

Chapter 14A
Sharing and/or Resale of Telephone Service
by Colleges and Universities Pursuant to G.S. 62-110(e).

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Rule R14A-1. Application.

This Chapter governs sharing and/or resale of telephone service as authorized by G.S. 62-110(e).

The relationship between sharers/resellers (providers) and the local exchange telephone company shall be governed by the filed tariff of the telephone company except as provided in this Chapter.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-2. Definitions (for purposes of this Chapter only).

(a) *Contiguous premises.* Property under common ownership or management that is not separated by property owned or managed by others. Property will be considered contiguous even if intersected by a public thoroughfare if, absent the thoroughfare, the property would be contiguous.

(b) *Shared use and resale of telephone service.* A telecommunications arrangement where two or more unrelated parties utilize a common telephone service.

(c) *Provider.* Provider, for purposes of this Chapter, shall mean a nonprofit college or university, and its affiliated medical center(s), which is qualified under Sections 501 and 170 of the United States Internal Revenue Code of 1986 or which is a State-owned institution and which subscribes to the local exchange telephone company and offers shared and/or resold service to others.

(d) *End-user.* The party to whom resold or shared service is provided. End-users under this Chapter shall mean students or guests housed in quarters furnished by the institution, patrons of hospitals or medical centers of the institution, or persons or businesses providing educational, research, professional, consulting, food, or other support services directly to or for the institution, its students, or guests.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-3. Certificate.

Every provider desiring to provide shared/resold service pursuant to G.S. 62-110(e) shall obtain a certificate from the Commission. Application shall be made on the form specified in the Appendix to this Chapter. One certificate is required for each provider. Upon approval of the application, the provider shall notify the local exchange company in writing of its certification and shall describe the proposed service.
(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-4. Service which can be shared or resold.

The provider may share/resell any telephone service provided to it by a public utility to end-users located on contiguous campus premises owned or leased by the institution and non-contiguous premises owned or leased exclusively by the institution.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-5. Contract.

A provider shall file with the Commission a copy of its standard contract with residential end-users when it applies for a certificate. A provider shall have a written contract with each end-user which shall contain the following provisions:

- (a) A statement of the terms and conditions of service including current rates and termination charges, if any;
- (b) A statement that the user may obtain service directly from the local telephone company;
- (c) The name and telephone number of a representative of the provider to whom complaints should be addressed;
- (d) A statement that a user may submit unresolved complaints about quality of service to the Utilities Commission;
- (e) A statement that at least thirty days written notice will be given prior to any rate increase (except that if a provider receives less than thirty days' notice of a rate increase to the provider, it shall give notice of any resulting rate increase to its end-users as soon as practicable);
- (f) A statement that the contract shall be voidable at the option of the end-user and without further liability to the end-user if the contract is breached by the reseller or sharer;
- (g) A statement specifying when rates may be changed and the amount of increase that may be imposed during the contract period;
- (h) A statement that rates, charges, payment arrangements, rules on disconnection and deposit requirements are not regulated by the North Carolina Utilities Commission;
- (i) A statement specifying (1) the limitations of E911 emergency service regarding proper identification of the caller and the caller's location whenever a call is placed from a telephone station and (2) the limitations on portability or reuse of the assigned telephone number upon a move or transfer of service and (3) the limitations regarding intercept service provided by the local exchange company for direct inward dial (DID) numbers; and
- (j) A statement that a copy of this Chapter of the Rules and Regulations is available for inspection during business hours at the telephone offices of the provider and that a copy will be provided, free of charge, upon request of the end-user.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-6. Local exchange company access.

Providers shall allow the local exchange company reasonable access to end-users who desire service directly from the local exchange company. Such access shall be provided to the local exchange company free of charge.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-7. Provision of local access lines.

The certificated local exchange telephone company shall be the only source of access lines or trunks connecting resold or shared service to the telephone network.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-8. Networking.

Interconnection of end-users of different providers or between end-users of the same provider not occupying the same contiguous premises must be through the local exchange company or a certified long-distance carrier.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-9. Quality of service.

Every provider is required to secure adequate local exchange trunks to ensure an adequate quality of service. The probability of blocking objective to be used in evaluating the adequacy of service is P.01.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-10. Rating of local service.

The services of the certified local exchange telephone company, when furnished to providers as defined in this Chapter and in accordance herewith, shall be rated in the same way as those provided for shared service offered to patrons of hospitals, nursing homes, rest homes, licensed retirement centers, members of clubs or students living in quarters furnished by educational institutions as provided for in G.S. 62-110(d) and Chapter 14 of the NCUC Rules.

(NCUC Docket No. P-100, Sub 97, 11/14/89.)

Rule R14A-11. Charges to end-users.

Providers shall, for so long as they receive flat rate local service from the serving local exchange company, only charge flat monthly rates as opposed to measured or message rates for local exchange service.

(NCUC Docket No. P-100, Sub 97, 11/14/89; P-100, Sub 72b, 01/02/04.)

**CHAPTER 14A.
APPENDIX**

APPLICATION FOR SPECIAL CERTIFICATE TO OFFER SHARED AND/OR RESOLD TELEPHONE
SERVICE PURSUANT TO G.S. 62-110(e) CHAPTER 14A SPECIAL CERTIFICATE NO. _____

Note: To apply for special certification, Applicant must submit a filing fee of \$25.00 and the typed original and 8 copies of this document to the Commission at the following address:

Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

DATE OF APPLICATION _____

APPLICANT

(NAME)

(STREET)

(CITY, STATE, ZIP)

TELEPHONE () _____

I certify that I have read and agree to abide by the Rules in Chapter 14A of the North Carolina Utilities Commission attached as Appendix A to this application.

ADDRESS AND DESCRIPTION OF PREMISES TO BE SERVED AND SERVICES TO BE OFFERED: (A map may be attached).

REPRESENTATIVE TO WHOM COMPLAINTS SHOULD BE ADDRESSED:

(NAME)

(STREET)

(CITY, STATE, ZIP)

Date

Telephone

Signature of Applicant

Title

VERIFICATION

STATE OF _____ COUNTY OF _____

The above-named _____, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he verily believes.

WITNESS my hand and notarial seal, this ____ day of ____ 20__.

Notary Public

My Commission expires: _____