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NOTICE¹

IN THE MATTER OF THE PROPOSED RE-ADOPTION OF N.J.A.C. 14:10 - TELECOMMUNICATIONS RULES Docket No. TX21040718

Stakeholder Meeting
June 2, 2021 at 10:00 a.m.
Virtual format via Zoom

https://zoom.us/webinar/register/WN_bQde3fosQ0OZyMeX_I9K2Q

Pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., the New Jersey Board of Public Utilities (NJBPU or Board) hereby gives notice of a virtual stakeholder meeting to solicit input from the public and interested parties on the proposed re-adoption with amendments of rules at N.J.A.C. 14:10, et seq., which governs telecommunications providers. The rules are set to expire on January 21, 2022. Attached to this Notice is a draft of Staff's proposed amendments and requests for recommendations to assist in modernizing the current rules to address various industry changes in the evolving telecommunications market.

Individuals that wish to attend the virtual stakeholder meeting can register by [clicking here](#).

The deadline for comments on this matter is 5:00 p.m. ET on June 16, 2021. Staff encourages commenters to file electronically through the Board's e-Filing Portal upon obtaining a MyNewJersey Portal ID. After establishing a MyNewJersey account, you will need to request an authorization code from NJBPU's IT Helpdesk by emailing BPUITHELPDESK@bpu.nj.gov. Detailed instructions on this process are included in the [e-Filing FAQs](#) on the NJBPU website. Comments may also be submitted electronically to board.secretary@bpu.nj.gov in PDF or Word format with the subject line "In the Matter of the Proposed Re-adoption of N.J.A.C. 14:10 - Telecommunications Rules - BPU Docket No. TX21040718" along with the last name of the author and the name of company or organization. All comments will be posted on the Board's website.

Please note that these comments are considered "public documents" for purposes of the State's Open Public Records Act. Commenters may identify information that they seek to keep confidential by submitting them in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.

A handwritten signature in blue ink that reads "Aida Camacho-Welch".

Aida Camacho-Welch
Secretary of the Board

Dated: May 21, 2021

¹Not a Paid Legal Advertisement.

DISCLAIMER – THIS IS A DRAFT NOTICE OF PROPOSED RULE READOPTION WITH AMENDMENTS PROVIDED FOR STAKEHOLDER DISCUSSION ONLY. PLEASE NOTE THAT MODIFICATIONS TO THIS RULE, MINOR AND/OR MAJOR, MAY BE FORTHCOMING BASED ON REVIEW BY THE OFFICE OF ADMINISTRATIVE LAW, AND UPON PUBLICATION IN THE NEW JERSEY REGISTER. FURTHERMORE, RELEASE OF THIS DRAFT DOES NOT INITIATE OR OTHERWISE INFLUENCE RULEMAKING TIME PERIODS PRESCRIBED BY LAW OR CODE.

In the Matter of Proposed Readoption

N.J.A.C. 14:10 – Telecommunications Rules

BPU Docket Number: TX21040718

Below is a description of the rules, along with notes in **red** regarding proposed Staff amendments and requests for Stakeholder input to assist in modernizing the rules to address the evolving telecommunications market.

Subchapter 1. General Provisions

N.J.A.C. 14:10-1.1, Applicability, provides for the applicability of this chapter. **Amendments are proposed to clarify applicability.**

N.J.A.C. 14:10-1.2, Definitions; **Amendments are proposed to delete definitions which are obsolete or outdated. Staff requests comments from stakeholders on modernizing existing definitions to reflect how telecommunications services are delivered today.**

N.J.A.C. 14:10-1.3, Recordkeeping, general provisions; **Amendments are proposed to clarify that carriers must provide website links to the Board where a complete listing of all of the carrier's rates, terms and conditions are posted, whether listed in a tariff or product guide.**

Subchapter 1A. Telephone Utilities

N.J.A.C. 14:10-1A.3, Rate and special charges information; **Amendments are proposed to clarify the section applies to all of the carrier's rates, terms and conditions, whether listed in a tariff or product guide.**

N.J.A.C. 14:10-1A.4, Directories, pertains to the publication, distribution, and content of telephone directories; **Amendments are proposed to reflect the provision of directories online. Staff seeks comment on how to further modernize the listing requirement to reflect current conditions.**

N.J.A.C. 14:10-1A.6, Customer complaints and trouble reports; **Amendments are proposed to clarify application of exceptions outside of provider's control and affirm providers' obligation to keep customer commitments and notify customers of any changes requiring rescheduling or cancellation of service calls.**

N.J.A.C. 14:10-1A.7, Adequacy of service; **Amendments are proposed to require provision of annual maintenance plans to the Board.**

N.J.A.C. 14:10-1A.8, Service quality standards, establishes minimum standards for various measures of service quality, **Amendments proposed to standards for answering customer service calls. In this section, we seek comment on establishing consistent Service Quality Standards that can be applied to all carriers, regardless of the method of provision of service (i.e. switched, digital) or whether the operator provides services pursuant to an Alternate Rate**

Plan (PAR). The proposed metrics should allow the Board to ensure the services are provided at the same levels to all customers, regardless of location or method of provision of service, to the extent they are being used to replace local and interexchange services.

N.J.A.C. 14:10-1A.9, Service quality reporting, provides for the measurement of performance in relation to the standards found in N.J.A.C. 14:10-1A.8. Amendments include requiring reporting at central office level and implementation of penalties for repeated failures. Staff seeks comment updating existing reporting standards, consistent with the implementation of updated metrics sought above, with the goal of providing greater accountability for the provision of all services in a safe, adequate and proper manner.

N.J.A.C. 14:10-1A.10 Inspections, tests and maintenance; Amendments proposed to ensure routine maintenance and repair of plant is performed.

Subchapter 2. Payments for Service

N.J.A.C. 14:10-2.3, Out of service refund; Amendments proposed to provide customer receives appropriate adjustment to account within 30 days of reporting outage of 24 hours or more.

Subchapter 3. Number Reclamation

14:10-3.1 Number reclamation definitions; Amended to update web link.

Subchapter 5. Competitive Telecommunications Services

N.J.A.C. 14:10-5.2, Informational tariff filings; Amendments proposed to remove requirement for filing of paper copy of tariffs; and clarify requirement that carriers provide the Board with complete information regarding its rates, terms and conditions for all services provided in its tariff or product guide, irrespective of regulated status.

N.J.A.C. 14:10-5.3, Tariff revisions that increase charges, describes the process for tariff revisions that increase charges; Amendments clarifies filings for revisions in rates, terms and conditions of service or product guides, and requires service to Rate Counsel simultaneously with the Board.

N.J.A.C. 14:10-5.4, Tariff revisions that do not increase charges Amendment clarifies filings for revisions in rates, terms and conditions of service or product guides, and requires service to Rate Counsel simultaneously with the Board.

N.J.A.C. 14:10-5.5, Initial CLEC or IXC tariff, provides for the timeframe for tariffs to become effective. Staff recommends applicants filing petitions seeking approval to be designated a competitive local exchange carrier must file a tariff/guide at the same time as its petition, to allow review by the Board simultaneously.

N.J.A.C. 14:10-5.6, Board monitoring of competitiveness; Staff requests comment on modernizing section.

N.J.A.C. 14:10-5.7, Withdrawal of a competitive service from subscribers; Amendment proposed to require carrier certify compliance with 14:10-12, Mass Migration, prior to withdrawal of service.

Subchapter 6. Operator Service Providers

Staff seeks comment on modernizing section if needed.

N.J.A.C. 14:10-6.5 LEC billing for operator assisted services; Staff recommends deletion subject to stakeholder comment as to whether this service is still being provided by LECs.

Subchapter 7. Access to Adult-Oriented Information-Access Telephone Service

Staff seeks comment on modernizing section.

Subchapter 10. IntraLATA Toll Competition

Staff seeks comment on modernizing section.

Subchapter 12. Mass Migration Upon TSP Departure from a Service Territory

Staff recommends amendments to clarify the application of the Mass Migration rules to withdrawals of any telecommunications service, including competitive services.

PROPOSED AMENDMENTS

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 14:10.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

14:10-1.1 Applicability

(a) This chapter applies to **all of the following** entities:

1. A public utility, as defined at N.J.S.A. 48:2-13a;
2. A telecommunications carrier, as defined at N.J.A.C. 14:10-1.2;
3. An aggregator; **and**
4. Providers of adult-oriented information access telephone service; [and]
- [5. Any entity that is subject to the numbering guidelines of the FCC. See N.J.A.C. 14:10-3, Number Reclamation.]

(b)-(d) (No change.)

14:10-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

...

"Carrier" or "telecommunications carrier" means a telephone utility, including an ILEC, [an IXC, or] a CLEC, and/or a reseller, as those terms are defined in this section.

...

["Interexchange carrier" or "IXC" means a carrier, other than a local exchange carrier, that is authorized by the Board to provide long-distance telecommunications services.]

["InterLATA toll call" means a toll call that originates in one LATA and terminates in another.]

["IntraLATA toll call" means a toll call that originates and terminates in a single LATA.]

["Local Access Transport Area" or "LATA" means a geographic area, outside of which a Bell Operating Company does not carry telephone calls. (See United States v. Western Electric, 569 F. Supp. 990 (D.D.C. 1983).)]

["Presubscribed OSP" means an OSP that a customer has chosen to provide operator assisted services for intrastate calls from a telephone that the customer owns, so that an end-user can place a call from the telephone using the OSP, without having to dial an access code.]

["Primary interexchange carrier" or "PIC" means an inter-exchange carrier, as defined in this section, that a customer has chosen to provide interexchange service, so that the customer can place a toll call from its landline using the PIC without having to dial an access code.]

...

["Splashing" means the practice of a carrier calculating the charge for a long distance call initiated at a public pay telephone based on the location from which the long distance carrier picks up the call, rather than on the call's point of origin. Splashing typically occurs when a PPTS call is routed to a call center, and the carrier picks up the call from the call center. Then the carrier charges the caller as if the call originated at the call center, rather than at the public pay telephone. If the call center is located at a substantial distance from the PPTS where the call originated, the carrier's charges could be substantially increased by the use of the call center rather than the initiation point of the call.]

"Subscriber" means a [telecommunications service] customer **receiving service from a telecommunications service provider.** [of a LEC or IXC].

"Telephone utility" means a public utility, as defined at N.J.A.C. 14:3-1.1, as well as any **entity** [person], as defined at N.J.A.C. 14:3-1.1, that provides telecommunications services to the public [for a fee].

14:10-1.3 Recordkeeping, general provisions

(a) – (b) No change

(c) Each telecommunications carrier [that maintains a commercial website, which includes the carrier's tariff] shall provide the Board with a link to **the location on its website with a**

complete listing of the carrier's rates, terms and conditions of service provided in its tariff or product guide.

SUBCHAPTER 1A TELEPHONE UTILITIES

14:10-1A.3 Rate and special charges information

(a) Upon the request of any customer or applicant, each telephone utility shall provide an explanation of all rates, charges and provisions applicable to the service furnished including any special charges not specifically set forth in a telephone utility's **listing of its rates, terms and conditions in its tariff or product guide.**

14:10-1A.4 Directories

(a) ILECs shall [publish] **provide subscribers with access to electronic** telephone directories [regularly,] listing the name, location and telephone number of all customers whose numbers are provided to the ILEC, except [telephone service] **information** not [published] **provided** at customers' request [and public telephones].

(b) Upon **request of a subscriber** [publication], the ILEC **may provide** [shall distribute] a **printed paper** copy of [each] a directory to [all] a customer[s within the service area covered by the directory, and shall furnish a copy of each directory to the Board Secretary].

(c) - (f) No changes

[(g) In the event of either of the following, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service:

1. An error in the listed number of any customer; or
2. A change in a customer's telephone number after a directory is published.]

(h)- No change

14:10-1A.6 Customer complaints and trouble reports

Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. In addition, provisions at N.J.A.C. 14:3 governing receipt and investigation of complaints may apply. Except [when unavoidable] **in instances beyond the company's control**, all commitments to customers shall be kept. Every reasonable effort shall be made to notify customers of unavoidable changes **in resolution of complaint requiring rescheduling or cancellation of scheduled service calls.**

14:10-1A.7 Adequacy of service

Each telephone utility shall maintain equipment and facilities as necessary to ensure the provision of safe, adequate, and proper service at all times.

(a) Maintenance and infrastructure improvement plans shall be filed with the Board annually.

14:10-1A.8 Service quality standards

...

(c) A telephone utility shall meet the following requirements regarding [operator handled] calls **requesting a live operator**:

1. **Telephone answer time by a customer service representative, including wait time, shall not exceed 30 seconds from when the connection is made.** [Eighty-five percent of repair service calls to 611 shall be answered within 20 seconds;
2. **If the call needs to be transferred, transfer time shall not exceed 30 seconds.** [Eighty-five percent of toll assistance operator calls (that is, toll calls assisted by an operator) shall be answered within 10 seconds; and]
3. **These standards shall be met no less than 90 percent of the time under normal operating conditions, measured on a quarterly basis.** [3. Seventy-eight percent of directory assistance calls shall be answered within 10 seconds.]

...

14:10-1A.9 Service quality reporting

...

(e) In addition to the Statewide totals required under (d) above, each telephone utility shall sort and/or aggregate its performance measurements regarding the following service quality standards by the applicable reporting unit described below:

1. [The additional reporting unit for m] **Measurements relating to the standards for installation of service under N.J.A.C. 14:10-1A.8(b), and for trouble reports under N.J.A.C. 14:10-1A.8(e), shall be provided for each central office.** [the geographic area for which a second level manager in charge of installation and maintenance is responsible. For the purpose of this section, a second level manager is a person supervising one or more first level managers, where first level managers are supervisors of crews actually performing work on a telephone plant;]

2. The additional reporting unit for measurements relating to the standards for [operator handled] calls **requesting a live operator** at N.J.A.C. 14:10-1A.8(c) shall be the call center;

[3. The additional reporting unit for measurements relating to the standards for dial service at N.J.A.C. 14:10-1A.8(d) shall be the geographic area for which a second level manager in charge of switching is responsible; and]

[4. The number of reporting units described in (e)1, 2, and 3 above shall be no less than three.]

(i) Repeated failures to achieve metrics may subject providers to penalties assessed upon discretion of the Board.

14:10-1A.10 Inspections, tests and maintenance

Each telephone utility shall perform **inspections of its plant on a regular basis, and file with the Board the inspection schedule(s) on an annual basis. Routine maintenance shall be conducted on all utility** [, keeping all] plant, **poles** and equipment, **with any necessary** [in a good state of] repairs conducted **promptly** consistent with safety and adequate service performance, and [shall comply] **in compliance** with any inspection and/or maintenance requirements at N.J.A.C. 14:3 **or pursuant to any Board Order.**

SUBCHAPTER 2. PAYMENTS FOR SERVICE

14:10-2.3 Out of service refund

In the event the customer's service is interrupted other than by the negligence or willful act of the customer and it remains out of service for a period of 24 hours or more after being reported to be out of service, appropriate adjustments or refunds shall be made **by the telecommunications provider** [upon request of] **to the customer's account within 30 days.** If the customer's service is interrupted for more than 72 hours after being reported or discovered, the telephone utility shall adjust the customer's bill or provide a refund, regardless of whether the customer makes such a request. However, the Board may, in accordance with N.J.A.C. 14:10-1A.10(a), suspend application of this provision.

SUBCHAPTER 3. NUMBER RECLAMATION

14:10-3.1 Number reclamation definitions

...

"Guidelines" means, as regards to NXX codes, the FCC [i]Industry Numbering Committee's Central Office Code Assignment Guidelines (COAG); and as regards to thousands- blocks, the Thousands-Block Pooling Administration Guide- lines (TBPAG); both of which are incorporated herein by reference, as amended and supplemented, and are available at: www.atis.org/inc [www.atis.org/inc/docs.asp].

SUBCHAPTER 5. COMPETITIVE TELECOMMUNICATIONS SERVICES

14:10-5.2 Informational [tariff] filings **of rates, terms and conditions of service**

[Local exchange] **All** [telecommunications companies and interexchange] telecommunications carriers shall make available **its rates, terms and conditions of service or product guide for**

[of any] **all of its** retail competitive services for public inspection on their website and a printed copy of [those] **its rates, terms and conditions of service or product guide** must be provided to customers upon request [of a customer]. A [local exchange telecommunications company or interexchange] telecommunications carrier providing such services, **shall** [may, in their discretion, file tariffs] **provide** [with] the Board[.] with a [A] link to **the** [said local exchange telecommunications company and interexchange] carrier's website[s] **where its rates, terms and conditions of service and/or product guide is located**, [must be provided to the Board] for inclusion on the Board's website.

14:10-5.3 [Tariff r] **Revisions of rates, terms and conditions of service** that increase charges

(a) [Tariff r] **Revisions of rates, terms and conditions of service** regarding existing competitive telecommunications services, which create increased charges to any customer shall become effective no sooner than five business days after notice of the [proposed] revision as described in (b) below, without the requirement of prior Board approval.

(b) The carrier shall notify the public of a [proposed tariff] revision described in (a) above in one of the following ways:

1. By direct mail to all affected customers who already receive the service within 24 hours after the filing of [revised tariff pages] **revision** with the Board;

2. By invoice message to all affected customers, delivered electronically to those customers with electronic billing at least 15 days prior to the filing of **the revision**[revised tariff pages];

3. By bill insert or by invoice message through direct mail for those customers with paper invoice billing at least 15 days prior to the filing of the **revision**[revised tariff pages];

4. By publication in newspapers of general circulation throughout the affected service area; or

5. By Internet notification, such as posting information on the carrier's web page, at least 15 days prior to the filing of the **revision** [revised tariff pages], for affected customers who have given the carrier prior consent to receive Internet notification of price changes.

(c) Proposed [tariff] revisions described in (a) above shall be served on the Division of Rate Counsel [in the Department of the Public Advocate within 24 hours of] **at the same time as** filing with the Board.

14:10-5.4 [Tariff r] **Revisions of rates, terms and conditions of service** that do not increase charges

(a) [Tariff r] **Revisions of rates terms and conditions to** existing **retail** competitive telecommunications services that do not increase charges to any customer shall become

effective one day after notice of the [proposed] revision as described in N.J.A.C. 14:10-5.3(b), without the requirement of prior Board approval; except that a [tariff] revision for withdrawal of a service offering shall be governed by N.J.A.C. 14:10-5.7.

(b) [Proposed r] Revisions described in (a) above shall be served on the [Public Advocate within 24 hours] **Division of Rate Counsel at the same time as** [of] filing with the Board.

14:10-5.5 Initial CLEC [or IXC tariff] **Offering of Service**

(a) **A CLEC filing a petition for local exchange authority shall include an initial offering of service, listing the rates, terms and conditions of service. Except for an offering found to be deficient under (c) below, the initial offering shall be effective concurrent with the Board's grant of local exchange authority to the CLEC.** [Initial tariffs for CLECs and IXCs shall be effective 30 days following submittal to the Board, without the requirement of prior Board approval, except for a tariff covered under (b) below.] The **offering** [tariffs] must be posted on the CLEC [or IXC]'s website as required under N.J.A.C. 14:10-5.2.

[(b) If a CLEC files an initial **offering of** [tariff for] a local exchange service concurrently with the CLEC's petition for local exchange authority, the **offering** [tariff] shall become effective 30 days after the Board grants local exchange authority to the CLEC.]

[(c)](b) All initial **offerings** [tariffs] of a CLEC [or IXC] shall be certified to be accurate, and in compliance with existing law, by an officer of the CLEC [or IXC].

[(d)](c) Should an initial **offering** [tariff] be inconsistent with existing laws, Board staff shall forward a letter of deficiency to the submitting CLEC [or IXC]. The deficiency letter shall:

1. List the deficiencies [in the initial tariff as submitted];
2. Identify the submittals required to correct the deficiencies;
3. Provide a deadline for the submittals required under [(d)](c)2 above; and
4. Notify the submitting CLEC [or IXC] that the **service** [initial tariff] is suspended until the Board receives the necessary submittals required under [(d)](c)2 above.

[(e)](d) If Board staff receive the submittals identified in [(d)](c)2 above within the deadline in [(d)](c)3 above, the **service** [initial tariff] shall be effective immediately following the Board's receipt of the submittals.

[(f)](e) If Board staff do not receive the submittals required under [(d)](c)2 above within the deadline, the CLEC [or IXC] petition shall be considered withdrawn. The CLEC [or IXC] may subsequently submit a new [tariff] filing and begin the review process again.

14:10-5.7 Withdrawal of a competitive service from subscribers

Any carrier providing competitive services may withdraw a competitive service from subscribers after 30 days notice to all of its affected customers and the Board. **Carrier must file certification with the Board that all provisions of N.J.A.C. 14:10-12 for mass migration of customers has been complied with prior to withdrawal of service.**

SUBCHAPTER 6. OPERATOR SERVICE PROVIDERS

[14:10-6.5 LEC billing for operator assisted services

- (a) If an LEC provides billing and collection services to other operator service providers, the LEC shall include a statement on the other OSP's portion of each customer's bill advising the customer that the other OSP is not affiliated with the LEC.
- (b) If an LEC provides billing and collection services to a billing agent, as defined in N.J.A.C. 14:10-1.2, the LEC shall, in addition to meeting the requirements in (a) above, clearly identify on the bill the name, address and telephone number of the OSP who furnished operator service to the consumer.]

SUBCHAPTER 12. MASS MIGRATION UPON TSP DEPARTURE FROM A SERVICE TERRITORY

14:10-12.1 Definitions

...

["Unbundled network elements platform" or "UNE-P" means a combination of unbundled network elements which are used by a CLEC to provide local exchange service and associated switched exchange access, consisting of the local loop, transport and switching.]

14:10-12.2 Purpose and scope

- (a) This subchapter governs any TSP operating in New Jersey and intending to depart a service territory **or withdrawal of a telecommunications service** therein, **pursuant to N.J.A.C. 14:10-5.7.**
- (b) - No change.
- (c) This subchapter sets forth requirements to ensure the orderly migration and/or transfer of end users from a departing TSP to another TSP, **and also applies to transition of customers to another TSP due to withdrawal of a telecommunications service from the State, pursuant to N.J.A.C. 14:10-5.7.**

14:10-12.3 Application to depart a service territory

- (a) - (No change.)
- (b) At least 60 days prior to its planned departure date, a departing TSP shall file an application with the Secretary of the Board that includes all of the following:

...

2. An exit plan that explains the steps the TSP will take to help facilitate the transfer of its end users to a new TSP. The exit plan shall include the following:

i. A supplement to either cancel or modify [its tariff] the **TSP's rates, terms and conditions of service**. If the supplement modifies the **TSP's rates, terms and conditions of service** [tariff], the supplement shall contain plans for transferring end users and preventing slamming problems;

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