

Regulatory Analysis Form

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(1) Agency

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INDEPENDENT REGULATORY
REVIEW COMMISSION

IRRC Number: 2512

(2) I.D. Number (Governor's Office Use)

L-00050170/57-239

(3) Short Title

Regulation of Interexchange Carriers and Service

(4) PA Code Cite

52 Pa. Code §§ 63.101 - 63.109

(5) Agency Contacts & Telephone Numbers

Primary Contact: David E. Screven, Law Bureau 717-787-2126
(legal)

Secondary Contact: Rhonda Staver, Bureau of Fixed Utility
Services, 717-787-7703 (technical)

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The rulemaking codifies the provisions of Act 183 related to interexchange telecommunications carriers. The rulemaking eliminates regulations that require interexchange telecommunications carriers to file tariffs or price lists for intrastate competitive services and establishes a permissive detariffing policy for the statutory categories of competitive services offered by interexchange telecommunications carriers.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

66 Pa. C.S. §§ 501, 3018

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. Act 183, P.L. 1398, 66 Pa. C.S. 3018

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

IXCs have been operating in an increasingly competitive economic environment and continuing to require IXCs to file tariffs for their competitive services is a regulatory burden that could impede the operation of a competitive intrastate, interexchange market in Pennsylvania. In particular, the rulemaking eliminates regulations that require interexchange telecommunications carriers to file tariffs for intrastate competitive services and establishes a permissive detariffing policy for the statutory categories of competitive services offered by interexchange telecommunications carriers.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Not applicable.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The public will benefit from this rulemaking because tariffs have become increasingly unnecessary in a substantially competitive market --if a consumer is of the opinion that the rates of a particular IXC are unreasonable, the consumer can simply switch to a competing provider that offers better rates to them. Additionally, tariffs may have the effect of impeding competition and market efficiency since the carrier can only charge the consumer the rate set forth in the tariff.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No person or entity will be adversely affected by this regulation. In short, the regulations simply ensure the viability of a competitive intrastate interexchange market in Pennsylvania.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All interexchange telecommunications carriers under the Commission's jurisdiction will be required to comply with the regulation. There are approximately six hundred jurisdictional interexchange telecommunications carriers certificated to do business in Pennsylvania that will be subject to this rulemaking.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Not applicable.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There may be implementation and training costs incurred by jurisdictional utilities in relation to these provisions. However, such costs are expected to be minimal.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Not applicable.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Commission will not incur any incremental costs if interexchange telecommunications carriers choose to detariff their competitive services.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government	N/A					
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government	N/A					
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government	N/A					
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Not measurable at this time.

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The benefits of the regulation to the competitiveness and operation of the interexchange telecommunications market outweigh any associated costs.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Not applicable.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Not applicable.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No. The Federal Communications Commission recently adopted a mandatory detariffing under which it no longer requires nondominant interstate, domestic, interexchange carriers to file tariffs for their interstate, domestic interexchange services.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Comparable regulations with other states were not found. However, the rulemaking should not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. The existing regulations regarding jurisdictional interexchange telecommunications carriers must be revised in order to be consistent with the provisions of Act 183 related to interexchange telecommunications carriers.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Yes. The rulemaking has lessened the reporting requirements for jurisdictional interexchange telecommunications carriers.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Not applicable.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will become effective upon publication in the Pennsylvania Bulletin following review by the standing committees and the Independent Regulatory Review Commission.

(31) Provide the schedule for continual review of the regulation.

The regulation will be reviewed on an ongoing basis after it becomes effective.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

2512

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Copy below is hereby approved as to form and legality. Attorney General.

BY *Amy M. Elliott*
(DEPUTY ATTORNEY GENERAL)

NOV 01 2005

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-00050170/57-239

DATE OF ADOPTION March 23, 2005

BY *James J. McNulty*

James J. McNulty

TITLE *Secretary*
(SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies.

BY *Bohdan R. Pankiw*

Bohdan R. Pankiw
Chief Counsel

3-29-05
DATE OF APPROVAL

Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-00050170/57-239
Proposed Rulemaking
Revision of Chapter 63 of Title 52 of the PA Code
Pertaining to Regulation of Interexchange Telecommunications
Carriers and Services
52 Pa. Code, Chapter 63

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LAW BUREAU

The Pennsylvania Public Utility Commission on March 23, 2005, adopted a proposed rulemaking order which proposes to codify provisions of Act 183, which enacts an amended version of original Chapter 30 providing for regulatory reform of the telephone industry in Pennsylvania. The contact persons are David Screven, Law Bureau, 787-2126, and Rhonda Staver, Bureau of Fixed Utility Services, 787-7703.

EXECUTIVE SUMMARY

L-00050170/57-239

Proposed Rulemaking

Re: Regulation of Interexchange Carriers and Services

52 Pa. Code §§63.101 – 63.109

Pursuant to 66 Pa. C.S. §3018, jurisdictional interexchange telecommunications carriers have been excused from the traditional obligation to file tariffs, tariff supplements, or tariff revisions that contained the rates, provisions, rules and regulations governing the offering of their respective competitive services. This rulemaking eliminates regulations that require IXCs to file tariffs for intrastate competitive services and establishes a permissive detariffing policy for the statutory categories of competitive services offered by IXCs.

The regulations ensure that the intrastate, interexchange market more closely resembles a traditional unregulated market. IXCs are required to disclose to the public information about the rates, terms and conditions of all of their respective competitive services at their business location during regular business hours and at their Internet websites.

The contact persons are David E. Screven, Law Bureau (legal), 717-787-2126 and Rhonda Staver, Bureau of Fixed Utility Services (technical), 717-787-7703.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held March 23, 2005

Commissioners Present:

Wendell F. Holland, Chairman
Robert K. Bloom, Vice Chairman
Kim Pizzingrilli

**Proposed Rulemaking for Revision of
Chapter 63 of Title 52 of the Pennsylvania Code
Pertaining to Regulation of Interexchange
Telecommunications Carriers And Service**

Docket No. L-00050170

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

Introduction

On December 1, 2004, Act 183, P.L. 1398, 66 Pa. C.S. §§3011, *et. seq.* (Act 183) became effective. Act 183 enacts an amended version of the original Chapter 30, which provided for the regulatory reform of the telephone industry in Pennsylvania. This Proposed Rulemaking Order proposes to codify provisions of Act 183 related to interexchange telecommunications carriers (IXCs). Through this rulemaking, we will eliminate regulations that require IXCs to file tariffs for intrastate competitive services and will establish a permissive detariffing policy for the statutory categories of competitive services offered by IXCs. We will also clarify various terms, impose a new public notice requirement on IXCs, and change the jurisdictional forum relating to the processing of consumer complaints against IXCs.

Background

Historically, we had declined to exercise jurisdiction over resellers of intrastate, interexchange telephone services as public utilities.¹ However, by a Final Rulemaking Order entered September 20, 1991, at L-00900054, we finalized regulations that codified our view that interexchange resellers are public utilities subject to our jurisdiction under Pennsylvania state law and modified the definition of “interexchange carrier” to include the subgroup of interexchange resellers. *See* 22 Pa. Bulletin 1554. The regulations were codified at 52 Pa. Code §§63.111-63.118, and became effective April 4, 1992.

Since all IXC's were now considered jurisdictional public utilities, they have been under the traditional requirement of filing tariffs. *See* 66 Pa. C.S. §1302. However, on July 8, 1993, the General Assembly enacted the original Chapter 30 of the Public Utility Code, 66 Pa. C.S. §§3001-3009, which, among other things, modified and streamlined our procedures related to the regulation of IXC's. The original Chapter 30 included a provision that gave us the option of requiring IXC's to file tariffs or price lists for their competitive services. 66 Pa. C.S. §3008(b).

On December 28, 1993, we entered an Order at L-00940099 prescribing interim guidelines for the regulation of IXC's under the original Chapter 30. Despite the fact that we had been granted the option to discontinue the tariff filing requirement for competitive services offered by IXC's, we directed all jurisdictional IXC's to continue to submit tariffs for all of their services until further notice.

¹The Commission had initially determined that resellers were not public utilities as defined in 66 Pa. C.S. §102 because they did not own or operate facilities or equipment utilized to transmit messages. Nevertheless, the Commission determined that its initial view and interpretation of the statutory term “equipment and facilities” was too narrow. *See* 22 Pa. Bulletin 1554. As a result, the Commission promulgated regulations so as to clarify and codify the policy that resellers of interexchange telephone services are subject to Commission jurisdiction as public utilities. *Id.* The above-mentioned regulations were codified at 52 Pa. Code §§63.111-63.118.

Subsequently, we determined that it was necessary that our interim guidelines regarding the regulation of IXCs under the original Chapter 30 be permanently established in the context of a proposed rulemaking. Accordingly, by a Declaratory Order entered January 10, 1995, we adopted a revised set of interim guidelines and initiated a comprehensive rulemaking at the same L-docket proposing regulations to be codified at 52 Pa. Code §§63.101-63.107. The proposed regulations were published in the *Pennsylvania Bulletin* on April 15, 1995. See 25 Pa. Bulletin 1418.

By a Final Order entered April 29, 1997, we promulgated final regulations to implement and codify the effect of the original Chapter 30 on our procedures related to the regulation of IXCs. See 27 Pa. Bulletin 3217. The regulations contained streamlined procedures applicable to the statutory categories of existing competitive services, new competitive services and noncompetitive services. The regulations also established procedures related to reclassification of services offered by IXCs. Nevertheless, the final regulations did not definitively prescribe IXCs from continuing to file tariffs or tariff supplements for their competitive services. 52 Pa. Code §§63.103 and 63.104.

On December 1, 2004, Act 183 became effective. Act 183 enacted an amended version of the original Chapter 30 that had expired pursuant to a sunset provision. In particular, Act 183 addressed specifically regulation of IXC intrastate services and operations. However, unlike the previous version of Chapter 30, Act 183 initiated a permissive detariffing policy for the competitive services of IXCs. See Act 183, P.L. 1398, 66 Pa. C.S. §3018(B)(2). Essentially, IXCs have been excused from the traditional obligation to file tariffs, tariff supplements, or tariff revisions that contained the rates, provisions, rules and regulations governing the offering of their respective competitive services. Accordingly, we are initiating this comprehensive rulemaking in order to revise our existing regulations related to IXCs so that they are consistent with the provisions of Act 183.

Discussion

We seek to codify the effect of Act 183, which establishes a permissive detariffing policy for the competitive services offered by IXCs. *Id.* IXCs have been operating in an increasingly competitive economic environment and continuing to require IXCs to file tariffs for their competitive services is a regulatory burden that could impede the operation of a competitive intrastate, interexchange market in Pennsylvania. Moreover, tariffs were originally required to protect consumers from unjust, unreasonable, and discriminatory rates in a virtually monopolistic market, but have become unnecessary for this purpose in an increasingly competitive market --if a consumer is of the opinion that the rates of a particular IXC are unreasonable, the consumer can simply switch to a competing provider that offers better rates to them.

Additionally, tariffs may have the effect of impeding competition and market efficiency because, pursuant to the filed-rate doctrine, the carrier can only charge the consumer the rate set forth in the tariff. *See Bell Tel. Co. of Pennsylvania v. Pennsylvania Public Utility Commission*, 417 A.2d 827 (Pa. Cmwlth. 1980); *see also* 66 Pa. C.S. §1303. Consequently, a carrier is prohibited from offering a better competitive rate, term or condition to a consumer for a competitive service set forth in its tariff. The carrier would have to go through the administrative process of modifying its tariff, which even under a streamlined form of regulation could take some time and the IXC could possibly lose the interest of that consumer in the meantime.

We also note that the Federal Communications Commission (FCC) recently adopted a complete detariffing policy under which it no longer requires nondominant interstate, domestic, interexchange carriers to file tariffs for their interstate, domestic interexchange services. *See Common Carrier Bureau Extends Transition Period for Detariffing of Consumer Domestic Long Distance Services*, CC Docket No. 96-61, Public Notice, DA 01-282 (rel. Feb, 5, 2001).

Accordingly, we believe that promulgating regulations that establish a detariffing regime IXC competitive services not only codifies the effect of the detariffing policy embodied in Act 183, but also ensures that the intrastate, interexchange market more closely resembles a traditional unregulated market.

While we recognize the benefits of establishing a detariffing policy for the competitive services of IXCs, we acknowledge that consumers in the competitive marketplace, especially residential and small business customers, will need information in order to compare IXCs' competitive service offerings. We believe that the absence of sufficient information about competitive services may result in consumers not having the ability to choose the service offering that best suits their individual needs. Consumers must have information concerning the rates, terms and conditions of interexchange services in a detariffed regime and we are concerned about the disclosure of such information to consumers. In fact, the reason that we continued to mandate the filing of tariffs even after the enactment of the original Chapter 30 was because we were concerned about "the potential loss of benefits that will result from the complete absence of up-to-date information regarding the competitive services of IXCs that currently operate in the Commonwealth. . ." See December 28, 1993 Order at 6.

Under a detariffed regime, the public disclosure requirements set forth in the state consumer protection law will now govern the relationship between customers who use the competitive services of IXCs. However, in addition to these public disclosure requirements, we propose in our regulations that IXCs establish public disclosure locations where they will make information on current rates, terms, and conditions for all of their competitive service offerings available to the public. We propose that IXCs disclose to the public information about the rates, terms and conditions of all of their respective competitive services at their business location during regular business hours. Additionally, we propose to require that IXCs with Internet websites post information concerning the rates, terms and conditions of service of all their competitive services on

their Internet websites. The information should be in an easy-to-understand format for the customer. Furthermore, we propose that IXCs should post their rate and service information at both places in a timely and easily accessible manner and update such information regularly. We believe that requiring such public disclosure is in the public interest and will provide important protections to consumers and we will enforce these public disclosure requirements.²

Conclusion

Through this Proposed Rulemaking, we propose comprehensive regulations that will govern the future regulation of interexchange carriers consistent with the mandate of Act 183.³ In particular, we propose to eliminate those regulations in Chapter 63 of the Pennsylvania Code that require IXCs to file tariffs for their competitive services. During this rulemaking process and until such time as the proposed regulations receive final regulatory approval, we are granting a general waiver of our regulations in the Pennsylvania Code that require IXCs to file tariffs at the Commission for competitive services. In fact, we advise all IXCs that they may immediately cancel their respective competitive services tariffs and withdraw any pending tariff supplements during this rulemaking process. If any IXC chooses to cancel its tariffs and withdraw its pending tariff supplements, we advise them to file a letter with the Bureau of Fixed Utility Services that clearly indicates that the IXC has elected to detariff its competitive services.

Nevertheless, IXCs that choose to cancel their tariffs and withdraw tariff supplements will be under a legal obligation to disclose to their individual customers the respective rates, terms and conditions of service as their relationship will become

² We advise the IXC community that Act 183 has not superceded the applicability of section 1501 of the Code and, thus, our authority to resolve IXC-related complaints. See Act 183, P.L. 1398, 66 Pa. C.S. §3018(D)(1); see also *AT&T v. Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlth.) (Court held that quoting telephone rates to customers is a “service” under the Public Utility Code).

³ See February 4, 2005 Secretarial Letter, *Re: Tariff Requirements Pursuant to Act 183*, 66 Pa. C.S. § 3018, Docket No. M-00051869.

governed by state contract law and the applicable public disclosure requirements set forth in the state consumer protection law.⁴ Accordingly, the Commission advises consumers to contact the Pennsylvania Office of Attorney General's Bureau of Consumer Protection Division in order to learn about the protections and remedies available under their state contract and consumer protection laws.

At this time, the Commission is proposing to amend Chapter 63 of the Pennsylvania Code by deleting Subchapters H and I and creating one Subchapter that establishes regulations for all jurisdictional IXCs. This proposed rulemaking will set forth a single Subchapter H and regulations that specifically deal with, but are not limited to, the following:

- (1) clarification of definitions relating to IXCs as public utilities;
- (2) elimination of tariff requirements for all designated IXC competitive services;
- (3) implementation of public notice requirements relating to IXC competitive services and prices;
- (4) designation that consumer IXC complaints that contain allegations about notice requirements under state contract or state consumer protection laws will be transferred by Bureau of Consumer Services to the Office of Attorney General for enforcement.

IXC requirements appearing elsewhere in our regulations remain intact and are not amended, revised or affected by the newly proposed regulations presented herein as Annex A.

We seek input from participants in the intrastate interexchange market and are requesting comments from them as well as from any other interested member of the public. Interested parties will have 30 days from the publication of this Order to file their initial comments. We advise those that will be submitting comments in this proceeding

⁴ See 73 P.S. §§201-1 – 201-9.2.

to include specific section references to the proposed regulations. Reply comments will be due 15 days from the last date of the 30-day comment period. We are committed to completing the revisions to our procedural regulations in a timely fashion and, therefore, no extensions will be granted for the filing of comments. Accordingly, pursuant to sections 501 of the Public Utility Code, 66 Pa. C.S. § 501, and the Commonwealth Document Law, 45 P.S. §§ 1201, *et seq.* and regulations promulgated thereunder at 1 Pa. Code §§ 7.1-7.4, we amend the regulations as noted above and as set forth in Annex A;

THEREFORE,

IT IS ORDERED:

1. That a Rulemaking proceeding is hereby initiated at this docket to consider the revisions to regulations appearing in Chapter 63 of Title 52 of the Pennsylvania Code as set forth in Annex A.
2. That the Secretary shall submit a copy of this Order and Annex A to the Office of Attorney General for preliminary review as to form and legality.
3. That the Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.
4. That the Secretary shall submit this order and Annex A for review and comments by the designated standing committees of both houses of the General Assembly, and for review and comments by Independent Regulatory Review Commission.
5. That the Secretary shall certify this order and Annex A and deposit them with Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

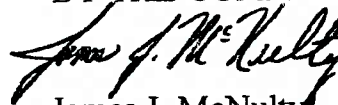
6. That a copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and all jurisdictional intrastate interexchange carriers.

7. That interested persons may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg PA, 17105-3265, within 30 days from the date this order is published in the *Pennsylvania Bulletin*. Reply comments will be due 15 days from the last date of the 30-day comment period. One copy of a diskette containing the comments in electronic format should also be submitted. A courtesy copy of all written comments shall be served upon the Commission's Law Bureau, ATTN: Assistant Counsel David E. Screven. No extensions shall be granted for the filing of comments.

8. That comments should include, where appropriate, a numerical reference to the proposed regulation(s) which the comment(s) address, any proposed language for revision, and a clear explanation for the recommendation.

9. The contact person for this matter is David E. Screven, Law Bureau, (717) 787-2126.

BY THE COMMISSION



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: March 23, 2005

ORDER ENTERED: **MAR 29 2005**

ANNEX A

TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 63. TELEPHONE SERVICE
Subchapter H. INTEREXCHANGE TELECOMMUNICATIONS CARRIERS

[Subchapter H. INTEREXCHANGE TELECOMMUNICATIONS CARRIERS

§ 63.101. Statement of purpose and policy.

On July 8, 1993, the General Assembly enacted sections 3001—3009 of the code (relating to alternative form of regulation of telecommunications services) (Chapter 30), which provided for the regulatory reform of the telephone industry in this Commonwealth. Sections 3008 and 3009(b)(4) of the code (relating to interexchange telecommunications and carrier; and additional powers and duties) have significant effect on the future regulation by the Commission of interexchange telecommunications carriers. The purpose of this subchapter is to codify the application of Chapter 30 to interexchange telecommunications carriers and codify the modification of procedures to address the application of Chapter 30.

§ 63.102. Definitions.

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise.

Code—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

Competitive services—Interexchange services other than noncompetitive services.

Existing service—A competitive or noncompetitive service which an interexchange telecommunications carrier offered prior to July 5, 1997, or a competitive or noncompetitive service previously introduced as a new service under either § 63.104 or § 63.105(b) (relating to new competitive services; and noncompetitive services).

Interexchange service to aggregator telephones—An interexchange service offered to consumers using telephones, including coin telephones, credit card telephones and telephones located in hotels, motels, hospitals and universities, which are made available to the transient public, customers or patrons. The term includes live and automated operator services and other services which are provided to consumers placing calls from aggregator telephones, but excludes prepaid debit calling card services.

Interexchange telecommunications carrier—A carrier other than a local exchange carrier or local telecommunications company authorized by the Commission to provide long distance telecommunications service. The term includes both interexchange transporters and interexchange resellers as those terms are defined in § 63.112 (relating to definitions).

New service—A competitive or noncompetitive service which an interexchange telecommunications carrier is proposing to offer not previously offered by that interexchange telecommunications carrier and which is not a modification to an existing service or an adjunct to an existing service.

Noncompetitive services—

(i) This term includes the following categories of service:

(A) Interexchange service to aggregator telephones.

(B) Optional calling plans required by the Commission under § 63.73 (relating to optional calling plans).

(C) Other interexchange services expressly determined by the Commission to be noncompetitive under § 63.106 (relating to reclassification of services).

(ii) The term does not include services incorporated within the service categories identified in subparagraph (i) which the Commission expressly determines to be competitive under § 63.106.

§ 63.103. Existing competitive services.

(a) An interexchange telecommunications carrier shall maintain in its tariff rates and service description information relating to each of its existing competitive services.

(b) Tariff supplements intended to modify existing competitive service rates or conditions of service may be filed to become effective on 1 days' notice. Supporting data and cost justification related to the modification contained in the tariff supplements are unnecessary. These tariff supplements shall become effective as filed and will not be subject to Commission approval.

(c) Tariff supplements intended to modify existing competitive services shall clearly indicate this purpose on each page of the tariff supplement.

(d) Tariff supplements intended to modify existing competitive services shall be in compliance with section 3008(d) of the code (relating to interexchange telecommunications carrier) and regulations promulgated thereunder.

(e) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent those provisions are inconsistent with this section.

§ 63.104. *New competitive services.*

(a) New competitive services shall be introduced through the filing of a tariff supplement and verified, supporting documentation which contains the following information:

(1) An indication on each page of the tariff supplement that the page pertains to a new competitive service.

(2) A description of the new competitive service.

(3) The rates for the new competitive service.

(4) An executive overview summarizing the reason for the filing which includes relevant information regarding the safety, adequacy, reliability and privacy considerations related to the new competitive service.

(b) New competitive service tariff supplements may be filed with the Commission to become effective on 16-days' notice.

(c) The Commission and Commission staff's review of new competitive service tariff supplements is restricted to reviewing whether the proposed service is a competitive service and is safe, adequate, reliable and consistent with privacy concerns. This review shall be conducted consistent with the following procedures:

(1) Within 14 days of the date of filing, Commission staff shall either issue a notice allowing the tariff supplement to become effective or issue a report which explains why the tariff supplement should not be permitted to become effective without modification. The staff report may identify modifications which would eliminate inadequacies in the tariff supplement. Commission staff will deliver or transmit the notice or report to the filing interexchange telecommunications carrier at the time of issuance.

(2) When Commission staff issues a notice allowing the tariff supplement to go into effect, the tariff supplement will become effective, without modification, 16 days after the filing date. If the Commission staff does not issue a notice or report on the tariff supplement within the 14-day period, the tariff supplement will go into effect by operation of law at the end of the 16-day notice period.

(3) When Commission staff does not allow the tariff supplement to go into effect and issues a report addressing the inadequacies in the tariff supplement, the tariff supplement

will be suspended pending consideration of the tariff supplement under paragraphs (4) and (5).

(4) The filing interexchange telecommunications carrier may file a response to a staff report suspending the carrier's tariff supplement. Responses shall be filed within 7 days of the issuance of the staff report. Contested staff reports shall be considered by the Commission at public meeting.

(5) In the alternative, the interexchange telecommunications carrier may withdraw the tariff supplement and file a tariff supplement which adopts the modifications addressed in the staff report. When a modified tariff supplement is filed, the modified tariff supplement shall become effective on 1 day's notice unless the modified tariff supplement is not in full compliance with the staff report.

(d) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.

§ 63.105. Noncompetitive services.

(a) Each noncompetitive service offered by an interexchange telecommunications company shall be included in the carrier's tariff in compliance with sections 1302 and 1303 of the code (relating to tariff filing and inspection; and adherence to tariffs).

(b) New noncompetitive services shall be introduced through the filing of a tariff supplement. The tariff supplement and verified, supporting documentation shall contain the following information:

(1) An indication on each page of the tariff supplement that the page pertains to a new noncompetitive service.

(2) A description of the new noncompetitive service.

(3) The rates proposed for the new noncompetitive service.

(4) Supporting data justifying the proposed rates for the noncompetitive service.

(5) An executive overview summarizing the reason for the filing which includes relevant information regarding the safety, adequacy, reliability and privacy considerations related to the proposed service.

(c) Modifications to existing noncompetitive services shall be implemented through filing of a tariff supplement and verified supporting documentation. The tariff supplement and supporting documentation shall contain the information prescribed in subsection (b)(1)—(4). Supporting rate data is only required if the tariff supplement purports to increase an existing rate or surcharge.

(d) When a proposed change to an existing noncompetitive service is accompanied by information which satisfies one or more of the following provisions, the Commission and

the Commission staff's review of the proposed change will be based on a review of whether the proposed change in the noncompetitive service is safe, adequate, reliable and consistent with privacy requirements, and the submitting interexchange carrier is not required to submit cost justification, cost-of-service or revenue data relating to the proposed change if one of the following applies:

(1) The proposed change is designed to make the rates, terms or conditions for the service conform to the comparable rates, or conditions for the same service that have become lawfully effective in the interstate jurisdiction.

(2) The proposed change is designed to make the rates, terms or conditions that have become lawfully effective in several other states.

(e) An interexchange carrier may also satisfy the requirements of subsections (b)(4) and (c), and obtain approval for a rate change filed under this section, if the interexchange carrier submits other reasonable justification for the change, or if the Commission or the Commission's staff request any other relevant data.

(f) An interexchange carrier requesting rate decreases for its existing noncompetitive services will be permitted to put them in effect at the end of the specified 16-day notice period without any further review or approval by the Commission or the Commission's staff.

(g) An interexchange carrier requesting changes in the terms and conditions of its existing noncompetitive services, where the changes will not result in any rate changes, will be permitted to put them in effect at the end of the specified 16-day notice period without any further review or approval by the Commission or the Commission's staff.

(h) Noncompetitive service tariff supplements shall be filed to become effective on 16-days' notice.

(i) Review of noncompetitive service tariff supplements shall be conducted consistent with the following procedures:

(1) Within 14 days of the date of filing, Commission staff will either issue a notice allowing the tariff supplement to become effective or issue a report which explains why the tariff supplement should not be permitted to become effective without modification. The staff report may identify modifications which would eliminate inadequacies in the tariff supplement. Commission staff will deliver or transmit the notice or report to the filing interexchange telecommunications carrier at the time of issuance.

(2) When Commission staff issues a notice allowing the tariff supplement to go into effect, the tariff supplement will become effective, without modification, 16 days after the filing date. If the Commission staff does not issue a notice or report on the tariff supplement within the 14-day period, the tariff supplement will go into effect by operation of law at the end of the 16-days' notice period.

(3) When Commission staff does not allow the tariff supplement to go into effect and issues a report addressing the inadequacies in the tariff supplement, the tariff supplement will be suspended pending consideration of the tariff supplement under paragraphs (4) and (5).

(4) The filing interexchange telecommunications carrier may file a response to a staff report suspending the carrier's tariff supplement. Any response shall be filed within 7 days of the issuance of the staff report. Contested staff reports will be considered by the Commission at public meeting.

(5) In the alternative, the interexchange telecommunications carrier may withdraw the tariff supplement and file a tariff supplement which adopts the modifications addressed in the staff report or which reflects a version of the tariff supplement that has been agreed to by the carrier and the staff. When a modified tariff supplement is filed, the modified tariff supplement shall become effective on 1-days' notice.

(j) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.

§ 63.106. *Reclassification of services.*

(a) The Commission has authority, under section 3008(a) and (c) of the code (relating to interexchange telecommunications carrier), to, after notice and hearing, reclassify services defined as either a noncompetitive service or a competitive service.

(b) Commission review of whether a competitive service should be reclassified as a noncompetitive service will be performed either within the scope of a Commission investigation conducted under section 331(a) of the code (relating to powers of commission and administrative law judges), or upon consideration of a complaint filed under section 701 of the code (relating to complaints).

(c) Commission review of whether a noncompetitive service should be reclassified as a competitive service will be performed either within the scope of a Commission investigation conducted under section 331(a) of the code or upon consideration of a petition filed by the interexchange telecommunications carrier under § 5.41 (relating to petitions generally).

(d) When reviewing whether a service should be reclassified, the Commission will consider the following factors:

- (1) The ease of entry by potential competitors into the market for the specific service at issue.
- (2) The presence of other existing telecommunications carriers in the market for the specific service at issue.
- (3) The ability of other telecommunications carriers to offer the service at competitive prices, terms and conditions.

(4) The availability of like or substitute service alternatives in the relevant geographic area for the service at issue.

(5) Other factors deemed relevant by the Commission.

§ 63.107. Annual reporting requirements.

(a) On or before May 31 of each calendar year, a certificated interexchange transporter, as defined in § 63.112 (relating to definitions), shall file with the Commission an annual report for the preceding calendar year. The annual report shall be filed with the appropriate office or bureau. The report shall be considered a proprietary document by the Commission.

(b) The annual report shall contain aggregate total revenue and traffic volume data measured in minutes of use for the carrier's intrastate operations during the preceding calendar year. Subject to data availability, this information should be disaggregated in the following service categories:

(1) Message toll service (MTS) and associated services including operator assisted and calling card services.

(2) Services corresponding to outbound Wide Area Telecommunications Services (WATS).

(3) Services corresponding to inbound WATS or "800" type services.

(4) Private line or dedicated communication path services.

(5) Dedicated network type services, including virtual network type services.

(c) Together with the annual report required by subsection (a), an interexchange telecommunications carrier which is required to file an annual report with the Federal Communications Commission (FCC), shall also file a copy of the FCC annual report. The FCC annual report shall be considered a public document by the Commission unless deemed to be proprietary in whole or in part by the FCC.]

Subchapter H. INTEREXCHANGE CARRIERS

§ 63.101. Statement of purpose and policy.

On December 1, 2004, the General Assembly enacted sections 3011— 3019 of the Code (relating to alternative form of regulation of telecommunications services), which provided for the regulatory reform of the telephone industry in this Commonwealth. Sections 3018 and 3019(b) of the Code (relating to interexchange telecommunications carrier; and additional powers and duties) have significant effect on the future regulation by the Commission of intrastate interexchange telecommunications carriers, which include interexchange transporters and interexchange resellers. The purpose of this subchapter is to codify the application of Chapter 30 to intrastate, interexchange telecommunications carriers and to codify the modification of procedures to address the application of Chapter 30.

§ 63.102. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

Clear and conspicuous manner—Information that is legible, stated in plain language and printed in 10-point type or larger.

Code--The Public Utility Code, 66 Pa.C.S. §§ 101--3316.

Competitive services--Interexchange services other than noncompetitive services.

Interexchange services--The transmission of interLATA or intraLATA toll messages or data outside the local calling area.

Interexchange telecommunications carrier—A public utility, including both interexchange reseller carrier and interexchange facilities-based carrier, as those terms are defined in § 63.102 (relating to definitions), authorized by the Commission to provide intrastate interexchange service on a wholesale or retail basis. This term does not include a local exchange telecommunications company authorized by the Commission to provide intrastate, interexchange services.

Interexchange reseller carrier--A person or entity which directly or indirectly acquires intrastate interexchange service capacity and establishes rates to sell interexchange

service through the use of technology to a residential or nonresidential subscriber or consumer and who is not an interexchange transporter.

Interexchange facilities-based carrier--A person or entity whose facilities carry intrastate interexchange service on a wholesale or retail basis through line, wire, cable, microwave, radio wave, satellite or other analogous facilities owned or operated by it. An interexchange transporter may also provide interexchange services as a reseller.

Noncompetitive services--This term only includes those interexchange services or business activities that have been determined expressly by the Commission to be noncompetitive under § 63.105 (relating to reclassification of services).

§ 63.103. Jurisdiction of interexchange resellers and transporters.

Under the definition of “public utility” in 66 Pa.C.S. § 102 (relating to definitions), any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for transmitting intrastate interexchange services is subject to Commission jurisdiction as a public utility. Interexchange resellers and interexchange transporters own or operate equipment or facilities utilized for the transmission of interexchange services and therefore, under the statutory definition of “public utility” are jurisdictional.

§ 63.104. Disclosure requirements for competitive services.

(a) All services, new or existing, offered by interexchange telecommunications carriers are deemed competitive.

(b) An interexchange telecommunications carrier may maintain tariffs and file tariff supplements with the Commission that set forth the rates, charges, and service description information relating to each of its competitive services. If an interexchange telecommunications carrier files a tariff or a tariff supplement with the Commission for its competitive services, it shall become effective on 1-day's notice.

(c) If an interexchange telecommunications carrier chooses to detariff its competitive services, it shall make available for public inspection information concerning the rates, charges, terms and conditions for its competitive services in an easily accessible and clear and conspicuous manner at the following locations:

(1) At the interexchange telecommunications carrier's principal office, if it is located within this Commonwealth, or the designated office of the utility during regular business hours.

(2) At the website of the interexchange telecommunications carrier.

(d) An interexchange telecommunications carrier shall update information concerning changes in rates, charges, terms and conditions for its competitive services at its principal office and its Internet website no later than 48 hours after the effective date of the change so it provides the current information concerning service offerings.

(e) An interexchange telecommunications carrier that chooses to detariff its competitive services shall disclose to customers their right to request information concerning the rates, charges, terms and conditions for its competitive services and shall provide contact information for this purpose.

(f) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.

§ 63.105. Reclassification of services.

(a) The Commission shall have authority, under § 3018(c) of the Code (relating to interexchange telecommunications carrier), to, after notice and an opportunity for a hearing, reclassify interexchange services as a noncompetitive service.

(b) The Commission will review whether a competitive service should be reclassified as a noncompetitive service within the scope of a Commission investigation conducted under § 331(a) of the Code (relating to powers of commission and administrative law judges), or upon consideration of a complaint filed under § 701 of the Code (relating to complaints).

(c) When reviewing whether a service should be reclassified, the Commission will consider the following factors:

(1) The ease of entry by potential competitors into the market for the specific service at issue.

(2) The presence of other existing interexchange telecommunications carriers in the market for the specific service at issue.

(3) The ability of other interexchange telecommunications carriers to offer the service at competitive prices, terms and conditions.

(4) The availability of like or substitute service alternatives in the relevant geographic area for the service at issue.

(5) Other factors deemed relevant by the Commission.

§ 63.106. Noncompetitive services and tariffs.

(a) A noncompetitive service, as defined in §63.102 (relating to definitions), offered by an interexchange telecommunications carrier shall be included in a tariff filed in compliance with sections 1302 and 1303 of the Code (relating to tariff filing and inspection; and adherence to tariffs).

(b) Modifications to the rates, terms or conditions of the noncompetitive service set forth in the interexchange carrier's tariff shall be implemented through the filing of a tariff supplement and verified supporting documentation. The interexchange telecommunications carrier shall serve the tariff supplement on the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission's Office of Trial Staff. The interexchange telecommunications carrier shall provide notice to the customer of the proposed change to the noncompetitive service within 45 days of the filing.

(c) The tariff supplement and verified supporting documentation shall contain the following information:

(1) An indication on each page of the tariff supplement that the page pertains to the noncompetitive service.

(2) A description of the noncompetitive service.

(3) The rates proposed for the noncompetitive service.

(4) Supporting data justifying the proposed rates for the noncompetitive service.

(5) An executive overview summarizing the reason for the filing which includes relevant information regarding the safety, adequacy, reliability and privacy considerations related to the proposed service.

(6) Other reasonable justification or any relevant data that is requested by the Commission.

(d) The interexchange telecommunications carrier shall not submit cost justification, cost-of-service or revenue data relating to the proposed change as directed in subsection (b)(4) if the following applies:

(1) The proposed change does not purport to increase an existing rate or surcharge.

(2) The proposed change to the noncompetitive service is designed to make the rates, terms or conditions for that service comparable to the rates, terms and conditions that have been approved by several other state commissions.

(e) The noncompetitive service tariff supplement shall be filed to become effective on 16-days' notice by the interexchange telecommunications carrier.

(f) Review of noncompetitive service tariff supplements shall be conducted consistent with the following procedures:

(1) Within 14 days of the date of filing, the Commission will issue a notice allowing the tariff supplement to become effective or issue a report which explains why the tariff supplement may not become effective without modification. The report shall identify modifications which would eliminate inadequacies in the tariff

supplement. The Commission will deliver or transmit the notice or report to the filing interexchange telecommunications carrier at the time of issuance.

(2) When the Commission issues a notice allowing the tariff supplement to go into effect, the tariff supplement shall become effective, without modification, 16 days after the filing date. If the Commission does not issue a notice or report on the tariff supplement within the 14-day period, the tariff supplement shall go into effect by operation of law at the end of the 16-days' notice period.

(3) When the Commission prohibits a tariff supplement from going into effect and issues a report addressing the inadequacies in the tariff supplement, the tariff supplement shall be suspended pending consideration of the tariff supplement under paragraphs (4) and (5).

(4) The filing interexchange telecommunications carrier may file a response to the suspension of the carrier's tariff supplement. The response shall be filed within 7 days of the issuance of the report.

(5) In the alternative, the interexchange telecommunications carrier may withdraw the tariff supplement and file a new tariff supplement which adopts the modifications addressed in the report or which reflects a version of the tariff supplement that has been agreed to by the carrier and the Commission. When a modified tariff supplement is filed, the modified tariff supplement shall become effective on 1-day's notice.

(g) An interexchange telecommunications carrier requesting rate decreases for its existing noncompetitive services shall be permitted to put them into effect at the end of the specified 16-day notice period without further review or approval by the Commission.

(h) An interexchange telecommunications carrier requesting changes in the terms and conditions of its existing noncompetitive services, when the changes do not result in any rate changes, shall be permitted to put them into effect at the end of the specified 16-day notice period without further review or approval by the Commission.

(i) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.

§ 63.107. Applications for authority.

(a) An applicant shall specifically indicate in the application for authority to commence service that it is requesting authorization to provide interexchange services to the public and shall comply as closely as possible with § 3.551 (relating to official forms). The Commission may not make a distinction between certificates of public convenience for interexchange facilities-based carriers and interexchange reseller carriers.

(b) If an applicant is offering noncompetitive services to the public, it shall attach a proposed tariff to its application containing the proposed rates of the noncompetitive services and the rules and policies under which the interexchange telecommunications

carrier intends to provide its service. Rates for noncompetitive services provided for in the proposed tariff may not exceed the reasonable charge for a noncompetitive interexchange call as defined in § 63.102 (relating to definitions).

(c) In addition to review of the general evidentiary criteria applicable to interexchange telecommunications carrier application proceedings, the Commission will review the proposed tariff to determine if it complies with subsection (b). The Commission will grant applications only upon a finding that the proposed tariff complies with subsection (b). If the proposed tariff complies with subsection (b), the Commission will presume that the rates for the noncompetitive services contained in the tariff are just and reasonable.

(d) Upon the grant of an application for authority to commence interexchange service, the applicant proposing to offer noncompetitive services shall file an initial tariff with the Commission for its noncompetitive services only. The initial tariff shall contain the same rates, rules and policies for the noncompetitive services as set forth in the proposed tariff reviewed by the Commission. The initial tariff shall become effective immediately upon filing. Initial tariffs shall comply with §§ 53.1—53.10 and 53.21—53.26 (relating to filing regulations; and form and contents of tariffs).

(e) Upon the grant of an application for authority to commence interexchange service, a new interexchange telecommunications carrier may file or maintain with the Commission tariffs containing the rates, terms and conditions for its competitive services.

If the new interexchange telecommunications carrier files a tariff with the Commission, the tariff shall become effective on 1-day's notice.

(f) If a new interexchange telecommunications carrier chooses to detariff its competitive services, the information regarding the rates, terms and conditions for its competitive services shall be made available at the public disclosure locations established in 63.104(c). The new carrier shall post the information at the public disclosure locations within 48 hours of the date that its application to commence interexchange service has been approved by the Commission.

(g) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.

§ 63.108. Reporting requirements.

(a) Interexchange telecommunications carriers shall file affiliated interest and affiliated transaction agreements with the Commission unless such agreements involve services declared to be competitive. The filings shall constitute notice to the Commission only. The Commission may use the filings to audit the accounting and reporting systems of interexchange telecommunications carriers for transactions with their affiliates.

(b) On or before May 31 of a calendar year, a certificated interexchange telecommunications carrier, as defined in § 63.102 (relating to definitions), shall file with the Commission an annual report for the preceding calendar year. The annual report shall be filed with the Commission's Bureau of Fixed Utility Services.

(c) The annual report shall contain aggregate total revenue and traffic volume data measured in minutes of use for the carrier's intrastate operations during the preceding calendar year. Subject to data availability, some examples of the information that shall be disaggregated in the carrier's major service categories are:

(1) Message toll service (MTS) and associated services including operator assisted and calling card services.

(2) Services corresponding to outbound Wide Area Telecommunications Services (WATS).

(3) Services corresponding to inbound WATS or "800" type services.

(4) Private line or dedicated communication path services.

(5) Dedicated network type services, including virtual network type services.

§ 63.109. Enforcement.

(a) For the purpose of enforcement of consumer complaints regarding competitive services, the Commission will have jurisdiction to enforce consumer complaints that involve violations of the applicable public notice requirements established in this subchapter. Other consumer complaints, including those complaints involving violations that fall under the Unfair Trade Practices and Consumer Protection Law, will be referred

by the Commission's Bureau of Consumer Services to the Office of Attorney General's Bureau of Consumer Protection.

(b) For the purpose of enforcement of consumer complaints related to noncompetitive services, the Commission will utilize the dispute and informal complaint procedures prescribed for residential billing disputes under Chapter 64 (relating to standards and billing practices for residential telephone service). The Bureau of Consumer Services will have primary jurisdiction over informal complaints arising under this subchapter for designated noncompetitive services.

[Subchapter I. INTEREXCHANGE RESELLERS] (Reserved)

(Editor's Note: As part of this proposal, the Commission is proposing to delete the language of this entire Subchapter I.)



PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

WENDELL F. HOLLAND
CHAIRMAN

December 7, 2005

The Honorable John R. McGinley, Jr.
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-00050170/57-239
Proposed Rulemaking
Regulation of Interexchange Telecommunications
Carriers and Services
52 Pa. Code, Chapter 63

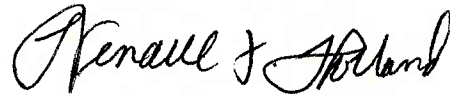
Dear Chairman McGinley:

Enclosed please find one (1) copy of the proposed rulemaking and the Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." Pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission is submitting today a copy of the proposed rulemaking and Regulatory Analysis Form to the Chairman of the House Committee on Consumer Affairs and to the Chairman of the Senate Committee on Consumer Protection and Professional Licensure.

The purpose of this proposal is to codify provisions of Act 183, which enacts an amended version of original Chapter 30 providing for regulatory reform of the telephone industry in Pennsylvania. The contact persons are David Screven, Law Bureau, 787-2126 and Rhonda Staver, FUS, 787-7703.

The proposal has been deposited for publication with the
Legislative Reference Bureau.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Wendell F. Holland".

Wendell F. Holland
Chairman

Enclosures

cc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert J. Flick
The Honorable Joseph Preston, Jr.
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel Screven
Ms. Staver
Regulatory Coordinator DelBiondo
Judy Bailets, Governor's Policy Office

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

RECEIVED

2005 DEC -7 AM 11:23

ID Number: L-00050170/57-239

INDEPENDENT REGULATORY
REVIEW COMMISSION

Subject: Revision of Chapter 63 of Title 52 of the PA Code
Pertaining to Regulation of Interexchange Tele-
Communications Carriers and Services

Pennsylvania Public Utility Commission

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted.
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
		<u>HOUSE COMMITTEE</u>
		Consumer Affairs
12/7/05	Mary Walmer	<u>SENATE COMMITTEE</u>
		Consumer Protection and Professional Licensure
12/7/05	Janet Lawrence	Independent Regulatory Review Commission
12/7/05	St. Robert	Attorney General
		Legislative Reference Bureau