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DEPARTMENT NOV 6 1996 9-28-A

Decision 96-11-007 November 6, 1996

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Time Warner Axs of California, L.P. )  
 (U-5358-C), a Delaware Limited Partnership, for a certificate of public convenience and necessity to provide competitive local exchange, intralATA and InterLATA service.

**ORIGINAL**

Notice of mailing, service and return of notification on the PUC, applicant and other parties.

(LIA) of facts and evidence obtained, after a full and hearing was informed of the application, **OPINION** will be filed as a matter of fact and nothing said or done before this notification.

**Request**

Time Warner Axs of California, L.P., (applicant) seeks a certificate of public convenience and necessity (CPCN) under Public Utilities (PU) Code § 1001 to provide facilities-based and resold local exchange telecommunications service as a competitive local carrier (CLC), and as an interexchange reseller.

**Notice of Availability**

In compliance with Rule 18(b) of the Commission's Rules of Practice and Procedure, applicant mailed a notice of availability of the application to the official service list in Rulemaking (R.) 95-04-043, Investigation (I.) 95-04-044, and to those facilities-based CLCs presently authorized by the Commission and known by applicant, as listed in the applicant's June 18, 1996 notice of availability of application filed with the Commission's Docket Office. Applicant requests relief from the provisions of Rule 18(b) that requires service of this application on cities and counties in California where its service will be provided, given a notification sent to various entities in California one month prior.

**1.** A competitive local carrier is a common carrier that is issued a CPCN to provide local exchange telecommunications service for a geographic area specified by such carrier.

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A.96-06-025 ALJ/MFG/gab

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since applicant will not construct or extend any facilities to serve California to state that no information required by the BEFORE THE COMMISSION

Protective Order Concurrently, on June 18, 1996, applicant filed a motion for a limited protective order seeking to protect from public disclosure copies of applicant's financial information and expected customer base information which were submitted under seal. Given that no opposition to the motion was submitted, applicant's motion was granted by a July 9, 1996, Administrative Law Judge (ALJ) ruling. As part of this protective order, applicant's financial information and expected customer base information is to remain under seal for a period of one year from the date of the ruling, except upon further order of the Commission or ALJ.

#### Background

By decision (D.) 95-07-054 (R.95-04-043 and I.95-04-044), we established initial procedures for the filing for CPCN authority to offer competitive local exchange service within the service territories of Pacific Bell (Pacific) and GTE California Incorporated (GTEC). Prospective CLCs who filed petitions by September 1, 1995, for CPCN authority to enter the local exchange market, and otherwise met eligibility requirements, were authorized to offer local exchange service under the following schedule. Competitive local exchange service for facilities-based carriers was authorized effective January 1, 1996. Competitive resale of the bundled local exchange service of Pacific and GTEC was authorized effective March 31, 1996. Any subsequent filings for CLC CPCN authority after September 1, 1995, were to be treated as applications and processed in the normal course of the Commission's business.

#### Affiliation

Applicant is a California limited partnership. "Time Warner Communications Holdings, Inc. and Time Warner Entertainment Company, L.P. are the general partners of Time Warner Inc.

Communications), a Delaware partnership, which is the general partner of applicant; Time Warner Entertainment Company, L.P., is the limited partner of applicant. Applicant's ultimate parent company is Time Warner, Inc., and its subsidiaries, which collectively own 74.49% of the proportionate priority capital and residual equity general partnership interest in Time Warner Entertainment Company, L.P. The remaining 25.51% limited partnership interests in Time Warner Entertainment Company, L.P. are held by a subsidiary of U.S. West, Inc. The proposed Proposed Operation due to those whom will be described below.

Applicant is currently authorized by this Commission to construct and to provide intra Local Access and Transport Area (intraLATA) high speed digital private line (Hi-Cap) services along within California pursuant to D.94-02-046. Pursuant to that authority, applicant undertook the construction of a fiber optic network to be employed in the provision of those authorized local services to customers in San Diego county. Applicant does not plan to construct new transmission facilities to provide switched circuit services. Rather, it plans to provide such services over existing facilities already constructed or scheduled for construction as part of the authority granted to furnish Hi-Cap services pursuant to its present CPCN authority. To the extent that applicant cannot extend its local exchange services to a bona fide prospective customer over its own network facilities, applicant will purchase bundled services or unbundled network components from Pacific or another CLO to extend service to such customers.

Applicant has acquired and will install switching and equipment and associated facilities to provide local exchange service, which are not required for its presently authorized Hi-Cap services. Virtually all construction and installation activities associated with that equipment will be carried out within existing commercial office space and will be routine in nature. Therefore, applicant does not expect to be subject to franchise or permit

requirements of other jurisdictions except to the extent of routine obligations to acquire such ministerial permits as building, zoning, electrical, plumbing, and fire/safety, if applicable to the firm's business.

**Financial Requirement:** It is the opinion of the Commission that a facility-based CLO must demonstrate that it has a cash minimum of \$100,000 of cash or cash equivalent, reasonably liquid and readily available to meet the firm's start-up expenses as initially prescribed in Rule 41B(1) of D.95-07-0547. In addition, customer deposits collected by a CLO must be deposited in a protected and segregated interest-bearing escrow account subject to Commission oversight, pursuant to D.95-12-056 which is incorporated herein.

In addition to the financial data submitted under seal no applicant provided a financial commitment letter from its ultimate parent company, Time Warner, Inc., committing any necessary additional financial resources to allow applicant to offer its services in California, as supported by the parent company's most recent SEC Form 10Q for the calendar year ended December 31, 1995, as shown in Exhibit 3 to the application. It satisfies our financial criteria for being reasonably liquid and readily available to meet the initial applicant's needs, notwithstanding the absence of sufficient

**Technical Experience Requirement:** It is the opinion of the Commission that to satisfy Rule 418(g)'s requirement to provide a showing of reasonable technical experience, applicant provided the information on its three key officers indicating their technical training and experience, as listed on Page 9 of the Application. These key officers are: Time Warner Communications President, Thomas J. Morrow; Time Warner Communications Senior Vice President of Operations, Gayle Greer; and Applicant's Terry MacChurchill, Vice President and General Manager, not described on the above services section. Applicant further substantiated its technical experience by providing a completed draft of its California tariff schedule to the application as Exhibit 4. We conclude that applicant's services did not contain any deficiencies in this regard.

tariffs, except for certain deficiencies set forth in Appendix B, do properly conform to Commission rules without a notice of proposed Environmental Impact Assessment or if a notice is not required.

The California Environmental Quality Act (CEQA) requires the Commission, as the designated lead agency, to assess the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and where environmental quality is restored or enhanced to the fullest extent possible. To achieve this objective, Rule 1761 requires the private proponent of any project subject to Commission approval to submit with the petition for approval of such project an environmental assessment which is referred to as a Proponent's Environmental Assessment (PEA). The PEA is used by the Commission to focus on any impacts of the project which may be of concern and to prepare the Commission's Initial Study to determine whether the project would need a Negative Declaration or an Environmental Impact Report (EIR).

We previously performed a CEQA review for a group of eight facilities-based CLCs which included applicants. Based on its assessment of those eight applications and PEAs, the Commission's Telecommunications Division prepared a draft Negative Declaration and Initial Study generally describing the facilities-based applicants' projects and their potential environmental effects. The Negative Declaration prepared by the Commission's Telecommunications Division was considered a mitigated Negative Declaration. This means that although the initial study identified potentially significant impacts, revisions which mitigate the impacts to a less than significant level were agreed to by the applicants. (Pub. Res. Code § 21080(c)(2)) to achieve no adverse

Based upon our Initial Study and the public comments received, we determined that with the inclusion of mitigation measures incorporated in the projects, the proposed projects would not have potentially significant environmental effects. Pursuant to

D.96-09-072, we approved the Negative Declaration as prepared by the Commission's Telecommunications Division, including the Telecommunications Division's Mitigation Monitoring Plan, in Docket No. D.95-12-057, for applicant and seven other CLC LBOs.

**Conclusion** ~~because of~~ <sup>as a result of</sup> ~~the~~ <sup>the</sup> following ~~eff~~ <sup>eff</sup> ~~in~~ <sup>in</sup> ~~the~~ <sup>the</sup> service. Applicant possesses the necessary financial and technical expertise to operate as a facilities-based and reseller CLC and has a reseller of interexchange services. We will authorize the CLC services that applicant seeks to provide its ~~available~~ <sup>available</sup> ~~potential~~ <sup>potential</sup> local exchange telecommunications services eff. (AB) ~~and~~ <sup>and</sup> ~~the~~ <sup>the</sup> ~~new~~ <sup>new</sup> ~~proposed~~ <sup>proposed</sup> ~~local~~ <sup>local</sup> ~~exchange~~ <sup>exchange</sup> ~~telecommunications~~ <sup>telecommunications</sup> services eff. (BIR)

In addition, Applicant filed its application on June 18, 1996, for authority to provide facilities-based and resold interexchange local exchange telecommunications services eff. (AB) ~~and~~ <sup>and</sup> ~~the~~ <sup>the</sup> ~~new~~ <sup>new</sup> ~~proposed~~ <sup>proposed</sup> ~~local~~ <sup>local</sup> ~~exchange~~ <sup>exchange</sup> ~~telecommunications~~ <sup>telecommunications</sup> services eff. (BIR)

On May 24, Applicant served a Notice of Availability in lieu of its application on parties of record in R195-04-043/I.95-04-044, indicating that copies of the application would be served at the request of any party receiving the notice. (BIR)

On June 1, a notice of the filing of the application appeared in the Commission's Daily Calendar on June 21, 1996, based on the filing date of June 18, 1996. No protests have been filed against such notice. (BIR)

6. On the Commission has routinely granted nondominant local carriers, such as applicant, an exemption from Rule 18(b), where no construction is involved to the extent that the rule requires it for applicant to serve a copy of its application on cities and counties in the proposed service area. (BIR)

7. By prior Commission decisions, we authorized competition in providing local exchange telecommunications service within the service territories of Pacific and GTEC (see, e.g., PSC-1995-001).

8. On By D.95-07-054, D.95-12-056, D.96-02-072, and D.96-03-020, we authorized facilities-based CLC services effective January 1, 1996, and CLC resale services effective March 31, 1996, for carriers meeting specified criteria. (BIR)

existing Applicant has demonstrated that it has a minimum of \$100,000 of cash or cash equivalent reasonably liquid and readily available to meet its startup expenses.

10. Applicant's technical experience is substantiated by the experience of its key officers and presentation of its initial tariff.

11. Applicant has submitted with its application a complete draft of applicant's initial tariff which complies with the requirements established by the Commission, except for the deficiencies identified in Attachment B.

12. Exemption from the provisions of PU Code § 816-830 has been granted to other telecommunications carriers. (See, e.g., D.86-10-007 and D.88-12-0767) (See also D.86-10-007 and D.88-12-0767)

13. The transfer or encumbrance of property of nondominant carriers has been exempted from the requirements of PU Code § 851 whenever such transfer or encumbrance serves to secure debt. (See D.85-11-044.)

14. The Commission staff has conducted an Initial Study of the environmental impact of certain facilities-based CLC applications filed after September 1, 1995, including applicant's, and prepared a Mitigated Negative Declaration.

15. By D.96-09-072, the Commission adopted the Commission staff's conclusion that with the incorporation of all mitigation measures discussed in the Mitigated Negative Declaration attached to D.96-09-072 as Attachment C, that certification of applicant as a CLC will result in no significant adverse impact on the environment.

Conclusions of Law

After the Applicant has the financial ability to provide the proposed service.

1602. Applicant has made a reasonable showing of technical expertise in telecommunications.

13. (m) Public convenience and necessity requires the competitive local exchange services and interexchange services to be offered by applicant, subject to the terms and conditions set forth below:

(i) (v) (4)(b) Applicant is subject to: (continued at the end of section 13)

(ii) (a) The current 0.32% surcharge applicable to telephone services all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the Universal Lifeline Telephone Service (PU Code § 879; Resolution T-15799, November 21, 1995);

(iii) (b) The current 0.36% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Relay Service and Communications Devices Fund (PU Code § 2881; Resolution T-15801, October 5, 1995);

(iv) (c) The user fee provided in PU Code § 830-18, which is 0.11% of gross intrastate revenue for the 1996-1997 fiscal year (Resolution M-4782); and

(v) (d) The current 0.27% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund (PU Code § 739130; Resolution T-15826, December 20, 1995);

not 5(v) (6) Applicant should be exempted from Rule 18(b) if it is a requirement of service of the application on cities and counties in the proposed service area.

6. Applicant should be exempted from PU Code §§ 816-830.

7. Applicant should be exempted from PU Code § 851 when the transfer or encumbrance serves to secure debt.

8(v) The application should be granted to the extent set forth in the order below.

19(v) Any CLC which does not comply with our rules for local exchange competition adopted in R.96-04-043 shall be subject to the

sanctions including, but not limited to, revocation of its CLC or LCL certificate.

iii. In 10(D) Applicant is required to carry out any specific mitigation measures outlined in the Negative Declaration adopted by the Commission in D.96-09-072 which are applicable to its proposed facilities to be in compliance with CEQA at 420-V0-0e (1) noted below.

11. With the incorporation of the specific mitigation and other measures outlined in the Negative Declaration adopted by the Commission in D.96-09-072, applicant's proposed project will not have potentially significant environmental impacts.

12. Because of the public interest in competitive local exchange services and interexchange services, the following order should be effective immediately.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Time Warner Axs of California, Inc. (L.P. (applicant) to operate as a facilities-based and resale competitive local carrier and as an interexchange reseller, subject to the terms and conditions set forth below.

2. Applicant shall file a written acceptance of the certificate granted in this proceeding.

3. a. Applicant is authorized to file with this Commission tariff schedules for the provision of competitive local exchange or interexchange services and interexchange services. Applicant may not offer competitive local exchange services until tariffs are on file. Applicant's initial filing shall be made in accordance with General Order (GO) 96-A, excluding Sections IV, V, and VI, and must include a satisfactory correction of each deficiency listed in Appendix B in this decision. The tariff shall be "effective not less than 1 day after tariff approval by the Commission's

envelope for fax or e-mail

Telecommunications Division. Applicant shall comply with the same provisions in its tariffs.

If Applicant is a competitive local carrier (CLC) and an interexchange carrier, the effectiveness of its future tariffs is subject to the schedules set forth in Appendix A, Section 4.E of the Decision (D.) 95-07-054 for CLCs and Appendix A.5 of D.92-06-069, as for interexchange carriers, but do not incorporate the following:

(i) The CLCs and interexchange carriers shall be nonrate contract filing, revision and service procedures, except those specifying standards (Contracts shall be nonrate contracts, subject to GO 96-A rules for NDICCs, except those for interconnection).

"(1) Uniform rate reductions for existing tariff services shall become effective on five (5) working days' notice to the Commission. Customer notification is not required for rate decreases.

"(2) Uniform major rate increases for existing tariff services shall become effective on thirty (30) business days' notice to the Commission, in addition and shall require bill inserts, or a message on the bill itself, or first class mail notice to customers at least 30 days in advance of the pending rate increase.

"(3) Uniform minor rate increases, as defined in D.90-11-029, shall become effective on not less than five (5) working days' notice to the Commission. Customer notification is not required for such minor rate increases.

"(4) Advice letter filings for new services and for all other types of tariff revisions, except where changes in text not affecting

and/or removal and/or rates of relocations of existing offices edit  
the tariff schedules, shall become effective on forty (40) days' notice to the Commission.

to file "Advice letter" (5) notice to the Commission.

(5) Advice letter filings revising the text or location of text material which do not result in an increase in any rate or charge shall become effective on no less than five (5) days' notice to the Commission.

4. Applicant may deviate from the following provisions of GO 96-A: (a) paragraph II.C.(1)(b), which requires consecutive sheet numbering and prohibits the reuse of sheet numbers, and (b) paragraph II.C.(4), which requires that "a separate sheet or series of sheets should be used for each rule." Tariff filings incorporating these deviations shall be subject to the approval of the Commission's Telecommunications Division. Tariff filings shall reflect all fees and surcharges to which applicant is subject, as reflected in Conclusion of Law 4.

5. Applicant shall file with the Director of Telecommunications Division after the effective date of this order a service area map or written description of its activities. Such maps or description must be adequate for staff to make the determination that the CLC is providing service to interested customers located within 300 feet of the company's facilities.

6. Prior to initiating service, applicant shall provide the Commission's Consumer Services Division with the applicant's designated contact person(s) for purposes of resolving consumer complaints and the corresponding telephone number. This information shall be updated if the name or telephone number changes or at least annually.

7. Applicant shall notify this Commission in writing of the date local exchange and interexchange service are first rendered to

the public within 5 days after local exchange and interexchange service begins, ~~and it shall file with the Commission a copy of its books and records in accordance with the Uniform System of Accounts specified in Title 47, Code of Federal Regulations, Part 32, subject to such~~

8. Applicant shall keep its books and records in accordance with the Uniform System of Accounts specified in Title 47, Code of Federal Regulations, Part 32, subject to such

9. Applicant shall file an annual report, in compliance with GO 104-A, on a calendar year basis using the information contained in Appendix A to this order.

10. Applicant shall ensure that its employees comply with the provisions of Public Utilities (PU) Code § 2889.5 regarding solicitation of customers.

11. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months after the effective date of this order.

12. Applicant shall continue to use its corporate identification number U-5358-C assigned to it in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

13. Within 60 days of the effective date of this order, applicant shall comply with PU Code § 708, Employee Identification Cards, and notify the Director of the Telecommunications Division in writing of its compliance.

14. Applicant is exempted from the provisions of PU Code §§ 816-830.

15. Applicant is exempted from PU Code § 851 for the transfer or encumbrance of property, whenever such transfer or encumbrance serves to secure debt.

16. Applicant is exempted from Rule 18(b) of the Commission's Rules of Practice and Procedure to the extent that the rule requires applicant to serve a copy of its application on the cities and counties it proposes to operate in and to the extent that the

rule requires applicant to serve a copy of all exhibits attached to its application on potential competitors.

17. If applicant is 90 days or more late in filing an annual report or in remitting the fees listed in Conclusion of Law 4, the Commission's Telecommunications Division shall prepare for Commission consideration a resolution that revokes the applicant's certificate of public convenience and necessity, unless the applicants have received the written permission of the Telecommunications Division to file or remit late.

18. Applicant shall comply with the customer notification and education rules adopted in D.96-04-049 regarding passage of calling party number.

19. Applicant shall comply with the Final Negative Declaration including the Mitigation Monitoring Plan adopted by the Commission in Decision 96-09-072, dated September 9, 1996.

20. Applicant's financial statements and expected customer base information placed under seal pursuant to an July 9, 1996 Administrative Law Judge Ruling shall remain under seal for one year from today unless applicant makes a timely request for an extension of confidential treatment with good cause shown.

21. The application is granted, as set forth above.

22. Application 96-06-025 is closed.

This order is effective today.

Dated November 6, 1996, at San Francisco, California.

P. GREGORY CONLON  
President  
DANIEL Wm. FESSLER  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

## APPENDIX A

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## INFORMATION REQUESTED OF COMPETITIVE LOCAL CARRIERS

TO: ALL COMPETITIVE LOCAL CARRIERS

Article 5 of the Public Utilities Code grants authority to the California Public Utilities Commission to require all public utilities doing business in California to file reports as specified by the Commission on the utilities' California operations.

A specific annual report form has not yet been prescribed for the California interexchange telephone utilities. However, you are hereby directed to submit an original and two copies of the information requested on page 2 of this attachment no later than March 31st of the year following the calendar year for which the annual report is submitted.

Address your report to:

California Public Utilities Commission  
Auditing and Compliance Branch, Room 3251, Room II  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

Failure to file this information on time may result in a penalty as provided for in §§ 2107 and 2108 of the Public Utilities Code.

If you have any question concerning this matter, please call (415) 703-1961.

(END OF APPENDIX A)

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## INFORMATION REQUESTED OF COMPETITIVE LOCAL CARRIERS

To be filed with the California Public Utilities Commission, 505 Van Ness Avenue, Room 3251, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

1. (a) Exact legal name and U.# of reporting utility; (b) address

2. Name, title, address, and telephone number of the person to be contacted concerning the reported information.

3. Name, title, address, and telephone number of the officer having custody of the general books of account and the address of the office where such books are kept.

5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.).

If incorporated, specify commissioning date and place.

a. Date of filing articles of incorporation with the Secretary of State.

b. State in which incorporated.

6. Commission decision number granting operating authority and the date of that decision.

7. Date operations were begun.

8. Description of other business activities in which the utility is engaged.

9. A list of all affiliated companies and their relationship to the utility. State if affiliate is:

a. Regulated public utility.

b. Publicly held corporation.

10. Balance sheet as of December 31st of the year for which information is submitted.

11. Income statement for California operations for the calendar year for which information is submitted.

(END OF APPENDIX A)

## EXHIBIT A

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## APPENDIX B.

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List of Deficiencies in Tariffs Filed by Time Warner AXS of California, L.P. in A.96-06-025 to be corrected in Tariff T-8 if Compliance Filing.

1. Numbering system used in tariffs: The company currently uses 1-T as its High Capacity Tariff. How do you intend to fit that tariff schedule with the 1-T in the proposed tariff? You need to renumber your proposed tariff schedules to fit the numbering system already in use.

2. 1-T, Sheet 3, Service Area Map: The service area map shows that the company intends to provide interLATA service only in Pacific Bell and GTEC's service areas. Since you have the authority to provide toll services throughout the entire state of California, your map should therefore show to the entire State.

3. 1-T, Sheet 14, Rule 7 (B) (4) and 2-T, Sheet 131, Rule 6(B) must be changed to reflect that the deposit balance must be returned within 30 days after discontinuance of service, not 30 days following rendition of the final bill.

4. 1-T, Sheet 16, (D) and 2-T, Sheet 134, (D): Modify this rule to state "The nonprevailing party may be liable for reasonable court costs and attorney fees as determined by the CPUC or by the court."

5. 1-T, Sheet 17, and 2-T, Sheet 135: CPUC Reimbursement Fee is now .11%.

6. 1-T, Sheet 32, and 2-T, Sheet 172: Individual promotions must be tariffed before being offered to customers. Since you don't have blanket authority for promotions, delete section 3.0 on sheet 172.

7. 1-T, Sheet 33: Contracts must be filed under G.O. 96-A before service is provided.

8. 2-T: All Rate Schedules: Please clarify if the rates apply in both Pacific Bell and GTEC's territories.

9. 2-T, Sheet 13: IntralATA toll service description indicating service within the San Diego LATA contradicts Sheet 6, which refers to IntralATA toll service within the entire state of California.

10. 2-T, Sheet 43, Blocking Service: You cannot charge residential customers for blocking and it also contradicts your Rule 20 on Sheet 159. You need to revise your proposed tariff to reflect the requirements of Appendix B, rule 15 which addresses

## APPENDIX B

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customer requests for blocking access to 900 and 976 information services.

11. 2-T, Sheet 94, ULTS Income Limitations: Please update the limits to reflect those adopted by Resolution T-15829, on February 23, 1996.

12. 2-T, Sheet 97, ULTS service: D. 95-09-065 established statewide, ULTS rates of \$5.62 for 1FR and \$3.00 for 1MR. Those rates must be shown in your tariff. You may not charge more than those rates.

13. 2-T, Sheet 100, Per D. 95-12-057, the tariff must be revised to state which provider the company will use to administer the Deaf and Disabled Equipment Distribution Program.

14. 2-T, Sheet 128, Special Information Required on Forms: All of the information in Rule 3 of Appendix B must be included on customer bills.

15. 2-T, Sheet 134: Please clarify the due date on customer bill. Is it 15 days or 30 days from the date of presentation of the bill.

16. 2-T, Sheet 139: Please clarify that 911 service is offered free of charge even if a residential customer is disconnected for non-payment as stated in Appendix B, Rule 10.C.

17. Sample forms must be included in the company's compliance filing following certification.

18. Since you are offering Caller ID Service, you must have an approved Customer Notice and Education Plan (CNEP).

19. 3-T, Sheet 4: Service Area Map: Please indicate if the company intends to provide switched access service only in the shaded area of the map, where the company also provides facilities based local service.

20. Number Portability: D. 96-04-052 requires that CLC's offer RCF under reciprocal rates and terms as those adopted in that decision.

21. Please add the words "Competitive Local Carrier" on each tariff sheet above the top horizontal line.

(END OF APPENDIX B)