

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1325 G STREET, N.W., SUITE 800  
WASHINGTON, DC 20005**

**ORDER**

**May 16, 2019**

**RM27-2016-02, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO  
THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE  
STANDARDS FOR THE DISTRICT, Order No. 19931**

**I. INTRODUCTION**

1. By this Order, the Public Service Commission of the District of Columbia ("Commission") adopts the attached amendments to Chapter 27, "Regulation of Telecommunications Service Providers" of Title 15 of the District of Columbia Municipal Regulations ("DCMR"). These rules shall become effective upon publication of a Notice of Final Rulemaking ("NOFR") in the *D.C. Register*.

**II. BACKGROUND**

2. In Order No. 17045, the Commission opened *Formal Case No. 1102* to investigate Verizon Washington, D.C., Inc.'s ("Verizon DC") continued use of its copper infrastructure for the provision of telecommunications services in the District of Columbia and whether, and under what circumstances, the Company plans to transition customers from the telecommunications services provided over copper facilities to telecommunications services provided over fiber facilities.<sup>1</sup> In Order No. 17952, the Commission determined that it should establish notice requirements for the abandonment of copper facilities in a subsequent rulemaking proceeding to protect District of Columbia consumers.<sup>2</sup>

3. On April 15, 2016, the Commission published a First Notice of Proposed Rulemaking ("NOPR") seeking to amend Section 2706, relating to the abandonment of local exchange service, and add a new Section 2707 relating to the abandonment of copper facilities.<sup>3</sup> On May 17, 2016, the Office of Unified Communications ("OUC") filed comments.<sup>4</sup> On July 25, 2016, three entities, Verizon Washington, DC Inc. ("Verizon DC"), the Office of the People's

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<sup>1</sup> *Formal Case No. 1102, In the Matter of the Investigation into the Continued Use of Verizon Washington, DC, Inc.'s Copper Infrastructure to Provide Telecommunications Services ("Formal Case No. 1102")*, Order No. 17045, rel. January 17, 2013.

<sup>2</sup> *Formal Case No. 1102*, Order No. 17952, ¶ 447, rel. September 1, 2015.

<sup>3</sup> 63 *D.C. Reg.* 5773-5785 (April 15, 2016).

<sup>4</sup> RM27-2016-02, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Karima Holmes, Director, OUC, filed May 17, 2016.

Counsel for the District of Columbia (“OPC”), and the Communications Workers of America (“CWA”) filed comments regarding the NOPR.<sup>5</sup> On August 15, 2016, Verizon DC, OPC, the Fiber to the Home Council Americas, Fosterly, and Darell Maxwell filed reply comments.<sup>6</sup>

4. Based on these comments, on October 6, 2018, the Commission published a Second NOPR.<sup>7</sup> The proposed amendments in the Second NOPR to Sections 2704, 2705, 2706, and 2708 update these sections to require that all telecommunications service providers (“TSP”), not just competitive local exchange carriers, that are withdrawing certification and regulated local exchange services comply with the requirements of Sections 2704, 2705, 2706, or 2708. The proposed amendments also add a new Section 2707 to include notice requirements for telecommunications service providers that are abandoning copper facilities in the District of Columbia. Section 2708 is clarified to apply only to relinquishments of certifications where the telecommunications service provider has never offered regulated telecommunications service to customers. The proposed amendments renumber the current Section 2707, Reports, to Section 2710 and makes amendments to the reporting requirements. Finally, definitions are added to Section 2799, the Definitions section. The rules in this Second NOPR differ in some respects from those included in the First NOPR.

5. On December 10, 2018, CWA filed its comments on the Second NOPR.<sup>8</sup> Verizon DC and OPC filed comments on December 12, 2018.<sup>9</sup> On January 14, 2019, Verizon DC filed its Reply Comments,<sup>10</sup> while OPC filed its Reply Comments on January 15, 2019.<sup>11</sup>

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<sup>5</sup> RM27-2016-02, Confidential Comments of Verizon Washington, DC Inc. on Proposed Service Withdrawal and Copper Retirement Rules, filed July 25, 2016; Initial Comments of the Office of the People’s Counsel of the District of Columbia, filed July 25, 2016; Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Vincent Trivelli, Counsel for CWA, filed July 25, 2016.

<sup>6</sup> RM27-2016-02, Reply Comments of Verizon Washington, DC Inc., filed August 15, 2016; Reply Comments of the Office of the People’s Counsel for the District of Columbia, filed August 15, 2016; Reply Comments of the Fiber to the Home Council Americas, filed August 15, 2016; Reply Comments of Fosterly, filed August 15, 2016; Letter to Brinda Westbrook-Sedgwick, Commission Secretary from Darell Maxwell, filed August 15, 2016.

<sup>7</sup> 65 D.C. Reg. 11031-11050 (October 5, 2018).

<sup>8</sup> RM27-2016-02, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Vincent Trivelli (“CWA Comments”), filed December 10, 2018.

<sup>9</sup> RM27-2016-02, Comments of Verizon Washington, DC Inc. on Proposed Service Withdrawal and Copper Retirement Rules (“Verizon DC Comments”), filed December 12, 2018; Initial Comments of the Office of the People’s Counsel of the District of Columbia (“OPC Comments”), filed December 12, 2018.

<sup>10</sup> RM27-2016-02, Reply Comments of Verizon Washington, DC Inc. (“Verizon DC Reply Comments”), filed January 14, 2019.

<sup>11</sup> RM27-2016-02, Reply Comments of the Office of the People’s Counsel of the District of Columbia (“OPC Reply Comments”), filed January 15, 2019.

### III. DISCUSSION

#### A. **Positions of the Parties**

6. Verizon DC opposes the amendments in the Second NOPR, arguing that they are unnecessary and will impede the transition from the provision of telecommunications services over copper facilities to the provision of telecommunications services over fiber facilities. Verizon DC argues that many of the copper abandonment notice provisions in the Second NOPR are like provisions that the Federal Communications Commission (“FCC”) eliminated. Verizon DC argues that the remaining FCC copper abandonment rules are sufficient for the Commission, OPC, and customers, rendering additional requirements by the Commission unnecessary. Verizon DC also argues that since it must directly coordinate with customers about any migration from copper facilities to fiber facilities, general notice provisions are unnecessary.<sup>12</sup>

7. Verizon DC asserts that the FCC requires that carriers seeking to abandon copper facilities provide notice to the FCC, post such notices on the carrier’s website, and notify their customers of the abandonment. Verizon DC notes that the FCC does not require notice to state commissions of copper abandonment, but reasons that state commissions can track copper abandonment through the notices to the FCC.<sup>13</sup> Verizon DC objects to sending copper abandonment notices directly to customers, arguing that these notices would confuse customers and impose costly requirements on TSPs for no added benefit. Verizon DC argues that the FCC eliminated direct customer notice requirements in 2017. Because a provider must communicate with a customer directly regarding a migration from copper facilities to fiber facilities, customer notices are unnecessary, Verizon DC claims.<sup>14</sup> With respect to non-residential customers, Verizon DC contends that the FCC found that notice provisions for non-residential customers impose more burdens and caused more delay than the FCC had originally anticipated, and thus eliminated requirements for notices to non-residential customers.<sup>15</sup>

8. Verizon DC objects to the adoption of Section 2707, the copper abandonment rules, with the possible exception of Subsection 2707.7. Should the Commission adopt Section 2707, however, Verizon DC proposes several changes to this section. First, Verizon DC objects to having different notice periods depending on the type of customers. Verizon DC argues that all FCC-required notices have a 90-day period. Verizon DC argues that large business customers have complex contracts to which notice provisions can be added by the parties, while small business customers are like residential customers and need the same notice period as residential customers. Instead of including the copper retirement date in the customer notice, Verizon DC contends that the notice should include the customer migration date, which is the date that the particular customer will be migrated over to fiber facilities. Verizon DC argues that the customer

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<sup>12</sup> Verizon DC Comments at 2.

<sup>13</sup> Verizon DC Comments at 2-3.

<sup>14</sup> Verizon DC Comments at 4-5.

<sup>15</sup> Verizon DC Comments at 5.

migration date is more important to customers. Verizon DC contends that including the copper retirement date will just confuse customers.<sup>16</sup>

9. Verizon DC also seeks to limit the definition of “copper retirement” to exclude *de facto* copper retirement from the definition. Verizon DC asserts that the FCC in its 2017 copper retirement rules, excluded *de facto* copper retirement, a situation in which the failure to maintain copper facilities results in abandonment of these facilities. Verizon DC proposes the deletion of the phrase “or the failure to maintain copper facilities that is the functional equivalent of removal or disabling of these facilities” from the definition of “abandonment of copper facilities.”<sup>17</sup>

10. Another provision Verizon DC opposes is Subsection 2707.4(b), which requires copper abandonment notices to include a toll-free number for a customer helpline, a URL for the TSP’s Web page with relevant information, and contact information for the Commission’s Office of Consumer Services, including the URL for the Commission’s consumer complaint portal. Verizon DC argues that the inclusion of this information is unnecessary because the FCC notices already require TSP contact information, the Consumer Bill of Rights requires TSPs to have a consumer pamphlet providing information about consumer complaints, and customer bills already include this information. Since migration will require direct customer contact, there is no need for generic helplines to assist customers, Verizon DC contends.<sup>18</sup>

11. Verizon DC objects to its proposed inclusion in Section 2706, which currently applies only to all competitive local exchange carriers (“CLECs”) seeking to abandon the provision of local exchange service. Verizon DC argues that it is governed by the Price Cap Plan, which requires Commission approval of abandonment of only basic residential and business local exchange service, with 30 days’ advance notice but not approval of all other types of service. Verizon DC argues that the FCC modernized its service abandonment rules in 2016 and 2017, urging the Commission to do the same.<sup>19</sup> In light of the decline in regulated local exchange service lines, Verizon DC argues that the Commission should approve the withdrawal of non-basic local exchange service upon 30 days’ notice for all TSPs. Verizon DC argues that the Commission should limit the scope of Section 2706 to basic local exchange service only.<sup>20</sup>

12. OPC argues that the copper-to-fiber transition needs to be managed in an orderly fashion to minimize disruption to customers. OPC generally supports the Second NOPR because it balances the interests of TSPs and customers during this transition. OPC also asserts that the

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<sup>16</sup> Verizon DC Comments at 6-7.

<sup>17</sup> Verizon DC Comments at 7-8.

<sup>18</sup> Verizon DC Comments at 8-9.

<sup>19</sup> Verizon DC Comments at 9-10.

<sup>20</sup> Verizon DC Comments at 12-13.

Second NOPR provides the Commission and OPC with information necessary to manage the transition.<sup>21</sup>

13. OPC supports the extension of Sections 2704, 2705, and 2706 to Verizon DC, in addition to the CLECs already covered by these rules. OPC asserts that having these rules apply to all TSPs will help ensure that customers receive continuity of service when their service provider abandons its service or certification. OPC argues that it is important that Verizon DC be included in these rules, since Verizon DC still has the largest number of customers with regulated service.<sup>22</sup>

14. Regarding Section 2707, the proposed copper abandonment rule, OPC believes that the rule should include opportunities for public comment or objection to proposed copper abandonment. OPC notes that the First NOPR included such provisions, but they were excluded from the Second NOPR. OPC argues that customers should be allowed to comment on proposed copper abandonments, and that the Commission should be able to investigate these abandonments to ensure that customers are protected during any copper-to-fiber transition.<sup>23</sup> OPC contends that adding these provisions into any copper abandonment rule would protect and educate customers as well as resolve disputes between customers and TSPs.<sup>24</sup>

15. OPC notes that the Second NOPR includes a modification to Subsection 2706.3 that requires service of the Exit Plan on OPC. OPC supports this change because it will allow OPC to carry out its customer assistance duties more effectively.<sup>25</sup>

16. OPC proposes two amendments to Definitions in Section 2799. OPC proposes to expand the definition of “Abandonment of Certification” to include abandonment of a certificate of public convenience and necessity to cover Verizon DC. OPC also seeks to change the definition of “Abandonment of Service Application” to “Abandonment, Reduction, or Impairment of Service Application” to match the title of Section 2705.<sup>26</sup>

17. CWA supports the rules in the Second NOPR. CWA supports Section 2707, which, in CWA’s view, appropriately balances TSPs’ needs to move forward with abandonment of copper facilities with customers’ need to plan for the transition. CWA supports the inclusion of *de facto* copper retirement in the rules because this inclusion protects customers.<sup>27</sup>

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<sup>21</sup> OPC Comments at 4-6.

<sup>22</sup> OPC Comments at 8.

<sup>23</sup> OPC Comments at 10-12.

<sup>24</sup> OPC Comments at 13.

<sup>25</sup> OPC Comments at 14.

<sup>26</sup> OPC Comments at 15.

<sup>27</sup> CWA Comments at 2-3.

18. In its Reply Comments, Verizon DC urges the Commission to reject OPC's proposal to reinstate comment and investigation provisions for Section 2707 that were included in the First NOPR but deleted from the Second NOPR. Verizon DC argues that for changes to network facilities that might affect the interoperability of those facilities, 47 U.S.C. § 251(c)(5) expressly requires a notice-based process, not an approval-based process. Verizon DC argues that any rules adopted by the Commission should be notice-based, not approval-based.<sup>28</sup> Verizon DC also argues that a lengthy comment and investigative process would negate and frustrate federal and District policies promoting the deployment of advanced technologies, which the Commission cannot do.<sup>29</sup> Verizon DC contends that the adoption of comment and investigative processes would distort the telecommunications marketplace by impeding TSPs' transition from copper to fiber facilities while permitting entities without copper facilities to deploy their own facilities without delay.<sup>30</sup>

19. OPC objects to Verizon DC's argument that Section 2707 is unnecessary. To the contrary, OPC argues that the Commission found in *Formal Case No. 1102* that Verizon DC was providing inadequate notice of copper retirement and the effects of copper retirement on regulated services. OPC claims that the Commission determined that notice requirements should be established in a subsequent rulemaking after *Formal Case No. 1102*. OPC asserts that the notice provisions in the Second NOPR are District-specific, relating to a District-specific problem. While the FCC has created federal advance notice provisions, OPC claims that the Commission's rules provide an important complement to the federal rules.<sup>31</sup> OPC contends that Section 2707 is both necessary and important.<sup>32</sup> OPC claims that advance notice of copper retirement will provide OPC and the Commission with important information relating to the state of telecommunications transitions in the District of Columbia.<sup>33</sup> Advance notice also permits customers more time to make informed choices about their telecommunications services.<sup>34</sup>

20. OPC argues that while Verizon DC has complained that Section 2707 will lead to additional costs to Verizon DC, Verizon DC has provided no information regarding these increased costs. OPC contends that the cost savings from copper retirement will be much greater than any cost to send out advance notices.<sup>35</sup>

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<sup>28</sup> Verizon DC Reply Comments at 1.

<sup>29</sup> Verizon DC Reply Comments at 2-3.

<sup>30</sup> Verizon DC Reply Comments at 4.

<sup>31</sup> OPC Reply Comments at 5, 9.

<sup>32</sup> OPC Reply Comments at 4-5.

<sup>33</sup> OPC Reply Comments at 6.

<sup>34</sup> OPC Reply Comments at 7.

<sup>35</sup> OPC Reply Comments at 6.

21. OPC contests Verizon DC's claim that advance notices are confusing to customers. OPC claims that the notification provisions in Section 2707 are simple and straightforward. In the case of customer confusion, OPC asserts that Subsections 2707.3(b) and 2707.4(b) provide ways to obtain additional information. OPC contends that the notification provisions in Section 2707 have been designed to minimize customer confusion.<sup>36</sup>

22. OPC also contests Verizon DC's assertion that the notification requirements in Section 2707 will impede its technology transition. OPC argues that Verizon DC has aggressively pursued copper retirement and will continue to do so. In OPC's view, advance notice requirements have not slowed Verizon DC's copper retirement efforts.<sup>37</sup>

23. OPC supports the extension of Section 2706 to all TSPs, not just CLECs. OPC opposes Verizon DC's proposal to be exempt from Section 2706.<sup>38</sup>

## **B. Decision**

24. The proposed amendments to Chapter 27 included in the Second NOPR are intended to ensure that customers have sufficient information to be able to make informed telecommunications choices when TSPs exit the District of Columbia telecommunications market for local exchange services. The proposed amendments also require certain notifications to the Commission, OPC and customers when a carrier migrates its services provided over copper facilities to services provided over fiber facilities, and when a carrier retires any copper facilities. While the current rules for abandonment of certification, service, and local exchange service in Sections 2704, 2705, and 2706 apply only to CLECs, the proposed amendments would not apply to all TSPs, including Verizon DC. Additionally, the Commission seeks to establish advance notice requirements from carriers to customers, the Commission, and OPC when such carriers are retiring their copper facilities.

### **1. Extension of Sections 2704, 2705, and 2706 to Verizon DC**

25. Verizon DC opposes being included in Section 2706, arguing that the requirements in this section are too onerous. The Commission disagrees. If a TSP seeks to abandon local exchange service, especially to existing customers, these customers, as well as OPC and the Commission, need to be informed about the abandonment. Subsection 2706.3 requires the filing of an Exit Plan that provides a detailed framework for ensuring that customers are protected during the abandonment. Subsection 2706.5 prescribes the content and timing of customer notification letters. The protections are necessary to ensure that any abandonment of local exchange service by any TSP is orderly and does not leave customers without telecommunications services.

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<sup>36</sup> OPC Reply Comments at 7.

<sup>37</sup> OPC Reply Comments at 8.

<sup>38</sup> OPC Reply Comments at 10.

26. Verizon DC notes that under the Price Cap Plan, it is permitted to withdraw non-basic service upon 30 days' notice, which Verizon DC claims is sufficient for these types of service withdrawals. Section 2706 does not apply to withdrawals of non-basic services, however. Section 2706 applies to the withdrawal of "regulated telecommunications service to the local exchange voice market" or a portion thereof.<sup>39</sup> The rule specifically provides that it does not apply to terminations of service to one customer, withdrawal of a discretionary custom calling service, grandfathered service, or changes in rates, terms, and conditions of service.<sup>40</sup> Thus, Subsection 2706.1 does not conflict with the withdrawal of non-basic service provisions of the Price Cap Plan.

27. The Price Cap Plan addresses the withdrawal of basic service briefly, indicating that Commission approval is needed for any Verizon DC withdrawal of basic service. No processes for approving the withdrawal are included in the Price Cap Plan,<sup>41</sup> so the provisions of Section 2706 do not conflict with the Price Cap Plan. Instead, Section 2706 provides procedures that would govern any Verizon DC withdrawal of basic service under the Price Cap Plan.

28. Currently, Verizon DC is the only provider of telecommunications service not regulated under Sections 2704, 2705, and 2706; however, Verizon DC is regulated pursuant to its Price Cap Plan. Due to the changes in telecommunications marketplace, including the substitution of regulated services by unregulated services, the Commission needs to ensure that all TSPs that choose to withdraw regulated services are subject to the same rules governing the withdrawal of these services. The rules in 2704, 2705, and 2706 provide several notifications to customers, so that they are protected from a hasty and unplanned termination of regulated service. Thus, extension of these rules to Verizon DC is appropriate.

## **2. New Section 2707 - Copper Abandonment Rules**

29. Most of the comments regarding the Second NOPR focus on Section 2707, the copper abandonment rules. In the First NOPR, the Commission proposed copper abandonment rules that required TSPs abandoning their copper facilities to notify customers. The First NOPR's proposed rules also permitted interested persons to comment on the proposed abandonment and gave discretion to the Commission to open an investigation into the abandonment. In the Second NOPR, the Commission retained the notice provisions in the First NOPR but eliminated the comment and investigation provisions. Responding to the Second NOPR, Verizon DC continues to argue that Section 2707 is not necessary, but should the Commission choose to adopt it, the version of this rule in the Second NOPR is preferable. OPC argues that Section 2707 is necessary, and would prefer to have the comment and investigation provisions added back in.

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<sup>39</sup> 15 DCMR § 2706.1. This language is unchanged in the Second NOPR.

<sup>40</sup> 15 DCMR § 2706.1 (a) – (d). This language is unchanged in the Second NOPR.

<sup>41</sup> *Formal Case No. 1057, In the Matter of Verizon Washington, D.C., Inc.'s Price Cap Plan 2007 for the Provision of Local Telecommunications Services in the District of Columbia* ("Formal Case No. 1057"), Joint Response to the Public Service Commission of the District of Columbia Order No. 15056, Price Cap Plan 2008, § 5(b), filed September 19, 2008.



30. As the rationale for not adopting copper abandonment rules, Verizon DC points to the FCC, which recently eliminated many of its copper abandonment rules. Verizon DC argues that the remaining FCC rules are sufficient to notify customers of copper abandonment, so no District of Columbia-specific rules are necessary. The Commission disagrees. Due to complaints from customers regarding Verizon DC's attempts to transition individual customers from copper facilities to fiber facilities, the Commission opened an investigation in *Formal Case No. 1102*. During that proceeding, the Commission found that Verizon DC needed to revise some of its marketing materials and customer service scripts to clarify the effects of transitioning from regulated telecommunications services provided over fiber facilities to unregulated telecommunications services provided over fiber facilities.<sup>42</sup> The Commission also determined that rules regarding customer notification of abandonment of copper facilities needed to be established in a subsequent rulemaking.<sup>43</sup> The Commission's adoption of copper abandonment rules arises from concerns from District of Columbia customers about having their telecommunications services over copper facilities being transitioned to fiber facilities. While the Commission cannot, and does not seek to, slow down the deployment of advanced technology in the District of Columbia, the Commission seeks to ensure that consumers are informed about these technological changes so that they have the knowledge that will assist them in making choices regarding their telecommunications service.

31. Verizon DC also argues that Section 2707 should be limited to cases of actual copper abandonment, not cases of *de facto* abandonment, where copper facilities are not maintained to the point where they are effectively abandoned because they are unusable. However, in the Settlement Agreement regarding the Price Cap Plan, Verizon DC committed to "maintain the copper infrastructure in use and serving customers" "[u]ntil FiOS is deployed, and afterwards."<sup>44</sup> Since *de facto* copper abandonment is barred by Term 9, *de facto* copper abandonment should be included in Section 2707.

32. If Section 2707 is adopted, Verizon DC asserts that all of the customer notices in Subsection 2707.2 should be 90-day notices, instead of having different notice periods for different types of customers.<sup>45</sup> The Commission disagrees. The transition from telecommunications services provided over copper facilities to telecommunications service provided over fiber facilities will be more complicated for utilities, other TSPs that provide local exchange service to residential and business customers, and large business customers than for residential customers. Thus, these entities need more notice of the facilities transition than residential customers.

33. Verizon DC objects to the contents of the customer notice, including the provision of a toll-free customer helpline, a URL on the TSP's webpage with relevant information, and

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<sup>42</sup> Order No. 17952, ¶¶ 386, 388-389.

<sup>43</sup> Order No. 17952, ¶ 567.

<sup>44</sup> *Formal Case No. 1057*, Terms of Full and Unanimous Settlement Agreement Between Verizon Washington, DC Inc. and Office of the People's Counsel at 2 (Term 9), filed March 5, 2018.

<sup>45</sup> The proposed rules require 270-day notices for utilities, 180-day notices for other TSPs that provide local exchange service to residential and business customers and business customers, and 90-day notices for residential customers.

information about contacting the Commission's Office of Consumer Services, arguing that this information is provided in other materials. However, it is more efficient and effective to have this information in the customer notice, instead of requiring customers to find this information in other materials.

34. Verizon DC also argues that any customer notice should include the customer migration date, which is the date that telecommunications service will be migrated from copper to fiber facilities, not the copper retirement date, which is the date that the copper will be abandoned. However, Verizon DC also argues that an exact migration date needs to be determined through discussions between Verizon DC and the customer. Due to the need for interaction between the TSP and the customer, it appears that a migration date cannot be included in the customer notice. Inclusion of the copper retirement date in the customer notice will provide customers with a certain date for the termination of telecommunications service provided over copper facilities.

35. OPC seeks to have the comment and investigation provisions that were included in the First NOPR but deleted in the Second NOPR added back into the rules. However, the inclusion of these provisions would convert a notification process into an approval process, which is prohibited by 47 U.S.C. § 251(c)(5). This statutory provision requires the provision of "reasonable public notice of changes" that would affect the interoperability of local exchange facilities and networks.<sup>46</sup> Abandonment of copper facilities does not necessarily equate to the termination of regulated service, since traditional switched local exchange service can still be provided over fiber facilities. Thus, copper abandonment is akin to a network change to be handled pursuant to 47 U.S.C. § 251(c)(5), not a termination of service. The Commission finds that abandonment of copper facilities should be a notice-based process instead of an approval-based process because copper abandonment is a change in facilities, not a termination of service. The Commission rejects OPC's proposal.

36. For the foregoing reasons, the Commission adopts the rules in the Second NOPR as published on October 5, 2018. The rules will become effective upon publication of a NOFR in the *D.C. Register*.

37. In its Comments, OPC suggests changes to two definitions that were not included in the Second NOPR, the "Abandonment of Certification" definition and the "Abandonment of Service Application" definitions.<sup>47</sup> Since these amendments were not included in the Second NOPR, the Commission will issue a new NOPR proposing changes to these definitions.

**THEREFORE, IT IS ORDERED THAT:**

38. The proposed amendments to Chapter 27 of Title 15 District of Columbia Municipal Regulations published in the October 5, 2018, Notice of Proposed Rulemaking are **ADOPTED**; and

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<sup>46</sup> 47 U.S.C. § 251(c)(5) (2018).

<sup>47</sup> OPC Comments at 15.

39. The proposed amendments to Chapter 27 of Title 15 District of Columbia Municipal Regulations published in the October 5, 2018, Notice of Proposed Rulemaking shall become effective upon publication of a Notice of Final Rulemaking in the *D.C. Register*.

**A TRUE COPY:**

**BY DIRECTION OF THE COMMISSION:**

A handwritten signature in black ink, reading "Brinda Westbrook-Sedgwick". The signature is written in a cursive, flowing style.

**CHIEF CLERK:**

**BRINDA WESTBROOK-SEDGWICK  
COMMISSION SECRETARY**

**Chapter 27, REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**2704 ABANDONMENT OF CERTIFICATION OR CERTIFICATE OF CONVENIENCE AND PUBLIC NECESSITY**

- 2704.1 Any telecommunications service provider (“TSP”) certificated by the Commission that proposes to abandon the CLEC certification or certificate of convenience and public necessity in the District shall file an abandonment of certification application with the Commission no later than ninety (90) days prior to the proposed date of the abandonment of certification or certificate. The application shall contain, in the following order and specifically identify the following information:
- (a) The applicant’s name, address, telephone number, fax number, the name under which the applicant is providing service in the District of Columbia, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District of Columbia, if applicable, and the proposed abandonment date;
  - (b) A complete explanation of the reasons for the proposed abandonment of certification;
  - (c) A description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
  - (d) A statement as to whether the applicant owns facilities in the District of Columbia, and if so, a plan for the applicant to remove, maintain, or transfer any facilities in the District of Columbia that would otherwise be abandoned; and
  - (e) An affidavit signed by a company officer verifying that all of the information in the application is true and correct.
- 2704.2 If, at the time of the filing of the abandonment of certification application, the TSP is providing service to customers, the applicant also shall file an abandonment of service application pursuant to 15 DCMR § 2705 and/or 15 DCMR § 2706, as appropriate.
- 2704.3 The TSP shall serve a copy of its abandonment of certification or certificate application on the Office of the People’s Counsel on the same day that the application is filed with the Commission.
- 2704.4 The applicant shall return any customer deposits within fifteen (15) days of the abandonment of certification application filing date. Upon full payment of these

deposits, the applicant shall notify the Commission that all deposits have been paid by filing an affidavit explaining how and when these payments were made.

2704.5 Within thirty (30) days after receiving the abandonment of certification application, the Commission shall either approve the application, reject the application, or request supplemental information. If the Commission requests supplemental information, the applicant will be afforded fifteen (15) days to provide the Commission with such supplemental information.

2704.6 The Commission shall approve an abandonment of certification or certificate application if:

- (a) The TSP has satisfied outstanding debts owed to the Commission or any agency of the District of Columbia government;
- (b) The TSP has developed and implemented a comprehensive plan for returning customer deposits; and
- (c) The approval of the abandonment of certification application or certificate would serve the public interest.

2704.7 No TSP shall abandon its certification or certificate absent Commission approval. Upon receiving Commission approval, the applicant shall void any existing interconnection agreements by notifying the Commission and any TSP with which the applicant has signed an interconnection agreement of the abandonment of certification or certificate. Upon receiving Commission approval, the applicant shall also withdraw all existing tariffs on file with the Commission.

## **2705 ABANDONMENT, REDUCTION, OR IMPAIRMENT OF SERVICE**

2705.1 Any TSP certificated by the Commission that proposes to abandon, reduce or impair the provisioning of telecommunications services in the District of Columbia shall file an application with the Commission no later than ninety (90) days prior to the proposed date of abandonment, reduction or impairment of service. This Section 2705 shall apply if a TSP proposes to abandon, reduce or impair the provisioning of telecommunications services in the District of Columbia, either in whole or in part (including, but not limited to, for a class of customers, such as residential customers or business customers or for customers located in specified geographic areas). However, this section does not apply where a TSP in the ordinary course of business is proposing only to:

- (a) Terminate service to an individual customer for reasons applicable to that customer (for instance, because the customer has failed to pay charges due to the TSP);

- (b) Withdraw a discretionary custom calling service feature (for instance, caller ID or call waiting);
- (c) Limit availability of a service so that the service is available only to the TSP's customers who already subscribe to that service; or
- (d) Change a rate, term or condition for a service.

2705.2 The abandonment of service application shall contain, in the following order and specifically identify the following information:

- (a) The applicant's name, address, telephone number, fax number, the name under which the applicant is providing service in the District of Columbia, the date and order number of the Commission order that authorized the applicant to provide telecommunications services in the District of Columbia, if applicable, and the proposed abandonment of service date;
- (b) Description of the nature of the proposed abandonment, reduction of impairment of service;
- (c) A complete explanation of the reasons for the proposed abandonment, reduction or impairment of service, including, but not limited to, a statement as to whether the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, or only in part, and if only in part, a description of the proposed abandonment, reduction or impairment of service (for instance, for a class of customers, such as residential customers or business customers, or, customers located in specified geographic areas);
- (d) A plan for the refund of any deposits collected from affected customers, with accrued interest less any amounts due to the applicant;
- (e) If the applicant proposes to abandon the provisioning of telecommunications services in the District of Columbia in whole, a description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
- (f) A statement as to whether the applicant owns facilities in the District of Columbia, and if so, a plan for the applicant to remove, maintain, or transfer any facilities in the District of Columbia that would otherwise be abandoned;
- (g) An identification of the geographic area involved and date on which the applicant desires to make the proposed abandonment, reduction, or impairment of service effective;

- (h) A statement of the number of customers, classified by residential or business customer, affected by the proposed abandonment, reduction or impairment of service;
- (i) A statement of the number of customers affected by the proposed abandonment, reduction or impairment of service for whom the applicant receives universal service support;
- (j) A statement of the date on which notice of the proposed abandonment, reduction or impairment of service will be sent to affected customers;
- (k) A copy of the notice that will be sent to affected customers;
- (l) If the abandonment, reduction or impairment of service application is filed because the applicant is discontinuing TDM-based local exchange service, a copy of the application filed with the Federal Communications Commission pursuant to 47 C.F.R Part 63;
- (m) A statement of the factors showing that neither present nor future public interest, convenience and necessity would adversely be affected by the granting of the application; and
- (n) An affidavit signed by a company officer verifying that all of the information in the application is true and correct.

2705.3 The applicant shall serve a copy of its abandonment, reduction or impairment of service application on the Office of the People's Counsel on the same day that the application is filed with the Commission.

2705.4 Any TSP that proposes to abandon, reduce, or impair service in the District of Columbia shall notify each customer affected by the proposed abandonment in accordance with the customer notice provisions of Subsection 2706.5. Notice to customers shall be given in accordance with the customer notice provisions of Subsection 2706.5 even if the proposed abandonment, reduction or impairment of service is not otherwise subject to compliance with Section 2706.

2705.5 The applicant shall return all customer deposits affected by the proposed abandonment of service, with accrued interest less any amounts due to the applicant within seventy-five (75) days of the abandonment of service application filing date. Upon full payment of these deposits, the applicant shall notify the Commission that all such deposits have been paid.

2705.6 The applicant shall reimburse its customers affected by the proposed abandonment of service for any carrier charges including, but not limited to, service order charges and service installation charges directly associated with the transfer of those

customers to another TSP and otherwise chargeable to the customers, as long as the transfer occurs within thirty (30) days of the notification to the customer of the applicant's abandonment of service. Except where the customer is transferred to an Acquiring Carrier (as defined in Subsection 2706.2) or to an "acquiring carrier" (as such term is used in 47 C.F.R. § 64.1120), the amount of the carrier charges that an applicant shall be required by this Subsection to reimburse to a customer shall not exceed:

- (a) Fifty dollars (\$50) per residence service line; and
- (b) One hundred dollars (\$100) per business service line.

2705.7 The Commission may by order annually increase the maximum amount of the carrier charges to be reimbursed by the applicant under Subsection 2705.6 by a percentage amount equal to the percentage increase in the Consumer Price Index – All Urban Consumers applicable to the District of Columbia as determined by the United States Government. Upon full payment of these amounts, the applicant shall notify the Commission that all such amounts have been paid.

2705.8 Within thirty (30) days after receiving the abandonment, reduction or impairment of service application, the Commission shall either approve the application, reject the application, or request supplemental information.

2705.9 If, within thirty (30) days after receiving the abandonment, reduction or impairment of service application, the Commission does not either approve the application, reject the application, or request supplemental information, the application shall be deemed approved.

2705.10 If the Commission requests supplemental information, the applicant has fifteen (15) days to provide the Commission with such supplemental information.

2705.11 If the Commission requests supplemental information and, by the later of thirty (30) days after receiving the supplemental information the Commission does not either approve the application, reject the application, or request additional supplemental information, the application shall be deemed approved.

2705.12 Approval of the abandonment, reduction or impairment of service application shall be subject to the applicant's compliance with the applicable provisions of Section 2706.

2705.13 The Commission shall approve an abandonment, reduction or impairment of service application if:

- (a) The TSP has satisfied outstanding debts owed the Commission or any agency of the District of Columbia government;



- (b) The applicant has complied with this Section 2705, the applicable provisions of Section 2706, and all other applicable Commission rules and requirements of applicable law;
- (c) The applicant has developed and implemented a comprehensive plan for returning customer deposits to customers affected by the proposed abandonment of service, with accrued interest less any amounts due to the applicant, and, if the applicant proposes to abandon its provisioning of telecommunication services in the District in whole, satisfying outstanding debts owed the Commission and/or other District agencies;
- (d) The applicant has satisfied all switchover fees incurred by its customers affected by the proposed abandonment of service as required by Subsection 2705.6; and
- (e) The approval of the abandonment, reduction or impairment of service application would serve the public interest. If the applicant is discontinuing TDM-based service, then the public interest consideration will also consider the factors in 47 C.F.R. § 63.602(b).

2705.14 No TSP shall abandon, reduce, or impair service in the District of Columbia without Commission approval. Upon receiving Commission approval for the abandonment of service, the applicant shall void any existing interconnection agreements by informing the Commission and any TSP with which the applicant has signed an interconnection agreement of the abandonment of service.

## **2706 ABANDONMENT OF SERVICE TO THE LOCAL EXCHANGE VOICE SERVICES MARKET**

### **2706.1 Applicability**

This section applies when a TSP that has one (1) or more customers proposes to abandon the provisioning of regulated telecommunications services to the local exchange voice services market or a portion of the local exchange voice services market (including, but not limited to, a class of customers such as residential customers or business customers, or customers located in specified geographic areas). However, this section does not apply where a TSP in the ordinary course of business is proposing only to:

- (a) Terminate service to an individual customer for reasons applicable to that customer (for instance, because the customer has failed to pay charges due to the TSP or because the customer is transitioning from regulated to unregulated service);

- (b) Withdraw a discretionary custom calling service feature (for instance, caller ID or call waiting);
- (c) Limit availability of a service so that the service is available only to the TSP's customers who already subscribe to that service; or
- (d) Change a rate, term or condition for a service.

## **2706.2 Definitions**

For the purposes of this section the following terms and phrases shall have the meanings ascribed:

- (a) Acquiring Carrier - a local exchange carrier that has entered into an arrangement with an Exiting TSP to acquire the Exiting TSP's customers.
- (b) Cut-Off Date - the date after which an Exiting TSP's customers will have to wait until their migration to the Acquiring Carrier is completed before they can obtain local exchange service from a different carrier.
- (c) Exiting TSP - a TSP that proposes to abandon the provisioning of telecommunications services to the local exchange voice services market, or a portion of the local exchange voice services market (including, but not limited to, a class of customers such as residential customers or business customers, or customers located in specified geographic areas).
- (d) Network Service Provider - a local exchange carrier that provides interconnection, network elements, telecommunications services, collocation, or other services, facilities, equipment or arrangements, that:
  - (1) Are used by the Exiting TSP to provide service to its customers; or
  - (2) Will be used by a carrier (including, but not limited to, an Acquiring Carrier) that is acquiring one (1) or more of the Exiting TSP's customers, to provide service to those customers.
- (e) Priority/Essential Customers - any ambulance, police or fire service, hospital, national security agency, or civil defense organization, or any customer who has obtained Telecommunications Service Priority authorization from the Federal Government.

## 2706.3 Exit Plan

- (a) An Exiting TSP must file an Exit Plan with the Commission, OPC, and the District of Columbia Office of Unified Communications at least ninety (90) days in advance of the Exiting TSP's proposed discontinuance of service date. Upon good cause shown, the Commission may establish an alternative date by which the Exiting TSP must file its Exit Plan.
- (b) The Exit Plan filed by the Exiting TSP with the Commission must include:
  - (1) A statement specifying the Exiting TSP's proposed discontinuance of service date and, if there is an Acquiring Carrier, the proposed Cut-Off Date;
  - (2) A sample of the initial notice letter that will be sent to the Exiting TSP's customers pursuant to Subsection 2706.5;
  - (3) Plans for follow-up customer notification arrangements, such as a second letter, phone calls or bill inserts;
  - (4) A date by which the Exiting TSP's customers must select a new local exchange carrier;
  - (5) Contact names and telephone numbers for the Exiting TSP's cutover coordinator, regulatory contact and other pertinent contact personnel (such as customer service record ("CSR") and provisioning contacts);
  - (6) Any arrangements made for an Acquiring Carrier;
  - (7) Steps to be taken with the number code and/or pooling administrator to transfer NXX and thousand number blocks while preserving number portability for numbers within the code;
  - (8) The current customer serving arrangements (for example, UNE-Platform, UNE-Loop, resale or full facilities) and the underlying Network Service Providers;
  - (9) To the extent feasible, a statement as to the following:
    - (A) whether there are any customers for whom the Exiting TSP is the only provider of facilities;

- (B) the number of customers for whom the Exiting TSP is the only provider of facilities; and
  - (C) the number of lines for which the Exiting TSP is the only provider of facilities;
- (10) The number of customers impacted;
- (11) A statement setting out:
  - (A) The format in which the Exiting TSP's CSRs are being kept,
  - (B) What data elements are in these CSRs; and
  - (C) How the CSRs can be obtained by other carriers. Data elements include:
    - (i) Billing telephone number;
    - (ii) Working telephone number;
    - (iii) Complete customer billing name and address;
    - (iv) Directory listing information, including name, address, telephone number and listing type;
    - (v) Complete service address;
    - (vi) Current Primary Interexchange Carrier selection (inter/intraLATA toll service), including freeze status;
    - (vii) Local service freeze status;
    - (viii) All vertical features (such as, custom calling, hunting);
    - (ix) Options (such as, Lifeline, 900 blocking, toll blocking, remote call forwarding, off premises extensions);
    - (x) Tracking number or transaction number (for

- example, purchase order number);
- (xi) Circuit identification information with associated telephone number;
  - (xii) Service configuration information (such as, UNE-Platform, UNE-Loop, resale or full facilities);
  - (xiii) Identification of the Network Service Provider(s); and
  - (xiv) Identification of any line sharing/line splitting on the migrating customer's line;
- (12) Any transfer of assets or control that requires Commission approval;
- (13) Plans to modify and/or cancel tariff(s);
- (14) Plans for reimbursement of switchover fees;
- (15) Plans for treatment of customer deposits, credits, and/or termination liabilities or penalties;
- (16) A description of the arrangements made for payment of any outstanding taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia;
- (17) Plans for the transfer, removal or abandonment of any Exiting TSP equipment or facilities on the customers' premises;
- (18) A statement on whether the Acquiring Carrier will be responsible for handling any complaints filed, or otherwise raised, against the Exiting TSP prior to or during the migration of customers to the Acquiring Carrier; and
- (19) Plans for unlocking the E911 database, including the letter detailed in Subsection 2706.8.

- (20) A copy of any discontinuance of service application filed with the Federal Communications Commission (“FCC”) pursuant to 47 U.S.C. § 214(a).
- (c) If the Exit Plan contains information that the Exiting TSP claims are confidential or proprietary, the Exiting TSP may seek confidential treatment of the confidential or proprietary information in accordance with 15 DCMR § 150. To the extent provided by 15 DCMR § 150 and other provisions of applicable law, copies of the confidential version of the Exit Plan shall be available to the Office of the People’s Counsel, carriers, and other interested persons.
- (d) If the Exiting TSP seeks confidential treatment of information contained in the Exit Plan, the Exiting TSP shall also file with the Commission a version of the Exit Plan that omits the confidential information. The Exiting TSP shall serve the non-confidential version of the Exit Plan upon the Office of the People’s Counsel. The non-confidential version of the Exit Plan shall be available from the Commission to carriers and other interested persons.

Within thirty (30) days after receiving the Exit Plan, the Commission shall either approve the Exit Plan, reject the Exit Plan, or request supplemental information. If within thirty (30) days after receiving the Exit Plan the Commission does not either approve the Exit Plan, reject the Exit Plan, or request supplemental information, the Exit Plan shall be deemed approved. If the Commission requests supplemental information, the Exiting TSP has fifteen (15) days to provide the Commission with such supplemental information. If within thirty (30) days after receiving the supplemental information the Commission does not either approve the Exit Plan, reject the Exit Plan, or request additional supplemental information, the Exit Plan shall be deemed approved.

#### 2706.4 Industry Notification

- (a) When the Commission receives notice of the Exiting TSP’s proposed discontinuance of service, the Commission Secretary shall post notice of the proposed discontinuance of service on the Commission’s website under “Report of Telephone Companies Exiting the Local Exchange Market” at [www.dcpssc.org](http://www.dcpssc.org).
- (b) On the same date that the Exiting TSP files its Exit Plan with the Commission:
  - (1) The Exiting TSP shall give notice to its Network Service Providers of its proposed discontinuance of service; and

- (2) The Acquiring Carrier shall give notice to its Network Service Providers of its proposed acquisition of the Exiting TSP's customers.
- (c) If necessary, a conference call may be established by Commission Staff in order to address potential problem areas and procedures. The persons invited to participate in the conference call shall include all carriers providing service in the District of Columbia, the Exiting TSP's Network Service Providers, the Acquiring Carrier's Network Service Providers, Commission Staff, the Office of the People's Counsel, and such other persons as Commission Staff deems appropriate.

2706.5 Retail Customer Notification

- (a) If there is an Acquiring Carrier, the Exiting TSP and the Acquiring Carrier must give written notice to the Exiting TSP's customers of the Exiting TSP's proposed discontinuance of service and the proposed transfer of the customers to the Acquiring Carrier.
- (b) If there is not an Acquiring Carrier, the Exiting TSP must give written notice to its customers of its proposed discontinuance of service.
- (c) The written notice to be provided pursuant to paragraph (a) or (b) must be given at least sixty (60) days in advance of the Exiting TSP's proposed discontinuance of service date. Upon good cause shown, the Commission may establish an alternative customer notice period; provided that the customer notice must be given at least forty-five (45) days in advance of the Exiting TSP's proposed discontinuance of service date.
- (d) Contents
  - (1) The Commission shall adopt by order model customer notification letters that comply with Commission and FCC regulations. A customer notice letter issued pursuant to paragraph (a) or (b) must comply with the Commission's applicable model customer notification letter.
  - (2) The customer notification letter must include the following information:
    - (A) Statement that the Exiting TSP will no longer be providing the customer's local telephone service;
    - (B) If there is an Acquiring Carrier, the identity of the Acquiring Carrier;

- (C) The customer's right to choose an alternative carrier;
- (D) Clear instructions to the customer regarding the choice of an alternative carrier;
- (E) The customer's need to take prompt action when there is no Acquiring Carrier;
- (F) Time deadlines for customer action in accordance with the Commission's rules;
- (G) A statement regarding switchover fees and the Exiting TSP's plans for reimbursement of switchover fees;
- (H) The customer's responsibility for payment of telephone bills during the migration period;
- (I) When the customer is being transferred to an Acquiring Carrier, information about the lifting and reestablishment of preferred carrier freezes;
- (J) Applicable information about long distance service and whether it may be impacted by the change in local exchange carrier;
- (K) The Exiting TSP's plans for treatment of customer deposits, credits, and/or termination liabilities or penalties;
- (L) The Exiting TSP's plans for transfer, removal or abandonment of any Exiting TSP equipment or facilities on the customer's premises;
- (M) Information on the Acquiring Carrier's services and rates, terms and conditions, and on the means by which the Acquiring Carrier will notify the customer of any changes to these rates, terms and conditions;
- (N) Whether the Acquiring Carrier will be responsible for handling any complaints filed, or otherwise raised, against the Exiting TSP prior to or during the migration of customers to the Acquiring Carrier;



- (O) Any other information required by applicable law (including, but not limited to, any other information required by the Commission or the FCC);
  - (P) Toll-free telephone numbers for the Exiting TSP and the Acquiring Carrier;
  - (Q) Contact information for the Commission; and
  - (R) Contact information for the Office of the People's Counsel.
- (3) If there is an Acquiring Carrier, the customer notice letter must contain a Cut-Off Date and a statement that customers who have not selected an alternative carrier by the Cut-Off Date will be transferred to the Acquiring Carrier. When notice is given to the customer sixty (60) days in advance of the proposed discontinuance of service date, the Cut-Off Date shall be thirty (30) days before the proposed discontinuance of service date. When notice is given to the customer less than sixty (60) days in advance of the proposed discontinuance of service date, the Cut-Off Date shall be as specified by the Commission. The notification process must allow the customer thirty (30) days to select a new carrier. The Acquiring Carrier may not migrate the Exiting TSP's customers to the Acquiring Carrier until after the Cut-Off Date.
- (4) If there is not an Acquiring Carrier, the Exiting TSP must give at least one (1) additional notice to each customer who, twenty (20) days prior to the proposed discontinuance of service date, has not migrated to a new carrier. This additional notice must be given no later than fifteen (15) days prior to the proposed discontinuance of service date or, upon a showing to the Commission that fifteen (15) days advance notice is not feasible, at the earliest possible date, as approved by the Commission. The form of the additional notice could include a follow-up letter, a telephone call to the customer, a bill insert, or any other means of direct contact with the customer.

#### 2706.6 Mass Migration Process

- (a) As soon as is feasible after the Exiting TSP's Exit Plan is filed with the Commission, the Exiting TSP and the Acquiring Carrier shall establish with their applicable Network Service Providers appropriate arrangements for migration of the Exiting TSP's customers to the Acquiring Carrier. The Exiting TSP and the Acquiring Carrier shall submit to their applicable

Network Service Providers any service orders and information needed to carry out the migration. Such service orders and information shall be submitted sufficiently in advance of the Exiting TSP's proposed discontinuance of service date so that the migration will be able to be completed by the proposed discontinuance of service date.

- (b) Carriers other than the Acquiring Carrier who are acquiring the Exiting TSP's customers shall submit to their applicable Network Service Providers any service orders and information needed to carry out the migration. To the extent feasible, such service orders and information shall be submitted sufficiently in advance of the Exiting TSP's proposed discontinuance of service date so that the migration will be able to be completed by the proposed discontinuance of service date.
- (c) The Exiting TSP shall make available to its Network Service Provider, its customers' new carriers and these carriers' Network Service Providers, the CSR information needed to migrate the Exiting TSP's customers, and any other information reasonably needed to migrate the Exiting TSP's customers. Upon request, the Exiting TSP shall also provide to Commission Staff CSR information for customers whose particular serving arrangements may create migration problems.
- (d) The Exiting TSP must track the progress of the migration of its customers and provide the Commission with progress reports. The reports shall contain a count of the customers that remain in service with the Exiting TSP and such other information as shall be specified by the Commission. The reports shall be provided at such intervals as shall be specified by the Commission. Subject to 15 DCMR § 150 and other provisions of applicable law, upon request by the Office of the People's Counsel, the Exiting TSP shall provide copies of the progress reports to the Office of the People's Counsel.
- (e) Except as authorized by the Commission pursuant to Subsection 2706.3(e) or as otherwise authorized by the Commission, the Exiting TSP shall not discontinue provision of service until all of its customers who will be affected by its discontinuance of service have migrated to other carriers.

#### 2706.7 NXX Code Transfers

If the Exiting TSP has any NXX codes or thousand number blocks assigned, it must make transfer arrangements with the code administrator at least sixty-six (66)

days prior to the proposed discontinuance of service date or by such earlier date as shall be specified by the code administrator.

2706.8 E- 911

- (a) The Exiting TSP must unlock all of its telephone numbers in the E911 database in accordance with the National Emergency Numbering Association's standards.
- (b) The Exiting TSP must submit a letter to the appropriate E911 service provider authorizing the E911 service provider to unlock any remaining E911 records after the Exiting TSP has discontinued provision of service. This letter must be provided at least thirty (30) days prior to the Exiting TSP's discontinuance of service. A copy of such letter shall be filed with the Commission.
- (c) The Exiting TSP must provide E911 service to any customer who does not select another local exchange carrier prior to the Cut-Off Date if it is technically possible to provide the service itself or the Exiting TSP may obtain such service from its underlying or any other carrier.

2706.9 Freezes

All customers who have preferred carrier freezes on the services affected by a migration to an Acquiring Carrier will be transferred to the Acquiring Carrier, unless they have selected a different carrier by the Cut-Off Date. The Exiting TSP shall lift existing preferred carrier freezes on services involved in a migration to an Acquiring Carrier. An Acquiring Carrier shall advise the customers that it is acquiring from the Exiting TSP that if they want preferred carrier freezes, they must contact the Acquiring Carrier to arrange for such freezes.

2706.10 Reservation of Rights

Nothing in this Section 2706 shall limit, or delay the right to exercise, any right that an incumbent local exchange carrier, TSP, or other person may have under an interconnection or resale agreement, tariff, or otherwise, to require payment for, to decline to provide, or to suspend or terminate, interconnection, network elements, telecommunications services, collocation, or other services, facilities, equipment, or arrangements.

**2707 ABANDONMENT OF COPPER FACILITIES****2707.1 Applicability**

This section applies when a TSP that has one (1) or more customers that are provided local exchange services over copper facilities (including, but not limited to, a class of customers such as residential customers or business customers, or customers located in specified geographic areas) proposes to abandon the provisioning of local exchange services over copper facilities. However, this section does not apply where a TSP in the ordinary course of business is proposing only to abandon copper facilities in order to resolve a service quality concern raised and agreed to by the customer with the TSP. Additionally, this section does not apply to an emergency repair situation in which copper facilities are replaced with fiber facilities in order to expedite resolution of out-of-service conditions for multiple customers.

**2707.2 Public Notifications**

Any TSP that seeks to abandon copper facilities used to provide regulated local exchange service shall file a notification of this abandonment with the Commission, OPC, and with:

- (a) The electric and gas public utilities, competitive electricity suppliers, and competitive natural gas suppliers in the affected service area at least 270 days before the proposed abandonment of copper facilities;
- (b) Any other TSPs that provides regulated local exchange service to residential or business customers in the affected service area at least 180 days before the proposed abandonment of copper facilities;
- (c) Business customers in the affected service area at least 180 days before the proposed abandonment of copper facilities; and
- (d) Residential customers in the affected service area at least 90 days before the proposed abandonment of copper facilities.

**2707.3 The notice to customers, which the TSP shall file with the Commission and OPC, shall include**

- (a) The TSP's name and address;
- (b) The name, telephone number, and email address of a contact person who can supply additional information about the proposed copper facilities abandonment;
- (c) The implementation date of the copper facilities abandonment;

- (d) The location, by geographic area, of the copper facilities abandonment;
- (e) A statement indicating whether the copper facilities will be abandoned or removed; and
- (f) A description of the reasonably foreseeable impact of the copper facilities abandonment, including changes to rates, and terms and conditions of service.

2707.4 In addition to the information required by Subsection 2707.3, the notice to business and residential customers shall include:

- (a) A statement that the customer will still be able to purchase the existing local exchange service(s) to which he or she subscribes with the same functionalities and features as the service he or she currently purchases from the TSP, except that if this statement would be inaccurate, the TSP must include a statement identifying any changes to the service(s) and the quality, reliability, functionality and features thereof; and
- (b) A toll-free telephone number for a customer help line, a URL for a related Web page on the TSP's Web site with relevant information, contact information for the Commission's Office of Consumer Services, including the URL for the Commission's consumer complaint portal.

2707.5 The notice to each business and retail customer shall be in writing unless the Commission authorizes in advance, for good cause shown, another form of notice. The notice shall:

- (a) Be uniformly translated into another language when such notice is not written in the English language;
- (b) Not include any statement attempting to encourage a customer to purchase a service other than the service to which the customer currently subscribes;
- (c) Not include any marketing materials for unregulated services in the postal mail envelope containing the notice of copper facilities abandonment; and
- (d) Not identify the existing services in the notice by a brand or name used for any unregulated fiber-based services.

2707.6 If the proposed abandonment of copper facilities will result in the discontinuance of regulated local exchange service, then an application for abandonment of service to the local exchange services market required by Section 2706 must be filed 90 days before the abandonment of local exchange service.

2707.7 A TSP shall file with the Commission any notice of abandonment of copper facilities or Section 214(a) application filed with the FCC on the date that it was filed with the FCC.

## **2708 RELINQUISHMENT OF CERTIFICATION**

2708.1 A certificated party that has never had customers or facilities in the District of Columbia may, at any time, relinquish its certification to provide telecommunications service in the District of Columbia by filing an affidavit, signed by a party authorized to act on behalf of the certificated party, with the Commission verifying:

- (a) The certificated party's name, address, telephone number, fax number, and any other name(s) under which the certificated party applied for or received the certificate to provide telecommunications service in the District of Columbia that is being relinquished;
- (b) That the certificated party has never provided ~~is not providing~~ telecommunications services to any customers and does not have facilities in the District of Columbia;
- (c) That the certificated party owes no outstanding debts to the District of Columbia, or a description of the arrangements made for payment of any outstanding debts including taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia; and
- (d) That the certificated party understands that by relinquishing its certification, it may not provide local exchange service to any customers in the District of Columbia, regardless of the facilities used, and that in order to provide telecommunications services to any customers in the District of Columbia in the future, the certificated party must reapply for a certificate in accordance with Chapter 25 of the Commission's rules.

2708.2 The Commission shall act on any request to relinquish a ~~certificate~~ certification within fifteen (15) days of its filing.

## **2710 REPORTS**

2710.1 All TSPs in the District shall be required to file an annual report with the Commission on the Commission's annual report form by April 1 of each year, including the following information:

- (a) Type of services being provided to customers in the District as of the previous year ending December 31;

- (b) Number of lines and customers, classified by residential category and non-residential category;
- (c) Gross jurisdictional revenue for the previous year ending December 31, in accordance with 47 CFR Part 36;
- (d) Name, address, telephone number, fax number, and e-mail address, if available, of the regulatory and customer service contacts;
- (e) The means by which the TSP is providing service (such as, resale through the incumbent local exchange carrier, resale through another provider, facilities-based including lease of unbundled network elements, resale, and facilities-based, or other); and
- (f) Such other information as the Commission may require.

2710.2 A TSP requesting that its report, or any portion thereof, be treated as confidential shall follow the procedures outlined in 15 DCMR § 150 regarding confidential and proprietary information.

## 2799 DEFINITIONS

**Abandonment of Copper Facilities** – removal or disabling of copper facilities; the replacement of copper facilities with fiber-to-the-home loops or fiber-to-the-curb loops; or the failure to maintain copper facilities that is the functional equivalent of removal or disabling these facilities.

**Copper Facilities** – copper loops, subloops, or the feeder portion of such loops and subloops.

**Time Division Multiplexing** - is a communications process that transmits two or more streaming digital signals over a common channel. In TDM, incoming signals are divided into equal fixed-length time slots. After multiplexing, these signals are transmitted over a shared medium and reassembled into their original format after de-multiplexing. Time slot selection is directly proportional to overall system efficiency.