

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Mark K. Johnson, Chair
Kate Giard
Dave Harbour
James S. Strandberg
G. Nanette Thompson

In the Matter of the Repeal and Modification of
Regulations Governing the Competitive
Provision of Statewide Directory Assistance)
)

R-97-7¹
ORDER NO. 6

**ORDER ISSUING PROPOSED REGULATIONS FOR COMMENT,
ESTABLISHING FILING SCHEDULE, AND REQUIRING FILING**

BY THE COMMISSION:

Summary

We issue proposed regulations addressing directory assistance and establish a filing schedule. We also require local exchange carriers to file tariff revisions for the provision of directory listings to directory assistance providers.

Background

We issued proposed regulations in Order R-97-7(4) on March 11, 2003.² At our January 21, 2004, Public Meeting, we decided to issue revised proposed regulations for comment. However, we also decided that we would first schedule a

¹Department of Law File No. 993-98-0028.

²*Order Issuing Revised Regulations for Comment and Establishing Filing Schedule.*

1 public workshop to address implementation issues.³ Based on input from workshop
2 participants and comments filed in the Docket, Commission Staff revised regulations.
3 We held a Public Meeting on February 25, 2004 to consider these revised regulations.

4
5 Discussion

6 We issue the proposed regulations attached as an Appendix to this Order
7 for public comment. These proposed regulations provide a framework for the
8 competitive provision of intrastate directory assistance and build on federal rules
9 (47 C.F.R. 51.217) dealing with the provision of directory listings by local exchange
10 carriers to eligible directory assistance providers.

11 In order to implement these regulations in a timely manner, we will require
12 local exchange carriers to file tariff revisions by April 5, 2004. The tariff revisions will be
13 effective the date the regulations are made effective. The tariff revisions shall include
14 the rates for directory listings and databases that local exchange carriers propose to
15 charge to competing providers of telephone exchange service, providers of toll service,
16 or directory assistance agents authorized to obtain listings under
17 47 C.F.R. 51. 217.

18 Comments in response to the attached proposed regulations must be filed
19 by 4 p.m., April 5, 2004. We request that commenters include a diskette with their
20 comments in either IBM compatible text (.txt) or MS Word (.doc) format, or in Adobe
21 Acrobat (.pdf) format.

22
23
24
25 ³Order U-97-7(5), *Order Scheduling a Public Workshop to Address*
Implementation Issue, issued January 28, 2004.

1 Since this is a rulemaking proceeding, commenters are not required to
2 serve their comments on the other entities set out on the service list of this Order. We
3 will post copies of all filed comments on our web site.

4 **ORDER**

5 THE COMMISSION FURTHER ORDERS:

6 1. The proposed regulations set out in the Appendix to this Order are
7 issued for public comment.⁴

8 2. By 4:00 p.m., April 5, 2004, any interested person may file comments
9 in response to the proposed regulations attached as an Appendix to this Order.
10 Commenters are requested to reference Docket R-97-7 and to include a diskette with
11 their comments in IBM compatible text (.txt) format, MS Word (.doc) format or Adobe
12 Acrobat (.pdf) format.

13 3. By 4:00 p.m., April 5, 2004, local exchange carriers shall file tariff
14 revisions to establish rates for directory listings and databases to competing providers
15 of telephone exchange service, providers of toll service, or directory assistance agents
16 authorized to obtain listings under 47 C.F.R. 51.217.

17 DATED AND EFFECTIVE at Anchorage, Alaska, this 3rd day of March, 2004.

18 BY DIRECTION OF THE COMMISSION

19
20
21 (S E A L)
22
23

24 _____
25 ⁴If you are not interested in receiving future orders or notices concerning this
26 subject matter, please e-mail rca@state.ak.us or notify our office by mail or at 1-907-
276-6222 and we will take your name off our mailing list.

The article heading of Article 5 is amended to read:

Chapter 53. Telecommunications.

Article 5. Criteria for the provision [PROVISION] of statewide directory assistance.

3 AAC 53.610 – 3 AAC 53.660 is repealed and readopted to read:

Section

- 610. Applicability and waiver
- 620. Provision of intrastate directory assistance
- 630. Directory assistance providers
- 640. Discontinuance of service
- 650. Provision and use of subscriber data
- 660. Definitions

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) For good cause shown, the commission will, in its discretion, waive all or any portion of 3 AAC 53.610 - 3 AAC 53.660 for a provider described in (a) of this section and establish appropriate criteria for that provider.

(c) The provisions of this chapter should be not be construed to preclude or otherwise limit a 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 42.05.291

AS 42.05.145 AS 42.05.241 AS 42.05.311

AS 42.05.151

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. By **[7 days from effective date of regulations]**, each local exchange carrier must notify the commission of the name and address of its directory assistance provider. A local exchange carrier must notify the commission within seven days of any change in the name or address of its directory assistance provider. A local exchange carrier must include its rates for 411-dialed intrastate directory assistance in its tariff.

(b) An interexchange carrier may provide 907-555-1212-dialed directory assistance to its customers. By **[7 days from effective date of regulations]**, each interexchange carrier that provides 907-555-1212-dialed directory assistance must notify the commission of the name and address of its directory assistance provider. An interexchange carrier must notify the commission within seven days of any change in the name or address of its directory assistance provider. Except for prepaid calling card service subject to 3 AAC 52.377, an interexchange carrier must include its rates for intrastate directory assistance through 907-555-1212 dialing in its tariff.

(c) Only a local exchange carrier may provide 411-dialed directory assistance. Only an interexchange carrier may provide 907-555-1212-dialed

directory assistance. Charges for intrastate directory assistance provided through other numbers are not required to be tariffed 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 contained in 3 AAC 52.300(b) applies to all intrastate directory assistance provided through 411 dialing or 907-555-1212 dialing. (Eff. 5/24/95, Register 134; am ___/___/___, Register ___)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.291
AS 42.05.145

3 AAC 53.630. 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 monopoly 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. A monopoly directory assistance provider must 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 will go into effect 30 days after filing. (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

3 AAC 53.640. Discontinuance of service. (a) A directory assistance agent may discontinue, suspend, or abandon service only after six month's 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. 5/24/95, Register 134; am ___/___/____, Register ____)

Authority: AS 42.05.141 AS 42.05.221 AS 42.05.391
AS 42.05.145 AS 42.05.291 AS 42.05.411
AS 42.05.151 AS 42.05.371 AS 42.05.431

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 in effect on

October 1, 2002. The subscriber data a local exchange carrier must provide under this subsection includes the directory listings and directory assistance databases of any total service resellers for which the provisioning local exchange carrier is the underlying carrier, unless specifically prohibited by the carriers' interconnection agreement.

(b) A local exchange carrier is responsible for ensuring that the information provided to its own directory assistance provider, and to any competitive directory assistance provider, is accurate and updated within five working days of any change in subscriber status.

(c) Charges for the directory listings and directory databases provided under (a) of this section must be included in the local exchange carrier's tariff. The tariffed rate for directory listings shall be

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

(2) a rate 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 or paper;

and

(D) amortized programming costs necessary to set up the

list or database.

(d) The charges for the directory listings and databases shall 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 its own directory assistance agent.

(e) If a local exchange carrier's proposed charges for directory listings and databases exceed the limits established by (c)(1) of this section, the local exchange carrier has the burden of showing that its charges do not include the cost of providing directory assistance. (Eff. 5/24/95, Register 134; am ___/___/___, Register ___)

Authority: AS 42.05.141 AS 42.05.291 AS 42.05.391
AS 42.05.145 AS 42.05.371 AS 42.05.431
AS 42.05.151

3 AAC 53.660. Definitions. Unless the context indicates otherwise, in 3 AAC 53.610 - 3 AAC 53.660:

(1) "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;

(2) "directory assistance agent" means a directory assistance provider that provides intrastate directory assistance on behalf of a local exchange carrier or a competing provider of telephone exchange service or telephone toll service;

(3) "directory assistance provider" means an entity, including an internal directory assistance bureau of a local exchange carrier and a directory assistance agent, that maintains a database and operator services for the provision of intrastate directory assistance;

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

(5) "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, and does not use unbundled network elements or its own local network in the provision of its resold service;

(6) "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