

FRONTIER TELEPHONE OF ROCHESTER, INC.  
P.S.C. NO. 5 - TELEPHONE  
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"Per FCC Order 19-66 and 19-72, services on this page are grandfathered and are not available for new purchases or resale. Current customers are allowed to keep grandfathered services until August 2, 2022 for resale".

## **1 GENERAL RULES and REGULATIONS**

This document sets forth the facilities and services made available by Frontier Telephone of Rochester, Inc. (the Telephone Company) on a wholesale basis. Frontier Telephone of Rochester, Inc. is a corporation which operates a telecommunications network serving the Rochester, New York area. The Telephone Company offers the use of its network in total, or in parts to Customers, in bulk, for their own use, or for resale to and/or reuse by Customers who provide telephone service to business and residential end users. These Customers must do so in compliance with PSC regulations as set forth in 16 NYCRR.

Every facility and service furnished by the Telephone Company is subject to the rates, charges, rules and regulations in force and effect and the following provisions set forth in this General Tariff P.S.C. No. 5 - Telephone.

### 1.1 Obligation of Frontier Telephone of Rochester, Inc.

In furnishing facilities and service, the Telephone Company does not undertake to transmit messages, but furnishes the use of its facilities to its Customers for them to transmit their own messages or their end users' own messages. Its obligation to furnish service depends on being able, at reasonable expense, to construct and maintain the necessary circuits and equipment and to keep, at no cost to the Telephone Company, space for the necessary facilities in the building where the service is provided.

The services offered in this tariff enable communication between a customer of Frontier and another customer of Frontier, a customer of another ILEC or a customer of another TSP (Telecommunications Service Provider) provided the TSP has properly executed an interconnection agreement or other appropriate traffic interchange agreement with Frontier. Frontier will not originate calls to a TSPs NXX that is within the local calling scope of the calling party until an interconnection agreement or traffic interexchange agreement with Frontier has been fully executed and proper facilities are in place.

The Telephone Company will not be obligated to incur additional expense for space required for the necessary facilities in the Customer's or end user's building.

### 1.2 Connection with Communications Systems of Other Common Carriers

Communications systems installed and maintained by Other Common Carriers may be connected to facilities furnished by the Telephone Company subject to regulations as set forth in this Section. Other Common Carriers refers to Specialized Common Carriers, International and Domestic Public Record Carriers, Domestic Satellite Carriers and other wireline and wireless local and intercity carriers. All arrangements concerning Other Common Carriers' services shall be made by the Customer with that carrier. The furnishing of service by the Telephone Company is not a joint undertaking with Other Common Carriers.

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## **1 GENERAL RULES and REGULATIONS**

### **1.3 Demarcation Point**

The demarcation point will be defined as the location where the protector exists or the nearest MDF or internal distribution frame (IDF) nearest the Telephone Company's network. For multi-tenant buildings, there will be a single demarcation point for the building. The Customer or end user will be responsible for maintenance from the demarcation point to point of service.

### **1.4 Resale of Service and Facilities**

#### **1.4.1 General**

The Telephone Company will permit the resale of certain telephone services and facilities subject to the following terms and regulations:

- a. "Resale" is the provision of any portion of the Customer's telephone service, sold or leased to the Customer by the Telephone Company, to others for profit.
- b. Resellers are required to obtain a Certificate of Public Convenience and Necessity issued by the Public Service Commission of the State of New York or other appropriate Regulatory body.
- c. The offer of service by a Customer who resells service must include the following provision: "The offering of this service is subject to the rules and regulations of the Telephone Company. The limitations of liability contained in the Telephone Company's tariff apply with full force and effect to the provision of service hereunder."
- d. Customers who resell services shall indemnify (i.e., reimburse the Telephone Company for any amount the Telephone Company must pay as a result of), defend and save the Telephone Company harmless against any and all claims which may arise from or in connection with such resale including, but not limited to, claims for libel, slander, infringement of copyright or patents, claims for injuries to persons or property damage in connection with the Telephone Company's service, arising out of any act or omission of the Customer or end user in connection with facilities provided by the Telephone Company or the Customer or end user, claims for interruption of or deficiencies, failures or errors in service and any consequences thereof and claims arising from mistakes in or omissions of directory listings. Such Customers shall provide at their expense and keep in full force and effect a policy of adequate insurance covering the indemnification provision above, and such policy shall name the Telephone Company as an additional insured.

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## **1 GENERAL RULES and REGULATIONS**

### **1.4 Resale of Service and Facilities (Cont'd)**

#### **1.4.1 General (Cont'd)**

- e. The Telephone Company will not be responsible for the manner in which the use of service, or the associated charges are allocated to others by a Customer who resells service. All applicable rates and charges for such service will be billed to and be the responsibility of the Customer.

The Telephone Company will accept designation of a single customer per access line. It is the responsibility of the Customer to obtain the end user's authorization of that designation. In the event of a dispute over designation, the Customer bears the burden of proof. Except for switched access services other Customers will not be permitted to sell the Telephone Company services on that access line.

- f. The Telephone Company shall not be required to sell service where the proposed use of the service or facilities could injuriously affect the efficiency of the Telephone Company's plant, property or service.
- g. Any Customer, appropriately certificated by the Public Service Commission may purchase switched access, subject to the provisions in this Section. These certificated Customers are subject to a fixed charge which will be assessed monthly.
- h. Non-compliance with the rules and regulations stated in this Tariff may cause termination of the Customer's service.
- i. If a Customer ceases to resell the Telephone Company's basic residential or business services to end users, the Telephone Company will immediately acquire those end users and provide service at the Telephone Company's retail rates. Affected end users will be given the option of remaining with the Telephone Company or choosing another carrier.
- j. Equipment attached to the Telephone Company's network in violation of technical standards provided herein, or other regulation including Part 68 under the Federal Communications Commission Regulations, or which may thereafter interfere with the service of other Customers, may be disconnected, at the Telephone Company's discretion.
- k. The rates listed in Section 13, Rates apply only to customers that purchase on a total resale basis from the Telephone Company and utilize the Telephone Company operator services. Customers that resell the Telephone Company's services and provide all of their own operator services will be granted a discount rate of 16.9% off retail rates. These rates will be furnished upon request.

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## **1 GENERAL RULES and REGULATIONS**

### **1.5 Provision of Service**

#### **1.5.1 Service Agreement**

Applicants for initial facilities and service will be required to sign an agreement requesting the Telephone Company to furnish the facilities or service in accordance with the rates, charges, rules and regulations from time to time, as they may be changed, in force and effect.

#### **1.5.2 Businesses and Residence Service Classification**

a. Business Rates apply to end user service furnished:

1. In office buildings, stores, factories and all other places of a business nature.
2. In hotels, apartment houses, clubs and boarding and rooming houses except when all stations are within the end user's domestic establishment and no business listings are provided; colleges, hospitals and other institutions, except when the station is located in a patient's room; and in churches except when the station is located in a member of the clergy's study.
3. At any location when the Telephone Company or other Directory listing indicates a business or a profession except as provided in b.2. hereof.
4. At any location where the service includes a station which is at a location where measured rates apply unless the station is restricted to incoming calls.
5. At any location where the substantial use of the service is occupational rather than domestic.

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## **1 GENERAL RULES and REGULATIONS**

### **1.5 Provision of Service (Cont'd)**

#### **1.5.2 Businesses and Residence Service Classification (Cont'd)**

b. Residence rates apply to end user service furnished:

1. In any part of an end user's home or apartment, unless any of the above conditions requiring business rates is present.
2. In the office of a physician, surgeon, dentist, osteopath, chiroprapist, podiatrist, optometrist, chiropractor, physiotherapist, Christian Science practitioner, veterinary surgeon, registered nurse or practical nurse, provided that:
  - a. The office is located in a part of the end user's domestic establishment.
  - b. The the Telephone Company's Directory listings are restricted to individual names of the end users and members of their domestic establishment. Such listings may indicate the end user's profession but may not include the designation "office".
3. In the study of a member of the clergy located in the church.
4. In college fraternity or sorority houses and college dormitories, where members lodge and board within the house.
5. In patients' rooms in hospitals or institutions.

c. All coin telephone service is classified as business service regardless of the location.

#### **1.5.3 Private Line Service for Special Access**

The rates found in Section 13, Rates for Private Line Services apply only to intraLATA circuits when purchased by interexchange carriers for Special Access. InterLATA rates can be found in PSC No. 3 Tariff.

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## **1 GENERAL RULES and REGULATIONS**

### **1.5 Provision of Service (Cont'd)**

#### **1.5.4 Power Supply**

The Customer or end user must provide the necessary electric power where and when needed. If there is a power failure, the Telephone Company is not responsible for interrupted service.

#### **1.5.5 Special Charges**

The Telephone Company may, at its option, charge an extra installation or monthly charge, or both, if special construction, maintenance or expense is required to install or otherwise provide the service requested. When construction charges apply, the Customer may be asked to prepay them as well.

The Customer may (at the Telephone Company's option) have to pay more for work done after regular working hours if the request was made by the Customer.

The Telephone Company may provide any service or facility for which a charge is not established herein, as long as it is offered on the same terms to all Customers for a charge not less than the Telephone Company's cost.

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## **1 GENERAL RULES and REGULATIONS**

### **1.6 Payments, Minimum Charges, Termination**

#### **1.6.1 Responsibility for Charges**

The Customer is responsible for all usage, recurring and non-recurring charges, for services purchased by that Customer.

#### **1.6.2 Payment of Charges**

Monthly charges for facilities and service (other than charges for usage) are payable monthly in advance and, except where otherwise provided in this Tariff, all other charges are payable upon request of the Telephone Company. Bills are due on the due date shown on the bill and are payable at the address shown on the bill.

If an objection to an item or items appearing on a bill is not received by the Telephone Company within two months after such bill is rendered, all items and charges appearing thereon shall be determined to be correct and binding upon the Customer. A bill will not be deemed correct and binding upon the Customer if either the Telephone Company or the Customer has records to substantiate the objection.

The Telephone Company reserves the right to require an advance payment from Customers. Advance payments are applied to the Customers' charges. When construction charges apply, the Customer may be asked to prepay them as well.

Any Customer who requests or is furnished telecommunications services for which a minimum charge of more than one month is specified, may, in addition, be required to deposit a sum up to an amount equal to the total of the minimum charge less any installation charge paid by the Customer.

The fact that a deposit has been made shall in no way relieve the Customer from complying with the Tariff regulations for advance payments and for the prompt payment of bills on presentation.

Either a new Customer or an existing Customer may be required to make a deposit. The need for a deposit is based on an existing Customer's payment history with the Telephone Company. A deposit may also be required when a new Customer requests service on a seasonal or short-term basis.

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## **1 GENERAL RULES and REGULATIONS**

### **1.6 Payments, Minimum Charges, Termination (Cont'd)**

#### **1.6.2 Payment of Charges (Cont'd)**

The Telephone Company reserves the right to refuse an application for service made by a present or former Customer who is indebted to the Telephone Company for telecommunications services previously furnished, until such indebtedness is satisfied. In the event that service is connected for a Customer who is indebted to the Telephone Company for telecommunications services previously furnished, the service may be terminated by the Telephone Company.

##### **a. Customer Overpayment**

The Telephone Company shall provide interest on Customer overpayments when such Customer overpayment occurred as a result of excessive billing, in error, by the Telephone Company.

In such event, Customer shall be credited for the overpayment, plus interest at the greater of the unadjusted Customer deposit rate or the applicable late payment rate.

#### **1.6.3 Minimum Charges**

##### **a. General**

Unless otherwise stated, the minimum charge for any service is the monthly charge for that service. However, when service is disconnected in the middle of a monthly billing period (except the initial period), the Customer will be charged only for the actual period of service.

The minimum charge for additional Directory listings is the charge for the duration of the Directory in which the listing is first affected except in cases where the service is terminated by the Telephone Company, when the charge shall be for the actual period of service.

##### **b. Cancellation or Change of an Order for Service**

If a Customer requests service and then cancels the order before the Telephone Company has completed it, the Customer shall pay the greater of any costs the Telephone Company has already incurred in connection with the order or the normal minimum charge plus installation and termination charges.



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## **1 GENERAL RULES and REGULATIONS**

### **1.6 Payments, Minimum Charges, Termination (Cont'd)**

#### **1.6.3 Minimum Charges (Cont'd)**

##### **b. Cancellation or Change of an Order for Service**

If a Customer requests a change to an order (such as a due date) after work has begun, the Customer shall pay a Service Order Charge plus any additional costs that have already been incurred in connection with the order.

If a Customer requests service and then cancels the order before the Telephone Company has completed it, the Customer shall pay the greater of any costs the Telephone Company has already incurred in connection with the order or the normal minimum charge plus installation and termination charges.

If a Customer requests a change to an order (such as a due date) after work has begun, the Customer shall pay a Service Order Charge plus any additional costs that have already been incurred in connection with the order.

##### **c. Minimum Term Discount Plans**

Customers may be offered Minimum Term Discount Plan. These plans offer a reduced service rate for a term commitment. The term commitments vary in length.

Following the completion of a Term Discount Plan, customers have the following options:

1. Initiate a new Term Discount Plan commitment under which to bill the service; or
2. Convert to month-to-month service; If a month to month rate is not available the then shortest term available.
3. Terminate Service
4. If the customer fails to make a choice by the end of the term, the service will be converted to month to month or the shortest term available

##### **d. Discontinuance of Minimum Term Discount Plans**

Customers purchasing Minimum Term Discount Plans commit to keep a service for the duration of the chosen plan period. If a customer chooses to discontinue the service prior to the duration of the chosen plan period, that customer is liable for a termination charge. Unless stated otherwise, the amount of the termination charge is equal to any or all charges that would have been incurred by the customer for the unused portion of the contracted term discount plan had the full term been honored.

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## **1 GENERAL RULES and REGULATIONS**

### **1.6 Payments, Minimum Charges, Termination (Cont'd)**

#### **1.6.4 Termination of Service**

The Telephone Company reserves the right to suspend or terminate service for non-payment of services or in the event of prohibited, unlawful or improper use of the facilities or service, abuse of the facilities, or any other violation by the Customer of the rules and regulations of this Tariff.

Customers must reapply for service, if their service has been terminated.

#### **1.6.5 Vacation Get Away Service**

##### **a. General**

Vacation Get Away Service provides for temporary discontinuance of service at the customer's request without termination of the service.

##### **b. Conditions**

1. Vacation Get Away Service applies to customers of Residential Exchange Access Service as well as vertical features, bundles and other basic services. Vacation Get Away Service is not available for Lifeline customers.
2. No outward or inward service is provided during the period of Vacation Get Away Service, except for 911 calls.
3. Vacation Get Away Service will not be made available for periods of less than two (2) months.
4. Vacation Get Away Service is available to a customer for a maximum period of nine (9) consecutive months. The customer's number must be working for at least 90 days in a calendar year.
5. During the period of Vacation Get Away Service, no installations, moves, changes or maintenance will be provided. Changes to billing address would be allowed.
6. The customer may request a restoration date in advance of the maximum allowable vacation period otherwise, complete service and billing will be restored on the last day of the maximum allowable vacation period of 9 months. A letter with the missed notifications will be sent to the customer at the time of restoral.

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1 GENERAL RULES and REGULATIONS

1.6 Payments, Minimum Charges, Termination (Cont'd)

1.6.5 Vacation Get Away Service (Cont'd)

b. Conditions (Cont'd)

- 7. Monthly bills for services not covered by the Vacation Get Away Service during the vacation service period are to be paid in accordance with regular collection practices.
- 8. Vacation Get Away Service will be available where technically feasible.
- 9. Charges for Vacation Get Away Service will be a non-recurring charged to be billed in advance of the vacation service.

c. Rates and Charges

|                           | <u>Nonrecurring Charge</u> |
|---------------------------|----------------------------|
| Vacation Get Away Service | \$33.21                    |

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## **1 GENERAL RULES and REGULATIONS**

### **1.7 Liability**

#### **1.7.1 Liability of Customer for Loss of or Damage to Equipment**

The Customer is required to reimburse the Telephone Company for any loss of, or damage to, the Telephone Company owned facilities or equipment on the Customer's or end user's premises, through theft, willful injury or any other cause whatsoever.

#### **1.7.2 Liability of the Telephone Company for Service Interruptions and Delays or Other Defects, Failures or Errors in the Provision of Service**

"Interrupted" service means that equipment malfunction or human error prevent the Customer from making or receiving calls. It does not mean delays such as slow dial tones, busy circuits or other network or switching capacity problems, and the Telephone Company is not liable for these delays and problems. The Telephone Company is not liable for service interruptions caused by electrical power failure when electrical power is provided by someone other than the Telephone Company; or for problems caused by someone other than the Telephone Company or another connecting network; or because the Customer has directed the Telephone Company to interrupt service; or where the Telephone Company's Service is used for a purpose other than that described in this tariff.

When service is interrupted, the Customer must notify the Telephone Company and identify the specific access lines known to be affected. If the service hasn't been repaired in 24 hours from this notification, the Customer will receive credit on the next monthly bill for those access lines known to be affected. The credit will be based on the monthly charges for the services and equipment furnished by the Telephone Company which were unusable. The allowance will be as follows:

- a. 1/30 of the specified monthly recurring charges for the first 24 hours or part of 24 hours after the Telephone Company has been notified;
- b. 2/30 of the specified monthly recurring charges for each additional 24 hours or part of 24 hours before the service is repaired.
- c. 2/30 of the specified monthly recurring charges for each 24 hours or part of 24 hours if the service has been repaired and then is out of order again during the same billing period.

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## **1 GENERAL RULES and REGULATIONS**

### **1.7 Liability (Cont'd)**

#### **1.7.2 Liability of the Telephone Company for Service Interruptions and Delays or Other Defects, Failures or Errors in the Provision of Service (Cont'd)**

Credit will not exceed the total of the specified monthly recurring charges for the billing period.

If service is interrupted because of fire, flood, storm or similar conditions beyond the Telephone Company's control, the credit will be 1/30 of the specified monthly charge for each 24-hour period of interruption after the Telephone Company has been notified.

In cases where groups of access lines are affected by interruptions, but such interruptions were not reported, when it is administratively feasible with a reasonable amount of effort for the Telephone Company to identify such access lines, the Telephone Company will give credit without notification by the Customer.

Except for these credits, and unless gross negligence or willful misconduct can be shown, the Telephone Company assumes no liability for damages as a result of interruptions or delays, or any other defects, failures or errors in the provision of service, except as otherwise provided in this Tariff.

When the equipment of any type provided by other companies is used in establishing connection to points not served by the Telephone Company's network, the Telephone Company is not liable for any act or omission of such other company or companies, their agents, servants or employees.

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## **1 GENERAL RULES and REGULATIONS**

### **1.7 Liability (Cont'd)**

#### **1.7.3 Liability of the Telephone Company for Directory Errors and Omissions**

Unless gross negligence or willful misconduct can be shown, the Telephone Company is not responsible for damages that result from errors in or omissions of any Directory listing. If it can be determined that the Telephone Company caused the omission (as opposed to the provision by the Customer of incorrect information), the Telephone Company will provide the following credits: (a) For free published listings, the credit shall be given two times the monthly rate for a standard additional listing each month until a new Directory is published; (b) For an omitted or wrong additional listing, the credit given shall be the monthly rate for such listing, until a new Directory is published; (c) For Directory assistance listings remaining in error after three working days' notice from the Customer to the Telephone Company to correct such error, credit shall be given at 2/30 of the basic monthly recurring service rate for each day, following expiration of the three working day notice period, the correct number is not available; (d) For listings provided for end users of Alternative Network Providers, credit shall be given in the amount of the non-recurring rate paid to place the listing.

Credit will not exceed, on a monthly basis, the total of the monthly recurring charges for each listing plus the basic monthly recurring rate for the line or lines affected.

A listing is considered in error only when it makes it difficult to locate an end user's telephone number. An address is considered in error only when it shows the end user on the wrong street or in the wrong community. Ordinarily, Customers will notify the Telephone Company of errors, but the Telephone Company will give credit as provided above, if the Telephone Company discovers an error in its listing information even in the absence of a Customer notice.

#### **1.7.4 Indemnification by Customer**

The Customer indemnifies the Telephone Company against (i.e., promises to reimburse the Telephone Company for any amounts the Telephone Company must pay as the result of), and saves the Telephone Company harmless against, claims for libel, slander, or infringement of copyright arising from the material transmitted over its facilities; against claims for infringement of patents arising from combining, or using in connection with, facilities of the Telephone Company, equipment and systems of the Customer or end user; and against all other claims including but not limited to injuries to persons or property from voltages or currents, arising out of any act or omission of the Customer or end user in connection with facilities provided by the Telephone Company or the Customer or end user.

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## **1 GENERAL RULES and REGULATIONS**

### **1.8 Interconnection**

#### **1.8.1 General**

Expanded Interconnection is a service which allows customers to interconnect with Telephone Company Special Access and/or Switched Access facilities at Telephone Company locations. The Telephone Company location may be a wire center, a central office, or a tandem switch. Where space permits, the customer's transmission equipment will be physically located in the Telephone Company location, as long as the following rules are met:

- a. When local service is available for use with the customer's own equipment, that equipment must not interfere with any Company service. It must not endanger the safety of Company employees or the public and must not change, damage or interfere with the operation of Company equipment. If told that his/her equipment is causing or might cause any hazard of interference, the customer must make the necessary changes to eliminate the hazard. The customer must also pay for any Company visits needed to detect trouble in his/her equipment.
- b. The customer indemnifies (i.e., promises to reimburse the Company for any amount the Company must pay as a result of) and saves the Company harmless against claims for libel, slander or infringement of copyright from the material transmitted over its facilities, against claims for infringement of patents arising from combining with, or using in connection with, facilities of the Company, equipment of the customer; and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company.
- c. When a customer elects to provide his/her own communications system, the customer must provide all station apparatus and associated wiring which are part of the system and which are located on the same premises as the system.
- d. Key telephone systems are defined as station apparatus, station wiring, controlling equipment and intercommunicating paths. When a customer elects to provide his/her own key telephone system, the customer must provide all of these components.

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## **1 GENERAL RULES and REGULATIONS**

### **1.8 Interconnection (Cont'd)**

#### **1.8.1 General (Cont'd)**

- e. On the basis of negotiations between the customer and the Company and when agreed to in writing, and not otherwise, access to and control of the local exchange and message toll telecommunications network by computer may be permitted, subject to the following considerations:
  - 1. existing load conditions of the serving central office and its ability to accept computer originated traffic without injurious effect to existing and contemplated services;
  - 2. the recycle time of the computer for originating traffic;
  - 3. the use of "ground start" circuits only for such access; and
  - 4. other considerations which may, from time to time, be deemed of sufficient importance
- f. The Company may require full payment by the customer all sums owed to the Company before providing interconnection service. This may include reimbursement for loss or damage to telephone facilities as provided in Section 1, periodic charges for facilities and service, termination charges, installation charges, minimum charges or otherwise.
- g. The customer indemnifies (i.e., promises to reimburse the Company for any amount the Company must pay as a result of) and holds the Company harmless from any and all loss, claims, demands, suits, or other action, or any liability whatsoever, for any personal injury to or death of any person or persons, and for any loss, damage or destruction of any property, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of customer owned and maintained equipment.
- h. The Company has no responsibility for installing, operating, or maintaining any customer owned equipment or for the through transmission of signals or for the quality of or defects in signals sent or received by that equipment.
- i. The Company is not responsible for damages for mistakes, omissions, interruptions, delays, errors, or defects in transmission, or failures or defects in facilities, except those caused by the Company's failure to furnish, maintain and operate properly facilities suitable for ordinary telephone service.



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## **1 GENERAL RULES and REGULATIONS**

### **1.8 Interconnection (Cont'd)**

#### **1.8.1 General (Cont'd)**

- j. The Company does not test, certify, or inspect customer owned equipment except as needed for its own purposes. In the absence of gross negligence or willful misconduct, the Company is not liable for personal injury or death or for property damage alleged to have resulted from the Company's failure to certify or inspect customer owned equipment.
- k. The Company will not give credit for interrupted service which is the result of failure of customer owned equipment.
- l. The Company is not responsible to the customer if the customer's equipment becomes obsolete or requires modification due to changes in the Company's facilities, operations, or procedures or changes in its Tariff.
- m. The Company is not liable for damages or injuries from mistake, omissions, interruptions, delays, errors, or defects in transmission. This includes property damage or personal injury from voltages or currents transmitted over the Company's facilities which are either caused by or not prevented by customer owned equipment, but which would have been prevented by Company owned equipment.
- n. The signal from customer-owned terminal equipment must meet the minimum network protection criteria outlined in Part 68 of the Federal Communications Commission Rules and Regulations.
- o. If a customer violates these regulations, the Company may take immediate action, including disconnecting service. The customer must stop using the equipment or correct the violation immediately. If violations continue, service may be permanently terminated.

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## **1 GENERAL RULES and REGULATIONS**

### **1.8 Interconnection (Cont'd)**

#### **1.8.2 Methods of Interconnecting**

##### **a. Connection of Customer Provided Data and Ancillary Equipment**

1. Customer provided data and ancillary equipment may be connected at the customer's premises to facilities furnished by the Company for exchange and message toll communications service subject to the provisions of Part 68 of the Federal Communications Commission's Rules and Regulations and may remain so connected while continually satisfying the requirements of those Rules and Regulations. All connections of customer provided data equipment pursuant to Part 68 Rules shall be made through a standard data jack or a data access arrangement; all connections of customer provided ancillary equipment pursuant to Part 68 Rules shall be made through a standard jack furnished by the Company.
2. All combinations of customer provided data and ancillary equipment shall not cause electrical hazards to Company personnel, damage to Company equipment, malfunction of Company billing equipment, or degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.
3. A customer shall notify the Company of each line to which such equipment is to be connected in advance of such connection and shall notify the Company when such equipment is permanently disconnected. Such notification shall include information sufficient to identify the equipment being connected.
4. The maintenance charge shown later in this section applies to equipment connection in accordance with these provisions.

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## **1 GENERAL RULES and REGULATIONS**

### **1.8 Interconnection (Cont'd)**

#### **1.8.2 Methods of Interconnecting (Cont'd)**

- b. Connection of Customer Provided Non-Key Telephone(s), Station Wire and Protective Circuitry
  1. Customer provided registered or "grandfathered" non-key telephones as well as registered or "grandfathered" protective circuitry for use with or inclusion in private branch exchange and key telephone systems may be connected, at the customer's premise, to facilities furnished by the Company for exchange and message toll telecommunications service subject to the provisions of Part 68 of the Federal Communications Commission's Rules and Regulations and may remain so connected while continually satisfying the requirements of those Rules and Regulations. Customer provided certified or "grandfathered" protective circuitry for use with or inclusion in private branch exchange and key telephone systems by be connected, at the customer's premise, to facilities furnished by the Company for exchange and message toll telecommunications service. The term "grandfathered" refers to equipment which appears on lists of "Grandfathered" Telephone Terminal Equipment, issued by the Federal Communications Commission or on other lists which the Public Service Commission may approve. All connections of equipment shall be made through a standard jack.
  2. All customer provided non-key telephone(s), protective circuitry or customer provided station wire and combinations thereof shall not cause electrical hazards to the Company personnel, damage to the Company's equipment, malfunction of the Company's billing equipment or degradation of service to persons other than the user of subject telephone(s) and station wire, his calling or called party.
  3. A customer shall notify the Company of each line to which such telephone(s) or protective circuitry is to be connected in advance of such connections, whether customer provided station wire is being utilized, and shall notify the Company when such equipment and any such station wire is permanently disconnected. Such notification shall include information sufficient to identify the telephone(s), protective circuitry or station wire being connected.
  4. The customer provided non-key telephone(s) shall comply with applicable regulations of the Federal Communications Commission. Customer provided station wire shall comply with the standards on file with the New York State Public Service Commission. Such standards shall be available for public review at the Company's Business Offices and the offices of the New York State Public Service Commission in Albany, New York. Copies of these standards are available from the Company on written request.

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## **1 GENERAL RULES and REGULATIONS**

### **1.9 Telephone Numbers**

#### **1.9.1 General**

An end user who changes service providers while remaining connected to the Telephone Company's port may retain the same telephone number following the change.

A surcharge per telephone number will be assessed to cover the switching cost of number portability. The Telephone Company's cost of switching numbers to other carriers will be spread over all numbers assigned to the Telephone Company switching and in use.

Except as otherwise provided herein, the Telephone Company holds all rights to telephone numbers assigned to its network. The Telephone Company may change such number assignment as needed. The Customer and its end users have no ownership of the numbers.

#### **1.9.2 Portability**

Number portability permits end users to retain their telephone numbers when they change from one local exchange carrier to another while remaining within the same exchange area boundary. Until such time as a more expanded form of portability becomes economically and technologically feasible, the Company offers the following two forms of number portability:

- a. Customers changing resellers without a change of underlying the Telephone Company switching facilities will retain their current FTR telephone number; and
- b. Customers changing networks may retain their FTR telephone number, at the election of the new network carrier. The new carrier will be responsible for providing adequate trunking from FTR's central office formerly serving the customer in the event that common trunking is insufficient to carry this traffic.

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## **1 GENERAL RULES and REGULATIONS**

### **1.10 General Basis of Rate Groups**

- 1.10.1 Exchanges are classified by rate groups to determine local service charges. The rate group is based on total access lines in the local calling area and calculated as follows:

| <u>Rate Group</u> | <u>Access Lines in the Local Calling Area</u> |
|-------------------|---|
| 1                 | 1 - 1,300                                     |
| 2                 | 1,301 - 3,700                                 |
| 3                 | 3,701 - 9,500                                 |
| 4                 | 9,501 - 19,000                                |
| 5                 | 19,001 - 32,000                               |
| 6                 | 32,001 - 65,000                               |
| 7                 | 65,001 - 140,000                              |
| 8                 | 140,001 - 230,000                             |
| 9                 | 230,000 and above                             |

### **1.10.2 Changes in Rate Groups**

The rate group of an exchange may change based on more or fewer lines in the local calling area. To make such a change, the Telephone Company is required by law to file a tariff and have it approved by the Public Service Commission.

### **1.11 Access to Customers or End Users Property**

The Telephone Company may have access to a Customer's or an end user's property during normal working hours, or other hours in the event of an emergency, to inspect, remove or repair its equipment or facilities.

### **1.12 Order of Precedence During Period of Facility Shortages**

Whenever facilities are not immediately available to furnish service to all applicants, the order of precedence, by categories, will continue to be that followed under the Civilian Production Administration Utilities Order U-2, as amended August 7, 1946.

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## **1 GENERAL RULES and REGULATIONS**

### **1.13 Order Charges/Miscellaneous Charges**

#### **1.13.1 Service Charges**

Apply per end user order for all work or service to be provided at one time on the same premises, for the same customer. Either the Basic Order Charge or the Record Order Charge will apply dependent on each situation as described below.

a. Basic Order Charge:

1. Applies on connections, moves, access line service and supersedure to Centrex or feature group service. This charge includes work for connecting or changing one central office line or loop.

b. Record Order Charge:

1. Applies on miscellaneous orders for moves, changes or additions to customer premises equipment, which remains regulated, with no associated central office work involved.
2. Applies on orders for additional listings, changes to non-published service and changes in current listings which involve only a change in the Telephone Company's records.
3. Applies on conversions to touchphone service.
4. For multiple orders placed on a single port, only one record order charge will be applied.
5. Applies on orders for number changes, addition or rearrangement of hunting (call handling), changes from flat to metered service, and changes between residence service classification and business service classification.
6. Applied on requests by a Customer for the Telephone Company to block or restore an end user's port due to nonpayment.

- c. Additional Line Charge - Apply per additional central office line for connections or changes in type or class of service and for mileage circuits. They cover work for connecting or changing a central office line and the associated central office equipment.

Rates can be found in Section 13, Rates.

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## **1 GENERAL RULES and REGULATIONS**

### **1.13 Order Charges/Miscellaneous Charges (Cont'd)**

#### **1.13.2 Improper Customer Orders**

The Telephone Company reserves the right to back-bill Customers that place unauthorized or improper orders. This charge will be based on the costs associated with correcting the error in the records and the service itself.

##### **a. Construction Charges**

Construction charges for provision of services are based on cost and priced on an individual basis.

##### **b. Premises Visit Charges**

Premises Visit Charges apply for all work or service to be provided at one time on the same premises for the same end user or carrier-customer. A Premises Visit Charge applies to each premises visited when more than one premises is involved for a single end user. If more than one line is installed at a single premise, then an Additional Line Charge is applied in addition to the original Premises Visit Charge.

Rates for Premises Visit Charges and Additional Line Charges are listed in Section 13, Rates.

##### **c. Primary Local Carrier (PLC) Change Charge**

A PLC Change Charge applies each time an end user changes primary local carriers. This charge is designed to cover administrative costs of changing primary local carriers in the billing systems and switching systems where needed. The receiving local carrier is assessed this charge. This change applies only when moving from one primary local carrier to another while remaining on the Telephone Company's facilities.

Rates for Primary Local Carrier (PLC) Change Charge can be found in Section 13, Rates.

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## **1 GENERAL RULES and REGULATIONS**

### **1.13 Order Charges/Miscellaneous Charges (Cont'd)**

#### **1.13.2 Improper Customer Orders (Cont'd)**

##### **d. Central Office Line Charge**

A Central Office Line Charge applies to arranging a line(s) to provide service between the central office and the customer's premises.

Central Office Line Charges apply as shown below for each line connected, for change in type, grade or class of service, for changes of telephone number of individual, auxiliary, PAL line and party lines, for each trunk and for the connection of private lines.

One Central Office Line Charge applies for each:

Individual line, WATS line, Auxiliary Line, Centrex – C.O. Line, Party Line, Centralized Switching, Public Access Line (PAL), Concentrator – Identifier Line, PBX Trunk, Access Channel, (C.O. Termination), Intercept line, Off-Premises Extension, DID Station Numbers and DID Trunks.

A Central Office Line Charge applies for each termination of the following lines when termination of such lines are in different buildings (one charge per line, per building):

Intercommunications Line, Access Channel, Leased Channel (leased line), Call Circuit, Off-Premises Extension Line, Facsimile Line, Private Line, Trunk Multiple, Teletypewriter Line, Turret Line, Tie Line.

##### **e. Unauthorized Order Charge**

In the event an end user is changed from one service provider to another without the approval of the end user, the carrier initiating the change shall be levied a penalty per end user. The carrier initiating the change shall have the onus of proving that the change was authorized by the end user.

The Unauthorized Order Charge rate can be found in Section 13, Rates.



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## **1 GENERAL RULES and REGULATIONS**

### **1.13 Order Charges/Miscellaneous Charges (Cont'd)**

#### **1.13.2 Improper Customer Orders (Cont'd)**

##### **f. Frame to Frame Connection**

Interconnection of a customer's frame to the Telephone Company's frame may be provided via tie cable for a one-time charge per cable pair connection. Charges include installation of cable, where the interconnector's switching equipment is located in the same building, and connection to the interconnector's frame.

Section 13 contains the one-time charge per cable pair connection.

##### **g. Non-End-User Premises Rewires**

1. Rearrangements made at the customer's initiative such as the following, are classified as non-end-user premises rewires:
  - a. Changes in type of line treatment on tie lines, each line.
  - b. Changes in termination in the central office, such as changes to different circuits for alarm circuits, each circuit.
  - c. Relocation of drop wires, each.
  - d. Change from aerial service to buried service in a subscriber provided trench.
2. A Basic Order Charge and an Additional Line Charge will apply to non-end-user premises rewires as specified in Section 13, Rates. Time charges for Field Work pricing, as specified in Section 13, Rates will apply to end user premises rewires.

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## **1 GENERAL RULES and REGULATIONS**

### **1.14 Residential Retail Monitoring**

- 1.14.1 The Telephone Company will review on a quarterly basis a representative sample of flat rate residential service purchased by resellers to establish authenticity as residential end users. If the end user is found to be a business subscriber, the Customer will be charged for the previous three (3) months' service differential for business service for that line and will be placed on business rates immediately.
- 1.14.2 Any Customer who purchases bundled residential flat rate or measured [FR and MR] service from the Telephone Company will be required, as a condition of receiving such service, to provide to the Telephone Company, and to the Commission, a certification that it will only resell such service, or its constituent elements, to customers who qualify for the purchase of such [FR and MR] service at retail from the Telephone Company. If, notwithstanding such certification, the Customer shall have resold FR and MR service, or its constituent elements, in violation of this provision, at the election of the Telephone Company and subject to the approval of the Director of the Communications Division that a penalty is appropriate, that Customer thereafter shall forfeit its entitlement to purchase such services from the Telephone Company and all of its residential services shall be repriced at the applicable business rates retroactive for three months, based on average volumes of calling.

### **1.15 Privacy Regulations**

- 1.15.1 Every Customer or service provider taking service from the Telephone Company must abide by the Public Service Law and the NYS Public Service Commission's regulations and orders with respect to Customer Proprietary Network Information, Automatic Number Identification, non-listed or non-published service, Call ID, and Privacy Principles, with respect to any services or information obtained from the Telephone Company.
- 1.15.2 Every Customer with access to customer information databases at the Telephone Company shall be given access only to information with respect to the services provided by the Telephone Company to that carrier for its end users.

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## **1 GENERAL RULES and REGULATIONS**

### **1.16 Cable Television Attachments to Utility Poles**

#### **1.16.1 Regulations**

- a. Cable Television Companies' cables, equipment and facilities, attached to utility owned poles shall be placed and maintained in accordance with the requirements and specifications stipulated in the Pole Attachment Agreements which are consummated between the Telephone Company and the Cable Television Company.
- b. Such Pole Attachment Agreements shall be negotiated between the Cable Television Company and the Telephone Company upon request.
- c. The rates for Pole Attachments for Cable Television Companies can be found in Section 13, Rates.
- d. The rate for Pole Attachments for Cable Television Companies will be applicable to all licensed telecommunication providers. This is an interim arrangement pending final Public Service Commission investigation into this issue.
- e. The rate for Licensed telecommunications providers using wireless pole attachments is an interim arrangement pending final Public Service Commission investigation per PSC Order 16-M-330. Rates for wireless facility attachments can be found in Section 13, Rates. With respect to the wireless facility attachments, the occupied space measurement shall reflect the overall length of the equipment and mounting hardware plus six inches to allow reasonable access for installation and maintenance, rounded up to the next whole foot. Thus, equipment with a total length of the three feet, six inches would occupy four feet of space for rental purposes, while equipment with a total length of three feet, eight inches, would occupy five feet of space for rental purposes. This methodology will apply to wireless facility attachments regardless of the equipment installed and the area of the pole the attachment occupies. Overall attachment costs will be determined by multiplying the occupied space measurement by the per-foot attachment rental rate.

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## **1 GENERAL RULES and REGULATIONS**

### **1.17 Suspension of Service at Customers Request**

#### **1.17.1 General**

The Telephone Company will suspend incoming and outgoing service on the end user's port for a period of time not longer than 12 months but at least a one-month period at the request of the Customer. The equipment is left in place and White Pages directory listings are continued without change. If the Customer requests it, the Telephone Company will tell callers that the end user's calls are being taken at another number.

The period during which service is suspended will not be included in determining the minimum charge applicable to any service offering.

The following services may be suspended: Residential Links, Residential Ports, Basic Business Links and Measured Rate Business Ports.

#### **1.17.2 Methods of Charging for Suspended Service**

There is some reduction in monthly service rates for suspended service, as shown below. However, any mileage charges, monthly cable charges or monthly construction charges are still due, without reduction, during a period of suspension.

| <u>Period of Suspension</u>                                     | <u>Charge</u>                       |
|---|-------------------------------------|
| First month and each<br>Month up to and including<br>six months | 1/2 regular rate                    |
| Each month after six<br>to the one-year limit                   | Regular monthly rate (no reduction) |

#### **1.17.3 A record order charge applies when customers request suspension of service.**

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## **1 GENERAL RULES and REGULATIONS**

### **1.18 Taxes and Surcharges**

#### **1.18.1 State and Local Revenue Taxes**

##### **a. State Revenue Taxes**

Rates and charges that apply to the provision of telephone service are subject to New York State revenue taxes. The applicable Gross Revenue Surcharge rates are shown in the table below. Any changes to these rates will be filed on 15 days' notice to the Commission, or as directed by the Commission. Whenever the state levies a new tax on the Telephone Company's gross revenues, repeals such a tax, or changes the rate of such tax, the Commission may approve new surcharge factors, and the Telephone Company will file revised surcharges as directed by the Commission.

The Gross Revenue Tax Surcharge rates can be found in 1.18.1 following.

##### **b. Local Utility Gross Revenue Taxes**

Rates and charges that apply to the provision of telephone service may be subject to gross revenue taxes imposed by certain municipalities.

The surcharge percentage applies to monthly local rates and charges. Surcharge percentages are adjusted on short notice to reflect changes in taxes.

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## 1 GENERAL RULES and REGULATIONS

### 1.18 Taxes and Surcharges (Cont'd)

#### 1.18.1 State and Local Revenue Taxes (Cont'd)

The Gross Revenue Tax Surcharge rates for services for resale are as follows:

| <u>Period</u>                       | <u>Gross Revenue Tax Surcharge</u> |
|-------------------------------------|------------------------------------|
| January 1, 1996 - December 31, 1996 | 0.775%                             |
| January 1, 1997 - June 31, 2000     | 0.756%                             |
| July 1, 2000 +                      | 0.378%                             |

#### Surcharge Percentage for Local Gross Revenue Taxes

In addition to the rates and charges, the following surcharge percentages apply in the cities and villages shown below:

| <u>Locality</u> | <u>Tax District <sup>1</sup><br/>Code</u> | <u>Surcharge<br/>Percentage</u> |
|-----------------|---|---------------------------------|
| <u>Cities</u>   |   |                                 |
| Canandaigua     | 70  | 1.01%                           |
| Rochester       | 59  | 3.0928%                         |
| <u>Villages</u> |   |                                 |
| Avon            | 13  | 1.01%                           |
| Brockport       | 62  | 1.01%                           |
| Caledonia       | 15  | 1.01%                           |
| Dansville       | 28  | 1.01%                           |
| East Rochester  | 55  | 1.01%                           |
| Fairport        | 53  | 1.01%                           |
| Geneseo         | 18  | 1.01%                           |
| Honeoye Falls   | 45  | 1.01%                           |
| Leicester       | 21  | 1.01%                           |
| LeRoy           | 08  | 1.01%                           |
| Livonia         | 25  | 1.01%                           |
| Mt. Morris      | 27  | 1.01%                           |
| Nunda           | 30  | 1.01%                           |
| Perry           | A1  | 1.01%                           |
| Pittsford       | 56  | 1.01%                           |
| Scottsville     | 66  | 1.01%                           |
| Silver Springs  | 95  | 1.01%                           |
| Warsaw          | A5  | 1.01%                           |
| Webster         | 64  | 1.01%                           |

<sup>1</sup> The tax district code shown is the Telephone Company code for the tax district.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges**

- 1.19.1 The Construction Charges specified in this Section apply in addition to all other applicable Tariff charges including mileage.

Construction Charges apply when special routing or arrangements are provided at the customer's request, or when the service provided is of a temporary nature. Such charges are based on cost. Only noncompetitive one-time service offerings made on a time and materials basis will be provided "at cost".

In case of any inconsistency between the provisions of Paragraphs 1.19.2, 1.19.3, and 1.19.4. on the one hand and Paragraph R.5. (Underground Extensions for New Residential Subdivisions) on the other, the provisions of Paragraph 1.19.5 shall be controlling.

#### **1.19.2 Construction along Public Highways**

##### **a. Regulations**

1. The Telephone Company determines the type of plant to be used.
2. Ownership of all such plant is vested either in the Telephone Company or in some other utility company with which the Telephone Company has an agreement for the joint use of plant.
3. The allowance, charges and regulations governing the provision of service apply regardless of the type of construction of facilities used, including attachments to plant of other companies.

Construction required for private line service, leased channels, extension lines, PBX station lines and tie lines is furnished at charges based on cost.

Construction required for main exchange service is furnished at charges based on the actual cost of construction less applicable allowances. Only non-competitive one-time service offerings made on a time and materials basis will be provided "at cost".

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.2 Construction along Public Highways (Cont'd)**

##### **b. Charges**

Charges for each 1/4 route mile of fraction thereof, of construction beyond existing facilities within the exchange in excess of the following allowance:

- 1/4 route mile of construction for each main service and each additional central office line to be furnished on a full year basis.
- 1/10 route mile of construction for each main service and each additional central office line to be furnished for only part of a year.

Where there is not more than one mile, route distance, between successive applicants they are considered as a group and the construction allowances for the individual members of the group are totaled to determine the amount of construction which will be provided without construction charge to the group. Charges for construction in excess of the total allowance are divided equally among the members of the group.

When subscribers are added to a group within the five-year term of the construction charges, the charges are recomputed on the basis of the larger number of subscribers. If this recomputation results in a lower construction charge per subscriber, the monthly payments for the existing subscribers are reduced for the balance of the term. Where a subscriber has prepaid the total monthly payments an appropriate refund is made. The new subscribers are responsible for payment of construction charges only for the unexpired portion of the five-year term.

An applicant who wishes to prepay all monthly payments or the balance of monthly payments at any time during the five-year term may do so by paying the total of the monthly payments for the unexpired term less 10%.

A subscriber paying the construction charge on the monthly payment basis who discontinues service within the five-year term is required to pay a termination charge equal to the total of the monthly payments for the unexpired portion less 10%. Charges to the remaining subscribers in the group are not affected.

On foreign exchange service, on either an intracompany or an intercompany basis, the allowances apply only to the part of the construction within the service central office district.



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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.3 Pole Line Construction on Private Property**

##### **a. Regulations**

The subscriber is required to obtain and furnish any and all necessary rights-of-way authorizing the Telephone Company to place and maintain its plant.

Poles on private property for telephone use only to serve the subscriber's principal location are furnished, owned and maintained by the Telephone Company subject to the allowances and charges shown below.

Poles beyond the principal location on the subscriber's premises are furnished, erected, owned and maintained by the subscriber or at his expense. Such construction is subject to the approval of the Telephone Company.

Where poles are furnished as a joint undertaking by the Telephone Company and a utility company, such poles are maintained by the companies and the Telephone Company's charge applies.

Where poles for FTR facilities and other facilities are not furnished as a joint undertaking of FTR and other utility company, the subscriber is required to furnish, erect, own and maintain the poles. Such construction is subject to the approval of the Telephone Company.

Where the Telephone Company attaches its wires to poles of another utility company, in lieu of requiring the applicant to place and maintain poles, the applicant is charged the full attachment rental made by such utility company.

Where the subscriber requests poles to be relocated such relocation of poles will be made by the Telephone Company at the subscriber's expense.

Where the pole line construction is provided to serve two or more subscribers, that portion of the construction which is used in common by two or more subscribers is subject to the regulations and charges specified in 1.19.2 of this Section.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.3 Pole Line Construction on Private Property (Cont'd)**

##### **b. Charges**

Construction required for private line service, leased channels, extension lines, PBX station lines and tie lines is furnished at charges based on cost. Only non-competitive one-time service offerings made on a time and materials basis will be provided "at cost".

Poles required for main exchange service to the principal location of each subscriber are furnished at charges based on the cost of construction in excess of two poles at 500 feet route distance for service on a full year basis. No allowance applies to service to be furnished for only part of a year regardless of whether or not season rates apply.

For campground service areas with multiple seasonal customer locations on property owned and maintained by a single owner, the company may also, at our cost, provide the initial 500 feet of cable from an established highway for the purpose of establishing a common demarcation point served by a single telephone company facility.

#### **1.19.4 Underground Construction**

##### **a. General**

Where a subscriber or any other party in interest (any other party in interest includes the applicant for service, or the owner or operator of the building or premises where service is or is to be provided) requires or it is otherwise necessary that circuits be placed underground between the building to be served and the Telephone Company's general distributing plant, or between points on the same premises of the subscriber or other party in interest, the subscriber or other party in interest is responsible, and shall, without expense to the Telephone Company provide for opening and closing the necessary trench and, where conduit is required by the Telephone Company, for furnishing such conduit satisfactory to the Telephone Company.

##### **b. Regulations**

When, at the request of the subscriber or other party in interest, the Telephone Company provides the underground construction for which the subscriber or other party in interest is responsible, charges based on cost apply.

The subscriber or other party in interest is required to obtain and furnish any and all necessary permits and rights-of-ways authorizing the placing and maintenance of underground construction for which he is responsible.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.4 Underground Construction (Cont'd)**

##### **b. Regulations (Cont'd)**

Where there is existing underground conduit, satisfactory to the Telephone Company, which can be made available to the Telephone Company without expense to it, such conduit may be used.

Trench or conduit utilized by the Telephone Company shall not be used by others for any purpose without approval of the Telephone Company.

For any such repairs, maintenance or replacement of the underground cable or conduit for any reason, the subscriber or other party in interest is responsible for opening and closing the trench and for repair or replacement of the conduit, if any. Charges based on cost apply to any repair or replacement of the cable in conduit made necessary by any damage not attributable to the negligence of the Telephone Company.

For any rearrangement of the underground cable or conduit, initiated by the subscriber or any other party in interest, the subscriber or other party in interest is responsible for opening and closing the necessary trench and, if required, providing conduit satisfactory to the Telephone Company. In addition, if the arrangement is not initiated by the Telephone Company, the subscriber or other party in interest is required to pay charges based on cost for rerouting or rearranging the cable, excepting the cost of additional cable, if any. Only non-competitive one- time service offerings made on a time and materials basis will be provided "at cost".

The Telephone Company has the right to discontinue at any time the use of the underground connection, if the point of connection to the general distributing plant is changed for any reason. In such case, the Telephone Company shall, at the subscriber's request, make every reasonable effort to provide service by a temporary connection until permanent connection can be furnished. Charges based on cost apply for providing such temporary connection, except when the change is made at the Telephone Company's initiative. Only non-competitive one-time service offerings made on a time and materials basis will be provided "at cost".

Installation of cable containing a greater number of pairs than is necessary to meet a subscriber's service requirements, may be installed provided the subscriber or other party in interest requesting the same pays the estimated monthly carrying charges on the additional pairs.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.5 Underground Extensions for New Residential Subdivisions**

##### **a. Application of Regulations**

Extensions of telephone distribution lines, applied for on or after June 28, 1972, necessary to furnish permanent telephone service to new residential buildings within a subdivision on which it is planned to build five or more such buildings, or to new multiple-occupancy buildings, shall be made underground by the Telephone Company in accordance with the provisions of this Paragraph 1.19.6 provided, however, that where any distribution lines necessary to furnish permanent electric service within such a subdivision are installed overhead, the utility may install overhead the distribution lines necessary to furnish permanent telephone service within that subdivision.

##### **b. Definitions of Terms Used in Paragraph 1.19.6**

1. Applicant - the developer, builder or other person, partnership, association, corporation or governmental agency applying for the construction of telephone or electric distribution lines in a subdivision.
2. Building - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for permanent residential occupancy.
3. Multiple-Occupancy Building - a structure, including row houses, enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, and designed to contain for or more individual dwelling units for permanent residential occupancy.
4. Subdivision - a tract of land divided into lots for the construction of new buildings, or the land on which new multiple-occupancy buildings are to be constructed, the development of either of which has been approved by governmental authorities having jurisdiction over land use.
5. Underground Telephone Distribution System - a distribution system in which all distribution cable sections and associated service wire runs are placed below ground, either direct buried or in conduit, as specified needs dictate and may include:
  - a. Rear wall cable placed on connected row houses; and
  - b. Pedestal terminals necessary to facilitate installation, operation and subsequent maintenance of the underground distribution system.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.5 Underground Extensions for New Residential Subdivisions (Cont'd)**

##### **c. Responsibility of the Telephone Company**

##### **1. Installation of Underground Distribution System Within Subdivision**

Within the applicant's subdivision the Telephone Company shall construct, own, operate, and maintain underground distribution lines only along public streets, roads and highways which the Telephone Company has the legal right to occupy, and on public land and private property across which rights-of-way and easements satisfactory to the Telephone Company may be obtained without cost by the Telephone Company.

Any distribution or feeder facility necessary to furnish permanent telephone service to one or more multiple occupancy buildings (including four or more dwelling units) shall be installed underground and any such facility necessary to furnish permanent telephone service within a subdivision in which it is planned to build five or more new residential buildings shall be installed underground if:

- a. the subdivision will require no more than 200 trench feet of facilities per dwelling unit planned within the subdivision; or
- b. the Telephone Company's Tariff provides for such underground service without contribution; or
- c. a governmental authority with jurisdiction to do so has required undergrounding; or
- d. an applicant requests underground.

The number of dwelling units is the criterion to be used to determine whether installation is required to be underground.

In order to ascertain the number of dwelling units, it is necessary to consult the approved subdivision map to determine how many dwelling units are planned. Each lot shown on the map should, in the case of a single-family dwelling, be considered to contain one dwelling unit unless there is sufficient contrary evidence to render it unlikely that each lot will contain a separate dwelling unit (e.g., a foundation is constructed occupying two lots). The measurement of trench footage should be the shortest distance required to serve the homes within the subdivision, consistent with the utility's obligation to provide safe and adequate service.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.5 Underground Extensions for New Residential Subdivisions (Cont'd)**

##### **c. Responsibility of the Telephone Company (Cont'd)**

##### **1. Installation of Underground Distribution System Within Subdivision (Cont'd)**

After distribution or feeder facilities are installed underground in a residential subdivision no overhead circuits shall be installed by the Telephone Company within such subdivision.

The Telephone Company may install overhead distribution or feeder facilities in a residential subdivision or a section thereof otherwise required to have underground distribution facilities in accordance with subdivision (c) of this section when:

- a. the developer of the subdivision is not primarily engaged in the construction of dwelling units within the subdivision;
- b. no governmental authority having jurisdiction to do so has required underground installation; and
- c. either:
  1. five years have elapsed from the sale of the first lot within the subdivision to the first application for service and the utility has no indication that there will be new requests for service in the subdivision within six months;
  2. five years have elapsed from the date of the final approval of the subdivision or section thereof, and less than 25 percent of the lots have been sold in the subdivision and every section thereof, except where ten percent or more of the lots in the subdivision or any section thereof have been sold within the last two years.

In cases where overhead installation would be permissible in accordance with condition (c) above except that less than five years have elapsed and the Telephone Company has reason to believe that the subdivision will not be developed sufficiently soon to permit the orderly utilization of underground facilities installed to serve the initial subscriber(s), the Telephone Company may petition the Commission to allow overhead installation, which petition shall set forth the relevant economic, engineering and environmental factors.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.5 Underground Extensions for New Residential Subdivisions (Cont'd)**

##### **c. Responsibility of the Telephone Company (Cont'd)**

##### **1. Installation of Underground Distribution System Within Subdivision (Cont'd)**

If the Telephone Company receives an application for service within a residential subdivision which is governed by the provisions of this section and the per foot cost of installing the necessary distribution or feeder facilities will be greater than two times the cost per foot of installing overhead distribution or feeder facilities, the Telephone Company or applicant may petition the Secretary of the Public Service Commission to allow overhead installation, which petition shall set forth the relevant economic, engineering and environmental factors. The petition shall be reviewed by Staff. Staff shall notify the petitioner within 60 days of receipt of the petition either that the petition is granted or that staff objects to it. If staff objects, the petition shall be referred to the Commission for further review. The petition shall be granted or denied based on economic, engineering or environmental factors. If the necessary facilities are proposed to be in a VSR, the procedures set forth in Paragraph 1.19.6 of this tariff shall apply.

Upon receipt of proper application, and upon compliance by the applicant with the requirements of Paragraph R.5.d. herein, the Telephone Company, at no charge, shall install an underground telephone distribution system, including service wire with suitable materials, which in its judgment, will assure that the applicant will receive safe and adequate telephone service. Such installation shall be made at a time appropriate to render service. Construction will not be delayed by the Telephone Company so that the applicant will be delayed in the sale or other disposal of the buildings, except where such delay is caused by strikes, fire, flood, inclement weather, unavailability of materials, civil disorders, or other conditions beyond the control of the Telephone Company. No overhead circuits shall thereafter be installed by the Telephone Company within a subdivision having underground telephone distribution lines.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.5 Underground Extensions for New Residential Subdivisions (Cont'd)**

##### **c. Responsibility of the Telephone Company (Cont'd)**

#### **2. Connection of Underground Distribution System Within Subdivision to Existing Telephone General Distribution System**

The connection from the underground distribution lines installed within the applicant's subdivision to the existing telephone distribution system shall be made in accordance with the following requirements:

- a. The Telephone Company will install underground, without contribution from the applicant, an amount of supply circuit from the boundary line of the subdivision equal to 25 route feet per dwelling unit or 200 feet, whichever is greater, but, except as otherwise ordered by the Public Service Commission, the Telephone Company will not be required to provide more than 500 feet without contribution by the applicant.
- b. The Telephone Company may, at its discretion and expense, underground additional portions of such connecting supply circuit.
- c. Where any part of a feeder facility in excess of that required is to be placed overhead, the applicant must submit a written application to the Telephone Company at least 75 days prior to the projected commencement of construction of the feeder facility and the Telephone Company must report such projected construction to the Commission no later than 45 days before such construction is commenced, the Commission reserving the right to require the underground installation of particular facilities on basis of the relevant economic, engineering or environmental factors.
- d. In the event the Telephone Company intends at its own discretion or is required pursuant to this section to place underground feeder facilities to an applicant's residential subdivision, it shall inform the electric company and cable television company serving the area in which the subdivision is located. If a new common access route from existing systems to the subdivision will be used, the connecting facilities of the Telephone Company, the electric company and cable television company shall be placed underground.



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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.5 Underground Extensions for New Residential Subdivisions (Cont'd)**

##### **d. Responsibility of Applicant**

1. All reasonable and necessary rights-of-way and easements suitable to the Telephone Company for the extension of telephone distribution lines must be furnished by the applicant in reasonable time to meet service requirements. Where such lines are required to be underground in accordance with Paragraph R.5.c. or at the request of an applicant, rights-of-way and easements must be cleared of tree stumps, brush and other obstructions at no charge to the Telephone Company and must be graded to within six inches of final grade by the applicant before the Telephone Company will commence construction. Such clearance and grading must be maintained by the applicant during construction by the Telephone Company.
2. At the request of the Telephone Company, the applicant shall provide a survey map certified to by a licensed professional engineer of land surveyor and certified to as final by the applicant showing the location of each lot, sidewalk and roadway and, prior to and during construction by the Telephone Company shall place and maintain survey stakes indicating grade and property lines. A map showing the location of all other existing and proposed underground facilities shall be furnished to the Telephone Company by the applicant as soon as the location of such facilities shall be known.
3. The Telephone Company may require that all sewers, water facilities, drainage facilities and curbs be installed before it commences construction.

##### **e. Deposits by Applicant**

In order to guarantee performance, the Telephone Company may require from the applicant before construction is commenced, a deposit in a reasonable amount, but in no event shall this exceed the incremental cost above the equivalent cost for overhead facilities. This deposit is in addition to the applicant's payment of its share of costs for installation. This deposit shall be returned to the applicant, with interest at the rate specified in Paragraph F.2. of Section 1 of this Tariff, on a pro rata basis as dwelling units are certified for occupancy. Any portion of the deposit remaining unrefunded five years from the date the Telephone Company is first ready to render service from the underground telephone distribution lines shall be retained by the Telephone Company. Upon the mutual agreement of both the Telephone Company and the applicant, a bond may be posted in lieu of any deposits.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.5 Underground Extensions for New Residential Subdivisions (Cont'd)**

##### **f. Effective Date**

The rules contained in this Paragraph R.5. shall be effective June 28, 1972 except that:

1. Any underground extension of telephone lines for new residential subdivisions, begun subsequent to January 27, 1972 shall be installed in accordance with these rules and,
2. At telephone distribution line extensions in new residential subdivisions under construction overhead as of June 28, 1972 shall be completed overhead. Additional line extensions in new sections of a subdivision which has such overhead distribution lines shall be made underground.

#### **1.19.6 Cable and Pair Information Charge**

##### **a. General**

A transaction fee will be charged to customers or vendors who request cable and pair information from the telephone company.

A non-recurring charge will apply for information requested over the phone, where no premise visit is required. A higher charge will be imposed for requests that the telephone company make a premise visit to tag the facility.

##### **b. Charges**

|                   | <u>Per Request</u> |
|-------------------|--------------------|
| No Premises Visit | \$15.00            |
| Premises Visit    | \$45.00            |

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.7 Underground Extensions in Certain Visually Significant Resources Outside Residential Subdivisions**

##### **a. Application of Regulations**

This section applies to the new construction of distribution and feeder facilities on public and private land in visually significant resources (VSRs) where an agency identified in paragraph 1.19.6.b. has 1) no statutory authority to require the underground of the particular distribution or feeder facility and 2) has supplied to the Telephone Company as well as the Public Service Commission a map of the particular VSR showing its boundaries in sufficient detail to permit the Telephone Company to comply.

The identification of VSRs in this tariff section constitutes a determination that the new construction of distribution or feeder facilities underground is generally more appropriate therein than elsewhere. Neither such listing nor any agency's provision of a map of a given VSR to the affected Corporation and the Commission, however, creates a presumption that construction of particular distribution or feeder facilities underground is appropriate. The propriety of such construction will, instead, be determined in accordance with the procedures set forth in this tariff.

This section shall remain in effect for a period of five years after its effective date, unless sooner cancelled, changed or extended.

##### **b. Definitions**

A Visually Significant Resource is a geographical area designated primarily or exclusively because of its exceptional, outstanding, significant, special or unique scenic quality, pursuant to State or Federal legislation and/or one of the following:

1. Scenic Areas of Statewide Significance (in coastal areas) designated by the Secretary of State pursuant to Article 42 of the Executive Law.
2. Scenic Roads and Scenic Districts, designated by the Commissioner of Environmental Conservation pursuant to Article 49 of the Environmental Conservation Law.
3. State and National Wild and Scenic River Areas administered respectively by either the Department of Environmental Conservation and by the Department of the Interior.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.7 Underground Extensions in Certain Visually Significant Resources Outside Residential Subdivisions (Cont'd)**

##### **b. Definitions (Cont'd)**

4. Areas of exceptional Scenic Beauty acquired pursuant to the 1986 Environmental Quality Bond Act and administered by the Department of Environmental Conservation.
5. Any area in one of the following resources which is determined to have high scenic quality by the agency with jurisdiction over the affected resource as long as such determination is filed with the Commission:
  - a. State Nature and Historic Preserve areas designated by the Legislature.
  - b. State Parks, which were so designated for their scenic quality by the legislature, Department of Environmental Conservation or the Office of Parks, Recreation and Historic Preservation.
  - c. Parks within New York State administered by the Palisades Interstate Park Commission pursuant to Article 9 of the Parks, Recreation and Historic Preservation Law.
  - d. State Historic Sites owned by the Office of Parks, Recreation and Historic Preservation under Article 19 of the Parks, Recreation and Historic Preservation Law and Title 9 NYCRR Part 384.
  - e. National Historic Sites, National Seashores and National Recreation Areas located in New York State and operated by the National Park Service.
6. Any interested agency or person may petition the Commission to add additional categories to the VSR list. The Commission will approve or disapprove addition of the proposed category based on whether the category fits within the VSR definition.
7. Consideration of underground construction of any extension line is only required in accordance with this tariff provision and the provisions of 16 NYCRR Part 608 after detailed maps of the type defined in that regulation and have been provided to the Telephone Company.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.7 Underground Extensions in Certain Visually Significant Resources Outside Residential Subdivisions (Cont'd)**

##### **c. Procedures and Regulations**

1. While these tariff provisions are in effect, the Telephone Company shall spend annually on its own VSR undergrounding an amount not to exceed that amount defined under the provisions of Chapter II, Subchapter A, Service, of Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 608.2.a. The amount shall be equal to \$194,400, which is the greater of (1) the average of the Company's annual expenditures on the underground installation of new underground distribution and feeder facilities within residential subdivisions for the years 1985, 1986 and 1987, (\$175,200) and (2) .14% of 1987 sales to ultimate customers, (\$194,400). The amount to be allocated to the fund shall be adjusted for inflation each year according to a nationally recognized telephone plant index. The Telephone Company can petition the Commission for a waiver of the requirements of this tariff if the VSR construction program under these requirements creates serious financial hardship for the Telephone Company.
2. Where the Telephone Company has not expended its obligation as determined in paragraph 1. above and when it chooses to propose, or receives a written application for service to a premises which necessitates the new construction of distribution or feeder facilities on any public or private land in a VSR, the Telephone Company shall provide a written report to the agency which designated or administers the VSR and any agency having jurisdiction over the affected land and the Commission of its intention to install the necessary distribution or feeder facilities underground or overhead (including a project description and consideration of the factors set forth in item 8 of this section), at least 60 days before construction is planned to commence. The Telephone Company may provide the written report described therein within 30 days after the commencement of construction if the necessary distribution or feeder facilities are installed overhead on a temporary basis, pending the review of the Telephone Company's report if the visual impact of the temporary service is mitigated, to the extent appropriate, after the procedures of this section are followed.
3. The Telephone Company may install permanent overhead facilities if before installation the Telephone Company:
  - a. determines that the situation is an emergency; and
  - b. obtains the written approval of the appropriate agency(s); and
  - c. upon written request, obtains the written approval of the Secretary of the Commission.

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Issued By: Leslie Zink, Pricing and Tariff Manager, 21 West Ave, Spencerport, NY 14559

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.7 Underground Extensions in Certain Visually Significant Resources Outside Residential Subdivisions (Cont'd)**

##### **c. Procedures and Regulations (Cont'd)**

4. Where any electric company has been permitted to install an overhead distribution or service line necessary to furnish permanent electric service in a particular VSR, the Telephone Company may install a distribution or feeder facility necessary to furnish permanent telephone service overhead utilizing the poles furnishing electrical service.
5. If undergrounding is otherwise required in a VSR, and if the per-foot cost of installing the necessary facilities will be greater than two times the average cost of installation in a Rochester residential subdivision, the Telephone Company or the applicant may petition the Secretary of the Commission to be granted or denied based on economic engineering, environmental, emergency or hardship conditions.
6. Unless the agency(s) described above provide(s) written notification in-hand to both the Telephone Company and the Public Service Commission objecting to the written report concerning its planned course of action in constructing lines in VSRs (as described in subsection (2) of this section) within 30 days after receipt of the Telephone Company's report, the Telephone Company may install the facilities in question as contemplated in its report. The Telephone Company may also proceed as contemplated in its report. The Telephone Company may also proceed as contemplated in its report within such 30-day period if the agency(s) provide(s) written notification to both the Telephone Company concurring with the Telephone Company's proposal.
7. If the agency(s) described above provide(s) written notification in-hand to both the Telephone Company and the Public Service Commission objecting to the Telephone Company's proposed course of action as set forth in the Telephone Company's report (including a detailed explanation of such objection) within 30 days after receipt of the Telephone Company's report, the Commission shall review the report and notification(s) filed by the Telephone Company and agency(s). Unless the Public Service Commission serves on the Telephone Company an order requiring the installation of the facilities in question to be performed in a different manner than that contemplated by the Telephone Company within 30 days after the Commission's receipt of the agency's notification objecting to the Telephone Company's proposal, the Telephone Company may install such facilities as contemplated in its report. The Telephone Company may also proceed as contemplated in its report within such 30-day period if the Commission serves on it an order concurring with the proposed course of action.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.7 Underground Extensions in Certain Visually Significant Resources Outside Residential Subdivisions (Cont'd)**

##### **c. Procedures and Regulations (Cont'd)**

8. In evaluating the Telephone Company's proposal, the Public Service Commission will consider such factors as:
  - a. the nature of the visual setting in the vicinity of the proposed construction, including the character of existing or proposed adjacent structures or land areas, unless a governmental authority with jurisdiction has plans to improve the scenic quality of the area in question;
  - b. the probable environmental effects associated with both overhead and underground construction;
  - c. any expected engineering difficulties associated with both overhead and underground construction; and
  - d. the estimated cost associated with both overhead and underground construction;
9. In the event the Telephone Company either intends at its own discretion or is required pursuant per the above paragraph to place a distribution facility underground, it shall inform the electric company and cable television company serving the area in which the underground construction is to be located. If a new common access route from existing facilities to the location of such underground construction will be used, the portions of the connecting facilities of the Telephone Company and the electric company that are located in a VSR shall be placed underground.
10. To the extent practicable, underground electric, communication, gas and cable television facilities will be installed in a common trench when new construction is, or can without undue difficulty, be made simultaneously. The Telephone Company will make every reasonable effort to use joint occupancy poles to accommodate electric communication and cable television facilities when new overhead construction occurs.
11. If an agency referred to in subsection (b) of this section intends to supply a map(s) of a VSR(s) listed in such subsection to the Telephone Company and all other affected utilities and to the Commission, that agency shall consult with the Telephone Company and the Commission staff as to the appropriate scale(s) and other details of such map(s).

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.7 Underground Extensions in Certain Visually Significant Resources Outside Residential Subdivisions (Cont'd)**

##### **c. Procedures and Regulations (Cont'd)**

12. If a line extension is not in a residential subdivision as defined in Section 1.19.6 of this tariff but is in a VSR as defined in Section b. above, an applicant for service will pay the same cost for the line extension that he would have paid had the area not been designated a VSR.

#### **1.19.8 Changes and Relocation of Facilities**

When an applicant, customer, association, government entity or political division or other third-party requests a change in the type, location or the relocation underground of communications facilities used to provide telephone service, the requestor shall be required to pay the cost incurred by the Telephone Company for such change or relocation of facilities. Payment for the cost of the change or relocation must be made prior to the change or relocation.

#### **1.19.9 Line Extension Charges**

An extension of Telephone Company facilities in locations where Telephone Company facilities currently do not exist will generally be made as follows:

##### **a. Requests by service applicants**

In situations where the Company believes that its costs to install facilities to provide services may not be recovered through subscription to such services, the Company may assess construction charges to the service applicant.

1. Construction charges may include the recovery of all costs associated with placement of facilities, including direct and indirect engineering costs, material costs, costs of securing right-of-way, contractor costs and facility placement costs.
2. Payment of construction charges may be required prior to the commencement of the work with which such construction charges are associated.
3. The party paying for construction costs does not obtain any rights, of ownership or otherwise, in facilities provided by the Company. All facilities provided by the Company shall be under its exclusive control.



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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.9 Line Extension Charges (Cont'd)**

##### **b. Real Estate Developments, Subdivisions and Apartment Complexes**

Placement of facilities to serve areas of subdivided land which may have only limited subscription to Company services results in an unreasonable risk to the Company that these costs may not be recovered through subscription to such services.

1. "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale of or of building development.
2. The Company may assess construction charges to the land developer, individual or party, requesting service or placement of facilities to serve any previously unserved portion of a subdivision.
3. Construction charges may include the recovery of all costs associated with placement of facilities, including direct and indirect engineering costs, material costs, costs of securing right-of-way, contractor costs and facility placement costs.
4. Payment of construction charges may be required prior to the commencement of the work with which such construction charges are associated.
5. The party paying for construction costs does not obtain any rights, of ownership or otherwise, in facilities provided by the Company. All facilities provided by the Company shall be under its exclusive control.

##### **c. Provision of Private Right-of-Way**

Where required by the conditions, applicants shall provide without expense to the Telephone Company, private right-of-way parallel to the public highway; such right-of-way shall be free from tree interference and otherwise suitable.

##### **d. Distribution Plant on Private Property, Other Than Service Drops**

When the customer desires that distribution plant on the customer's private property be placed underground - the Telephone Company having determined from the conditions that aerial facilities should be provided or having provided such facilities - the customer may pay the excess of the installed cost to the Telephone Company of the underground (buried) wire or cable over the cost of the aerial facilities and pays the cost of dismantling and removing any aerial facilities being changed.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.10 Special Construction Charges**

- a. Special construction, based on cost in the form of installation charges, monthly charges, or both, may be applied in addition to the usual service connection charges and monthly rates when, because of unusual investment or expense, the revenue does not reasonably compensate the Company i.e. (1) when facilities are provided beyond the standard allowance, (2) when conditions require the provision of special equipment or unusual plant construction, installation or maintenance, or (3) when the customer's location requires annual payment for licenses or agreement for the use of Public or Private land.
- b. Except as specified, title to all construction provided wholly or partly at a customer's expense is vested in the Company.
- c. The cost to the Company for attachments to structures of other companies, made in lieu of providing construction for which the customer would be charged under the provisions hereof, is borne by the customer. The customer is required to pay construction charges made by another company providing facilities connecting with the facilities of the Company.

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## **1 GENERAL RULES and REGULATIONS**

### **1.19 Construction Charges (Cont'd)**

#### **1.19.11 Service Drops**

##### **a. Facilities Provided of Type Determined by Telephone Company**

Service Drops are provided either by aerial facilities - on poles of the Telephone Company or of other companies - or by underground facilities (buried), and, except as covered in 2. below, the type of facilities used is determined by the Telephone Company from the conditions involved. For facilities of the type so determined, the following treatment applies:

1. A Service Drop measuring not more than 250 feet is provided without construction charge. For the measured distance in excess of the 250 foot allowance, a facility charge may apply as described elsewhere in the Company's tariffs.
2. The measurement is the airline distance from the center of the highway paralleling the general distribution plant (located on or off the highway) to the terminal or drop at the customer's building, or the airline distance from the distribution plant to that terminal, whichever is shorter

##### **b. Facilities Provided of Different Type Than 1. Above**

When from the conditions involved the Telephone, Company determines that an aerial Service Drop should be provided and in lieu thereof the applicant desires underground or buried facilities, or when aerial facilities are used to provide service or channels to a customer and subsequently the customer requests that such facilities be placed underground, the following applies:

1. Where cable is laid in conduit, the underground conduit shall be constructed and maintained by or at the expense of the customer and, in addition, the customer may pay the cost of the underground cable - including the cost of installing it - less the estimated cost to the Telephone Company of installing such aerial facilities (not in excess of the 250 foot allowance specified in above) as would be (or is) required to furnish the same service. The underground conduit shall be constructed in accordance with plans and specifications furnished by the Telephone Company; ownership of the conduit is retained by the customer.

The duct or ducts required in the underground conduit by the Telephone Company to furnish service shall be reserved for its exclusive use.

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## **1 GENERAL RULES and REGULATIONS**

### **1.20 Conduit Occupancy**

#### **1.20.1 Regulations**

- a. Conduit Occupancy shall refer to the usage of any existing reinforced passage or opening in, on, under or through the ground capable of containing communication facilities. The rental rate for interior conduit space in the Telephone Company's central office is measured by linear foot.
- b. Conduit Occupancy customers shall abide by the requirements and specifications contained in the Conduit Agreements consummated between the Telephone Company and the customer.
- c. Cable Television Companies' cables, equipment and facilities, attached to utility owned poles shall be placed and maintained in accordance with the requirements and specifications stipulated in the Pole Attachment Agreements which are consummated between the Telephone Company and the Cable Television Company.
- d. Such Conduit Agreements shall be negotiated between the Customer and the Telephone Company upon request.
- e. Rates for Conduit Occupancy can be found in Section 13, Rates.

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## **1 GENERAL RULES and REGULATIONS**

### **1.21 High Electric Voltages**

#### **1.21.1 General**

The presence of high voltages near telephone facilities, such as electric power generating plants, substations, towers, and certain industrial plants, requires special protective arrangements in excess of those normally provided by the Telephone Company. The furnishing of facilities by the Telephone Company for private lines, exchange and message toll telecommunications service with special protective arrangements are subject to the following regulations.

#### **1.21.2 Regulations**

- a. Full protection, special and/or standard meeting Telephone Company specifications is required on all communication facilities furnished by the Telephone Company.
  1. Standard telecommunication protection will be provided and maintained by the Telephone Company.
  2. The Telephone Company will determine the need for special protection and will specify the requirements for the techniques and devices to be used based upon data supplied by the customer. The customer shall provide, in writing, data as to the ground potential rise (GPR), station ground resistance, ground grid area, and fault currents used in the calculations of the ground potential rise. Any changes to the site that could impact the GPR will be provided in writing by the customer to the Telephone Company. Failure to provide this data will be considered cause for immediate discontinuance of all service.
  3. In the event, inspection or test of the protection equipment subsequent to its installation indicate that the equipment is inadequate because of changes in the ground resistance or fault condition data, or should the equipment be found to be inoperative with regards to its protective capability, the Telephone Company reserves the right to discontinue service as specified in the tariff.
- b. The Telephone Company reserves the right to determine and modify the technology used to deliver the service.

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## **1 GENERAL RULES and REGULATIONS**

### **1.21 High Electric Voltages (Cont'd)**

#### **1.21.2 Regulations (Cont'd)**

- c. The cost of engineering, installation, and maintenance of the protective equipment or devices required in providing special protection is the responsibility of the customer and may be borne through one of the following options:
  - 1. The Telephone Company will engineer, furnish and maintain the required equipment and will be reimbursed at the rates specified below.
  - 2. The customer will furnish any necessary protective equipment according to Telephone Company standards. The Telephone Company will engineer, install and inspect the equipment and will be reimbursed on an actual cost basis. Any costs incurred by the Telephone Company for installing and maintaining the equipment provided under the above options will be recovered by the Telephone Company as specified in this Tariff under Section 1.19, Construction Charges.
- d. The cost of facility work, either installation or alterations, will be done on a time and materials basis. Such costs may include pole line, buried, aerial or underground construction exclusive of these costs that may be recovered through the provisions of this tariff specified in Section 1.19, Construction Charges.
- e. The power company will provide DC power from their existing site power plant whenever possible to eliminate outages to the circuits due to prolonged AC outages.

#### **1.21.3 Rates**

Facility work and installation work is done on a time and material basis. Rates are listed in Section 13, Rates.