

CHAPTER 14.

SHARING AND/OR RESALE OF TELEPHONE SERVICE.

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CHAPTER 14.

SHARING AND/OR RESALE OF TELEPHONE SERVICE.

Rule R14-1. APPLICATION.

This Chapter governs sharing and/or resale of telephone service as authorized by G.S. 62-110(d).

The relationship between sharers/resellers (providers) and the local exchange telephone company shall be governed by the filed tariff of the telephone company except as provided elsewhere in this Chapter.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-2. DEFINITIONS.

(a) *Same contiguous premises.* Property under common ownership or management that is not separated by property owned or managed by others. Property will be considered contiguous even if intersected by a public thoroughfare if, absent the thoroughfare, the property would be contiguous.

(b) *Shared use and resale of telephone service.* A telecommunication arrangement where two or more unrelated parties located on the same contiguous premises utilize a common telephone service. This arrangement is also referred to as "shared tenant services" or "STS."

(c) *Provider.* The subscriber to the local exchange telephone company offering shared and/or resold service to others.

(d) *End-user.* The party to whom resold or shared service is provided. End-users are persons or firms which are considered business subscribers under the regulations of the local exchange telephone company or are members of the exception group.

(e) *Exception group.* End-users who share service provided by a provider and who are patrons of hospitals, nursing homes, rest homes, licensed retirement centers, members of clubs or students living in quarters furnished by educational institutions, or persons temporarily subleasing residential premises.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-3. CERTIFICATE.

Every provider whose end-users are not all within the exception group shall obtain a certificate from the Commission. Application shall be made on the form specified in the Appendix to this Chapter. One certificate is required for each same contiguous premises to be served. Upon approval of the application, the STS provider shall notify the local exchange company in writing of its certification and shall describe the proposed service.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-4. SERVICE WHICH CAN BE SHARED OR RESOLD.

The provider may share/resell local exchange telephone service, MTS and WATS provided by a public utility to end-users located on the same contiguous premises.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-5. CONTRACT.

A provider shall have a written contract with each end-user not within the exception group which shall contain the following provision:

- (a) A statement of the terms and conditions of service including current rates and termination charges, if any;
- (b) A statement that the user may obtain service directly from the local telephone company;
- (c) The name and telephone number of a representative of the provider to whom complaints should be addressed;
- (d) A statement that a user may submit unresolved complaints about quality of service to the Utilities Commission;
- (e) A statement that at least thirty days written notice will be given prior to any rate increase;
- (f) A statement that the contract shall be voidable at the option of the end-user and without further liability to the end-user if the contract is breached by the reseller or sharer;
- (g) A statement specifying when rates may be changed and the amount of increase that may be imposed during the contract period;
- (h) A statement that rates, charges, payment arrangements, rules on disconnection and deposit requirements are not regulated by the North Carolina Utilities Commission;
- (i) A statement specifying (a) the limitations of E911 emergency service regarding proper identification of the caller and the caller's location whenever a call is placed from a STS station and (b) the limitations on portability or reuse of the assigned telephone number upon a move or transfer of service and (c) the limitations regarding intercept service provided by the local exchange company for direct inward dial (DID) numbers; and
- (j) A copy of this Chapter of the Rules and Regulations.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-6. LOCAL EXCHANGE COMPANY ACCESS.

Providers shall allow the local exchange company reasonable access to end-users who desire service directly from the local exchange company. Such access shall be provided to the local exchange company free of charge.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-7. PROVISION OF LOCAL ACCESS LINES.

The certificated local exchange telephone company shall be the only source of access lines or trunks connecting resold or shared service to the telephone network.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-8. NETWORKING.

Interconnection of end-users of different providers or between end-users of the same provider not occupying the same contiguous premises must be through the local exchange company or certified long distance carrier.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-9. QUALITY OF SERVICE.

Every provider is required to secure adequate local exchange trunks to ensure an adequate quality of service. The probability of blocking objective to be used in evaluating the adequacy of service is P.01.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-10. INTERCOM CALLING.

Intercom calling among end-users shall be permitted without restriction.

(NCUC Docket No. P-100, Sub 97, 2/26/88.)

Rule R14-11. EXCEPTION GROUP.

Providers may share local service and resell MTS and WATS to end-users within the exception group defined in Rule R14-2(e) subject to the following conditions:

- (a) All end-users must occupy the same contiguous premises; and
- (b) No separate charge is made for local service.

(NCUC Docket No. P-100, Sub 97, 2/26/88; P-100, Sub 72b, 01/02/04.)

CHAPTER 14.

APPENDIX

**APPLICATION FOR SPECIAL CERTIFICATE TO OFFER SHARED AND/OR RESOLD
(STS) TELEPHONE SERVICE**

STS SPECIAL CERTIFICATE NO. _____

Note: To apply for Special Certification, Applicant must submit a filing fee of \$25.00 and the typed original and 8 copies of this document to the Commission at the following address:

Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

DATE OF APPLICATION _____

APPLICANT

(NAME)

(STREET)

(CITY, STATE, ZIP)

TELEPHONE () _____

ADDRESS AND DESCRIPTION OF PREMISES TO BE SERVED AND SERVICES TO BE OFFERED: (A map may be attached)

REPRESENTATIVE TO WHOM COMPLAINTS SHOULD BE ADDRESSED

(NAME)

(STREET)

(CITY, STATE, ZIP)

TELEPHONE () _____

As the provider of resold and/or shared service, I certify that I have read and agree to abide by the Rules in Chapter 14 of the North Carolina Utilities Commission attached as Appendix A to this Application.

Date: _____

Signature of Applicant _____

Title _____

VERIFICATION

STATE OF _____ COUNTY OF _____

The above-named _____, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he verily believes.

WITNESS my hand and notarial seal, this ____ day of _____, 20__.

Notary Public
My Commission expires: _____