;

(2) "alternate operator service" has the meaning given in

AS 42.05.325(c);

(3) "business day" means each day of a calendar week except a Saturday, a Sunday, and each holiday that is observed by a local exchange carrier or interexchange carrier;

(4) "commission" means the Regulatory Commission of Alaska;

(5) "direct cost" means a cost specifically attributed to the production of an individual service or product without requiring the use of allocations to separate it from costs incurred in the production of other services or products;

(6) "directory assistance agent" means an entity that operates as an agent of a local exchange carrier or an interexchange carrier to maintain a database and provide operator services for the provision of intrastate directory assistance to end users;

(7) "directory assistance provider" means an entity that maintains a database and provides operator services for the provision of intrastate directory assistance to end users;

(8) "interexchange carrier" means a carrier certificated or registered to provide intrastate interexchange telephone service;

(9) "intrastate directory assistance" means the audio provision of statewide directory information to a customer calling from the 907 area code;

(10) "local exchange carrier" means a carrier certificated to provide local exchange telephone service;

(11) "total service reseller" means a local exchange carrier that purchases local service on a wholesale basis from a facilities-based local exchange carrier for resale to local customers;

(12) "underlying carrier" means a facilities-based local exchange carrier that provides local services to another local exchange carrier for resale to end users.

(Eff. 5/24/95, Register 134; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 42.05.141	AS 42.05.151	[AS 42.05.241]
	AS 42.05.145	[AS 42.05.221]	AS 42.05.291